

Agenda 2023

Regulation Hearing Committee

Date: Wednesday, 13 December 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to which submissions were received and where there are no requests to be heard or any requests to be heard have been withdrawn.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 - 15 November 2023

Regulation Hearing Committee

| | |
|------------------------|---|
| Date of meeting | Wednesday, 13 December 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 15 November 2023 are to be confirmed.

Recommendations

That the Regulation Hearing Committee:

1. **Confirms the minutes from the Regulation Hearing Committee meeting held on 15 November 2023.**

Attachments

1. 2023-11-15 UNCONFIRMED Minutes Regulation Hearing Committee [6.1.1 - 4 pages]

Minutes of the Regulation Hearing Committee held at Environment Canterbury, Council Chamber, 200 Tuam Street, Christchurch, on Wednesday 15 November 2023 at 8.30am.

Present

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

In attendance: Councillor Nick Ward.

1. Karakia/Mihi Timatanga - Opening

Cr Pauling opened the meeting with a karakia.

2. Apologies

An apology for lateness was received from Cr East who joined the meeting at 8.40am during item 7.1.

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 - 27 September 2023

Refer pages 9 -13 of the agenda.

Resolved RHC/2023/33

Staff recommendations adopted without change.

That the Regulation Hearing Committee:

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

Cr McKay/Cr Davies
CARRIED

7. Report Items

Refer pages 13 -26 of the agenda.

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

Refer pages 13 -17 of the agenda.

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

Resolved RHC/2023/34

Staff recommendations adopted without change.

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.

Cr Pauling/Cr Edge
CARRIED

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

Refer pages 18 -23 of the agenda.

Staff requested that the Committee appoint a Hearing Commissioner to hear and decide resource consent applications CRC232782 and CRC232783.

Resolved RHC/2023/35

Staff recommendations adopted without change.

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.

Cr Edge/Cr Pauling
CARRIED

7.3. Appointment of Hearing Commissioner - Lovett Family Farms Limited

Refer pages 21 -23 of the agenda.

Staff requested that the Committee appoint a Hearing Commissioner to hear and decide resource consent application CRC222594.

Resolved RHC/2023/36

Staff recommendations adopted without change.

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.

Cr Pauling/Cr Edge
CARRIED

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

Refer pages 24 -26 of the agenda.

Staff requested that the Committee appoint a Hearing Commissioner to hear and decide resource consent application CRC233417.

Resolved RHC/2023/37

Staff recommendations adopted without change.

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.

Cr East/Cr Edge
CARRIED

8. Next Meeting

The next meeting to be advised.

9. Karakia Whakamutunga – Closing

A closing karakia will be provided at the conclusion of the Regional Leadership, Climate and Community Resilience Committee meeting.

The meeting concluded at 8.52am.

CONFIRMED:

Committee Chair Claire McKay
Councillor, Environment Canterbury

7. Report Items

7.1. Regulation Hearing Committee Resolutions Status Report - 15 December 2023

Regulation Hearing Committee report

| | |
|-----------------------------|---|
| Date of meeting | Wednesday, 13 December 2023 |
| Author | Alison Cooper, Consents Coordinator |
| Responsible Director | Judith Earl-Goulet, General Manager – Regulatory Services |

Purpose

1. To provide visibility on the status of resolutions made by the 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 December 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 resource consent hearings that are still to be held and a decision issued.

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 13 December 2023 [7.1.1 - 4 pages]

Regulation Hearing Committee Resolutions Status Report – from meetings as at 13 December 2023

| Resolution No. | Meeting Date | Report | Resolution | Complete [Yes/No] |
|----------------|-------------------|---|---|---|
| RHC/2023/33 | 27 September 2023 | 6.1 Unconfirmed Minutes – Regulation Hearing Committee – 27 Septemb 2023 | That the Regulation Hearing Committee: 1. Confirms the minutes from the Regulation Hearing Committee meeting held on 27 September 2023. | Yes |
| RHC/2023/34 | 15 Nove 2023 | 7.1 Regulation Hearing Committee Resolution Status Report – 15 November 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 15 November 2023. | Yes |
| 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, powers and duties required to: deal with any preliminary matters; hear and decide the Application | No. Submitter still to confirm if hearing required. |
| RHC/2023/27 | 23 August 2023 | 7.4 Appointment of Hearing Commissioner | That the Regulation Hearing Committee: 1. In regard to resource consent application CRC040067 applied for by P J Pollard and Others (the 'Application') 1.1. appoints Bianca Sullivan as a Hearing Commissioner under s34A of the Resource Management Act 1991; and 1.2. delegates to Bianca Sullivan pursuant to s34A(1) of the Resource Management Act 1991, the function, | Yes. Decision issued 21 November 2023. Granted with conditions. |

