

Agenda 2020

Regulation Hearing Committee

Date: Thursday 12 March 2020

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 13 February 2020

Refer to attachment on following page.

REGULATION HEARING COMMITTEE

Minutes of the meeting held in the
Council Chamber, 200 Tuam Street, Christchurch, on
Thursday, 13 February 2020 at 8.00am

CONTENTS

- 1.0 Apologies
- 2.0 Conflict of Interest
- 3.0 Minutes of Meeting – 12 December 2019
- 4.0 Matters Arising
- 5.0 Deputations and Petitions
- 6.0 Item for Discussion
 - 6.1 Appointment of Hearing Commissioner – Southern Proteins Limited
 - 6.2 Hearing Commissioner List
- 7.0 Extraordinary and Urgent Business
- 8.0 Next Meeting
- 10.0 Closure

PRESENT

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

IN ATTENDANCE

Virginia Loughnan (Consents Manager), Tania Harris (Senior Manager Operational Support)
Catherine Schache (General Counsel) and Alison Cooper (Consents Hearings Officer)

1. APOLOGIES

Councillor C Pauling

2. CONFLICT OF INTEREST

No conflicts of interest were declared.

3. DEPUTATIONS AND PETITIONS

There were no deputations or petitions.

4. MINUTES OF MEETING - 12 DECEMBER 2019

Resolved:

The Regulation Hearing Committee:

Confirms the minutes of the meeting held on 12 December 2019 as a true and correct record.

5. MATTERS ARISING

5.1 – Hearing Policy

Councillor Marshall noted that the Hearing Policy was dated 2014 and asked if it had been reviewed since then.

Catherine Schache (General Counsel) advised the Policy was a Council policy and that a formal review of the policy had not been undertaken.

Resolved:

That Council staff undertake a review the Hearing Policy – dated 2014, and report back to the Regulation Hearing Committee.

Cr McKay / Cr Marshall
CARRIED

Councillor Marshall referenced the Hearing Policy and asked if definitions of fairness and natural justice should be included.

It was noted that the principles of fairness and natural justice is covered in the Ministry for the Environment - Good Decisions Programme and that hearings should be conducted by Hearing commissioners under those principles.

6. ITEMS FOR DISCUSSION

6.1 Appointment of Hearing Commissioner – Southern Proteins Limited

Resolved:

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

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

Cr McKay/ Cr Pham
CARRIED

6.2 Hearing Commissioners List

It was noted that the list of hearing commissioners held included contact information that the Mfe website did not; and that it needed reviewing to update certification details. It was also suggested listing the hearings undertaken.

It was agreed that the Hearing Commissioner list be returned to the Regulation Hearing Committee when updates occur.

Moved:
That the Hearing Commissioner List be received.

Cr Edge / Cr Marshall
CARRIED

7. EXTRAORDINARY AND URGENT BUSINESS

There was no extraordinary or urgent business.

8. OTHER BUSINESS

It was noted that Councillor Marshall will be attending the Good Decision Makers Programme; and that Councillor Pham will be undertaking the Chair course for Good Decision Makers

9. NEXT MEETING - To be advised

10. CLOSURE - The Chairperson declared the meeting closed at 8.20 am

CONFIRMED

Date:

Chairperson:

5. Matters Arising

6. Items for discussion

6.1. Appointment of Hearing Commissioners - Oceania Dairy Limited

Regulation Hearing Committee paper

Date of meeting	12 March 2020
Agenda item	6.1
Consents Manager	Virginia Loughnan
Author	Alison Cooper

Purpose

1. To appoint Hearing Commissioners to hear and decide resource consent applications CRC201187, CRC201191, CRC201192, CRC201188, CRC201190 and CRC201194 to be held by Oceania Dairy Limited

Recommendations

2. **That the Regulation Hearing Committee in regard to resource consent applications CRC201187, CRC201191, CRC201192, CRC201188, CRC201190 and CRC201194 to be held by Oceania Dairy Limited:**
 1. **Appoints Paul Rogers as a Hearings Commissioner, and Chair of the Hearing Panel under s34A of the Resource Management Act 1991; and**
 2. **Appoints Emma Christmas as a Hearings Commissioner, and member of the Hearing Panel under s34A of the Resource Management Act 1991; and**
 3. **Appoints Hoani Langsbury as a Hearings Commissioner, and member of the Hearing Panel under s34A of the Resource Management Act 1991; and**
 4. **Delegates to Paul Rogers, Emma Christmas and Hoani Langsbury 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.**

Background

3. Oceania Dairy Limited has applied for consents relating to the construction of a 7.5 kilometre pipeline, and the discharge of treated wastewater from a milk-processing factory at Cooneys Road, Glenavy.

4. The pipeline is proposed to be installed on road reserve land and into the coastal marine area. The application is for consent to undertake earthworks, to take and discharge groundwater for de-watering purposes; and to disturb and construct an ocean outfall in coastal hazard zones; and occupy the coastal marine area.
5. It is also proposed to discharge up to 10,000 cubic metres per day of treated factory wastewater, excluding domestic wastewater and stormwater, to the coastal marine area.
6. A duration of ten years is proposed for the construction of the pipeline and 35 years to occupy the coastal marine area and discharge the waste.
7. The applications were publicly notified with 126 submissions received of which 17 submitters wished to be heard. The majority of submitters oppose the application in regard to discharging into the coastal marine area.
8. A hearing is to be held late April 2020.

