

Decision Memo

Date	21 December 2022
Subject	Decision on resource consent applications CRC224237 and CRC224238 (Wongan Hills Limited)

Introduction

1. Wongan Hills Limited (WHL) have applied for a land use consent to use land for composting barns/feedlots, and a consent to discharge odour to air from the barns/feedlots at 229 Kaituna Valley Road, Ataahua.
2. The Canterbury Regional Council (CRC) has delegated to Hayleigh Brereton (Regional Leader Consents Delivery), Judith Earl-Goulet (General Manager - Regulatory Services) and Zella Smith (Principal Planning Advisor), the authority to make a decision in regard to the notification (or not) of these applications under ss95A-95E the Resource Management Act 1991 (RMA) and, if notification is not required, the substantive decision under s104 of the RMA.
3. This memo is the decision on the notification of that application.
4. To assist us in making the decisions delegated to us by Council, a comprehensive notification assessment, including a recommendation on notification, has been written by Ms Nicola Duke, a CRC Senior Consent Planner.
5. This decision should therefore be read in conjunction with the recommendation in that report (CRC electronic record document ref C22C/293952). Where appropriate we have adopted that report as per s113(3)(b) of the RMA rather than repeating information.

Section 42A Officer Recommendation

7. Ms Duke has, within the s42A notification report, provided a summary of the proposed activities, an analysis of the legal and planning framework, and a description of the environment. Rather than repeat those matters, we adopt them as part of this decision.

Requirement for Public Notification

8. In regard to public notification, the RMA requires the consent authority to consider the matters in s95A in a set order, specifically:

Step One: Mandatory public notification in certain circumstances (s95A(2) RMA 1991);

Step Two: Public notification precluded in certain circumstances (s95A(4) RMA 1991);

Step Three: Public notification required in certain circumstances (s95A(7) RMA 1991); and

Step Four: Public notification in special circumstances (s95A(9) RMA 1991).

9. We concur with Ms Duke's conclusions that public notification is not required under Step 1 or precluded by Step 2. We have therefore considered whether public notification is required under Step 3.
10. We note that the activity is not required to be notified due to rule in a plan or a National Environmental Standard. We must therefore consider whether the adverse effects of the activity on the environment are more than minor.

Consideration of Adverse Environmental Effects

11. Ms Duke has provided a discussion of those adverse effects she considers relevant in her s42A report. She concludes that the adverse effects on the environment will be minor.
12. We agree Ms Duke has identified and assessed the effects relevant to this application; and agree with her conclusion in relation to the discharge of odour and effects on groundwater quality. However, respectfully, we disagree with her conclusions in relation to potential flood risk and associated effects on surface water quality.
13. Specifically, we are concerned that there is potential for water ingress into the barns. This arises from uncertainty in the flood modelling, the most significant of which is the potential for inundation from localised high intensity rainfall events in the hill catchment immediately above the proposed barns. CRC Scientist Mr Margetts has identified that inputs as a result of these flows may be significantly more than that which the applicant has modelled.
14. We are of the opinion that this remaining uncertainty in relation to impacts from flooding could lead to an unquantified, but potentially more than minor, effect on Te Waihora (Lake Ellesmere). Te Waihora is a degraded catchment and water quality outcomes are currently not met. Any additional effect in respect of water quality likely to constitute a cumulative effect in combination with other activities within the Roto that is more than minor.
15. This was a finely balanced decision, and we appreciate WHL have both endeavoured to address the potential for flooding and have made their application on the basis the barn system does not interact with the wider catchment, other than at a permitted activity scale. However, given the remaining uncertainty around the potential for flooding, the values associated with the Te Waihora catchment, and the already degraded quality of the potential receiving environment, we consider it appropriate to take a precautionary approach to assessing the risk associated with the proposed activities.

Decision

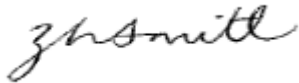
16. Having considered the matters to be considered under s95A in the order required, we therefore conclude that public notification is required under Step 3 of s95A of the RMA.

Hayleigh Brereton.

Hayleigh Brereton
Regional Leader Consents Delivery



Judith Earl-Goulet
General Manager - Regulatory Services



Zella Smith
Principal Planning Advisor

Dated 21 December 2022