


CANTERBURY REGIONAL COUNCIL
Kaunihera Taiao ki Waitaha

AGENDA|2019



**Regulation Hearing
Committee**

Thursday, 12 December 2019

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Time: 8.30am

Venue: Council Chamber,
200 Tuam Street, Christchurch



Regulation Hearing Committee

Membership

Chair

Cr Claire McKay

Members:

Cr Grant Edge
Cr Nicole Marshall
Cr Craig Pauling
Cr Lan Pham

ENVIRONMENT CANTERBURY
REGULATION HEARING COMMITTEE

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1. Apologies

2. Conflict of Interest

3. Deputations and Petitions

4. Minutes

4.1. Minutes from 14 and 28 November 2019

Refer to attachment on following page.

REGULATION HEARING COMMITTEE

Minutes of the meeting held in the
Council Chamber, 200 Tuam Street, Christchurch, on
Thursday, 14 November 2019 at 9.00am

CONTENTS

- 1.0 Apologies
- 2.0 Conflict of Interest
- 3.0 Minutes of Meeting – 7 November 2019
- 4.0 Matters Arising
- 5.0 Deputations and Petitions
- 6.0 Item for Discussion
 - 6.1 Appointment of Hearing Commissioner – Wongan Hills Limited
- 7.0 Extraordinary and Urgent Business
- 8.0 Next Meeting
- 10.0 Closure

PRESENT

Councillors Claire McKay (Chair), Lan Pham and Peter Scott

IN ATTENDANCE

Hayleigh Brereton (Regional Leader Consents Delivery), and Alison Cooper (Consents Hearings Officer)

1. APOLOGIES

There were no apologies.

2. CONFLICT OF INTEREST

No conflicts of interest were declared.

3. MINUTES OF MEETING – 7 NOVEMBER 2019

The Committee clarified and amended Item 2 on page 1 of the minutes by adding the following words to the sentence so it read: It was noted and agreed that it was not a conflict of interest in this matter as the appointment was of a decision maker, and not the decision.

The Regulation Hearing Committee:

Noted the minutes of the meeting held on 7 November 2019 be taken as read

Cr Scott / Cr Pham
CARRIED

4. MATTERS ARISING

There were no matters arising.

5. DEPUTATIONS AND PETITIONS

There were no deputations or petitions.

6. ITEMS FOR DISCUSSION

6.1 Appointment of Hearing Commissioner – Wongan Hills Limited

Resolved:

That the Regulation Hearing Committee in regard to resource consent applications CRC193743, CRC193745 and CRC193748 to be held by Wongan Hills Limited:

- 1. Appoints Emma Christmas as a Hearings Commissioner under s34A of the Resource Management Act 1991; and**
- 2. Delegates to Emma Christmas, 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.**

Cr Pham / Cr **Scott**

CARRIED

7. EXTRAORDINARY AND URGENT BUSINESS

There was no extraordinary or urgent business.

8. OTHER BUSINESS

Councillor Scott noted that this was his last Regulation Hearing Committee meeting. He noted that Regulation Hearing Committee members should undertake the Good Decision makers course as it added value to the decision-making. He said that changing the terms of reference of the committee should be reconsidered to undertake making decisions on applications.

9. NEXT MEETING - To be advised

10. CLOSURE - The Chairperson declared the meeting closed at 8.39 am

CONFIRMED

Date: _____

Chairperson: _____

REGULATION HEARING COMMITTEE

Minutes of the meeting held in the
Council Chamber, 200 Tuam Street, Christchurch, on
Thursday, 28 November 2019 at 8.30am

CONTENTS

- 1.0 Apologies
- 2.0 Conflict of Interest
- 3.0 Minutes of Meeting – 14 November 2019
- 4.0 Matters Arising
- 5.0 Deputations and Petitions
- 6.0 Item for Discussion
 - 6.1 Appointment of Hearing Commissioner – Fulton Hogan Limited
- 7.0 Extraordinary and Urgent Business
- 8.0 Next Meeting
- 10.0 Closure

PRESENT

Councillors Claire McKay (Chair), Grant Edge, Nicole Marshall, and Craig Pauling

IN ATTENDANCE

Tania Harris (Senior Manger Operational Support), Marie Dysart (Solicitor) and Alison Cooper (Consents Hearings Officer)

1. APOLOGIES

It was moved that the apology of Councillor L Pham be received.