| 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/2023/30 | 27 September 2023 | 7.2 Appointment of Hearing Commissioner | <p>That the Regulation Hearing Committee:</p> <ol style="list-style-type: none"> In regard to resource consent application CRC233813 applied for by Schat Enterprises Limited (the "Application"): <ol style="list-style-type: none"> appoint Antoinette Besier as a Hearing Commissioner under s34A of the Resource Management Act 1991; and 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. | No. Hearing commenced 6 November 2023 and awaiting decision. |
| 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"> In regard to resource consent application CRC174865 applied for by Adams Sawmilling Company Limited (the 'Application'): <ol style="list-style-type: none"> appoint Janette Campbell as a Hearing Commissioner under s34A of the Resource Management Act 1991; and 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. | No. Hearing commenced 29 November 2023. Adjourned for additional information to be supplied and circulated. |
| RHC/2023/32 <i>Regulation Hearing Committee 2023-12-13</i> | 27 September 2023 | 7.4 Appointment of Hearing Commissioner | <p>That the Regulation Hearing Committee:</p> <ol style="list-style-type: none"> In regard to resource consent application CRC223481 applied for by Mr P H and Mrs M J Evans (the 'Application'): | Yes. No hearing was required as no matters to be hearing. |

| Resolution No. | Meeting Date | Report | Resolution | Complete [Yes/No] |
|----------------|------------------|---|--|---|
| | | | 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. | Decision was made 'on the papers' and released 22 November 2023. Granted with conditions. |
| RHC/2023/35 | 15 November 2023 | 7.2 Appointment of Hearing Commissioner | 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. | No. Hearing commenced and closed 28 November 2023. Decision still to be issued |
| RHC/2023/36 | 15 November 2023 | 7.3 Appointment of Hearing Commissioner | That the Regulation Hearing Committee: 1. In regard to resource consent application CRC222594 applied for by Lovett Family Farms Limited, (the "Application"): 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. | No. Applicant has requested a pre-hearing meeting. |

| Resolution No. | Meeting Date | Report | Resolution | Complete [Yes/No] |
|----------------|------------------|---|---|-------------------|
| RHC/2023/37 | 15 November 2023 | 7.4 Appointment of Hearing Commissioner | <p>That the Regulation Hearing Committee:</p> <ol style="list-style-type: none"> 1. In regard to resource consent application CRC233417 applied for by Theland Purata Farm Group Limited (the "Application").: <ol style="list-style-type: none"> 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. | No. |

7.2. Appointment of Hearing Commissioners - Canterbury Regional Council

Regulation Hearing Committee report

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|-----------------------------|---|
| Date of meeting | Wednesday, 13 December 2023 |
| Author | Alison Cooper, Consents Coordinator |
| Responsible Director | Judith Earl-Goulet, General Manager – Regulatory Services |

Purpose

1. To appoint hearing commissioners to hear and decide resource consent applications CRC222040, CRC222041 and CRC222043 applied for by Canterbury Regional Council.

Recommendations

That the Regulation Hearing Committee:

1. In regard to resource consent applications CRC222040, CRC222041 and CRC222043 applied for by Canterbury Regional Council (the “Application”):
 - 1.1 appoints Doctor Greg Ryder as a Hearing Commissioner, Chairperson and member of the Hearing panel under s34A of the Resource Management Act 1991; and
 - 1.2 appoints Doctor Ngaire Phillips as a Hearing Commissioner and member of the Hearing panel under s34A of the Resource Management Act 1991; and
 - 1.3 appoints Doctor Hilke Giles as a Hearing Commissioner and member of the Hearing panel under s34A of the Resource Management Act 1991; and
 - 1.4 delegates to Doctor Greg Ryder, Doctor Ngaire Phillips and Doctor Hilke Giles 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. Canterbury Regional Council has applied for resource consents for the discharge of agrichemicals to air, land, and water by spraying within the Canterbury region for the

purpose of controlling exotic weed within and or adjacent to all rivers, streams, natural and artificial waterbodies (including drains) including their attached waterbodies; and all riverine and estuary environments which fit within the Resource Management definition of the Coastal Marine area.

