

# Agenda 2023

## Regulation Hearing Committee

Date: Wednesday, 15 November 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**

## **TERMS OF REFERENCE**

Version 2.0 Adopted by Council 29 April 2021

### **1. MEMBERSHIP**

There shall be a maximum of seven Councillors appointed to the Regulation Hearing Committee (RHC).

### **2. QUORUM**

The quorum for the RHC meetings shall be two Councillors.

### **3. OBJECTIVES**

The objectives for the RHC meetings shall be:

- (a) to consider and decide resource consent applications in accordance with delegated powers;
- (b) to appoint Consent Hearing Committees;
- (c) to appoint Hearing Commissioners; and
- (d) to exercise such other powers as delegated by Council.

### **4. DELEGATED POWERS**

The Regulation Hearing Committee shall have those powers that are delegated to it by Council:

- (a) The authority to appoint Consent Hearing Committees from time to time comprising a minimum of three members and a maximum number of four members, one of whom shall be appointed Chairperson by the Regulation Hearings Committee, with the full powers of the Council as a consent authority under the Resource Management Act 1991. A committee so appointed may include any person who is not a member of the Council.
- (b) The authority to appoint hearing commissioners to hear and decide resource consent applications including the determination of any preliminary matter relating to an application, with full powers of the Council as a consent authority under the Resource Management Act 1991.
- (c) The authority to hear and decide resource consent applications for which the Council is obliged to hold a hearing.
- (d) The authority to decide resource consent applications to which submissions were received and where there are no requests to be heard or any requests to be heard have been withdrawn.
- (e) The authority to decide resource consent applications for notified non-complying activities irrespective of whether the Council is obliged to hold a hearing.
- (f) The authority to make decisions on a review of resource consent decisions.
- (g) The authority to decide notified resource consent applications to which no submissions were received and where the applicant has not requested to be heard.

- (h) The authority to authorise or prohibit the use in a clean air zone of any class of fuel.
- (i) The authority to hear appeals to Council's contaminated site registration process under the Council's Contaminated Site Information Strategy.

#### Document history and version control

Version	Date approved	Approved by	Brief description
1.0	23 August 2018	Council	Increase Committee membership to 6
2.0	29 April 2021	Council	Increase Committee membership to a maximum of 7

# **Regulation Hearing Committee**

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

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

## **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.

Items not on the agenda may be brought before the meeting through a report from either the chief executive or the Chairperson.

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 - 27 September 2023

#### Regulation Hearing Committee

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<b>Date of meeting</b>	Wednesday, 15 November 2023
<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 27 September 2023 are to be confirmed.

#### Recommendations

**That the Regulation Hearing Committee:**

1. **Confirms the minutes from the Regulation Hearing Committee meeting held on 27 September 2023.**

#### Attachments

1. 2023 09 27 UNCONFIRMED MINUTES Regulation Hearing Committee (1) [6.1.1 - 4 pages]



# **Minutes of the Regulation Hearing Committee, held at Environment Canterbury, Council Chamber, 200 Tuam Street, Christchurch, on Wednesday 27 September 2023 at 8.30am.**

## **Present**

Committee Chair Claire McKay, Councillors Joe Davies, David East and Deon Swiggs.

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

Cr Swiggs opened the meeting with a karakia.

### **2. Apologies**

Apologies for absence were received from Cr Craig Pauling and Cr Grant Edge.

### **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**

Refer pages 9-12 of the agenda.

### **6.1 Unconfirmed Minutes - Regulation Hearing Committee - 23 August 2023**

Refer pages 9 -12 of the agenda.

**Resolved RHC/2023/28**

Staff recommendation adopted without change.

That the Regulation Hearing Committee:

1. Confirms the minutes from the Regulation Hearing Committee meeting held on 23 August 2023.

Cr Swiggs/Cr Davies  
CARRIED

## **7. Report Items**

Refer pages 13-25 of the agenda.

### **7.1. Regulation Hearing Committee Resolutions Status Report - 27 September 2023**

Refer pages 13 -16 of the agenda.

Staff provided visibility in the status of resolutions made by the Regulation Hearing Committee.

**Resolved RHC/2023/29**

Staff recommendation adopted without change.

