

CANTERBURY REGIONAL COUNCIL  
*Kaunihera Taiao ki Waitaha*

# AGENDA|2019

**Regulation Hearing  
Committee**

Thursday, 31 January 2019

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Time: 8.30am

Venue: Council Chamber,  
200 Tuam Street, Christchurch



# Regulation Hearing Committee

## Membership

**Chair**

Cr Peter Skelton

**Members:**

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

**ENVIRONMENT CANTERBURY  
REGULATION HEARING COMMITTEE**

**TABLE OF CONTENTS**

<b>1. Apologies .....</b>	<b>4</b>
<b>2. Conflict of Interest .....</b>	<b>4</b>
<b>3. Minutes .....</b>	<b>4</b>
3.1. Minutes from 13 December 2018 (to be tabled) .....	4
<b>4. Matters Arising.....</b>	<b>4</b>
<b>5. Deputations and Petitions .....</b>	<b>5</b>
<b>6. Items for discussion .....</b>	<b>6</b>
6.1. Appointment of Independent Commissioner - Pigeon Bay Aquaculture Limited .	6
6.2. Appointment of External Decision-maker - Kaikōura District Council .....	8
6.3. Appointment of Decision Maker to hear and decide objection to costs of resource consent CRC185377 .....	11
<b>7. Extraordinary and Urgent Business .....</b>	<b>13</b>
<b>8. Next Meeting - to be confirmed .....</b>	<b>13</b>
<b>9. Closure .....</b>	<b>13</b>

## **1. Apologies**

## **2. Conflict of Interest**

## **3. Minutes**

### **3.1. Minutes from 13 December 2018 (to be tabled)**

Minutes will be tabled at the meeting.

## **4. Matters Arising**

## **5. Deputations and Petitions**

## 6. Items for discussion

### 6.1. Appointment of Independent Commissioner - Pigeon Bay Aquaculture Limited

#### Regulation Hearing Committee paper

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<b>Date of meeting</b>	31 January 2019
<b>Agenda item</b>	
<b>Consents Manager</b>	Virginia Loughnan
<b>Author</b>	Tavisha Fernando

#### Purpose

1. To appoint an Independent Hearing Commissioner to consider, hear and decide resource consent application CRC175136 lodged by Pigeon Pay Aquaculture Limited.

#### Recommendations

**That the Regulation Hearing Committee in regard to resource consent application CRC175136 to be held by Pigeon Bay Aquaculture :**

1. **Appoints Sharon McGarry as a Hearings Commissioner, and member of the Hearing Panel under s34A of the Resource Management Act 1991; and**
2. **Delegates to 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.**

#### Background

2. Pigeon Bay Aquaculture Limited has applied for resource consent to renew coastal permits for a marine farm located in Pig Bay, Banks Peninsula.
3. The application is for ongoing occupation of the Coastal Marine Area and disturbance, placement of structures and deposition on the seabed; to extend the occupation seawards while surrendering the inside area; and to extend to the south west with an additional block of long lines

#### Proposed Commissioners

4. Sharon McGarry has satisfied Council staff they have the necessary criteria, including technical ability, RMA Accreditation certification, availability and timeframe commitments to carry out the duties required as Hearing Panel members.

## Legal compliance

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

## Attachments

Nil

<b>Peer reviewers</b>	Hayleigh Brereton, Catherine Schache
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## 6.2. Appointment of External Decision-maker - Kaikōura District Council

### Regulation Hearing Committee paper

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<b>Date of meeting</b>	31 January 2019
<b>Agenda item</b>	
<b>Consents Manager</b>	Virginia Loughnan
<b>Author</b>	Tavisha Fernando

#### Purpose

1. Appointment of an external Decision Maker to decide a non-notified resource consent application that is an application made by Environment Canterbury, or an Environment Canterbury staff member, immediate family of a staff member, or Councillor.
2. To appoint an Independent Commissioner to consider and decide the non-notification consent applications CRC190566, CRC190567, and CRC190568 lodged by Kaikōura District Council.

#### Recommendations

**That the Regulation Hearing Committee in regard to resource consent application(s) CRC190566, CRC190567, and CRC190568 to be held by Kaikōura District Council :**

1. **Appoints Sharon McGarry as a Hearings Commissioner, and member of the Hearing Panel 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; hear; and decide the resource consent applications.**



## Background

The Kaikōura earthquake in November 2016 caused extensive damage to parts of Kaikōura's waste water network. Kaikōura District Council (the applicant) seek to install a new sewer line along a stretch of Beach Road (SH1), Kaikōura. A number of pressure sewer pump stations will also be installed on private properties; these will be connected to the Beach Road trunk main. Resource consents are required to excavate land, take water for dewatering purposes, and discharge both the dewatering water and construction phase stormwater to the waste water treatment plant or network. The applicant has therefore applied for the following consents:

CRC190566 Land Use Permit (s9) To undertake earthworks over an aquifer

CRC190567 Water Permit (s14) To take groundwater for short term dewatering

CRC190568 Discharge Permit (s15) To discharge construction phase stormwater to land

AND

To discharge dewatering water to KDC waste water treatment plant.

Reasons for recommendation that an external decision maker be appointed:

Environment Canterbury has had significant input into the application. Environment Canterbury Planner Joe Harrison (since departed) wrote the initial application on behalf of Kaikōura District Council in his role as Territorial Authority Liaison. The application has been submitted by Mr. William Loppe, Rebuild Programme Manager at Kaikōura District Council.

To ensure transparency of process it is recommended an Independent Commissioner should consider and decide the non-notification consent application.

## Proposed Commissioners

3. Sharon McGarry has satisfied Council staff they have the necessary criteria, including technical ability, RMA Accreditation certification, availability and timeframe commitments to carry out the duties required as Hearing Panel members.

## Legal compliance

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

## Attachments

Nil

<b>Peer reviewers</b>	Hayleigh Brereton, Catherine Schache
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## 6.3. Appointment of Decision Maker to hear and decide objection to costs of resource consent CRC185377

### Regulation Hearing Committee paper

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<b>Date of meeting</b>	31 January 2019
<b>Consents Manager</b>	Virginia Loughnan, Consents Planning Manager
<b>Author</b>	Louise McDonald, Senior Committee Advisor

#### Purpose

1. To appoint a Hearing Commissioner to hear and decide an objection to the processing costs for resource consent application CRC185377 – John Fletcher Contracting Limited.

#### Recommendations

**That the Regulation Hearing Committee in regard to an objection to the costs of processing application CRC185377 – John Fletcher Contracting Limited.**

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

#### Background

2. John Fletcher of John Fletcher Contracting Ltd has objected to the processing costs of \$1,454.69 invoiced for the Land Use Consent (s13) CRC185377, considering them unreasonable. Mr Fletcher has requested that the objection be heard by a commissioner.

#### Proposed Commissioner

3. Ken Lawn has satisfied Council staff he has the necessary criteria, including technical ability, RMA Accreditation certification, availability and timeframe commitments to carry out the duties required as Commissioner.

#### Legal compliance

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



**7. Extraordinary and Urgent Business**

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

**9. Closure**