3. The applications seek to the continued use of agrichemicals glyphosate, triclopyr and approved surfactants/adjuvants as allowed by CRC981580 and CRC04153.
4. A duration of 20 years is sought.
5. The application is to replace expired resource consents which allowed for the discharge of agrichemicals to all waterbodies in the Canterbury region.

Notification

6. The s95 notification report provides a summary of the application. Due to the sensitivity of the proposal, the applicant requested the application be publicly notified.
7. The application summarises the consultation undertaken with Papatipu rūnanga and other parties pre-lodgement. Papatipu rūnanga were also notified as an affected party.
8. The application was publicly notified with 26 submissions being received. 12 submitters supported the application, 13 opposed and one was neutral. Seven submitters wished to be heard.
9. Submissions were received from Te Rūnanga o Kaikōura Incorporated; Ngāi Tūāhuriri, Te Hapū o Ngāti Wheke, Koukourārata, and Wairewa Rūnanga; and Te Runanga O Waihao
10. Submissions in opposition disagreed with spraying into surface water; use of chemicals; effects on ecological values in or near freshwater bodies and coastal marine areas; and impact on cultural landscapes.
11. A hearing is required as there are submitters to be heard.

Proposed Hearing Commissioners

12. Council's Hearing Policy outlines the criteria of 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.

13. It is expected that the hearing will take three days and commence late March 2024.
14. It is recommended that a panel of three hearing commissioners is required. This will allow coverage of the issues and the ability to share the workload over the course of the hearing, while avoiding any split decisions that could eventuate with a two- or four-person panel. Panel members should have experience in hearings and technical ability in either freshwater and coastal water quality and ecology.
15. For the hearing we are seeking a Chairperson who is experienced in managing hearings and chairing a robust and transparent hearing process while also ensuring all parties to the process, including the lay submitters, feel comfortable when making their submission to the hearing panel.
16. A list of potential candidates was prepared, and candidates were screened against the selection criteria listed above in paragraph 12. The Ministry for the Environment (MfE) website was checked to confirm "Making Good Decisions" certification and where appropriate Chair endorsement. On this basis the following panel is recommended.
17. Chairperson and Panel Member

Doctor Greg Ryder is an experienced hearings commissioner with the Chair endorsement and has sat as a sole commissioner, chair or panel member at hearings around the country.

He has experience in drafting consent decisions and has undertaken the hearing of regional and district council consent applications over a variety of activities including coastal marine and water applications.

He is currently an independent hearing commissioner having previously worked as an independent environmental scientist. He has worked as a consultant for over 30 years undertaking investigations and studies throughout New Zealand. The areas he has covered includes effects of agricultural land use, mining, gravel extraction, hydro-electric schemes, irrigation, urban stormwater as well as various industrial and municipal sewage discharges in freshwater and coastal ecosystems. He has particular expertise in water, wastewater and leachate characterisation and effluent toxicity.

Panel Member

Doctor Ngaire Phillips is an accredited and experienced hearing commissioner, and environmental scientist with expertise in aquatic ecology as well as a practical knowledge over a range of other disciplines including water quality and land management associated with rivers, lakes and estuaries. She is a director of Streamlined Limited a specialist science consultancy and a member of the Hazardous Substances and Noxious Organisms Committee.

Doctor Hilke Giles is an accredited hearing commissioner and experienced environmental scientist with specialist expertise in coastal, marine and systems science with a strong focus on assessing, monitoring and managing environmental effects on anthropogenic activities.

She is currently the managing director of Pisces Consulting Limited and has worked in roles of research, and regional council and has a robust and broad and practical understanding of New Zealand's coastal environment.