That the Regulation Hearing Committee:

1. Note the status of previous resolutions provided in the status of Regulation Hearing Committee Resolutions report as 27 September 2023.

Cr East/Cr Swiggs  
CARRIED

### **7.2. Appointment of Hearing Commissioner - Schat Enterprises Limited**

Refer pages 17 -19 of the agenda.

Staff requested that the Committee appoint a Hearing Commissioner to hear and decide resource consent application CRC233813.

**Resolved RHC/2023/30**

Staff recommendation adopted without change.

That the Regulation Hearing Committee:

1. In regard to resource consent application CRC233813 applied for by Schat Enterprises Limited (the "Application"):
  - 1.1 appoint Antoinette Besier as a Hearing Commissioner under s34A of the Resource Management Act 1991; and
  - 1.2 delegate Antoinette Besier pursuant to s34A(1) of the Resource Management Act 1991, the functions, powers and duties required to deal with any preliminary matters; hear and decide the Application.

Cr Swiggs/Cr Davies  
CARRIED

**7.3. Appointment of Hearing Commissioner - Adams Sawmilling Co. Ltd**

Refer pages 20 -22 of the agenda.

Staff requested that the Committee appoint a Hearing Commissioner to hear and decide resource consent application CRC174865.

**Resolved RHC/2023/31**

Staff recommendation adopted without change.

That the Regulation Hearing Committee:

1. In regard to resource consent application CRC174865 applied for by Adams Sawmilling Company Limited (the 'Application'):
  - 1.1 appoint Janette Campbell as a Hearing Commissioner under s34A of the Resource Management Act 1991; and
  - 1.2 delegate to Janette Campbell pursuant to s34A(1) of the Resource Management Act 1991, the function, powers and duties and duties required to: deal with any preliminary matters; hear and decide the Application.

Cr Swiggs/Cr East  
CARRIED

## **7.4. Appointment of Hearing Commissioner - P H & M J Evans**

Refer pages 23 -25 of the agenda.

Staff requested the Committee appoint a hearing commissioner to hear and decide resource consent application CRC233481.

### **Resolved RHC/2023/32**

Staff recommendation adopted without change.

That the Regulation Hearing Committee:

1. In regard to resource consent application CRC223481 applied for by Mr P H and Mrs M J Evans (the 'Application'):
  - 1.1 appoints Doctor Ngaire Phillips as a Hearing Commissioner under s34A of the Resource Management Act 1991; and
  - 1.2 delegates to Doctor Ngaire Phillips pursuant to s34A(1) of the Resource Management Act 1991, the function, powers and duties and duties required to: deal with any preliminary matters; hear and decide the Application.

Cr Swiggs/Cr East  
CARRIED

## **8. Next Meeting**

The next meeting to be advised.

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

The meeting concluded at 8.48am.

CONFIRMED: 15 November 2023

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Committee Chair Claire McKay  
Councillor, Environment Canterbury

## 7. Report Items

### 7.1. Regulation Hearing Committee Resolutions Status Report - 15 November 2023

#### Regulation Hearing Committee report

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<b>Date of meeting</b>	Wednesday, 15 November 2023
<b>Author</b>	Alison Cooper, Consents Coordinator
<b>Responsible Director</b>	Judith Earl-Goulet, General Manager – Regulatory Services

#### Purpose

1. To provide visibility on the status of resolutions made by Regulation Hearing Committee

#### Recommendations

That the Regulation Hearing Committee:

1. **Notes the status of previous resolutions provided in the status of Regulation Hearing Committee Resolutions report as at 15 November 2023.**

#### Status Reporting

2. The status of resolutions is reported at each ordinary Committee meeting. The report includes all resolutions from the previous meeting.
3. There are incomplete actions from prior meetings being hearings that are still to be held.

#### Cost, compliance and communication

##### Financial implications

4. The report was compiled using existing staff resources, therefore there were no additional financial implications.

##### Risk assessment and legal compliance

5. This gives visibility to the Committee of matters outstanding to ensure appropriate actions have been taken as resolved.

## **Engagement, Significance and Māori Participation**

6. Not applicable.

## **Consistency with council policy**

7. Under Environment Canterbury Standing Orders 28.3 discussion of minutes is limited to their correctness. This report allows members to be updated on the status of resolutions and to monitor progress.