Cr McKay/Cr Edge
CARRIED

2. CONFLICT OF INTEREST

No conflicts of interest were declared.

3. MINUTES OF MEETING – 14 NOVEMBER 2019

The amended minutes of the 14 November 2019 were tabled, with the minutes to come back for approval at a subsequent meeting due to unavailability of a committee member, who was at the meeting.

4. MATTERS ARISING

There were no matters arising.

5. DEPUTATIONS AND PETITIONS

There were no deputations or petitions.

6. ITEMS FOR DISCUSSION

Marie Dysart advised that the return of the application was incorrectly stated in paragraph 2. She noted an application is returned under s88(3) of the Resource Management Act 1991.

Councillor Edge asked for clarification of a return of application under s88; and a s92 request for further information. It was explained that a return of an application under s88 was because the application did not have all the required information as required by Schedule 4 when it was lodged; and a request for further information under s92 could be made once an application had been accepted and it was considered further information on part or parts of the application was necessary to better understand an application.

6.1 Appointment of Hearing Commissioner – Fulton Hogan Limited

Resolved:

That the Regulation Hearing Committee in regard to an objection to decision on resource consent application CRC201684 to be held by Fulton Hogan Limited:

- 1. Appoints Cindy Robinson as a Hearings Commissioner under s34A of the Resource Management Act 1991; and**
- 2. Delegates to Cindy Robinson, 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 decision.**

Cr McKay/ Cr Edge
CARRIED

7. EXTRAORDINARY AND URGENT BUSINESS

There was no extraordinary or urgent business.

8. OTHER BUSINESS

8.1 Hearing Commissioners appointments

Councillor Marshall asked how appointees were determined. It was advised that hearing commissioners are appointed as per the criteria listed in the Hearing Policy.

It was agreed that a briefing paper outlining the criteria for hearing commissioner appointments be prepared for the Committee.

8.2 Hearing Policy

It was noted the Hearing Policy be placed into the Councillors sharepoint site.

8.3 Resource Management timeframes

Councillor Marshall asked about the resource management timeframes over the Christmas period. It was advised that timeframes are not counted during the period commencing 20 December and ending with the 10 January.

9. NEXT MEETING - To be advised

10. CLOSURE - The Chairperson declared the meeting closed at 8.45 am

CONFIRMED

Date:

Chairperson:

5. Matters Arising

6. Items for discussion

6.1. Appointment of Hearing Commissioner - Marsden Grange Ltd

Regulation Hearing Committee paper

Date of meeting	12 December 2019
Agenda item	6.1
Consents Manager	Virginia Loughnan
Author	Alison Cooper

Purpose

1. To appoint a Hearing Commissioner to decide resource consent application CRC195467 and CRC195471 to be held by Marsden Grange Limited.

Recommendations

That the Regulation Hearing Committee in regard to resource consent applications CRC195467 and CRC195471 to be held by Marsden Grange Limited:

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

Background

2. Marsden Grange Limited has applied for resource consents to establish and operate two broiler chicken farms at Railway Road, Kirwee. The land is to be subdivided into two lots with the lots relating to two independent farms.
3. The proposed operations comprise farming of up to 220,800 birds at any one time (divided into four separate chicken sheds) on one lot, and up to 331,200 birds at any one time (divided into 6 separate chicken sheds) on the other lot.
4. The farms will be operative in a conventional (i.e. intensive) state initially, then will switch to a free-range style. The proposed discharges to air will be from odour or dust produced through poultry-rearing activities undertaken outside the sheds, or outside in the bird ranging areas. A consent duration of 35 years is sought.

5. The discharges to air applications were limited notified to one party. No submission was received.
6. The applicant has requested the decision on these applications be made by an independent hearing commissioner.

Proposed Commissioners

7. It is recommended that an independent hearing commissioner be appointed to decide this application because senior staff have been involved in providing advice and to avoid any potential of a perceived conflict.
8. Mr Gimblett has extensive planning experience and is an experienced hearing commissioner as a sole commissioner or as a hearing panel chair.
9. Ken Gimblett 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.