18. All have identified they have no conflict with parties and are available to hear and decide the Application.
19. Doctors Greg Ryder, Ngaire Phillips and Hilke Giles have satisfied staff they have the necessary criteria including hearing experience and technical ability, RMA accreditation certification, availability, no conflicts of interest, and timeframe commitments to carry out the duties required.

Cost and compliance

Financial implications

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

Risk assessment and legal compliance

21. 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.
22. The RMA provides for financial penalties to apply should the application not be processed within the required timeframe.
23. S34A of the RMA allows Council to delegate functions to hearing commissioners appointed by the Canterbury Regional Council.
24. The Regulation Hearing Committee appoints hearing commissioners in relation to consent authority matters under the RMA.

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| Legal review | Robyn Fitchett, General Counsel |
| Peer reviewers | Aurora Grant |

7.3. Appointment of Hearing Commissioner - Southern Screenworks Limited

Regulation Hearing Committee report

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|-----------------------------|---|
| Date of meeting | Wednesday, 13 December 2023 |
| Author | Alison Cooper, Consents Coordinator |
| Responsible Director | Judith Earl-Goulet, General Manager – Regulatory Services |

Purpose

1. To appoint hearing commissioners to hear and decide resource consent applications CRC231385, CRC233376; CRC231584, CRC233501; CRC235318 and CRC235319 applied for by Southern Screenworks Limited

Recommendations

That the Regulation Hearing Committee:

1. **In regard to resource consent applications CRC231385, CRC233376; CRC231584, CRC233501; CRC235318 and CRC235319 applied for by Southern Screenworks 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, powers and duties required to: deal with any preliminary matters; hear and decide the Application.**

Background

Application

2. Southern Screenworks Limited has applied to Environment Canterbury for resource consents to excavate and take gravel from the bed of three northern rivers – the Hanmer River, Leader River and Mason River, and associated discharge of contaminants to air.
3. The proposal is to extract 8,000 cubic metres of gravel from the Hanmer River adjacent River Road; 7,500 cubic metres from the Leader River downstream of the bridge on Leader Road East; and 24,000 cubic metres from three sites on the Mason River adjacent to and upstream of the Inland Road bridge, and upstream of River Road; over a 5-year period.

4. It is also proposed to install and use and remove temporary culverts at all the sites.

Notification

5. The s95 notification reports provide a full description of the proposed activity, the affected environment, consultation undertaken and legal and planning matters. A recommendation to limited notify the applications was made as it was considered there was an adversely affected party.
6. The notification report notes the initial consultation undertaken with Kaikōura Rūnanga.
7. Kaikōura Rūnanga was limited notified of the application and submitted opposing the applications and wishing to be heard. The concern of the submitter is there is no baseline understanding of downstream effects or replenishment rates; and affects on the mauri of the awa.
8. A hearing is required as there is a submitter to be heard.

Proposed Hearing Commissioners

9. Council's Hearing Policy outlines the criteria of 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. It is expected that the hearing will take 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 fair hearing, 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 above in paragraph 9 and 11. The Ministry for the Environment (MfE) website was checked to confirm "Making Good Decisions" certification and where appropriate Chair endorsement. On this basis the following commissioner is recommended.
13. It is recommended that that Ken Gimblett be appointed. He is an accredited and very experienced hearing commissioner as either a sole commissioner, chair or panel member. He has a good understanding of cultural matters as well as an understanding of regional planning and able to run a fair hearing.

14. He has over 30 years' experience in statutory and environmental planning in both regional and district council matters. He is a partner of Boffa Miskell.
15. He has identified that he has no conflict with parties and is available to hear and decide the Application.
16. Mr Gimblett has satisfied staff he has the necessary criteria including hearing experience and technical ability, RMA accreditation certification, availability, no conflicts of interest, and timeframe commitments to carry out the duties required.

