

CANTERBURY REGIONAL COUNCIL  
*Kaunihera Taiao ki Waitaha*

# AGENDA|2018

## **Regulation Hearing Committee**

Thursday, 13 December 2018

.....

Time: 8.30am

Venue: Council Chamber,  
200 Tuam Street, Christchurch





# Regulation Hearing Committee

## Membership

**Chair**

Peter Skelton

**Members:**

Cr Claire McKay  
Cr Elizabeth Cunningham  
Cr Lan Pham  
Cr Peter Scott  
Cr Tom Lambie



**ENVIRONMENT CANTERBURY  
REGULATION HEARING COMMITTEE**

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## **1. Apologies**

## **2. Conflict of Interest**

## **3. Minutes**

### **3.1. Minutes from 29 November 2018**

Refer to attachment on following page.

## REGULATION HEARING COMMITTEE

Minutes of the meeting held in the  
Council Chamber, 200 Tuam Street, Christchurch, on  
Thursday, 29 November 2018 at 8.00am

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- 1.0 Apologies
- 2.0 Conflict of Interest
- 3.0 Minutes of Meeting – 15 November 2018
- 4.0 Matters Arising
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  - 6.3 Resource Consent Application for Consideration by the Committee
- 7.0 Extraordinary and Urgent Business
- 8.0 Next Meeting
- 9.0 Closure

### PRESENT

Councillors Peter Skelton (Chairperson), Elizabeth Cunningham, Claire McKay, Tom Lambie, Peter Scott and Lan Pham

### IN ATTENDANCE

Virginia Loughnan (Consents Planning Manager), Deepani Seneviratna (Team Leader Consents Planning), Rhett Klopper (Consents Planner), Alison Cooper (Consent Hearings Officer)

#### 1. APOLOGIES

There were no apologies.

#### 2. CONFLICT OF INTEREST

No conflicts of interest were declared.

#### 3. MINUTES OF MEETING – 15 NOVEMBER 2018

**Resolved:**

**The Regulation Hearing Committee:**

**Confirms the minutes of the meeting held on 15 November 2018 as a true and correct record.**

Cr Cunningham / Cr Lambie  
CARRIED

**4. MATTERS ARISING**

**Resource consent - CRC182795**

It was noted that condition 9(b) wording had been amended so substances were also not accepted onsite and to be included on the sign. Corrected decision documents have been issued to the consent holder.

**Item 6.3 – Appointment of Independent Commissioner – Cloud Ocean Water Limited Application**

C McKay requested clarification if Aotearoa Water Action were able to present a submission to the Hearing Commissioner regarding the notification decision on application CRC192153 to be held by Cloud Ocean Water Limited. It was advised that as it was not a formal submission to a hearing process, a hearing would not be held.

**5. DEPUTATIONS AND PETITIONS**

There were no deputations or petitions.

**6. ITEMS FOR DISCUSSION**

**6.1 Appointment of Hearing Commissioners –Tullyhue Farm Limited**

**Resolved:**

**That the Regulation Hearing Committee in regard to resource consent applications CRC181789, CRC181790 and CRC191588 to be held by Tullyhue Farm Limited:**

- 1. Appoints Kenneth Lawn as a Hearings Commissioner, and Chairperson and member of the Hearing Panel under s34A of the Resource Management Act 1991; and**
- 2. Appoints Yvette Couch-Lewis as a Hearings Commissioner, and member of the Hearing Panel under s34A of the Resource Management Act 1991**
- 3. Delegates to Kenneth Lawn and Yvette Couch-Lewis, pursuant to s34A(1) Resource Management Act 1991, the function, powers and duties required to: deal with any preliminary matters; hear; and decide the resource consent applications and in the event of an equality of votes provides Kenneth Lawn with a casting vote.**

Cr Pham / Cr Lambie  
CARRIED

**6.2 Appointment of Hearing Commissioner – Hurunui District Council**

**Resolved:**

**That the Regulation Hearing Committee in regard to resource consent application CRC192329 to be held by Hurunui District Council:**



1. **Appoints Kenneth Lawn as a Hearings Commissioner under s34A of the Resource Management Act 1991; and**
2. **Delegates to Kenneth Lawn pursuant to s34A(1) of the Resource Management Act 1991, the function, powers and duties required to: deal with any preliminary matters; consider and decide the resource consent application.**

Cr McKay / Cr Scott  
CARRIED

Councillor Lambie advised he would not be taking part in the discussion and decision in regard to Item 6.3.

