

CANTERBURY REGIONAL COUNCIL

Kaunihera Taiao ki Waitaha

Agenda 2022

Regulation Hearing Committee

Date: Thursday, 8 September 2022
Time: 8.30 AM
Venue: Council Chamber
Environment Canterbury
200 Tuam Street, Christchurch



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

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

6.1. Unconfirmed Minutes - Regulation Hearing Committee - 19 May 2022

Regulation Hearing Committee

Date of meeting	Thursday, 8 September 2022
Author	Alison Cooper, Consents Coordinator
Endorsed by	Judith Earl-Goulet, General Manager – Regulatory Services

Purpose

1. The previously circulated minutes from the Regulation Hearing Committee on Thursday, 19 May 2022 are to be confirmed.

Recommendations

That the Regulation Hearing Committee:

1. **Confirms the minutes from the Regulation Hearing Committee meeting held on Thursday, 19 May 2022.**

Attachments

1. RHC 2022-05-19 UNCONFIRMED Minutes [6.1.1 - 4 pages]

Minutes of the Regulation Hearing Committee (under COVID-19 Orange Traffic Light restrictions), held in the Council Chambers on Thursday, 19 May 2022 at 8.30am.

Present

Co-Chairs Tumu Taiao Yvette Couch-Lewis and Councillor Nicole Marshall, Councillors Grant Edge, Claire McKay, Elizabeth McKenzie and Lan Pham.

1. Mihi / Karakia Timatanga – Opening

Cr Nicole Marshall opened the meeting followed by Cr Elizabeth McKenzie with a mihi whakatau.

2. Apologies

An apology for absence was received from Cr Craig Pauling. An apology for lateness was received from Cr Grant Edge.

3. Conflicts of Interest

Councillor Cr Claire McKay declared an interest in item (7.2) and item (7.4).

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/2022/12

Staff recommendations adopted without change.

That the Regulation Hearing Committee:

1. confirms the minutes from the Regulation Hearing Committee meeting held Thursday, 5 May 2022.

Cr Nicole Marshall/Cr Elizabeth McKenzie
CARRIED

7. Report Items

7.1. Appointment of Hearing Commissioner - Kingan Property Investments Ltd

Resolved RHC/2022/13

Staff recommendations adopted without change.

That the Regulation Hearing Committee:

1. in regard to resource consent application CRC220011 made by Kingan Property Investments Limited (the 'Application')
 - 1.1. appoints Bianca Sullivan as a Hearings Commissioner under s34A of the Resource Management Act 1991; and
 - 1.2. delegates to Bianca Sullivan pursuant to s34A(1) Resource Management Act 1991, the function, powers and duties required to: deal with any preliminary matters; consider and decide the application.

Cr Claire McKay/Tumu Taiao Yvette Couch-Lewis

CARRIED

Councillor Edge joined the meeting at 8.35am at the commencement of discussion on item 7.2

7.2. Appointment of Hearing Commissioners

Resolved RHC/2022/14

Staff recommendations adopted without change.

That the Regulation Hearing Committee:

1. Acting under Section 34A of the Resource Management Act 1991 and for a period of time to expire on 23 May 2023:

- 1.1. appoints Sharon McGarry as a Hearings Commissioner;
- 1.2. appoints Hoani Langsbury as a Hearings Commissioner;
- 1.3. appoints Bianca Sullivan as a Hearings Commissioner;
- 1.4. appoints Michael Freeman as a Hearings Commissioner; and
- 1.5. appoints Michael Durand as a Hearings Commissioner

each of them acting severally, to consider and decide the non-notification, limited notification or public notification of resource consent applications, or to consider and decide applications to extend a lapse period received from:

- a) sections within Environment Canterbury;
 - b) Environment Canterbury staff members, Environment Canterbury Councillors and Tumu Taiao, and family members of those people;
 - c) occupiers of Environment Canterbury owned land; and
 - d) applicants where Environment Canterbury or its staff would have a conflict of interest or perceived conflict of interest; and
2. following any notification decision made under paragraph (1):
 - 2.1 if that decision is not to notify the consent application, to consider and decide that consent application; and
 - 2.2 if that decision is to limited notify or to publicly notify that consent application, to sit as sole commissioner; or as Chair or member of a hearing panel in conjunction with other Hearing Commissioners to be appointed at a later date; to consider and decide that consent application; and
 3. Delegates to each of the people named in paragraphs 1.1 to 1.5, the function, powers and duties required to: deal with any preliminary matters; consider and, subject to the appointment of additional Hearing Commissioners set out in paragraph 2.2, to decide any such applications.

