

## MEETING OF THE REGULATION HEARING COMMITTEE

TO THE CHAIRPERSON AND MEMBERS OF THE  
COMMITTEE

### MEMBERSHIP OF THE COMMITTEE

Cr A R McKay (Chairperson)  
Cr B S Murray  
Cr E M Sage

A meeting of the Committee will be held on  
**Friday, 16 October 2009 at 9:00 am**

**VENUE:** Council Chamber  
First Floor  
Pegasus Building  
Environment Canterbury  
58 Kilmore Street  
CHRISTCHURCH

**BUSINESS:** As per Order Paper attached  
Agendas are available on our website three days prior to the date of the meeting -  
<http://ecan.govt.nz/news-and-notices/minutes/Pages/Default.aspx>

Dr B R Jenkins  
**CHIEF EXECUTIVE**

**RECOMMENDATIONS IN REPORTS ARE NOT TO BE TAKEN  
AS COUNCIL POLICY UNTIL ADOPTED BY COUNCIL**

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## COMPLIANCE WITH LOCAL GOVERNMENT ACT 2002 DECISION-MAKING REQUIREMENTS

Except as below, a statement of compliance and a completed decision checklist is required for any agenda item on a council committee or the council recommending that a decision be made. This will be the responsibility of the person signing off the agenda item.

### The compliance statement and checklist will not be used for:

- Recommendations that information be received or that the Council make a decision.
- Decisions taken under the Resource Management Act 1991 or the Biosecurity Act 1993 in relation to resource consents, decisions required when following the procedures set out in Schedule 1 of the Resource Management Act 1991, other permissions, submissions on plans, or references to the Environment Court.
- Decisions taken to proceed with enforcement procedures under various primary or secondary legislation or regulations, including procedures under the Resource Management Act 1991, the Biosecurity Act 1993, the Local Government Act 2002, and Environment Canterbury Bylaws.
- Administrative and personnel decisions that are entirely internal to Environment Canterbury.
- Other decisions where the procedures to be followed are set out in Legislation.

### COMPLIANCE STATEMENT

The council committee (or the council) must formally certify that:

- (a) It is satisfied that it has sufficient information about the options and their benefits and costs, in terms of the region's social, economic, environmental and cultural well-being and the effects on community outcomes, bearing in mind the significance of the decisions.
- (b) It is satisfied that it knows enough about and has given adequate consideration to the views and preferences of affected and interested parties bearing in mind the significance of the decision.

### INFORMATION CHECKLIST

(a)	A Statement of the Proposed Decision
(b)	A Statement of the Objective of the Proposed Decision and the Issue or Problem being addressed
(c)	A list of all reasonably practicable options, (including doing nothing).
(d)	For each option in (c): An evaluation of the Benefits and Costs, in terms of the region's social, economic, environmental and cultural well-being.
(e)	For each option in (c): A statement of the extent to which community outcomes would be promoted or achieved in an integrated and efficient manner.
(f)	For each option in (c): A statement of the Impact, if any, on Environment Canterbury's capacity to undertake its statutory responsibilities
(g)	If the Proposed Decision is a significant decision in relation to land or a body of water, a statement of how Maori values have been taken into account
(h)	A Statement of significant inconsistencies, if any, with any Existing Policy, Plan or Legislation arising from the Proposed Decision.
(i)	A statement how the views and preferences of affected or interested persons have been given adequate consideration during the definition of the problem or issue, the objective, the assessment of options and the development of the proposed decision, including the particular contribution of Maori to the decision-making process.

#### Notes:

The significance of proposals and decisions determines how much time, money and effort is put into exploring and evaluating options and obtaining the views of affected and interested parties. The significance of proposals and decisions is determined through reference to criteria contained in the policy on significance.

The policy on significance together with Section 76 of the Local Government Act 2002 set out the Council's requirements in relation to decisions. Some decisions can only be made through the Long-Term Council Community Plan, or after the Special Consultative Procedures set out in the Act have been used, (refer to the policy on significance and the Act).

All decisions of Environment Canterbury are subject to the decision-making requirements of section 76 of the Act unless inconsistent with specific requirements of other legislation.

**ENVIRONMENT CANTERBURY**

**REGULATION HEARING COMMITTEE**

**ORDER PAPER**

1. APOLOGIES
2. CONFLICTS OF INTEREST
3. MINUTES OF THE MEETING (awaiting confirmation)
4. MATTERS ARISING
5. DEPUTATIONS AND PETITIONS

**MATTERS FOR DECISION BY THE COMMITTEE**

6. APPOINTMENT OF DECISION-MAKERS TO HEAR AND DECIDE RESOURCE CONSENT APPLICATIONS
7. QUESTIONS
8. EXTRAORDINARY AND URGENT BUSINESS
9. NEXT MEETING – TO BE CONFIRMED
10. CLOSURE

## 6. APPOINTMENT OF DECISION-MAKERS TO HEAR AND DECIDE RESOURCE CONSENT APPLICATIONS

### 6.1 FULTON HOGAN LIMITED – CRC073777 - 073778

#### Applications

**CRC073777** - to use land for an open quarry at the Corner of Orton-Rangitata Mouth and Badham Roads, Orton, Temuka, at or about map reference NZMS 260 K38: 8452-7233. Proposed site activities include soil stripping, bund formation, extraction, transportation, crushing, screening, and stockpiling of aggregate. The proposed maximum extraction rate is 200 tonnes per hour.