Cost and compliance

Financial implications

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

Risk assessment and legal compliance

18. 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.
19. The RMA provides for financial penalties to apply should the application not be processed within the required timeframe.
20. S34A of the RMA allows Council to delegate functions to hearing commissioners appointed by the Canterbury Regional Council.
21. The Regulation Hearing Committee appoints hearing commissioners in relation to consent authority matters under the RMA.

| | |
|-----------------------|---------------------------------|
| Legal review | Robyn Fitchett, General Counsel |
| Peer reviewers | Aurora Grant |

7.4. Appointment of Hearing Commissioner - Yoursection FV limited

Regulation Hearing Committee report

| | |
|-----------------------------|---|
| Date of meeting | Wednesday, 13 December 2023 |
| 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 CRC240905 applied for by Yoursection FV Limited (the “Application”)

That the Regulation Hearing Committee:

1. **In regard to resource consent application CRC240905 applied for by Yoursection FV Limited (the “Application”):**
 - 1.1 **appoints Andrew Henderson as a Hearing Commissioner under s34A of the Resource Management Act 1991; and**
 - 1.2 **delegates to Andrew Henderson 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. Yoursection FV Limited has applied to Environment Canterbury to change conditions of an existing consent CRC234728 to discharge operational-phase stormwater to land generated from roading, hardstands, paths and other impervious surfaces which are part of a 315-lot subdivision at 151 and 153 Lincoln Rolleston Road, Rolleston.
3. The applicant wishes to remove the requirement for treatment devices to treat heavy metals in the stormwater discharge.

Notification

4. The s95 notification reports provide a full description of the proposed activity, the affected environment, consultation undertaken and legal and planning matters. A recommendation to limited notify the applications was made as it was considered the adverse effects are likely to be at least minor.

5. Te Taumutu and Ngāi Tūāhuriri Rūnanga were limited notified of the application and submitted opposing the application because of the impact on water quality. Te Taumutu Rūnanga wish to be heard.
6. A hearing is required as there is a submitter to be heard.

Proposed Hearing Commissioners

7. Council's Hearing Policy outlines the criteria of 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.
8. It is expected that the hearing will take one day.
9. 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 fair hearing, the ability to understand and evaluate the key issues and provide a written decision.
10. A list of potential candidates was prepared, and candidates were screened against the selection criteria listed above in paragraph 9 and 11. The Ministry for the Environment (MfE) website was checked to confirm "Making Good Decisions" certification and where appropriate Chair endorsement. On this basis the following commissioner is recommended.
11. It is recommended that that Andrew Henderson be appointed. He is an accredited hearing commissioner and has over 20 years' experience in planning covering roles in local government and private practice. He has a depth of experience in land use planning and policy development. He is a director of Aoraki Environmental Consultancy and has a good understanding of Māori values along with resource management expertise.
12. He has identified that he has no conflict with parties and is available to hear and decide the Application.
13. Mr Henderson has satisfied staff he has the necessary criteria including hearing experience and technical ability, RMA accreditation certification, availability, no conflicts of interest, and timeframe commitments to carry out the duties required.

Cost and compliance

Financial implications

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

Risk assessment and legal compliance

15. 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.
16. The RMA provides for financial penalties to apply should the application not be processed within the required timeframe.
17. S34A of the RMA allows Council to delegate functions to hearing commissioners appointed by the Canterbury Regional Council.
18. The Regulation Hearing Committee appoints hearing commissioners in relation to consent authority matters under the RMA.

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| Legal review | Robyn Fitchett, General Counsel |
| Peer reviewers | Aurora Grant |

7.5. Appointment of Hearing Commissioner - Alford Park Ltd

Regulation Hearing Committee report

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|-----------------------------|---|
| Date of meeting | Wednesday, 13 December 2023 |
| 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 CRC082614 applied for by Alford Park Limited (the “Application”)

That the Regulation Hearing Committee:

1. **In regard to resource consent application CRC082614 applied for by Alford Park Limited (the “Application”):**
 - 1.1 **appoints Paul Rogers as a Hearing Commissioner under s34A of the Resource Management Act 1991; and**
 - 1.2 **delegates to Paul Rogers 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. Alford Park Limited applied to Canterbury Regional Council for a water permit to take water from Taylors Stream in the Hakatere/Ashburton River catchment during times of high flow. Water would be stored in a pond and used under existing consents for irrigation at 2535 Ashburton Staveley Road. Ashburton.
3. The taking of water will be subject to minimum flows specified in the ‘B allocation block’ in the Canterbury Land and Water Regional Plan.
4. A consent term expiring 26 September 2030 is sought.