Cr Nicole Marshall/Cr Grant Edge
CARRIED

7.3. Appointment of Hearing Commissioner - Waimakariri District Council

Resolved RHC/2022/15

Staff recommendations adopted without change.

That the Regulation Hearing Committee:

1. In regard to resource consent applications CRC221240, CRC221241, CRC221242, CRC221243, and CRC221244 made by Waimakariri District Council (the 'Applications')
 - 1.1. appoints Michael Freeman as a Hearings Commissioner under s34A of the Resource Management Act 1991; and
 - 1.2. delegates to Michael Freeman 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.

Cr Grant Edge/Tumu Taiao Yvette Couch-Lewis
CARRIED

7.4. Appointment of Hearing Commissioners - Objections Resolved RHC/2022/16

Staff recommendations adopted without change.

That the Regulation Hearing Committee:

1. Acting under Section 34A of the Resource Management Act 1991 and for a period of time to expire on 23 May 2022:
 - 1.1. Appoints Sharon McGarry as a Hearings Commissioner;
 - 1.2. Appoints Bianca Sullivan as a Hearings Commissioner;
 - 1.3. Appoints Graham Taylor as a Hearings Commissioner,
 each of them severally, to consider, and hear and decide an objection to costs; and an objection to a decision to a resource consent application received from:
 - (a) sections within Environment Canterbury
 - (b) Environment Canterbury staff members, Environment Canterbury Councillors and Tumu Taiao, and family members of those people;
 - (c) Occupiers of Environment Canterbury owned land; and
 - (d) Objectors where Environment Canterbury or its staff would have a conflict of interest or perceived conflict of interest; and
 - (e) Objectors to a decision who request an independent hearing commissioner
2. Delegates to each of the people named in paragraphs 1.1 to 1.3, the function, powers and duties required to: deal with any preliminary matters; consider, and decide any such objections.

Cr Lan Pham/Cr Elizabeth McKenzie
CARRIED

8. Next Meeting

The next meeting will be advised.

9. Mihi / Karakia Whakamutunga - Closing

Meeting concluded at 8.42am.

CONFIRMED:

Chair Cr Nicole Marshall
Councillor, Environment Canterbury

Date

7. Report Items

7.1. Appointment of Hearing Commissioner - Waimate District Council

Regulation Hearing Committee report

Date of meeting	Thursday, 8 September 2022
Author	Alison Cooper, Consents Coordinator
Responsible Director	Judith Earl-Goulet, General Manager – Regulatory Services

Purpose

1. To appoint a Hearing Commissioner to hear and decide resource consent application CRC210042 made by Waimate District Council.

Recommendations

That the Regulation Hearing Committee:

1. In regard to resource consent application CRC210042 made by Waimate District Council (the 'Application')
 - 1.1. appoints Bianca Sullivan as a Hearings Commissioner under s34A of the Resource Management Act 1991; and
 - 1.2. 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 application.

Background

2. Waimate District Council has applied to Council for resource consent to discharge stormwater from existing and a future increase of 10 hectares in urban areas within the Stormwater Management Plan Area (SMA) for Waimate Town.
3. The stormwater would enter the Waimate District Council reticulated stormwater system and subsequently discharge onto or into land or ephemeral surface water.
4. A consent duration of 35 years is sought.
5. The application was limited notified to six affected landowners. One submission was received opposing the application, with the submitter wishing to be heard. Their concern is mitigating the risk of increased flooding events.
6. A hearing is required as there is a submitter to be heard. A hearing is expected to be held in October 2022.

Proposed Hearing Commissioner

7. It is proposed to appoint an experienced, independent hearing commissioner to consider and decide the application.
8. Council's Hearing Policy outlines the criteria for selection of hearing 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 Decision Accreditation and Chair accreditation if required.
9. We sought a hearing commissioner who has the ability to consider and evaluate the key issues of water quantity and quality arising from stormwater discharges.
10. It is recommended that Bianca Sullivan be appointed. She is an experienced, accredited hearing commissioner and decision-maker with a good understanding of water quantity and quality issues and the relevant planning frameworks around stormwater management areas.
11. Bianca Sullivan has satisfied Council staff she meets the necessary criteria, including having appropriate technical ability, no conflict of interest, RMA accreditation, availability and timeframe commitments to hear and decide the application.

Legal compliance

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

Peer reviewers	Aurora Grant and 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.