

# Agenda 2022

## Regulation Hearing Committee

Date: Thursday, 10 March 2022  
Time: 8.30 AM  
Venue: via online access

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# Regulation Hearing Committee

## Membership

**Co-Chairs:**

Tumu Taiao Yvette Couch-Lewis  
Councillor Nicole Marshall

**Members:**

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

# Regulation Hearing Committee

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**1. Mihi / Karakia Timatanga - Opening**

**2. Apologies**

**3. Conflicts of Interest**

**4. Public Forum, Deputations, and Petitions**

## 5. Extraordinary and Urgent Business

## 6. Minutes

### Regulation Hearing Committee

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<b>Date of meeting</b>	Thursday, 10 March 2022
<b>Author</b>	Alison Cooper, Consents Coordinator
<b>Endorsed by</b>	Judith Earl-Goulet, General Manager – Regulatory Services

### Purpose

1. The previously circulated minutes from the Regulation Hearing Committee on 3 March 2022 are to be confirmed.

### Recommendations

**That the Regulation Hearing Committee:**

1. **confirms the minutes from the Regulation Hearing Committee meeting held 3 March 2022.**

### Attachments

1. UNCONFIRMED Regulation Hearing Committee Minutes -2022-03-03 [6.1.1 - 3 pages]

# **Minutes of the Regulation Hearing Committee (under COVID-19 Red Traffic Light restrictions), via online on Thursday, 3 March 2022 at 8.30am.**

## **Present**

Co-Chair Cr Nicole Marshall, Cr Grant Edge, Cr Claire McKay, Cr Elizabeth McKenzie, Cr Craig Pauling, and Cr Lan Pham.

Report writers and other staff were also present.

via MS Teams

## **1. Mihi / Karakia Timatanga - Opening**

Councillor Nicole Marshall opened the meeting, followed by Councillor Claire McKay with a mihi whakatau.

## **2. Apologies**

That the apology received from Tumu Taiao Yvette Couch-Lewis be accepted.

## **3. Conflicts of Interest**

There were no conflicts of interest reported.

## **4. Public Forum, Deputations, and Petitions**

There were no requests for public forum, deputations and petitions.

## **5. Extraordinary and Urgent Business**

There was no extraordinary or urgent business.

## **6. Minutes**

**Resolved RHC/2022/1**

**Staff recommendations adopted without change.**

That the Regulation Hearing Committee:

1. confirms the minutes from the Regulation Hearing Committee meeting held 9 December 2021.

Councillor Claire McKay/Councillor Lan Pham  
CARRIED

## 7. Report Items

### 7.1. Appointment of Hearing Commissioner - Fletcher Concrete & Infrastructure Ltd

**Resolved RHC/2022/2**

**Staff recommendations adopted without change.**

That the Regulation Hearing Committee:

1. Appoints Graham Taylor as a Hearing Commissioner under s34A of the Resource Management Act 1991; and
2. Delegates to Graham Taylor pursuant to s34A(1) Resource Management Act 1991, the function, powers and duties required to: deal with any preliminary matters; hear; and decide the resource consent applications.

Councillor Claire McKay/Councillor Lan Pham  
CARRIED

*The Chair changed the order of business.*

### 7.3. Appointment of Hearing Commissioner - Silver Fern Farms Ltd

**Resolved RHC/2022/3**

**Staff recommendations adopted without change.**

That the Regulation Hearing Committee in regard to resource consent applications CRC203304 and CRC203305 applied for by Silver Fern Farms Limited:

1. Appoints Paul Rogers as a Hearing Commissioner, Chairman and member of the Hearing Panel under s34A of the Resource Management Act 1991; and
2. Appoints Hoani Langsbury as a Hearing Commissioner and member of the Hearing Panel under s34A of the Resource Management Act 1991; and
3. Delegates to Paul Rogers and Hoani Langsbury pursuant to s34A(1) Resource Management Act 1991, the function, powers and duties required to: deal with any preliminary matters; hear; and decide the resource consent applications.

4. In the event of an equality of votes provides the Chairperson of the Hearing Panel, Paul Rogers, with a casting vote.

Councillor Elizabeth McKenzie/Councillor Lan Pham

CARRIED

## **7.2.Appointment of Hearing Commissioner - Beach Road Estates Limited**

**Resolved RHC/2022/4**

**Staff recommendations adopted without change.**

That the Regulation Hearing Committee in regard to resource consent applications CRC221158, CRC221159, CRC221160, CRC221161, CRC221162, CRC221163 and CRC221164 applied for by Beach Road Estates Limited:

1. Appoints Michael Durand as a Hearings Commissioner under s34A of the Resource Management Act 1991; and
2. Delegates to Michael Durand pursuant to s34A(1) Resource Management Act 1991, the function, powers and duties required to: deal with any preliminary matters; consider and decide the resource consent applications.

Chair Nicole Marshall/Councillor Claire McKay

CARRIED

*Councillor Edge abstained from voting.*

## **8. Next Meeting**

The next meeting will be advised.

## **9. Mihi / Karakia Whakamutunga - Closing**

Meeting concluded at 8:56am.

CONFIRMED:

\_\_\_\_\_  
Chair Nicole Marshall  
Councillor, Environment Canterbury

\_\_\_\_\_  
Date



## 7. Report Items

### 7.1. Appointment of Hearing Commissioner - J S Rutherford

#### Regulation Hearing Committee report

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<b>Date of meeting</b>	Thursday, 10 March 2022
<b>Author</b>	Alison Cooper, Consents Coordinator
<b>Responsible Manager</b>	Judith Earl-Goulet, General Manager – Regulatory Services

#### Purpose

1. To appoint a Hearing Commissioner to hear and decide resource consent applications CRC212078, CRC212079, and CRC212384 applied for by Mr J S Rutherford.

