

# Agenda 2022

## Regulation Hearing Committee

Date: Thursday, 24 March 2022

Time: 8.30 AM

Venue: via online access

*All visitors to Environment Canterbury buildings are required to provide a current, valid My Vaccine Pass, scan in using the QR codes, and wear a mask.*



# 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

## Table of Contents

<b>1. Mihi / Karakia Timatanga - Opening .....</b>	<b>4</b>
<b>2. Apologies .....</b>	<b>4</b>
<b>3. Conflicts of Interest .....</b>	<b>4</b>
<b>4. Public Forum, Deputations, and Petitions .....</b>	<b>4</b>
<b>5. Extraordinary and Urgent Business .....</b>	<b>5</b>
<b>6. Minutes .....</b>	<b>6</b>
6.1. Unconfirmed Minutes - Regulation Hearing Committee - 10 March 2022 .....	6
<b>7. Report Items .....</b>	<b>10</b>
7.1. Appointment of Hearing Commissioner - Objections to Costs.....	10
<b>8. Next Meeting .....</b>	<b>12</b>
<b>9. Mihi / Karakia Whakamutunga - Closing .....</b>	<b>12</b>

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

The meeting will be opened with a mihi whakatau, followed by a member of the Regulation Hearing Committee with a karakia.

## **2. Apologies**

At the time the agenda closed there were no apologies received.

## **3. Conflicts of Interest**

Members are reminded to be vigilant and to stand aside from decision making when a conflict arises between their role as an elected representative and any private or other external interest they might have.

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

There were no requests for public forum, deputations and petitions at the time the agenda was prepared.

## 5. Extraordinary and Urgent Business

The Chairperson will give notice of items requiring urgent attention not on the agenda as follows.

### **Matters Requiring Urgent Attention as Determined by Resolution of the Regulation Hearing Committee:**

A meeting may deal with an item of business that is not on the agenda where the meeting resolves to deal with that item and the Chairperson provides the following information during the public part of the meeting:

1. The reason why the item is not on the agenda; and
2. The reason why discussion of the item cannot be delayed until a subsequent meeting. The item may be allowed onto the agenda by resolution of the Regulation Hearing Committee.

### **Minor Matters relating to the General Business of the Regulation Hearing Committee:**

A meeting may discuss an item that is not on the agenda only if it is a minor matter relating to the general business of the meeting and Chairperson explains at the beginning of the public part of the meeting that the item will be discussed. The meeting may not make a resolution, decision or recommendation about the item, except to refer it to a subsequent meeting for further discussion.

## 6. Minutes

### Regulation Hearing Committee

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<b>Date of meeting</b>	Thursday, 24 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 Thursday, 10 March 2022 are to be confirmed.

#### Recommendations

**That the Regulation Hearing Committee:**

1. **confirms the minutes from the Regulation Hearing Committee meeting held Thursday 10 March 2022.**

#### Attachments

1. RHC 2022 03 10 UNCONFIRMED Minutes [6.1.1 - 3 pages]

# **Minutes of the Regulation Hearing Committee (under COVID-19 Red Traffic Light restrictions), via online on Thursday, 10 March 2022 at 8.30am.**

## **Present**

Co-Chairs Tumu Taiao Yvette Couch-Lewis and 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**

Tumu Taiao Yvette Couch-Lewis opened the meeting, followed by Councillor Craig Pauling with a mihi whakatau.

## **2. Apologies**

There were no apologies.

## **3. Conflicts of Interest**

Councillor Grant Edge declared an interest in item 7.2.

## **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/2022/5**

**Staff recommendations adopted without change.**

That the Regulation Hearing Committee:

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

Councillor Lan Pham/Councillor Claire McKay  
CARRIED

## 7. Report Items

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

**Resolved RHC/2022/6**

**Staff recommendations adopted without change.**

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.