Proposed Commissioners

9. It is proposed to appoint a three person panel. This will allow coverage of the issues and to share the workload over the course of the proposed four day hearing.
10. The proposed Chairman of the panel, Paul Rogers is a resource management lawyer with extensive experience as a panel chair. He is experienced in managing larger hearings including Fonterra Limited – Studholme factory; and Rangitata Diversion Race Management – Klondyke Storage proposal, where there has been a high level of public interest. He is accredited under the Making Good Decision Makers programme and has the Chair endorsement.
11. The panel members proposed are Emma Christmas and Hoani Langsbury.
12. Emma Christmas has extensive hearings commissioner experience either as a sole commissioner or as a panel member. She has the necessary expertise in planning and technical ability in water quality. Ms Christmas is also accredited and also has a Chair endorsement.
13. Hoani Langsbury is also an experienced hearing commissioner and has sat on several hearings for discharges into a coastal environment, as well as technical marine ecology and cultural expertise.
14. Paul Rogers, Emma Christmas and Hoani Langsbury have 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

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

Peer reviewers	Tania Harris, Senior Manager Operational Support
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6.2. Appointment of Hearing Commissioner - NSK Farming Limited

Regulation Hearing Committee paper

Date of meeting	12 March 2020
Agenda item	6.2
Consents Manager	Virginia Loughnan
Author	Alison Cooper

Purpose

1. To appoint Hearing Commissioners to hear and decide resource consent application CRC145237 to be held by NSK Farming Limited.

Recommendations

That the Regulation Hearing Committee in regard to resource consent application CRC145237 to be held by NSK Farming Limited:

1. **Appoints Bianca Sullivan as a Hearings Commissioner under s34A of the Resource Management Act 1991; and**
2. **Delegates to Bianca Sullivan 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.**

Background

2. NSK Farming Limited has applied to take water from a storage dam at Gormans Road, Hakataramea Valley.
3. It is proposed to take the water from the consented dam at a volume not exceeding a rate of 345 litres per second, with a volume of 3,169,600 cubic metres per year for the irrigation of up to 500 hectares.
4. A consent expiry date of 19 July 2045 is sought.
5. The application was publicly notified. Eight submissions have been received with 6 wishing to be heard. All the submitters oppose the application.

Proposed Commissioners

6. It is proposed to appoint a single hearing commissioner to hear this application. The technical ability required for this application is an understanding of planning and water quality and quantity issues.

7. The Hearing Commissioner proposed is Bianca Sullivan who has the necessary experience and technical skills to hear and decide this application.
8. The proposed hearing commissioner Bianca Sullivan 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

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	Tania Harris, Senior Manager Operational Support
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6.3. Appointment of Hearing Commissioners - Oakvale Farm Limited

Regulation Hearing Committee paper

Date of meeting	12 March 2020
Agenda item	6.3
Consents Manager	Virginia Loughnan
Author	Alison Cooper

Purpose

1. To appoint Hearing Commissioners to hear and decide an objection to decision on resource consents CRC103245 and CRC094177 held by Oakvale Farm Limited.

Recommendations

That the Regulation Hearing Committee in regard to an objection to a decision on resource consents CRC103245 and CRC094177 held by Oakvale Farm 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.**

Background

2. Oakvale Farm Limited has objected to the decision to decline an extension to the lapse dates for CRC103245 and CRC094177. The consents were granted in July 2011 and expire in July 2046.
3. Both consents were granted with a lapse date of 30 September 2016, which was extended to 30 September 2019.
4. CRC103245 authorises the diversion of water from an unnamed drain and undertake works within 7.5 metres of the bed of the watercourse. CRC094177 authorises the discharge of stormwater to a number of stormwater basins corner Glovers Road and Kennedys Bush Road, Christchurch.

Proposed Commissioners

5. It is proposed to appoint Cindy Robinson. Cindy is an experienced hearings commissioner with legal expertise.

6. Cindy Robinson 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 as Hearing Panel members.

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.

Peer reviewers	Tania Harris, Senior Manager Operational Support
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6.4. Appointment of Hearing Commissioners - Mr C G Morris

Regulation Hearing Committee paper

Date of meeting	12 March 2020
Agenda item	6.4
Consents Manager	Virginia Loughnan
Author	Alison Cooper

Purpose

1. To appoint Hearing Commissioners to hear and decide an objection to costs of resource consent application CRC194477 held by Mr Charles Morris

Recommendations

That the Regulation Hearing Committee in regard to an objection to costs of resource consent application CRC193477 held by Mr Charles Morris:

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.**

Background

2. Mr Morris has objected to the costs of processing of resource consent application CRC1093477. They have requested an independent hearing commissioner consider the objection.
3. The consent application was for a land use consent for farming at Springston.

Proposed Commissioners

4. It is proposed to appoint Ken Lawn. Mr Lawn is an experienced hearing commissioner in regard to the hearing of objections to costs.
5. 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 Hearing Panel members.

Legal compliance

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

Peer reviewers	Tania Harris, Senior Manager Operational Support
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7. Extraordinary and Urgent Business

8. Other Business

9. Next Meeting - to be confirmed

10. Closure