## **Climate Change Impacts**

8. Not applicable.

## **Communication**

9. Not applicable.

## **Next steps**

10. An updated report will be provided to the next Regulation Hearing Committee meeting.

## **Attachments**

1. RHC Resolutions Status Report 15 November 2023 [7.1.1 - 3 pages]

## Regulation Hearing Committee Resolutions Status Report – from meetings as at 15 November 2023

Resolution No.	Meeting Date	Report	Resolution	Complete [Yes/No]
RHC/2023/28	23 August 2023	6.1 Unconfirmed Minutes – Regulation Hearing Committee – 23 August 2023	That the Regulation Hearing Committee: 1. Confirms the minutes from the Regulation Hearing Committee meeting held on 23 August 2023.	Yes
RHC/2023/29	27 September 2023	7.1 Regulation Hearing Committee Resolution Status Report – 27 September 2023	That the Regulation Hearing Committee: 1. Notes the status of previous resolutions provided in the Status of Regulation Hearing Committee Resolutions report as at 27 September 2023.	Yes
RHC/2023/25	23 August 2023	7.2 Appointment of Prehearing Facilitator	That the Regulation Hearing Committee:  1. In regard to resource consent application CRC230275 applied for by Talley's Limited (the 'Application')  1.1. appoints Myles McCauley as a Hearing Commissioner under Section 34A of the Resource Management Act 1991; and  1.2. delegates to Myles McCauley pursuant to section 34A(1) of the Resource Management Act 1991, the function, powers and duties required to: deal with any preliminary matters and facilitate a pre-hearing meeting of the Application	Yes Pre-hearing held
RHC/2023/26	23 August 2023	7.3 Appointment of Hearing Commissioner	That the Regulation Hearing Committee:  1. In regard to resource consent application CRC210883 applied for by Z Energy Limited (the 'Application')  1.1. appoints Ken Gimblett as a Hearing Commissioner under s34A of the Resource Management Act 1991; and  1.2. delegates to Ken Gimblett pursuant to s34A(1) of the Resource Management Act 1991, the function,	No. Hearing still to be held
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Resolution No.	Meeting Date	Report	Resolution	Complete [Yes/No]
			powers and duties required to: deal with any preliminary matters; hear and decide the Application	
RHC/2023/27	23 August 2023	7.4 Appointment of Hearing Commissioner	<p>That the Regulation Hearing Committee:</p> <ol style="list-style-type: none"> <li>In regard to resource consent application CRC040067 applied for by P J Pollard and Others (the 'Application') <ol style="list-style-type: none"> <li>appoints Bianca Sullivan as a Hearing Commissioner under s34A of the Resource Management Act 1991; and</li> <li>delegates to Bianca Sullivan 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.</li> </ol> </li> </ol>	No. Hearing not required as no submitters to be heard. Decision to be made 'on the papers'.
RHC/2023/30	27 September 2023	7.2 Appointment of Hearing Commissioner	<p>That the Regulation Hearing Committee:</p> <ol style="list-style-type: none"> <li>In regard to resource consent application CRC233813 applied for by Schat Enterprises Limited (the "Application"): <ol style="list-style-type: none"> <li>appoint Antoinette Besier as a Hearing Commissioner under s34A of the Resource Management Act 1991; and</li> <li>delegate Antoinette Besier pursuant to s34A(1) of the Resource Management Act 1991, the functions, powers and duties required to deal with any preliminary matters; hear and decide the Application.</li> </ol> </li> </ol>	No. Hearing commenced 6 November 2023
RHC/2023/31	27 September 2023	7.3 Appointment of Hearing Commissioner	<p>That the Regulation Hearing Committee:</p> <ol style="list-style-type: none"> <li>In regard to resource consent application CRC174865 applied for by Adams Sawmilling Company Limited (the 'Application'):</li> </ol>	No. Hearing to commence 29 November 2023



