

# Agenda 2021

## **Regulation Hearing Committee**

Date: Thursday 17 June 2021

Time: 8.30am

Venue: Council Chamber, 200 Tuam Street, Christchurch



# Regulation Hearing Committee

## Membership

### Co- Chair

Tumu Taiao Yvette Couch-Lewis and Cr Nicole Marshall

### Members:

Cr Grant Edge

Cr Claire McKay

Cr Elizabeth McKenzie

Cr Craig Pauling

Cr Lan Pham

**ENVIRONMENT CANTERBURY**  
**REGULATION HEARING COMMITTEE**  
**TABLE OF CONTENTS**

<b>1. Mihi/Karakia Timatanga - Opening .....</b>	<b>4</b>
<b>2. Apologies.....</b>	<b>4</b>
<b>3. Conflict of Interest .....</b>	<b>4</b>
<b>4. Deputations and Petitions.....</b>	<b>4</b>
<b>5. Minutes .....</b>	<b>5</b>
5.1. Minutes from 27 May 2021 .....	5
<b>6. Matters Arising.....</b>	<b>8</b>
<b>7. Items for discussion .....</b>	<b>9</b>
7.1. Appointment of Hearing Commissioners - Bathurst Coal Ltd .....	9
<b>8. Extraordinary and Urgent Business.....</b>	<b>12</b>
<b>9. General Business.....</b>	<b>12</b>
<b>10. Next Meeting - to be confirmed .....</b>	<b>12</b>
<b>11. Mihi/Karakia Whakamutunga – Closing.....</b>	<b>12</b>

- 1. Mihi/Karakia Timatanga - Opening**
- 2. Apologies**
- 3. Conflict of Interest**
- 4. Deputations and Petitions**

## **5. Minutes**

### **5.1. Minutes from 27 May 2021**

Refer to attachment on following page.

## **REGULATION HEARING COMMITTEE**

Minutes of the meeting held in the  
Council Chambers, 200 Tuam Street, Christchurch on  
Thursday, 27 May 2021 at 8.30am

### **CONTENTS**

- 1.0 Mihi/Karakia Timatanga - Opening
- 2.0 Apologies
- 3.0 Deputations and Petitions
- 4.0 Conflict of Interest
- 5.0 Minutes of Meeting – 13 May 2021
- 6.0 Matters Arising
- 7.0 Item for Discussion
  - 7.1 Nomination of An Expert Consenting Panel Member
- 8.0 Extraordinary and Urgent Business
- 9.0 Other Business
- 10.0 Next Meeting
- 11.0 Mihi/Karakia Whakamutunga - Closure

### **PRESENT**

Tumu Taiao Yvette Couch-Lewis (Chair), Councillors Claire McKay Grant Edge, Nicole Marshall, Craig Pauling, Elizabeth McKenzie, Lan Pham (from 8.35am)

### **IN ATTENDANCE**

Aurora Grant (Consents Manager) and Alison Cooper (Consents Hearings Officer)

#### **1. MIHI/KARAKIA TIMATANGA - OPENING**

Cr Edge opened the meeting with a Karakia.

#### **2. APOLOGY**

Councillor Pham (for lateness)

#### **3. DEPUTATIONS AND PETITIONS**

There were no deputations or petitions.

#### **4. CONFLICT OF INTEREST**

There were no conflicts of interest.

#### **5. MINUTES OF MEETING – 13 MAY 2021**

**Resolved**

**The Regulation Hearing Committee confirms the minutes of the meeting held on 13 May 2021 as a true and correct record.**

Cr Edge / Cr McKay  
CARRIED

**6. MATTERS ARISING**

There were no matters arising.

**7. ITEMS FOR DISCUSSION**

**7.1 Nomination of An Expert Consenting Panel Member**

Councillor McKenzie asked how the process worked in nominating a panel member. Ms Cooper advised that there was only one space on the panel available for councils' nominations.

Councillor Edge advised that the Greater Christchurch Partnership had made comment on the proposal to the Minister.

**Resolved**

**That the Regulation Hearing Committee in regard to the Faringdon South West and South East Development Expert Consenting Panel nominates Janette Dovey.**

Cr McKay / Cr Pauling  
CARRIED

**8. EXTRAORDINARY AND URGENT BUSINESS**

There was no extraordinary or urgent business.

**9. GENERAL BUSINESS**

There was no general business.