Legal compliance

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

Peer reviewers	Virginia Loughnan
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6.2. Appointment of Hearing Commissioner - Mr G R and Mrs R C Wilson

Regulation Hearing Committee paper

Date of meeting	12 December 2019
Agenda item	6.2
Consents Manager	Virginia Loughan
Author	Alison Cooper

Purpose

1. To appoint a Hearing Commissioner to hear and decide resource consent applications CRC193934, CRC193935 and CRC195104.

Recommendations

That the Regulation Hearing Committee in regard to resource consent application(s) CRC193934, CRC193935 and CRC195104 to be held by Mr G R and Mrs R C Wilson:

1. **Appoints Robert Nixon as a Hearings Commissioner under s34A of the Resource Management Act 1991; and**
2. **Delegates to Robert Nixon 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. Mr G R and Mrs R C Wilson have applied for a water permit to permanently divert surface water from an unnamed watercourse to flow into a new channel and pond; a discharge permit to discharge surface water to a pond; and a land use to modify and disturb the bed of an unnamed watercourse associated with works to maintain the banks and bed of the watercourse and maintain the pond and maintenance works related to the diversion structure.
3. The applications are for a watercourse located at 21 Swamp Road, Hinds.
4. A consent duration of 35 years is sought.
5. The application was publicly notified. Two submissions were received - one in support with the submitter wishing to be heard; and one submitter opposes and does not wish to be heard. A hearing is required.
6. The hearing will commence early February 2020.

Proposed Commissioners

7. The proposed Hearing Commissioner is an experienced hearing commissioner acting either as a sole hearing commissioner, or as a chair of hearing panels. He has extensive planning experience in urban and rural activities including the taking of and discharges to water.
8. Robert Nixon 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.

Legal compliance

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

Peer reviewers	Virginia Loughnan
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6.3. Appointment of Hearing Commissioners - Southern Proteins Limited

Regulation Hearing Committee paper

Date of meeting	12 December 2019
Agenda item	6.3
Consents Manager	Virginia Loughnan
Author	Alison Cooper

Purpose

1. To appoint Hearing Commissioners to hear and decide resource consent application CRC200154 to be held by Southern Proteins Limited

Recommendations

That the Regulation Hearing Committee in regard to resource consent application CRC200154 to be held by Southern Proteins Limited:

- 1. Appoints John Iseli as a Hearings Commissioner, and Chair of the Hearing Panel under s34A of the Resource Management Act 1991; and**
- 2. Delegates to John Iseli 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 application, and**
- 3. In the event of an equality of votes provides the Chairman of the Hearing Panel, John Islei, with a casting vote.**

Background

2. Southern Proteins Limited has applied for consent to discharge contaminants to air, namely odour, from the operation of a proposed low temperature rendering plant and associated site operation at 144 Meadows Road, Washdyke, Timaru.
3. The proposed plant will consist of two parallel low-temperature rendering and meal processing lines each with a processing capacity of 15 tonnes per hour, which produce meal and tallow products for export from the site.
4. A consent duration of 35 years is sought.
5. The application was publicly notified. 25 submissions have been received with 11 submitters wishing to be heard. The majority of submitters oppose the application.

6. A hearing is to be held late February 2020.

Proposed Commissioners

7. It is proposed to appoint a two-person hearing panel. The appointment of the second panel member will be appointed early next year, however in case of any preliminary matters that may arise in the interim, it is proposed to appoint the Chairman now.
8. The proposed Chairman of the hearing panel is an experienced hearing commissioner having chaired hearing panels or acted as sole commissioner at resource consent hearings throughout New Zealand. He has technical ability in air discharge matters.
9. John Iseli has satisfied Council staff they he has the necessary criteria, including technical ability, RMA Accreditation certification, availability and timeframe commitments to carry out the duties required.

Legal compliance

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

Peer reviewers	Virginia Loughnan
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7. Extraordinary and Urgent Business

8. Other Business

9. Next Meeting - to be confirmed

10. Closure