

CANTERBURY REGIONAL COUNCIL

Kaunihera Taiao ki Waitaha

Agenda 2022

Regulation Hearing Committee

Date: Thursday, 24 November 2022
Time: 8.30 AM
Venue: Council Chamber
Environment Canterbury
200 Tuam Street, Christchurch



Regulation Hearing Committee

Membership

Chair: Councillor Claire McKay
Deputy Chair: Councillor Craig Pauling

Members: Councillor Joe Davies
Councillor David East
Councillor Grant Edge
Councillor Deon Swiggs

Regulation Hearing Committee

Table of Contents

1. Mihi / Karakia Timatanga - Opening	4
2. Apologies	4
3. Conflicts of Interest	4
4. Public Forum, Deputations, and Petitions	4
5. Extraordinary and Urgent Business	5
6. Minutes	6
6.1. Confirmed Minutes - Regulation Hearing Committee - 8 September 2022	6
7. Report Items	10
7.1. Appointment of Hearing Commissioners - B L & A M Parkinson Family Trust ..	10
8. Next Meeting	13
9. Mihi / Karakia Whakamutunga - Closing	13

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. Confirmed Minutes - Regulation Hearing Committee - 8 September 2022

Regulation Hearing Committee

Date of meeting	Thursday, 24 November 2022
Author	Alison Cooper, Consents Coordinator
Endorsed by	Judith Earl-Goulet, General Manager – Regulatory Services

Purpose

1. The minutes from the Regulation Hearing Committee on 8 September 2022 are attached for your information.

Recommendations

That the Regulation Hearing Committee:

1. **Notes the confirmed minutes from the Regulation Hearing Committee meeting held on 8 September 2022.**

Attachments

1. RHC 2022-09-08 CONFIRMED Minutes [6.1.1 - 3 pages]

Minutes of the Regulation Hearing Committee (under COVID-19 Orange Traffic Light restrictions), held at Environment Canterbury, Council Chamber, 200 Tuam Street, Christchurch on Thursday, 8 September 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

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

2. Apologies

There were no apologies.

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

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

Resolved RHC/2022/17

Staff recommendations adopted without change.

That the Regulation Hearing Committee:

1. Confirms the minutes from the Regulation Hearing Committee meeting held on Thursday, 19 May 2022 with an amendment:
 - 1.1. Agenda Item 1: Mihi/Karakia Timatanga - Opening, delete the words "mihi whakatau" and replace with the word "karakia", so it now reads 'Cr Elizabeth McKenzie followed with a karakia'.

Cr Grant Edge/Tumu Taiao Yvette Couch-Lewis
CARRIED

7. Report Items

7.1. Appointment of Hearing Commissioner - Waimate District Council

Resolved RHC/2022/18

Staff recommendations adopted without change.

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.

Cr Claire McKay/Cr Elizabeth McKenzie
CARRIED

8. Next Meeting

The next meeting will be advised.

9. Mihi / Karakia Whakamutunga - Closing

Meeting concluded at 8.45am.

In accordance with Standing Order 28.4 the Chairperson and the Environment Canterbury Chief Executive confirm the minutes of the Regulation Hearing Committee prior to the next election of members.

CONFIRMED:

Chair Cr Nicole Marshall
Councillor, Environment Canterbury

Date

CONFIRMED:

Chief Executive Stefanie Rixecker

Date

7. Report Items

7.1. Appointment of Hearing Commissioners - B L & A M Parkinson Family Trust Regulation Hearing Committee report

Date of meeting	Thursday, 24 November 2022
Author	Alison Cooper, Consents Coordinator
Responsible Director	Judith Earl-Goulet, General Manager – Regulatory Services

Purpose

1. To appoint two hearing commissioners to consider and decide resource consent applications CRC176146, CRC176147 and CRC202022 applied for by B L & A M Parkinson Family Trust.

Recommendations

That the Regulation Hearing Committee:

1. In regard to resource consent applications **CRC176146, CRC176147 and CRC202022 applied for by B L & A M Parkinson Family Trust (the ‘Application’)**:
 - 1.1. appoints John Iseli as a Hearings Commissioner under s34A of the Resource Management Act 1991;
 - 1.2. appoints David Mountfort as a Hearings Commissioner under s34A of the Resource Management Act 1991; and
 - 1.3. delegates to John Iseli and David Mountfort pursuant to s34A(1) of the Resource Management Act 1991, the function, power and duties required to: deal with any preliminary matters; consider and decide the Application.

Background

Application

2. B L & A M Parkinson Family Trust applied to Environment Canterbury in June 2017 for resource consents to establish a 2.4 hectare aggregate quarry at 137 Miners Road, Templeton.
3. Proposed activities include topsoil stripping, bund formation, aggregate extraction to a depth of approximately nine metres below ground level, and rehabilitation of the site with cleanfill, overburden and topsoil. The proposal does not include the processing, washing or sorting of aggregates.

4. The specific resource consents applied for are: a land use consent to deposit cleanfill over an unconfined/semi confined aquifer, discharge permits to discharge contaminants into air from an industrial or trade premise, and discharge contaminants that may enter groundwater associated with the deposition of cleanfill for site rehabilitation.
5. A consent duration of 35 years for the discharge permits and land use is sought.

Notification

6. The s95 notification and decision report (Content Manager document C22C/69792) provides a description of the application, consultation undertaken, legal and planning matters, and the recommendation and decision for notification. The decision was to limit notification of the proposal to one identified affected party.
7. Te Rūnanga o Tūāhuriri were informed of the Application. No response was received.
8. Christchurch City Council also received a similar application to use land for the overall quarrying activity, as described in paragraphs 1 and 2. Christchurch City Council made the decision to limit their application.
9. The application was then jointly limited notified to one affected landowner within a 250-metre radius of the site, and who had not provided a written approval to the activity. No submission was received by the close of submissions. A hearing is therefore not required to be held.

Decision-makers

10. As the applications to Environment Canterbury and Christchurch City Council relate to the same proposal, it is proposed to appoint joint decision-makers that are experienced independent hearing commissioners to consider and decide the applications.
11. Environment Canterbury'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 of 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.
12. In conjunction with the Christchurch City Council, Environment Canterbury sought two decision makers who have expertise with regard to district council planning matters, the ability to consider and evaluate the key issues of dust and contaminants to air, groundwater discharges, and general quarrying activity. Both hearing commissioners will be appointed by each respective council to make a joint decision.

13. It is recommended that David Mountfort and John Iseli be appointed as hearing commissioners.
14. David Mountfort is an experienced accredited hearing commissioner and has a good understanding of district council planning matters and land use activities.
15. John Iseli is an experienced and accredited hearing commissioner and decision-maker, with the technical ability with regard to air discharge matters, as well as understanding regional plans and water quality issues.
16. Both commissioners have had previous experience in deciding similar resource consent activities.
17. John Iseli and David Mountfort have satisfied Environment Canterbury staff they meet the necessary criteria including having appropriate technical ability, no conflicts of interest, RMA accreditation, availability and timeframe commitment to consider and jointly decide the applications.

Cost Compliance

18. The Resource Management Act 1991 requires resource consent applications to be processed within a specified timeframe. If the timeframe is exceeded, Environment Canterbury is required to provide a discount of the administrative charges.

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.

Legal review	Robyn Fitchett
Peer reviewer	Aurora Grant

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.