Notification

5. The s95 notification reports provide a full description of the proposed activity, the affected environment, consultation undertaken and legal and planning matters. A recommendation to publicly notify the applications was made as it was concluded the adverse effects are likely to be more than minor.

6. The application was publicly notified with three submissions received. Two were in support – in that the application enabled efficient use and reliability of water; and one opposed – higher minimum flows are required to maintain the health of freshwater ecosystems. Two submitters wish to be heard.
7. A hearing is required as there is a submitter to be heard.

Proposed Hearing Commissioners

8. Council's Hearing Policy outlines the criteria of 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. It is expected that the hearing will take one day.
10. 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 fair hearing, the ability to understand and evaluate the key issues and provide a written decision.
11. A list of potential candidates was prepared, and candidates were screened against the selection criteria listed above in paragraph 8 and 10. The Ministry for the Environment (MfE) website was checked to confirm "Making Good Decisions" certification and where appropriate Chair endorsement. On this basis the following commissioner is recommended.
12. It is recommended that that Paul Rogers be appointed. He is an accredited hearing commissioner with Chair accreditation and a specialist resource management legal practitioner. He is experienced as a sole commissioner, Chair of hearing panels or as a panel member and helped hear and determine complex and challenging resource consent applications including water takes and plan changes. He is a current presenter in the Making Good Decisions recertification course.
13. He has identified that he has no conflict with parties and is available to hear and decide the Application.
14. Mr Rogers has satisfied staff he has the necessary criteria including hearing experience and technical ability, RMA accreditation certification, availability, no conflicts of interest, and timeframe commitments to carry out the duties required.

Cost and compliance

Financial implications

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

Risk assessment and legal compliance

16. 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.
17. The RMA provides for financial penalties to apply should the application not be processed within the required timeframe.
18. S34A of the RMA allows Council to delegate functions to hearing commissioners appointed by the Canterbury Regional Council.
19. The Regulation Hearing Committee appoints hearing commissioners in relation to consent authority matters under the RMA.

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| Legal review | Robyn Fitchett, General Counsel |
| Peer reviewers | Aurora Grant |

7.6. Appointment of Hearing Commissioner - NJ & LM Harris & Harakeke Nominees Ltd

Regulation Hearing Committee report

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|-----------------------------|---|
| Date of meeting | Wednesday, 13 December 2023 |
| 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 CRC181649, CRC181650 and CRC181686 applied for by N J & L M Harris and Harakeke Nominees Limited (the “Application”)

That the Regulation Hearing Committee:

1. **In regard to resource consent application CRC181649, CRC181650 and CRC181686 applied for by N J & L M Harris and Harakeke Nominees 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. Mr N J & Mrs L M Harris & Harakeke Nominees Limited have applied for three consents – CRC181649 - to renew a water permit to take and use surface water; CRC131685 - to take and use surface water to increase the irrigation area by 70 hectares and CRC181650 - to use land for farming on property on Hurunui Mouth Road, Domett.
3. A consent term expiring 1 January 2035 is sought.

Notification

4. The s95 notification reports provide a full description of the proposed activity, the affected environment, consultation undertaken and legal and planning matters. The applicant requested the application be publicly notified.

5. The application was publicly notified with four submissions being received. Two were in support – to enable the continuation of the farming operation at its current level and provide benefit to the community; and two opposed – decline in water quality and loss of diversity; and concern about the effect of water abstractions on the mauri of ground and surface water. Ngāi Tūāhuriri Rūnanga wishes to be heard.
6. A hearing is required as there is a submitter to be heard.

Proposed Hearing Commissioners

7. Council's Hearing Policy outlines the criteria of 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.
8. It is expected that the hearing will take one day.
9. 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 fair hearing, the ability to understand and evaluate the key issues and provide a written decision.
10. A list of potential candidates was prepared, and candidates were screened against the selection criteria listed above in paragraph 8 and 10. The Ministry for the Environment (MfE) website was checked to confirm "Making Good Decisions" certification and where appropriate Chair endorsement. On this basis the following commissioner is recommended.
11. It is recommended that that Antoinette Besier be appointed. She is an accredited hearing commissioner with Chair accreditation and provides specialist legal and representation in the areas of resource management, local government and criminal law. She has worked as a planner both in local government and private practice and sat as a sole commissioner or on panels. She has a good understanding of cultural matters.
12. She has identified that she has no conflict with parties and is available to hear and decide the Application.
13. Ms Besier has satisfied staff she has the necessary criteria including hearing experience and technical ability, RMA accreditation certification, availability, no conflicts of interest, and timeframe commitments to carry out the duties required.