At the invitation of the Chairperson, Councillor McKay lead the discussion on this item.

**6.3 Resource Consent Applications for Consideration by the Committee – CRC185815 and CRC185831 to be held by Lyttelton Port Company Limited**

Councillor McKay summarised the application under consideration referring to the S42A report and comprehensive application by the applicant, the Lyttelton Port Company Limited.

She said it was important to note that the applicant, Lyttelton Port Company Limited, has applied to dredge and deposit 50,000 cubic metres of dredge material extracted by a back-hoe dredge; and that consents and certificates of compliance were already held for the mainstream dredging of the cruise berth site.

She further noted that the application was limited notified due to potential adverse effects on cultural values to two parties and that no submissions had been received.

Councillor McKay outlined the planning matters that needed to be considered and that consent was required as the overall proposal was a discretionary activity.

She also said that the s42A report and application referred to consultation with affected parties; gave an assessment of actual and potential effects and noted that as Gollans Bay had been subject to dredging spoil for some years, the actual and potential effects were assessed as being no more than minor, and any mitigation being noted in conditions. In consideration of alternative options it was noted the applicant believed that using the alternative off-shore dumping ground would be challenging due to sea conditions.

Councillor McKay confirmed the relevant Objectives and Policies as well as relevant Part 2 Matters had been discussed in the s42A report and that the Reporting Officer had recommended the application be granted subject to conditions.

Councillor Pham asked what was considered a “short-term” timeframe as no monitoring was proposed under this application. Rhett Kloppe advised he considered this proposal was another dredging campaign and would be monitored under existing dredging consents. Councillor Pham asked if more monitoring should be undertaken.

**Unconfirmed**

It was agreed that a monitoring condition should be included and agreed to amend condition 9 (Dredge Management Plan) for both consents with the addition of a new sub-clause (g) 'How monitoring required by CRC183176 is to be undertaken during the exercise of this resource consent.'

**Resolved:**

**That the Regulation Hearing Committee acting pursuant to a delegation of the Council dated 25 August 2016:**

- 1. having considered all relevant provisions of the Resource Management Act 1991; and**
- 2. for the reasons set out in the Section 42A report which is adopted;**

**Grants consent to applications CRC185815 to deposit dredge material on the seabed; and CRC185831 to discharge contaminants (seabed material and water) into water located at Gollans Bay, Lyttelton Harbour, to be held by Lyttelton Port Company Limited for a period of four years;**

**Subject To the amended conditions, attached as Appendix 1.**

Cr McKay / Cr Scott  
CARRIED

**6. EXTRAORDINARY AND URGENT BUSINESS**

There was no extraordinary or urgent business.

