



## Meeting of the Hawke's Bay Regional Council Hearings Committee

**Date:** Wednesday 24 October 2018  
**Time:** 2.00pm  
**Venue:** Waikaremoana Room  
Hawke's Bay Regional Council  
159 Dalton Street  
NAPIER

### Agenda

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ITEM	SUBJECT	PAGE
1.	Welcome/Notices/Apologies	
2.	Conflict of Interest Declarations	
3.	Confirmation of Minutes of the Hearings Committee held on 28 March 2018	
<b>Decision Items</b>		
4.	Hearing Panel Appointments	3

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# HAWKE'S BAY REGIONAL COUNCIL

## HEARINGS COMMITTEE

Wednesday 24 October 2018

Item 4

### Subject: HEARING PANEL APPOINTMENTS

#### Reason for Report

1. To provide sufficient information relating to potential upcoming resource consent application Hearings to enable the appointment of Hearing Panels.
2. A list of persons able to serve as commissioners on Hawke's Bay Regional Council hearing panels, including qualifications and experience, has been provided to Committee members under separate, confidential cover.

#### WP170430T – Wantara Holdings Ltd – water take application

3. This application is to take water from well no. 16650 to irrigate 116 hectares of pasture on a property off Aupaki Road, Otane.
4. The application was limited notified to two neighbouring property owners, and one of these parties (Mr Frank Pene) made a submission. The submission relates to a range of matters, including the effects of the proposed take on the wider environment, cultural matters, and the impact on this party's own domestic water supply, which is from a nearby spring.
5. A short hearing is anticipated and one day should allow for the hearing in the morning, and deliberations in the afternoon. The Panel will need to prepare their own decision document.
6. The hearing will need to be held in the week of the 19 - 23 November 2018.
7. In anticipation, staff recommend the following panel and alternate appointments.
  - 7.1. Councillor Peter Beaven (Chair)
  - 7.2. Mr Brian Gregory or Mr Mike Mohi
8. The rationale for staff recommending these appointments centres around:
  - 8.1. Cnr Bevan: Hearings experience
  - 8.2. Mr Gregory or Mr Mohi for their expertise in considering cultural matters.

#### Te Mata Mushrooms

9. This application is to discharge odour to air from the Te Mata Mushroom Co. Ltd facility on Brookvale Road, Havelock North. This application was required by the 2016 Environment Court enforcement order. It is for a new consent to discharge odour from the composting activities on the site.
10. The application was publicly notified in May 2017 and there were over 300 submissions.
11. The hearing is likely to be relatively long and complex. There will likely be conflicting technical evidence over air quality matters, and it is recommended that an air quality expert commissioner be used.
12. The application seeks a long term consent (35 years) and includes the proposed progressive implementation of odour mitigation measures, with an associated increase in compost production.
13. The applicant has also lodged land use consent with Hastings District Council (HDC). HDC may also notify their application, and the hearing may be a joint hearing. HDC will need to delegate to commissioners of their choosing, or could delegate their powers to some or all of the members of the panel that this committee selects.
14. It is likely that the hearing will be held early next year.

15. Councillors will need to consider whether they have publicly expressed any opinion on the applicant's operation the past, and if so, whether this could will preclude them from sitting on the hearing panel.
16. In anticipation, staff recommend the following panel and alternate appointments.
  - 16.1. As chair: Mr Bill Wasley
  - 16.2. As a panel member: Cnr Peter Beaven
  - 16.3. One of: Mr John Iseli or Ms Louise Wickham (air quality expert).
17. The availability of Mr Wasley, Ms Wickham and Mr Iseli is yet to be confirmed. Should Ms Wickham and Mr Iseli both be unavailable, a suitable alternative would be Dr Brent Cowie.
18. The rationale for staff recommending these appointments centres around:
  - 18.1. Hearings experience
  - 18.2. Air quality technical expertise

### **Decision Making Process**

19. 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 RMA<sup>1</sup>:
  - 19.1. 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.

### **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.
3. Cnr Peter Beaven (Chair) and either Mr Brian Gregory or Mr Mike Mohi to the Hearing Panel to decide the Wantara Farms Ltd resource consent application.
4. Mr Bill Wasley (Chair), and Councillor Peter Beaven, and either Ms Louise Wickham or Mr John Iseli to the Hearing Panel to decide the Te Mata Mushrooms Co. Ltd resource consent application.

### **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.

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<sup>1</sup> 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.