

# Agenda 2021

## **Regulation Hearing Committee**

Date: Thursday 08 July 2021

Time: 8.30am

Venue: Council Chamber, 200 Tuam Street, Christchurch



# Regulation Hearing Committee

## Membership

### Co- Chairs:

Tumu Taiao Yvette Couch-Lewis  
Cr Nicole Marshall

### Members:

Cr Grant Edge  
Cr Claire McKay  
Cr Elizabeth McKenzie  
Cr Craig Pauling  
Cr Lan Pham

**ENVIRONMENT CANTERBURY**  
**REGULATION HEARING COMMITTEE**  
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- 1. Mihi/Karakia Timatanga - Opening**
- 2. Apologies**
- 3. Conflict of Interest**
- 4. Deputations and Petitions**

## **5. Minutes**

### **5.1. Minutes from 17 June 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, 17 June 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 – 27 May 2021
- 6.0 Matters Arising
- 7.0 Item for Discussion
  - 7.1 Appointment of Hearing Commissioners – Bathurst Coal Limited
- 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, and Lan Pham

### **IN ATTENDANCE**

Catherine Schache (Legal Counsel), Judith Earl-Goulet (General Manager RMA Operations), Aurora Grant (Consents Manager) and Alison Cooper (Consents Coordinator)

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

Cr McKay opened the meeting with a karakia.

#### **2. APOLOGY**

There were no apologies.

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

There were no deputations or petitions.

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

There were no conflicts of interest.

#### **5. MINUTES OF MEETING – 27 MAY 2021**

*Refer pages 6 - 7 of the agenda.*

## **Resolved**

**The Regulation Hearing Committee confirms the minutes of the meeting held on 27 May 2021 as a true and correct record.**

Cr McKay / Cr Marshall  
CARRIED

### **6. MATTERS ARISING**

There were no matters arising.

### **7. ITEMS FOR DISCUSSION**

*Refer pages 9 -12 of the agenda.*

#### **7.1 Appointment of Hearing Commissioners- Bathurst Coal Limited**

Tumu Taiao Yvette Council-Lewis introduced the item.

There was discussion about the use of independent hearing commissioners or the Regulation Hearing Committee to make notification decisions. Ms Schache advised that the RMA determined the steps for an application to be notified.

A wider discussion on the process and how councillors can link into staff decisions was requested.

Tumu Taiao Yvette Couch-Lewis asked staff to look at the process for determining hearing commissioners and making decisions.

## **Resolved**

**That the Regulation Hearing Committee acting under s34A of the Resource Management Act, and in regard to resource consent applications CRC214320 and CRC214321 applied for by Bathurst Coal Limited:**

- 7.1 appoints Sharon McGarry as a Hearings Commissioner, Chairperson and member of the Hearing Panel to consider and decide the non-notification, limited notification or public notification of those consent applications.**

Cr McKay / Cr Pham  
CARRIED

- 7.2 appoints Graham Taylor as a Hearings Commissioner and member of the Hearing Panel to consider and decide the non-notification, limited notification or public notification of those consent applications.**

Cr McKay / Cr Pham  
CARRIED

- 7.3 that if the decision is not to notify those resource consent applications, the Hearing Panel to consider and decide the applications.**

Cr McKay / Cr Marshall  
CARRIED

**UNCONFIRMED**

- 7.4 that if the decision is to limited notify or publicly notify those consent applications, the Hearing Panel to consider and decide the applications, in conjunction with another Hearing Commissioner, to be appointed at a later date.

Cr Marshall / Cr Pham  
CARRIED

- 7.5 delegates to Sharon McGarry and Graham Taylor pursuant to s34A(1) of the Resource Management Act, the function, powers and duties required to: deal with any preliminary matters; consider and subject to the appointment of an additional Hearing Commissioner provided for at 7.4 to decide the consent applications.

- 7.6 that in the event of an equality of votes provides the Chairperson of the Hearing Panel, Sharon McGarry with a casting vote.

Cr Pham / Cr Marshall  
CARRIED

**8. EXTRAORDINARY AND URGENT BUSINESS**

There was no extraordinary or urgent business.

**9. GENERAL BUSINESS**

Cr. Marshall asked letters of acknowledgement be sent to hearing commissioners who received Queens Birthday honours. Ms Schache advised this was in place.

- 10. NEXT MEETING -** To be confirmed

- 11. MIHI/KARAKIA WHAKAMUTUNGA - CLOSURE –** The meeting closed at 9.02am

**CONFIRMED**

**Date:**

\_\_\_\_\_

**Chairperson:**

\_\_\_\_\_



## **6. Matters Arising**

## 7. Items for discussion

### 7.1. Appointment of Hearing Commissioner - Objections to Decision and Costs

#### Regulation Hearing Committee paper

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Date of meeting	8 July 2021
Agenda item	7.1
General Manager–Regulatory Services	Judith Earl-Goulet
Author	Alison Cooper

#### Purpose

1. To appoint a Hearing Commissioner to hear and decide an objection to a decision and to costs in regard to the processing of resource consent applications.

#### Recommendations

That the Regulation Hearing Committee in regard to an objection to:

- i. a decision in regard to resource consent application CRC214574 applied for by E C Biden and Sons Limited; and
- ii. costs incurred in the processing of resource consent application CRC203885 held by Mr Brendon Best:
  1. Appoints Bianca Sullivan as a Hearings Commissioner under s34A of the Resource Management Act 1991; and
  2. Delegates to Bianca Sullivan pursuant to s34A(1) Resource Management Act 1991, the function, powers and duties required to: deal with any preliminary matters; hear; and decide the objections.

#### Background

2. E C Biden and Sons Limited have objected to the decision to return application CRC214574 as incomplete under s88 of the Resource Management Act 1991. It was determined that the application did not include the information relating to the activity and its effects on the environment required by Schedule 4
3. The application was to renew a current consent to take and use groundwater at Wolfes Road, West Eyreton.

4. Mr Brendon Best has objected to the costs incurred in the processing of his resource consent application CRC203885 to take and use groundwater at Maronan Road, Ashburton.
5. The application was granted non-notified.

## **Proposed Commissioners**

6. It is proposed that Bianca Sullivan be appointed to hear the two objections. The technical ability required for these objections is an understanding of regional council plans in regard to water takes and consenting processes.
7. Ms Sullivan is an experienced planner and director of an environmental consultancy. She has a good understanding of regional council environmental plans and consenting processes and is an accredited hearings commissioner including hearings of resource consent applications for Environment Canterbury and Environment Southland.
8. She provides environmental policy and planning advice to clients, including planning advice, submissions on planning processes, consent application advice and preparation and strategic planning advice.
9. Ms Sullivan has satisfied Council staff she has the necessary criteria, including technical ability, RMA Accreditation certification, availability and timeframe commitments to carry out the duties required.

## **Legal compliance**

10. S34A of the Resource Management Act 1991 allows Council to delegate functions to Hearing Commissioners appointed by the Canterbury Regional Council.
11. 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 and Catherine Schache
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**8. Extraordinary and Urgent Business**

**9. General Business**

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

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