Councillor Lan Pham/Councillor Nicole Marshall  
CARRIED

### 7.2. Nomination of Expert Consenting Panel Member

**Resolved RHC/2022/7**

**Staff recommendations adopted without change.**

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

Councillor Elizabeth McKenzie/Councillor Nicole Marshall  
.CARRIED

Councillor Edge, having declared a conflict of interest took no part in the discussion and voting in this matter.

## 8. Next Meeting

The next meeting will be advised.



## 9. Mihi / Karakia Whakamutunga - Closing

A karakia was provided by Councillor Craig Pauling.

Meeting concluded at 08:43am.

CONFIRMED:

\_\_\_\_\_  
Chair Yvette Couch-Lewis  
Tumu Taiao, Environment Canterbury

\_\_\_\_\_  
Date

## 7. Report Items

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

#### Regulation Hearing Committee report

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<b>Date of meeting</b>	Thursday, 24 March 2022
<b>Author</b>	Alison Cooper, Consents Coordinator
<b>Responsible Director</b>	Judith Earl-Goulet, General Manager – Regulatory Services

#### Purpose

1. To revoke an appointment; and appoint a Hearing Commissioner to hear and decide objections to costs incurred in processing of resource consent applications.

#### Recommendations

That the Regulation Hearing Committee:

1. **revokes the appointment of Cindy Robinson to hear and decide an objection to costs incurred in the processing of resource consent application CRC211303 made by Canterbury Strip Limited.**
2. **in regard to an objection to costs incurred in the processing of resource consent applications CRC211303 made by Canterbury Strip Limited; and CRC213997 made by D R & B J Youdale (the ‘Objections’)**
  - 2.1. **appoints Graham Taylor as a Hearings Commissioner under s34A of the Resource Management Act 1991; and**
  - 2.2. **delegates to Graham Taylor pursuant to s34A(1) Resource Management Act 1991, the function, powers and duties require to: deal with any preliminary matters; hear; and decide the objections.**

#### Background

2. Ms Cindy Robinson was appointed on 26 August 2021 to hear and decide an objection to costs made by Canterbury Strip Limited. An in-person hearing of the objection has been delayed due to Covid19 restrictions, and Ms Robinson is no longer able to hear this objection. A new hearing commissioner is therefore required.
3. Canterbury Strip Limited has objected to the costs incurred for the processing of their application to discharge to air from abrasive blasting in locations round the Canterbury Region.

4. Mr D R and Mrs B J Youdale have objected to the costs incurred in the processing of their application to discharge on-site wastewater to land at Springfield.
5. Both applications were processed as non-notified applications.

## **Proposed Commissioner**

6. The Hearings policy outlines the criteria for the selection of hearing commissioners:
  - Ability to understand and evaluate the key issues associated with the application
  - Suitable experience
  - Scale, complexity, and nature of the application
  - Availability for hearing and nature of the application
  - Conflicts of interest
  - Ministry for the Environment (MfE) Making Good Decisions Accreditation
7. These objection to costs hearings require an experienced independent hearing commissioner with a good understanding of processing of resource consent applications.
8. It is recommended that Mr Graham Taylor be appointed. He is an experienced and accredited hearings commissioner and has relevant experience in the processing and deciding of consent applications.
9. Mr Taylor is also an experienced resource management planner in land use planning and related fields including resource consent applications, infrastructure, project management, policy and local government processes.
10. Mr Taylor has satisfied Council staff he has the necessary criteria, including technical ability, no conflict of interest, RMA Accreditation certification, availability and timeframe commitments to carry out the duties required.

## **Legal compliance**

11. S34A of the Resource Management Act 1991 allows Council to delegate functions to Hearing Commissioners appointed by Canterbury Regional Council
12. 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
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## **8. Next Meeting**

The next meeting of the Regulation Hearing Committee will be advised. Any changes will be publicly advertised and updated on the Environment Canterbury website.

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

The meeting will conclude with a karakia by a member of the Regulation Hearing Committee.