**7. NEXT MEETING - To be confirmed.**

**8. CLOSURE - The Chairperson declared the meeting closed at 9.03 am**

**CONFIRMED**

**Date:** \_\_\_\_\_

**Chairperson:** \_\_\_\_\_

## Appendix 1

Consent Holder: Lyttelton Port Company Limited

**CRC185815** - To deposit dredge material on the seabed

Duration: 4 Years

	DEFINITIONS
0	<p>“Back-Hoe Dredge” means a hydraulic excavator mounted on a vessel, barge or pontoon (whether motorised or not) which removes seabed material with a bucket or clamshell.</p> <p>“Consent Authority Manager” means the Canterbury Regional Council, Attention: Regional Leader, Monitoring and Compliance.</p> <p>“Dredge Spoil” means seabed material that has been removed by a dredge and is to be disposed of at the designated spoil dumping ground.</p> <p>“Tangata Whenua” means Te Rūnanga O Ngāti Wheke (Rāpaki) and Te Rūnanga O Ngai Tahu (TRONT)</p>
	LIMITS
1	The deposition (dumping) of Dredge Spoil taken from the dredging of the cruise ship berth pocket and revetment shall only occur at the Gollans Bay disposal ground marked in green on Plan CRC185815, attached to and forming part of this resource consent.
2	The maximum volume of seabed material deposited (dumped) by the dredge vessel at the Gollans Bay disposal grounds identified in condition (1) shall not exceed a total of 50,000 cubic metres of in situ sediment.
3	The seabed material deposited (dumped) at Gollans Bay in accordance with condition (2) shall be deposited from a Back-Hoe Dredge or a barge that has been filled with dredge spoil from a Back-Hoe Dredge. For avoidance of doubt, a trailer suction hopper dredge cannot be used to deposit seabed material at Gollans Bay.
4	The disposal of dredge spoil at the Gollans Bay disposal ground under conditions (1) and (2) shall not occur in the same calendar year as disposal of maintenance dredge spoil at Gollans Bay authorised under CRC183176.

	<b>NOTIFICATION AND RECORDS</b>
5	Prior to the commencement of the spoil disposal activities authorised under condition (1) above, the consent holder shall provide a programme of intended dredging and spoil disposal activities, including details of the dredge to be used at the disposal ground. The programme shall be submitted to the Consent Authority Manager and Tangata Whenua not less than two weeks prior to the commencement of the spoil disposal activities.
6	The consent holder shall keep records detailing the timing, quantities and location of seabed material dredged, and the dredge spoil disposed of at the disposal grounds. These records shall be submitted to the Consent Authority Manager and Tangata Whenua within one month of completion of disposal or at any time upon request from the Consent Authority.
	<b>DREDGE MANAGEMENT PLAN (DMP)</b>
7	<p>At least two weeks prior to the commencement of the spoil disposal activities the consent holder shall provide to the Consent Authority Manager a Dredge Management Plan (DMP) for each dredge vessel used. A copy of the DMP shall be provided at the same time to the Tangata Whenua as it is provided to the Consent Authority.</p> <p><b>ADVICE NOTE:</b> <i>The DMP may be combined with a Construction and Environmental Management Plan prepared by the consent holder for the cruise berth project. If this is the case, then the CEMP shall be provided to the Consent Authority Manager and to Tangata Whenua.</i></p>
8	The purpose of the DMP shall be to specify how practices and procedures will ensure that any actual or potential adverse effects on the marine receiving environment are avoided or otherwise mitigated to the greatest extent practicable.
9	<p>The DMP shall include a description of:</p> <ul style="list-style-type: none"> <li>a. The dredge to be used;</li> <li>b. The dredging methodology to be used;</li> <li>c. How the location and quantities of dredge spoil are recorded;</li> <li>d. The maintenance of equipment and systems;</li> <li>e. The storage and handling of hazardous substances; and</li> <li>f. Any other necessary measures to avoid or mitigate any actual or potential adverse effects on the receiving environment associated with disposal activities.</li> </ul>