Resolution No.	Meeting Date	Report	Resolution	Complete [Yes/No]
			<p>1.1 appoint Janette Campbell as a Hearing Commissioner under s34A of the Resource Management Act 1991; and</p> <p>1.2 delegate to Janette Campbell pursuant to s34A(1) of the Resource Management Act 1991, the function, powers and duties and duties required to: deal with any preliminary matters; hear and decide the Application.</p>	
RHC/2023/32	27 September 2023	7.4 Appointment of Hearing Commissioner	<p>That the Regulation Hearing Committee:</p> <p>1. In regard to resource consent application CRC223481 applied for by Mr P H and Mrs M J Evans (the 'Application'):</p> <p>1.1 appoints Doctor Ngaire Phillips as a Hearing Commissioner under s34A of the Resource Management Act 1991; and</p> <p>1.2 delegates to Doctor Ngaire Phillips pursuant to s34A(1) of the Resource Management Act 1991, the function, powers and duties and duties required to: deal with any preliminary matters; hear and decide the Application.</p>	No. Hearing to commence 21 November 2023

## 7.2. Appointment of Hearing Commissioner -AgRight New Zealand opCo 3 Limited

### Regulation Hearing Committee report

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<b>Date of meeting</b>	Wednesday, 15 November 2023
<b>Author</b>	Alison Cooper, Consents Coordinator
<b>Responsible Director</b>	Judith Earl-Goulet, General Manager – Regulatory Services

### Purpose

1. To appoint a hearing commissioner to hear and decide resource consent applications CRC232782 and CRC232783 applied for by AgRight New Zealand OpCo 3 Limited.

### Recommendations

That the Regulation Hearing Committee:

1. In regard to resource consent applications CRC232782 and CRC232783 applied for by AgRight New Zealand OpCo 3 Limited (the “Application”)
  - 1.1 Appoints John Iseli as a Hearing Commissioner under s34A of the Resource Management Act 1991; and
  - 1.2 Delegates to John Iseli 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.

### Background Application

2. AgRight New Zealand OpCo 3 Limited has applied to Environment Canterbury for resource consents for the discharge of odour and contaminants to air and the discharge of washdown water containing contaminants to land from a chicken broiler farm at 1261 and 1347 Rakaia Highway, Chertsey.
3. The application is in relation to a new eight shed chicken broiler farm. The site currently has a consented eight shed chicken broiler shed which will remain operational.
4. A duration of 30 years is requested.

### Notification

5. The s95 notification report provides a full description of the proposed activity, the affected environment, consultation undertaken by Environment Canterbury and the applicant; and legal and planning matters. The report also provided a recommendation

to limited notify the applications because of adverse effects on identified parties being identified as minor.

6. The application was limited notified with one submission being received. The submitter opposes the application and wishes to be heard. The submitter seeks the duration of the consents should not be longer than ten years if issued.
7. A hearing is required to be held as there is a submitter to be heard.

### **Proposed Hearing Commissioner**

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 applications,
  - Availability for the hearing and decision-making,
  - No conflict of interest
  - Ministry for the Environment (MfE) Making Good Decisions accreditation,
  - Chair endorsement for the proposed Chair.
9. As a hearing is required, a hearing commissioner is needed to hear and decide the application.
10. It is expected the hearing will be held in one day.
11. It is recommended that a sole hearing commissioner be appointed to hear and decide the application. Any hearing commissioner should have experience in running a hearing, and the ability to understand and evaluate the key issues and provide a written decision.
12. A list of potential candidates was prepared, and candidates were screened against the selection criteria listed in paragraphs (8) and (11) and checked with the Ministry for Environment (MfE) website to confirm 'Making Good Decisions' certification. On this basis the following hearing commissioner is recommended.
13. It is recommended that John Iseli be appointed. He is an accredited and experienced hearing commissioner and has the technical ability to understand the application to be heard. He is an air quality scientist and director of Specialist Environmental Services for over twenty years and has provided air quality technical advice to councils, central government and industries. He has also presented evidence at hearings, and audited applications.
14. As a hearing commissioner he has sat as chair or sole commissioner on many resource consent application hearings, including Environment Canterbury hearings, and regional

air plan hearings round the country and written decisions and recommendations as required.

15. Mr Iseli has identified he has no conflict of interest with parties and is available to hear and decide the application.

