

Agenda 2023

Regulation Hearing Committee

Date: Wednesday, 22 March 2023
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

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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 - 8 March 2023

Regulation Hearing Committee

Date of meeting	Wednesday, 22 March 2023
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 8 March 2023 are to be confirmed.

Recommendations

That the Regulation Hearing Committee:

1. **Confirms the minutes from the Regulation Hearing Committee meeting held on Wednesday 8 March 2023.**

Attachments

1. RHC Unconfirmed Minutes 2023 03 08 (1) [6.1.1 - 4 pages]

Minutes of the Regulation Hearing Committee held at Environment Canterbury, Council Chamber, 200 Tuam Street, Christchurch on Wednesday, 8 March 2023 at 8:30am.

Present

Committee Chair Claire McKay, Committee Deputy Chair Craig Pauling, Councillors Joe Davies, David East, Grant Edge, and Deon Swiggs

Report writers and other staff were also present.

1. Mihi / Karakia Timatanga - Opening

Cr Claire McKay opened the meeting followed by Cr Joe Davies 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 - 1 March 2023

Refer pages 7-10 of the agenda.

Resolved RHC/2023/5

Staff recommendations adopted without change.

That the Regulation Hearing Committee:

1. Confirms the minutes from the Regulation Hearing Committee meeting held on 1 March 2023.

Cr Claire McKay/Cr Craig Pauling
CARRIED

7. Report Items

7.1 Appointment of Hearing Commissioner - South Island Resource Recovery Limited

Refer pages 11-13 of the agenda

Staff requested that the Committee appoint a hearing commissioner to hear and decide an objection to a decision to return resource consent applications CRC232714, CRC232715, CRC232716, CRC232717, CRC232718, CRC232719 and CRC232720.

Resolved RHC/2023/6

Staff recommendations adopted without change.

That the Regulation Hearing Committee:

1. In regard to the objection to a decision to return resource consent applications CRC232714, CRC232715, CRC232716, CRC232717, CRC232718, CRC232719 and CRC232720 applied for by South Island Resource Recovery Limited (the "Objection"):
 - 1.1 Appoints Rob Enright as a Hearings Commissioner under s34A of the Resource Management Act 1991, and
 - 1.2 Delegates to Rob Enright pursuant to s34A(1) of the Resource Management Act 1991, the function; powers and duties required to: deal with any preliminary matters; hear and decide the Objection.

Cr Deon Swiggs/Cr Craig Pauling
CARRIED

7.2 Appointment of Hearing Commissioner - Christchurch City Council

Refer to pages 14-16 of the agenda

Staff requested that the committee appoint a hearing commissioner to hear and decide resource consent applications CRC230356, CRC230357 and CRC230358.

Resolved RHC/2023/7

Staff recommendations adopted without change.

That the Regulation Hearing Committee:

1. In regard to resource consent applications CRC230356, CRC230357 and CRC230358 applied for by Christchurch City Council (the 'Application'):
 - 1.1. appoints Hoani Langsbury as a Hearing Commissioner under s34A of the Resource Management Act 1991;
 - 1.2. delegates to Hoani Langsbury pursuant to s34A(1) of the Resource Management Act 1991, the function, powers and duties required to: deal with any preliminary matters; and hear and decide the Application.

Cr Grant Edge/Cr David East
CARRIED

7.3 Appointment of Hearing Commissioners - Woodstock Quarries Limited

Refer pages 17-20 of the agenda.

Staff requested the committee appoint hearing commissioners to hear and decide resource consent applications CRC214073, CRC214074, CRC214075, CRC214076 and CRC214077.

Resolved RHC/2023/8

Staff recommendations adopted without change.