	g. How monitoring required by CRC183176 is to be undertaken during the exercise of this resource consent.
10	The consent holder shall, on request from the Consent Authority Manager, provide evidence of the processes that are used to ensure that the dredging contractor and all staff are familiar with the conditions contained in this resource consent and the DMP, and all responsibilities to ensure compliance.
	<b>BIOSECURITY MANAGEMENT PLAN (BMP)</b>
11	If the consent holder deploys the dredge vessel directly from overseas to operate under this consent, then a Biosecurity Management Plan (BMP) shall be prepared and implemented in accordance with conditions (12) and (13).
12	At least two weeks prior to the arrival of the dredge vessel in New Zealand, the consent holder shall provide a BMP to the Consent Authority Manager. A copy of the BMP shall be provided at the same time to Tangata Whenua as is provided to the Consent Authority.
13	<p>The purpose of the BMP shall be to reduce the risk of a biosecurity incursion to the greatest extent practicable. The BMP shall include the following:</p> <ul style="list-style-type: none"> <li>a. A description of the dredge vessel and its attributes that affect risk, including key operational attributes (voyage speed, periods of idle time), maintenance history (including prior inspection and cleaning undertaken), and voyage history since last dry-docking and antifouling (countries visited and duration of stay);</li> <li>b. A description of the key sources of potential marine biosecurity risk from ballast water, sediments and biofouling. This shall cover the hull, niche areas, and associated equipment, and consider both submerged and above water surfaces;</li> <li>c. Findings from any previous inspections;</li> <li>d. A description of the risk mitigation taken prior to arrival in New Zealand, including: <ul style="list-style-type: none"> <li>a. Routine preventative treatment measures and their efficacy, including the age and condition of the antifouling coating, and marine growth prevention systems for sea chests and internal sea water systems;</li> <li>b. Specific treatments for submerged and above-water surfaces that will be undertaken to address HIS and CRMS requirements prior to departure for New Zealand. These shall include in water removal of biofouling, or above water cleaning to remove sediment;</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>c. Additional risk mitigation planned during transit to New Zealand, including expected procedures for ballast water management;</li> <li>d. Expected desiccation period of above-water surfaces on arrival to New Zealand;</li> <li>e. The nature and extent of pre-border inspection that will be undertaken to verify compliance with HIS and CRMS requirements; and</li> <li>f. Record keeping and documentation of all mitigation undertaken (prior to and during transit to New Zealand) to enable border verification if requested by Ministry for Primary Industries or its successor, and to facilitate final clearance.</li> </ul>
14	The BMP shall be prepared by a person who is suitably qualified and experienced in managing the risk of biosecurity incursions.
15	The BMP Shall be approved in writing by the Consent Authority Manager acting in a technical Certification capacity prior to the commencement of the first disposal authorised by this consent and the consent holder shall undertake all activities authorised by this resource consent in accordance with the approved BMP.
16	Any amendment of the BMP shall be approved in writing by the Consent Authority Manager acting in a technical certification capacity and the consent holder shall undertake all activities authorised by this resource consent in accordance with the approved BMP. A copy of the BMP shall be provided to Tangata Whenua, following certification.
	<b>ADMINISTRATION</b>
17	The Canterbury Regional Council may, once per year, on any of the last five working days of May or November, serve notice of its intention to review the conditions of this consent for the purposes of dealing with any adverse effect on the environment which may arise from the exercise of the consent.

Consent Holder: Lyttelton Port Company Limited

**CRC185831** - To discharge contaminants (seabed material and water) into water

Duration: 4 Years

	<b>DEFINITIONS</b>
0	<p>“Back-Hoe Dredge” means a hydraulic excavator mounted on a vessel, barge or pontoon (whether motorised or not) which removes seabed material with a bucket or clamshell.</p> <p>“Consent Authority Manager” means the Canterbury Regional Council, Attention: Regional Leader, Monitoring and Compliance.</p> <p>“Dredge Spoil” means seabed material that has been removed by a dredge and is to be disposed of at the designated spoil dumping ground.</p> <p>“Tangata Whenua” means Te Rūnanga O Ngāti Wheke (Rāpaki) and Te Rūnanga O Ngai Tahu (TRONT)</p>
	<b>LIMITS</b>
1	The discharge of seabed material to coastal waters associated with the disposal of dredge spoil taken from the dredging of the cruise ship berth pocket and revetment shall only occur at the Gollans Bay disposal ground marked in green on Plan CRC185831, attached to and forming part of this resource consent.
2	The maximum volume of seabed material discharged by the dredge vessel at the Gollans Bay disposal grounds identified in condition (1) shall not exceed a total of 50,000 cubic metres of in situ sediment.
3	The seabed material discharged at Gollans Bay in accordance with condition (2) shall be discharged from a Back- Hoe Dredge or a barge that has been filled with dredge spoil from a Back- Hoe Dredge. For avoidance of doubt, a trailer suction hopper dredge cannot be used to discharge seabed material at Gollans Bay.
4	The discharge of seabed material associated with disposal of dredge spoil at the Gollans Bay disposal ground under conditions (1) and (2) shall not occur in the same calendar year as disposal of maintenance dredge spoil at Gollans Bay authorised under CRC183176.