## **Cost, compliance and communication**

16. Processing of resource consent applications are at cost to the applicant.

## **Risk assessment and legal compliance**

17. Section 100 of the Resource Management Act 1991 (RMA) provides an obligation to hold a hearing when a person who has made a submission in relation to an application or the applicant has requested to be heard.
18. The RMA provides for financial penalties should the application not be processed within the required timeframe.
19. Section 34A of the RMA allows Council to delegate functions to hearing commissioners appointed by Canterbury Regional Council.
20. The Regulation Hearing Committee appoints hearing commissioners in relation to consent authority matters under the RMA.

<b>Legal review</b>	Robyn Fitchett
<b>Peer reviewer</b>	Aurora Grant

## 7.3. Appointment of Hearing Commissioner - Lovett Family Farms Limited

### Regulation Hearing Committee report

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<b>Date of meeting</b>	Wednesday, 15 November 2023
<b>Author</b>	Alison Cooper, Consents Coordinator
<b>Responsible Director</b>	Judith Earl-Goulet, General Manager – Regulatory Services

### Purpose

1. To appoint a hearing commissioner to hear and decide resource consent application CRC222594 applied for by Lovett Family Farms Limited (the “Application”).

### Recommendations

That the Regulation Hearing Committee:

1. **In regard to resource consent application CRC222594 applied for by Lovett Family Farms Limited:**
  - 1.1 **Appoints Roger Bannister as a Hearing Commissioner under s34A of the Resource Management Act 1991; and**
  - 1.2 **Delegates to Roger Bannister 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.**

### Background

#### Application

2. Lovett Family Farms Limited has applied to Environment Canterbury to change conditions of an existing consent CRC214782 which authorises the take and use of groundwater from two existing bores for irrigation at 282 River Road, Ashburton.
3. The applicant also wishes to remove the low flow condition associated with one bore (L37/0214) so it aligns with the Canterbury Land and Water Plan for the Ashburton River catchment.
4. They also wish to add a new bore. The combined rate and volume from bore L37/0214 and the new bore are to remain at the currently consented 58 litres per second and 27,216 cubic metres in any 7-day consecutive period.
5. There are no changes to the consented rate from the other existing bore.

6. There are no changes to the consented combined annual volume from all three bores, of 748,330 cubic metres.

## **Notification**

7. The s95 notification report provides a full description of the proposed activity, the affected environment, consultation undertaken by Environment Canterbury and the applicant and legal and planning matters. The report also provided a recommendation to limited notify the application because of adverse effects on the identified party were considered to be minor.
8. The application was limited notified to Ngāi Tūāhuriri Rūnanga. Ngāi Tūāhuriri Rūnanga oppose the application and wish to be heard. The submitter opposes the removal of conditions that provide constraints on use of water and the addition of a new bore.
9. A hearing is required to be held as a submitter has requested to be heard.

## **Proposed Hearing Commissioner**

9. 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 applications,
  - Availability for the hearing and decision-making,
  - No conflict of interest
  - Ministry for the Environment (MfE) Making Good Decisions accreditation,
  - Chair endorsement for the proposed Chair.
10. As a hearing is required, a hearing commissioner is needed to hear and decide the application.
11. It is expected that the hearing will be held in one day.
12. A sole commissioner is recommended to hear and decide this application. Any hearing commissioner should have experience in running a hearing, and the ability to understand and evaluate the key issues and provide a written decision.
13. A list of potential candidates was prepared, and candidates were screened against the selection criteria listed in paragraphs (9) and (11) and checked with the Ministry for Environment (MfE) website to confirm 'Making Good Decisions' certification. On this basis the following hearing commissioner is recommended.
14. It is recommended that Roger Bannister be appointed. He is an accredited independent hearing commissioner. He has previously worked at council and

government levels and has a background in freshwater management and implementation including allocation and takes, stormwater, and contaminated land discharges. He has managed teams and been involved in policy development, and investigation and monitoring of freshwater resources and contaminated land.

15. Mr Bannister has identified he has no conflict of interest with parties and is available to hear and decide the application.

## **Cost and compliance**

### **Financial implications**

16. Processing of resource consent applications are at cost to the applicant.

### **Risk assessment and legal compliance**

17. Section 100 of the Resource Management Act 1991 (RMA) provides an obligation to hold a hearing when a person who has made a submission in relation to an application or the applicant has requested to be heard.
18. The RMA provides for financial penalties should the application not be processed within the required timeframe.
19. Section 34A of the RMA allows Council to delegate functions to hearing commissioners appointed by Canterbury Regional Council.
20. The Regulation Hearing Committee appoints hearing commissioners in relation to consent authority matters under the RMA.

