



Meeting of the Hawke's Bay Regional Council Hearings Committee

Date: Wednesday 5 June 2019
Time: 8.30am
Venue: Council Chamber
Hawke's Bay Regional Council
159 Dalton Street
NAPIER

Agenda

ITEM	SUBJECT	PAGE
1.	Welcome/Notices/Apologies	
2.	Conflict of Interest Declarations	
3.	Confirmation of Minutes of the Hearings Committee held on 24 October 2018	
Decision Items		
4.	Hearing Panel Appointments	3

HAWKE'S BAY REGIONAL COUNCIL

HEARINGS COMMITTEE

Wednesday 05 June 2019

Item 4

Subject: HEARING PANEL APPOINTMENTS

Reason for Report

1. To provide information relating the upcoming resource consent hearing for Te Mata Mushrooms Co. Ltd and to enable the appointment of an additional commissioner to the Hearing Panel.
2. Three Hearing Panel members have already been set by the Committee. It is recommended that another commissioner is now added.

DP160229A – Te Mata Mushrooms Co. Ltd – application to discharge contaminants to air from the Te Mata Mushroom Co. Ltd facility on Brookvale Road, Havelock North

3. This application was required by the 2016 Environment Court enforcement order. It is for a new consent to discharge contaminants to air (odour) from the composting activities on the site.
4. The application was publicly notified in May 2017 and there were over 300 submissions.
5. An application for a land use consent was also made to Hastings District Council (HDC). This was also notified and submissions on this application closed in April 2019. Over 100 submission were received on the HDC application.
6. A joint hearing will be held on 31 July to 2 August 2019 at the Elwood Function Centre.
7. The committee has already appointed Mr Bill Wasley (chair), Cnr Paul Bailey and Ms Louise Wickham to the HBRC Panel.
8. HDC has appointed commissioners of their choosing, those being Mr Bill Wasley (chair), Ms Louise Wickham and Mr Paul Cooney.
9. HDC has decided not to have elected representatives involved in the decision making for their application. Cnr Bailey will only sit in relation to the HBRC application and will not have a role in the decision on the HDC application.
10. Staff recommend that Mr Paul Cooney is also added to the HBRC panel. This will allow the panel to function in a more integrated manner and allow for a simpler deliberation and decision making process.
11. Mr Cooney has worked as a lawyer in Tauranga and has over 35 years specialising in Resource Management and Local Government Law. He is also a very experienced independent hearings commissioner and has been involved in hearings for both regional and district councils. Staff consider that it would be advantageous to have these skills as part of the HBRC panel.

Decision Making Process

12. Pursuant to Section 34(1) of the Resource Management Act (RMA) the Hawke's Bay Regional Council has delegated the following functions, powers and/or duties under the RMA¹:
 - 12.1. The appointment of Hearings Committee members or independent commissioners to a Hearing Panel to undertake the functions pursuant to s 34A RMA and the appointment of the Chairperson of the Hearing Panel.

¹ NOTE: For the avoidance of doubt, the Hearings Committee is not delegated the functions, powers and duties to hear and make decisions on submissions made in relation to a proposed plan, policy statement, plan change or variation under the RMA. Such functions, powers and duties are delegated to a Panel of accredited RMA hearings commissioners appointed by the Council on an as needed basis, based on recommendations from the Regional Planning Committee.

Recommendations

That the Hearings Committee

1. Receives and notes the **“Hearing Panel Appointments”** staff report.
2. Makes the following appointments in accordance with its delegation to do so: adds Mr Paul Cooney to the Hearing Panel to decide the Te Mata Mushrooms Co. Ltd resource consent applications.

Authored by:

Paul Barrett
PRINCIPAL CONSENTS PLANNER

Malcolm Miller
MANAGER CONSENTS

Approved by:

Liz Lambert
GROUP MANAGER REGULATION

Attachment/s

There are no attachments for this report.