	<b>NOTIFICATION AND RECORDS</b>
5	Prior to the commencement of the spoil disposal activities authorised under condition (1) above, the consent holder shall provide a programme of intended dredging and spoil disposal activities, including details of the dredge to be used at the disposal ground. The programme shall be submitted to the Consent Authority Manager and Tangata Whenua not less than two weeks prior to the commencement of the spoil disposal activities.
6	The consent holder shall keep records detailing the timing, quantities and location of seabed material dredged, and the dredge spoil disposed of at the disposal grounds. These records shall be submitted to the Consent Authority Manager and Tangata Whenua within one month of completion of disposal or at any time upon request from the Consent Authority.
	<b>DREDGE MANAGEMENT PLAN (DMP)</b>
7	<p>At least two weeks prior to the commencement of the spoil disposal activities the consent holder shall provide to the Consent Authority Manager a Dredge Management Plan (DMP) for each dredge vessel used. A copy of the DMP shall be provided at the same time to the Tangata Whenua as it is provided to the Consent Authority.</p> <p><b>ADVICE NOTE:</b> <i>The DMP may be combined with a Construction and Environmental Management Plan prepared by the consent holder for the cruise berth project. If this is the case, then the CEMP shall be provided to the Consent Authority Manager and to Tangata Whenua.</i></p>
8	The purpose of the DMP shall be to specify how practices and procedures will ensure that any actual or potential adverse effects on the marine receiving environment are avoided or otherwise mitigated to the greatest extent practicable.
9	<p>The DMP shall include a description of:</p> <ul style="list-style-type: none"> <li>a. The dredge to be used;</li> <li>b. The dredging methodology to be used;</li> <li>c. How the location and quantities of dredge spoil are recorded;</li> <li>d. The maintenance of equipment and systems;</li> <li>e. The storage and handling of hazardous substances;</li> <li>f. Any other necessary measures to avoid or mitigate any actual or potential adverse effects on the receiving environment associated with disposal activities.</li> </ul>