<b>Legal review</b>	Robyn Fitchett
<b>Peer reviewers</b>	Aurora Grant

## 7.4. Appointment of Hearing Commissioner - Theland Purata Farm Group Ltd

### Regulation Hearing Committee report

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<b>Date of meeting</b>	Wednesday, 15 November 2023
<b>Author</b>	Alison Cooper, Consents Coordinator
<b>Responsible Director</b>	Judith Earl-Goulet, General Manager – Regulatory Services

### Purpose

1. To appoint a hearing commissioner to hear and decide resource consent application CRC233417 applied for by Theland Purata Farm Group Limited.

### Recommendations

That the Regulation Hearing Committee:

1. In regard to resource consent application CRC233417 applied for by Theland Purata Farm Group Limited (the “Application”).
  - 1.1 Appoints Antoinette Besier as a Hearing Commissioner under s34A of the Resource Management Act 1991; and
  - 1.2 Delegates to Antoinette Besier 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.

### Background

#### Application

2. Theland Purata Farm Group Limited has applied to Environment Canterbury for resource consent CRC233417 to use land for farming purposes at 76 Steeles Road, Hororata.
3. The applicant proposes to use 277.5 hectares of a 640.5 hectare dairy farm. The remaining land is currently farmed under an active enterprise consent.
4. The applicant seeks a consent duration of 15 years.

#### Notification

5. The s95 notification report provides a full description of the proposed activity, the affected environment, consultation undertaken by the applicant and Environment Canterbury, and legal and planning matters. The report also recommended that the



application be processed with limited notified as it was considered that the effects were minor on the identified adversely affected persons.

6. The application was limited notified to Te Taumutu Rūnanga and Ngāi Tūāhuriri Rūnanga. Submissions were received from both parties who opposed the application and wished to be heard.
7. Submitter concerns include opposition to intensive farming occurring in close proximity to waterways without establishment of riparian buffers to protect the mauri of the waterway.
8. A hearing is required to be held as there are submitters to be heard.

### **Proposed Hearing Commissioner**

9. 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 applications,
  - Availability for the hearing and decision-making,
  - No conflict of interest
  - Ministry for the Environment (MfE) Making Good Decisions accreditation,
  - Chair endorsement for the proposed Chair.
10. As a hearing is required, a hearing commissioner is needed to hear and decide the application.
11. It is expected the hearing will be held in one day.
12. It is recommended that a sole hearing commissioner be appointed to hear and decide the application. Any hearing commissioner should have experience in running a hearing, and the ability to understand and evaluate the key issues and provide a written decision.
13. A list of potential candidates was prepared, and candidates were screened against the selection criteria listed in paragraphs (9) and (12) and checked with the Ministry for Environment (MfE) website to confirm 'Making Good Decisions' certification. On this basis the following hearing commissioner is recommended.
14. It is recommended that Antoinette Besier be appointed. She is an accredited and experienced hearing commissioner as either a sole commissioner or as a member of hearing panels for both regional and district councils. She is a director of Tasman Law and has specialised for over 15 years in providing specialist legal advice and representation in the areas of resource management, local government and public

law. Prior to qualifying as a lawyer, she also worked as a planner in local government and as a consultant.

15. Ms Besier has identified that she has no conflict of interest with parties and is available to hearing and decide the application.

## **Cost and compliance**

### **Financial implications**

16. Processing of resource consent applications are at cost to the applicant.

### **Risk assessment and legal compliance**

17. Section 100 of the Resource Management Act 1991 (RMA) provides an obligation to hold a hearing when a person who has made a submission in relation to an application or the applicant has requested to be heard.
18. The RMA provides for financial penalties should the application not be processed within the required timeframe.
19. Section 34A of the RMA allows Council to delegate functions to hearing commissioners appointed by Canterbury Regional Council.
20. The Regulation Hearing Committee appoints hearing commissioners in relation to consent authority matters under the RMA.

<b>Legal review</b>	Robyn Fitchett
<b>Peer reviewers</b>	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. Karakia Whakamutunga - Closing**

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