

**BEFORE A HEARING PANEL ON BEHALF OF THE CANTERBURY REGIONAL
COUNCIL**

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of an air discharge permit application (CRC194083)
made by Waste Management NZ Limited in relation to
establishing a waste processing and stabilisation facility
on land at 305 Marshs Road, South Hornby,
Christchurch.

MINUTE #1 OF THE HEARING PANEL

23 April 2020

INTRODUCTION

- 1.1 We have been appointed by Canterbury Regional Council (CRC) as consent authority to act as an independent hearing panel in accordance with section 34A of the Resource Management Act 1991.¹
- 1.2 Our appointment in that capacity is to consider and decide on the air discharge permit application (CRC194083) made by Waste Management NZ Limited ('the applicant').
- 1.3 In accordance with a decision made under delegated authority by an appointed Resource Management Officer Group (RMOG) panel, the application was limited notified to property owners and occupiers within a 500 metre (m) radius of the application site due to minor odour effects.²
- 1.4 Following that decision and the subsequent limited notification of the application, the CRC received a request within a submission made on the application by Mace Properties Limited as owners of land at 16 Sir James Wattie Drive. This property is located within the 500m radius distance of the application site.
- 1.5 That request was that the following tenants of that property also be served notice of the application:
 - Brown Brothers Engineers Limited – 16 Sir James Wattie Drive
 - KC Engine Reconditioners Limited - 2/16 James Wattie Drive
 - Mace Engine Reconditioners Limited - 2/16 James Wattie Drive
- 1.6 Against that background, we have been asked to decide whether these tenants should be notified of the application.
- 1.7 This Minute sets out our decision.

DETERMINATION

- 2.1 The decision of the hearing panel is the identified tenants, as occupiers of land within the limited area subject to notification of the application, should have been/be served notice.
- 2.2 That is entirely consistent with the decision that has already been made regarding giving limited notification "*to property owners **and occupiers** within a 500m radius*" (emphasis added). In that sense, our 'decision' is simply one of ensuring the

¹ Confirmation of appointment, 19 March 2020.

² 13 November 2019.

appropriate implementation of the previous decision made on notification and the determination of who are affected persons.

- 2.3 The consequence of our/that decision is that these tenants (and all others that qualify as affected persons in accordance with the limited notification decision) are afforded the opportunity to make a submission and to have any submission made by them considered in the determination of the application.
- 2.4 Because this may have relevance to persons beyond the owner and occupiers of 16 Sir James Wattie Drive, we direct that our decision be made known to the applicant and all 'affected persons' identified in the RMOG panel decision of 13/1/19. Despite the best endeavours of the CRC, our concern is that there is the potential for other affected persons (particularly occupiers) to find themselves in a similar situation.
- 2.5 Lastly, we appreciate that because of COVID-19 the current circumstances are dynamic and uncertain, and to our knowledge a hearing date for the application has not yet been scheduled. We acknowledge our decision and directions may potentially have procedural or process implications beyond current expectations and possibly require further determinations to be made by the hearing panel. If that is so, we ask that those matters be brought to our attention, and the attention of all relevant parties, as soon as is practicable.

Panel Chairperson (on behalf of the Hearing Panel)

Ken Gimblett



23 April 2020