	g. How monitoring required by CRC183176 is to be undertaken during the exercise of this resource consent.
10	The consent holder shall, on request from the Consent Authority Manager, provide evidence of the processes that are used to ensure that the dredging contractor and all staff are familiar with the conditions contained in this resource consent and the DMP, and all responsibilities to ensure compliance.
	<b>BIOSECURITY MANAGEMENT PLAN (BMP)</b>
11	If the consent holder deploys the dredge vessel directly from overseas to operate under this consent then a Biosecurity Management Plan (BMP) shall be prepared and implemented in accordance with conditions (12) and (13).
12	At least two weeks prior to the arrival of the dredge vessel in New Zealand, the consent holder shall provide a BMP to the Consent Authority Manager. A copy of the BMP shall be provided at the same time to Tangata Whenua as is provided to the Consent Authority.
13	<p>The purpose of the BMP shall be to reduce the risk of a biosecurity incursion to the greatest extent practicable. The BMP shall include the following:</p> <ul style="list-style-type: none"> <li>a. A description of the dredge vessel and its attributes that affect risk, including key operational attributes (voyage speed, periods of idle time), maintenance history (including prior inspection and cleaning undertaken), and voyage history since last dry-docking and antifouling (countries visited and duration of stay);</li> <li>b. A description of the key sources of potential marine biosecurity risk from ballast water, sediments and biofouling. This shall cover the hull, niche areas, and associated equipment, and consider both submerged and above water surfaces;</li> <li>c. Findings from any previous inspections;</li> <li>d. A description of the risk mitigation taken prior to arrival in New Zealand, including: <ul style="list-style-type: none"> <li>a. Routine preventative treatment measures and their efficacy, including the age and condition of the antifouling coating, and marine growth prevention systems for sea chests and internal sea water systems;</li> <li>b. Specific treatments for submerged and above-water surfaces that will be undertaken to address HIS and CRMS requirements prior to departure for New Zealand. These shall include inwater removal of biofouling, or above water cleaning to remove sediment;</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>c. Additional risk mitigation planned during transit to New Zealand, including expected procedures for ballast water management;</li> <li>d. Expected desiccation period of above-water surfaces on arrival to New Zealand;</li> <li>e. The nature and extent of pre-border inspection that will be undertaken to verify compliance with HIS and CRMS requirements; and</li> <li>f. Record keeping and documentation of all mitigation undertaken (prior to and during transit to New Zealand) to enable border verification if requested by Ministry for Primary Industries or its successor, and to facilitate final clearance.</li> </ul>
14	The BMP shall be prepared by a person who is suitably qualified and experienced in managing the risk of biosecurity incursions.
15	The BMP Shall be approved in writing by the Consent Authority Manager acting in a technical Certification capacity prior to the commencement of the first disposal authorised by this consent and the consent holder shall undertake all activities authorised by this resource consent in accordance with the approved BMP.
16	Any amendment of the BMP shall be approved in writing by the Consent Authority Manager acting in a technical certification capacity and the consent holder shall undertake all activities authorised by this resource consent in accordance with the approved BMP. A copy of the BMP shall be provided to Tangata Whenua, following certification.
	<b>ADMINISTRATION</b>
17	The Canterbury Regional Council may, once per year, on any of the last five working days of May or November, serve notice of its intention to review the conditions of this consent for the purposes of dealing with any adverse effect on the environment which may arise from the exercise of the consent.

## **4. Matters Arising**

## **5. Deputations and Petitions**

## 6. Items for discussion

### 6.1. Appointment of Hearing Commissioner - Kaikoura District Council

#### Regulation Hearing Committee paper

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<b>Date of meeting</b>	13 December 2018
<b>Agenda item</b>	6.1
<b>Consents Manager</b>	Virginia Loughnan
<b>Author</b>	Alison Cooper

#### Purpose

1. To appoint a Hearing Commissioner to consider and decide resource consent applications CRC191229, CRC191230, CRC191231, and CRC192615 to be held by Kaikoura District Council.

#### Recommendations

**That the Regulation Hearing Committee in regard to resource consent application(s) CRC191229, CRC191230, CRC191231, and CRC192615 to be held by Kaikoura District Council:**

- 1. Appoints Sharon McGarry as a Hearings Commissioner under s34A of the Resource Management Act 1991; and**
- 2. Delegates to Sharon McGarry pursuant to s34A(1) Resource Management Act 1991, the function, powers and duties required to: deal with any preliminary matters; consider; and decide the resource consent applications.**

#### Background

2. Kaikoura District Council has applied for a change conditions to three current resource consents; and one new consent relating to the Kaikoura Wastewater Treatment Plant.
3. The consents are necessary to provide for recovery from the Kaikoura earthquakes and improve the resilience of the sewerage treatment facility by relocating the aeration lagoon.
4. Environment Canterbury has supplied significant internal expertise preparing the application on behalf of the Kaikoura District Council.

5. It is considered that because of this input in to the non-notified application, an independent decision-maker be appointed to decide the application.

## **Proposed Commissioners**

6. Sharon McGarry has satisfied Council staff she has the necessary criteria, including technical ability, RMA Accreditation certification, availability and timeframe commitments to carry out the duties required.

## **Legal compliance**

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

<b>Peer reviewers</b>	Virginia Loughnan
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**7. Extraordinary and Urgent Business**

**8. Next Meeting - to be confirmed**

**9. Closure**