Cost and compliance

Financial implications

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

Risk assessment and legal compliance

15. 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.
16. The RMA provides for financial penalties to apply should the application not be processed within the required timeframe.
17. S34A of the RMA allows Council to delegate functions to hearing commissioners appointed by the Canterbury Regional Council.
18. The Regulation Hearing Committee appoints hearing commissioners in relation to consent authority matters under the RMA.

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| Legal review | Robyn Fitchett, General Counsel |
| Peer reviewers | Aurora Grant |

7.7. Appointment of Hearing Commissioner - Talley's Limited

Regulation Hearing Committee report

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|-----------------------------|---|
| Date of meeting | Wednesday, 13 December 2023 |
| 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 CRC230275 applied for by Talley's Limited (the "Application")

That the Regulation Hearing Committee:

1. **In regard to resource consent application CRC230275 applied for by Talley's Limited (the "Application"):**
 - 1.1 **appoints Mark Geddes as a Hearing Commissioner under s34A of the Resource Management Act 1991; and**
 - 1.2 **delegates to Mark Geddes 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. Talley's Limited have applied for resource consent to discharge factory processing wastewater, farm vehicle wash water and stormwater from their Fairton processing factory at 125 Fairton Road, Fairton.
3. The applicant wishes to increase the average weekly volume of factory processing wastewater discharge via irrigation to 48,000 cubic metres per week.
4. A consent expiry date of 21st March 2041 is requested.

Notification

5. The s95 notification reports provide a full description of the proposed activity, the affected environment, consultation undertaken and legal and planning matters and a recommendation to publicly notify the application because the proposed activities will have or are likely to have adverse effects on the environment that are more than minor.

6. The application was publicly notified with two submissions being received in opposition and wishing to be heard.
7. Submitter concerns included impact of increased nitrate contamination to groundwater and existing drinking water supply bore for Fairton School; and that the increased nitrates discharge would not lead to an improvement in groundwater quality in the area.
8. One submitter has subsequently withdrawn their right to be heard.
9. A pre-hearing meeting has been held between the applicant and remaining submitter.
10. A hearing is required as there is a submitter to be heard.

Proposed Hearing Commissioners

11. Council's Hearing Policy outlines the criteria of 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.
12. It is expected that the hearing will take one day.
13. 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 fair hearing, the ability to understand and evaluate the key issues and provide a written decision.
14. A list of potential candidates was prepared, and candidates were screened against the selection criteria listed above in paragraph 11 and 13. The Ministry for the Environment (MfE) website was checked to confirm "Making Good Decisions" certification and where appropriate Chair endorsement. On this basis the following commissioner is recommended.
15. It is recommended that that Mark Geddes be appointed. He has over 23 years' experience in resource management planning in both the private and public sectors. He is also an accredited hearing commissioner with the Chair endorsement and is a full member of the New Zealand Planning Institute. His field of expertise includes consenting, district and regional planning, extractive development, renewable energy Te Ao Māori, coastal and natural values and hazards. He is a director of Perspective Consulting Limited.

16. He has identified that he has no conflict with parties and is available to hear and decide the Application.
17. Mr Geddes has satisfied that he has the necessary criteria including hearing experience and technical ability, RMA accreditation certification, availability, no conflicts of interest, and timeframe commitments to carry out the duties required.

Cost and compliance

Financial implications

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

Risk assessment and legal compliance

19. 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.
20. The RMA provides for financial penalties to apply should the application not be processed within the required timeframe.
21. S34A of the RMA allows Council to delegate functions to hearing commissioners appointed by the Canterbury Regional Council.
22. The Regulation Hearing Committee appoints hearing commissioners in relation to consent authority matters under the RMA.

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| Legal review | Robyn Fitchett, General Counsel |
| 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. Karakia Whakamutunga - Closing

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