That the Regulation Hearing Committee:

1. In regard to resource consent applications CRC214073, CRC214074, CRC214075, CRC214076 and CRC214077 applied for by Woodstock Quarries Limited (the 'Application'):
 - 1.1. appoints Rob Enright as a Hearing Commissioner, Chairperson and member of the Hearing panel under s34A of the Resource Management Act 1991; and
 - 1.2. appoints Dean Chrystal as a Hearing Commissioner and member of the Hearing panel under s34A of the Resource Management Act 1991; and
 - 1.3. appoints Ngaire Phillips as a Hearing Commissioner and member of the Hearing panel under s34A of the Resource Management Act 1991; and
 - 1.4. delegates to Rob Enright, Dean Chrystal and Ngaire Phillips pursuant to s34A(1) of the Resource Management Act 1991, the function, powers and duties required to: deal with any preliminary matters; hear and decide the Application.

Cr Craig Pauling/Cr Joe Davies

CARRIED

8. Next Meeting

The next meeting will be advised.

9. Mihi / Karakia Whakamutunga - Closing

A karakia was provided by Cr Joe Davies.

Meeting concluded at 8:41am.

CONFIRMED:

Committee Chair Claire McKay
Councillor, Environment Canterbury

Date

7. Report Items

7.1. Nomination of An Expert Consenting Panel Member

Regulation Hearing Committee report

Date of meeting	Wednesday, 22 March 2023
Author	Alison Cooper, Consents Coordinator
Responsible Director	Judith Earl-Goulet, General Manager – Regulatory Services

Purpose

1. To nominate an Expert Consenting Panel Member under the COVID-19 Recovery (Fast-track Consenting) Act 2020 in relation to Faringdon Oval (Fast-track Consenting Project FTC000072).

Recommendations

That the Regulation Hearing Committee:

1. **Nominates Graham Taylor to be a member to the Faringdon Oval (Fast-track Consenting Project FTC000072) Expert Consenting Panel.**

Background

2. The Environmental Protection Agency (EPA) asked Council at the beginning of March 2023 to consider a nomination to the Expert Consenting Panel for the Faringdon Oval fast-track application. Council nominated Janette Dovey.
3. Environment Canterbury has been advised by the Environmental Protection Agency (EPA) that Ms Dovey has subsequently withdrawn her nomination, and that they are still seeking a nomination to the panel.
4. Expert Panel members are appointed by a Panel Convenor and must include a person nominated by the local authorities and a person nominated by the relevant iwi authorities.
5. Faringdon Oval is a specific project listed in the COVID-19 Recovery (Fast-track Consenting) Act 2020. The EPA are responsible for receiving the applications and providing advice and secretariat support to the Panel Convenor and Expert Consenting Panel.
6. The scope of the project at Rolleston is to subdivide land and construct approximately 1,044 residential units, construct commercial buildings; develop private open space and public reserves, including restoration of a natural wetland; and construct or install infrastructure, or structures, associated with the subdivision and development.

7. The proposal covers mainly district council matters, with regional council matters relating to stormwater and any wetland restoration.

Nominations

8. The EPA have advised they still seek nominations to the Expert Consenting Panel from both Environment Canterbury and Selwyn District Council. There is a limited timeframe in which to provide a nomination.
9. The Panel Convenor chooses one nominee from those nominated by the relevant local authorities. Ideally the local authorities should consult to reach a consensus and nominate the same person. If no nomination is made the EPA will appoint a person with the appropriate skills and experience to be a member of the panel.
10. Nominees must be accredited under the Ministry for the Environment 'Making Good Decisions' programme.
11. Environment Canterbury has consulted with Selwyn District Council, who agree with the proposed nominee.
12. Graham Taylor has over 25 years' experience in planning in the public and private sector. He has extensive experience in land use planning and related fields including resource consents, designations, infrastructure, Reserves Act, Building Act, project management, policy and local government processes across a range of private, corporate and public sectors and industry groups. He is an experienced expert witness at Environment Court level and is an accredited hearings commissioner. He is a director/owner of the Resource Management Group.

Cost, compliance and communication

13. There are no cost, compliance and communication implications as the application is made to the Environmental Protection Agency who process and decide the application. Council is asked for a nomination to the Expert Consenting Panel who make the decision.

Legal review	Robyn Fitchett
Peer reviewers	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.