**10. NEXT MEETING - To be confirmed**

**11. MIHI/KARAKIA WHAKAMUTUNGA - CLOSURE – The meeting closed at 8.43am**

**CONFIRMED**

**Date:**

\_\_\_\_\_

**Chairperson:**

\_\_\_\_\_

## **6. Matters Arising**



## 7. Items for discussion

### 7.1. Appointment of Hearing Commissioners - Bathurst Coal Ltd

#### Regulation Hearing Committee paper

---

<b>Date of meeting</b>	17 June 2021
<b>Agenda item</b>	7.1
<b>General Manager RMA Operations</b>	Paul Hulse
<b>Author</b>	Alison Cooper

#### Purpose

1. To appoint Hearing Commissioners to consider and decide whether to notify and decide resource consent applications CRC214320 and CRC214321 applied for by Bathurst Coal Limited.

#### Recommendations

1. That the Regulation Hearing Committee acting under s34A of the Resource Management Act, and in regard to resource consent application(s) CRC214320 and CRC214321 applied for by Bathurst Coal Limited:

- 1.1 Appoints Sharon McGarry as a Hearings Commissioner, Chairperson and member of the Hearing panel; and

- 1.2 Appoints Graham Taylor as a Hearings Commissioner, and member of the Hearing Panel;

Acting together to consider and decide the non-notification, limited notification or public notification of those consent applications; and

2. following the decision made under paragraph 1:

- 2.1 if that decision is not to notify those consent applications, to consider and decide those consent applications; and

- 2.2 if that decision is to limited notify or public notify those consent applications, to consider and decide those consent applications, in conjunction with another Hearing Commissioner, to be appointed at a later date; and

3. Delegates to Sharon McGarry and Graham Taylor pursuant to s34A(1) Resource Management Act 1991, the function, powers and duties required to: deal with any preliminary matters; consider and subject to the appointment of an additional

**Hearing Commissioner provided at resolution set out 2.2 above, to decide the consent applications.**

- 4. In the event of an equality of votes provides the Chairperson of the Hearing Panel, Sharon McGarry with a casting vote.**

## **Background**

5. Bathurst Coal Limited applied for resource consent applications to Environment Canterbury and Selwyn District Council for the continuation and extension to an operational coal mine (known as Canterbury Coal Mine), including retrospective and future operation consents at Bush Gully Road, Malvern Hills, in the Selwyn District.
6. The applications were publicly notified in March 2020 with over 647 submissions received with 122 indicating they wished to be heard.
7. A panel of three hearing commissioners, Sharon McGarry (Chairperson), Graham Taylor and Dr Jane Kitson, were appointed 23 July 2020 to hear and decide the applications. A hearing date is yet to be set.
8. Earlier this year, the applicant advised they were closing the mine but did not withdraw the applications as consents will be required for the closure and rehabilitation of the site.

## **New Applications and Decision**

9. Two applications have subsequently been received by Environment Canterbury for variations to existing discharge permits that authorise the discharge of coal combustion residuals, lime and mussel shells to land and the discharge of mine influenced water to water; and which had not been addressed in the original notified applications.
10. The applicant lodged the two applications to address the apparent shortfall of the existing consents as part of its closure plans.
11. The processing of these two applications has been completed and a decision is now required.
12. It is proposed to place the applications before the Hearing Panel for decision because:
  - i. the discharges are part of the existing environment and therefore should be considered as part of the overall proposal, and not on an individual basis;
  - ii. the existing notified applications have yet to be heard and decided;
  - iii. the panel can provide guidance and a consistent approach because of the shift of proposal from operational mining to that of a rehabilitative nature.

## Proposed Commissioners

13. As noted in paragraph 7, a Hearing Panel has been appointed to hear the original applications.
14. Dr Kitson has advised she is now not available to be a member of the hearing panel. She has therefore not been considered to be part of the hearing panel for this decision.
15. It is recommended the two remaining panel members be appointed to make a decision.
16. Sharon McGarry is a very experienced independent hearing commissioner with the 'Accredited Chair' endorsement under the Ministry for the Environment 'Making Good Decisions'. She is experienced in large hearings and chairs a robust and transparent hearing process.
17. Graham Taylor is also an experienced hearing commissioner with particular experience in planning and technical issues associated with district council consents. Selwyn District Council sought his appointment.
18. We believe that Sharon McGarry and Graham Taylor have the necessary criteria, including technical ability, RMA Accreditation certification, availability and timeframe commitments to carry out the duties required to make a decision on these applications.

## Legal compliance

19. S34A of the Resource Management Act 1991 allows Council to delegate functions to Hearing Commissioners appointed by the Canterbury Regional Council.
20. The Regulation Hearing Committee appoints Hearing Commissioners in relation to consent authority matters under the Resource Management Act 1991.

<b>Peer reviewers</b>	Aurora Grant, Catherine Schache
-----------------------	---------------------------------

**8. Extraordinary and Urgent Business**

**9. General Business**

**10. Next Meeting - to be confirmed**

**11. Mihi/Karakia Whakamutunga – Closing**