#### Recommendations

**That the Regulation Hearing Committee in regard to resource consent applications CRC212078, CRC212079 and CRC212384 applied for by Mr J S Rutherford:**

1. **Appoints Reginald Profitt as a Hearing Commissioner under s34A of the Resource Management Act 1991; and**
2. **Delegates to Reginald Profitt pursuant to s34A(1) Resource Management Act 1991, the function, powers and duties required to: deal with any preliminary matters; hear and decide the resource consent applications.**

#### Background

2. Mr J S Rutherford has applied to Council for resource consent to disturb the bed of the Waiau River at the diversion point, and to divert up to two cumecs of surface water from the mainstem of the Waiau River along a natural side channel to maintain reliability of supply for an existing irrigation take.
3. Mr Rutherford is also proposing to undertake maintenance to the entrance of the side channel throughout the duration of the consent.
4. The activity is located in the Waiau River at or about Leslie Hills Road, Waiau.
5. The applications were publicly notified. Eight submissions were received with four requesting to be heard. The majority of submitters opposed the applications. Submitters' concerns were the lack of information including effects on river hydrology; effects on Ngai Tahu values; effects on ecological values and on recreational users.

6. A hearing is expected to be held early May 2022.

## Proposed Hearing Commissioner

7. It is recommended that one hearing commissioner be appointed to hear and decide the applications because of the similar concerns of the submitters and smaller number who wished to be heard. The hearing should take one day.
8. Council's Hearings Policy outlines the criteria for selection of commissioners:
- Scale, complexity and nature of the hearing;
  - Suitable Experience,
  - Ability to understand and evaluate the key issues associated with the application;
  - Availability for hearing and decision making;
  - No conflicts of interest;
  - Ministry for the Environment (MfE) Making Good Decisions accreditation
9. We sought a hearing commissioner who is experienced as a sole commissioner; has a good understanding of mātauranga Maori /tikanga and the planning framework; and be able to evaluate and consider the key issues.
10. A list of potential hearing commissioners was prepared and candidates were screened against the selection criteria as listed in paragraph 8. On this basis the following hearing commissioner is recommended.
11. Reginald Profitt is an experienced independent accredited hearing commissioner in both regional and district council consent applications and plan hearings. He has a good understanding of water quality issues and has cultural and tikanga knowledge and experience. He has heard several applications for regional councils round New Zealand including a water take and discharge applications and restoration of a lakebed. He has provided technical advice for the Making Good Decisions Programme.
12. Reginald Profitt has satisfied Council staff that he has the necessary criteria, including technical ability, no conflict of interest, RMA Accreditation certification, availability and timeframe commitment to carry out the duties required.

## Legal Compliance

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

<b>Legal review</b>	Catherine Schache
<b>Peer reviewers</b>	Aurora Grant



## 7.2. Nomination of Expert Consenting Panel Member

### Regulation Hearing Committee report

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<b>Date of meeting</b>	Thursday, 10 March 2022
<b>Author</b>	Alison Cooper, Consents Coordinator
<b>Responsible Manager</b>	Judith Earl-Goulet, General Manager – Regulatory Services

### Purpose

1. To nominate an Expert Consenting Panel Member under the Fast-Track Consenting Pathway.

### Recommendations

**That the Regulation Hearing Committee in regard to the Bellgrove Expert Consenting Panel nominates Graham Taylor.**

### Background

2. Environment Canterbury received on 2 March 2022 a request from the Environmental Protection Agency (EPA) for a nominee in relation to the Bellgrove Expert Consenting Panel. The EPA has asked the Council to make its nomination by 15 March 2022.
3. The Bellgrove project is for a subdivision on land in Rangiora. The development will include approximately 209 residential units, a neighbourhood centre, open spaces, restored ecological areas and associated infrastructure as well as infrastructure for three water services.
4. The project is being processed under the COVID-19 Recovery (Fast-track Consenting) Act 2020 (Fast-track Consenting Act). That Act creates a new process to fast-track projects aimed at stimulating the economy. The process provides for consent applications to be decided by expert panels. The expert panels have similar powers to consenting authorities, like councils, under the Resource Management Act (RMA).
5. Each panel will have a minimum of three members. The Panel Convenor, Alternate Environment Court Judge L J Newhook, will appoint the panel. Each panel will be chaired by a sitting or retired Environment Court Judge, or senior RMA lawyer. The local authority (or local authorities) and local iwi authority may each nominate a person to be a member of the panel.
6. The EPA has therefore sought nominations to the panel from both Environment Canterbury and the Waimakariri District Council.
7. The Panel Convenor chooses one nominee from those nominated by the relevant local authorities so ideally the local authorities consult to reach a consensus and nominate the same person. If no nomination is made the Environmental Protection Agency will

nominate a person with the appropriate skills and experience to be a member of the panel.

8. Any nominee must be accredited under the Ministry for the Environment 'Making Good Decisions' programme.
9. Environment Canterbury has liaised with Waimakariri District Council. The district council wishes to nominate Graham Taylor.
10. Graham Taylor has considerable experience in the various aspects of planning and resource management activities as a director of his consultancy Resource Management Group.
11. He is an accredited and experienced hearing commissioner. He has extensive experience in land use planning and related fields including resource consents, subdivisions, designations, infrastructure, Reserves Act, Building Act, project management, policy and local government processes across a range of corporate, private and public sector and industry groups.
12. It is recommended that Environment Canterbury nominates the same person as the Waimakariri District Council. The proposal covers mainly district council land use matters, and regional council matters relating to stormwater and water quality and land use activities.

<b>Legal review</b>	Catherine Schache
<b>Peer reviewers</b>	Aurora Grant

## **8. Next Meeting**

## **9. Mihi / Karakia Whakamutunga - Closing**