**CRC073778** - to discharge dust and particulate matter from the operation of the open quarry at the same site as CRC073777.

A duration of 35 years is sought for each of the above consents.

A joint hearing by Timaru District Council and Environment Canterbury has been scheduled to hear and decide the applications.

The decision-maker recommended is also being appointed by Timaru District Council to ensure a joint decision-maker.

The decision-maker recommended has satisfied Council staff he has the necessary criteria, including technical ability, availability and RMA Accreditation Certification, to carry out the duties required.

Report prepared by Donald Fraser, Consents Hearings Officer  
Report endorsed by John Boraston, Consents Manager

#### **Recommended**

- (a) *That the Committee appoint Robert Batty as Commissioner to hear and decide resource consent applications CRC073777 and CRC073778 by Fulton Hogan Limited with the full powers of the Council as a consent authority.*
- (b) *That the Committee appoint Robert Batty to deal with any preliminary matters associated with (a) with the full powers of the Council as a consent authority.*

### 6.2 MORVEN GLENAVY IRRIGATION SCHEME – CRC091997 – 091998, CRC093392, CRC093391 AND CRC897381C.2

#### Applications

**CRC091997** - to use water for the irrigation of 8,200 hectares of land located between the Waitaki River, from the coast to the west of Redcliffs, and extending as far north as Waimate and the Wainono Lagoon. No increase in the amount of water taken from the Waitaki River is proposed, as sufficient water is already abstracted under existing consents. Continued improvements in efficiency of the irrigation scheme will allow a greater area of land to be irrigated with the same amount of water.

**CRC091998** - to take and use water from the Waitaki River, at or about map reference NZMS 260 J41:484-879, for the augmentation of flows in the Waihao River outside of the irrigation season. If there is no continuous visual surface flow in the Waihao River at the Main Road (SH 1) bridge, the applicant proposes to take all practical steps to release 700 litres per second into the Waihao River. If the flow at the Main Road bridge is less than 250 litres per second, the consent holder will take all practical steps to release a minimum of 250 litres per second into the Waihao River.

Water will be taken at a maximum rate of 1,500 litres per second and 10 million cubic metres per annum, as measured at the water level recorder site at or about map reference NZMS 260 J41:504-880. It is proposed to take and use this water outside of the irrigation season in addition to the water taken and used during the irrigation season under resource consent CRC897381C.1.

**CRC093392** - to discharge water and contaminants to the Waihao River via an irrigation race, at or about map reference NZMS 260 J40:603-995, for stream flow augmentation purposes. The maximum discharge rate will be 1,700 litres per second with a volume not exceeding 3,000,000 cubic metres in any period of 30 consecutive days.

**CRC093391** - to discharge water and contaminants to the Waihao River via an irrigation race, at or about map reference NZMS 260 J40:623-995, for stream flow augmentation purposes. The maximum discharge rate will be 1,700 litres per second with a volume not exceeding 3,000,000 cubic metres in any period of 30 consecutive days.

**This application is made under section 127 of the Resource Management Act 1991:**

**CRC897381C.2** - to add the following conditions to resource consent CRC897381C.1:

- (a) A condition that specifies a combined irrigation area for the land irrigated under resource consents CRC000897, CRC897381C.1 and CRC091997.
- (b) A condition limiting the combined maximum annual volume of water abstracted under CRC000897 and CRC897381C.1 for irrigation purposes. The proposed annual volume is 330 million cubic metres during the irrigation season, and 930 million cubic metres in any three consecutive irrigation seasons. These seasonal limits are exclusive of any water conveyed through the Morven Glenavy Irrigation system to provide the environmental flow to the Waihao River outside the irrigation season.
- (c) A condition requiring the release of water into the Waihao River during the irrigation season, unless the consent holder is prevented from doing so by an event beyond their control, to provide for the following flows in the river:
  - (i) a flow of at least 400 litres per second at the Crowes Road discharge point at or about map reference NZMS 260 J40:623-995, and

- (ii) a flow of at least 300 litres per second at the Lateral 3 Horsnells Road discharge point at or about map reference NZMS 260 J40:603-995.

Resource consent CRC897381C currently authorises the taking of water from the Waitaki River for the irrigation of up to 13,000 hectares.

A duration of 35 years has been requested for all new resource consents. The duration of the existing consent (CRC897381C.1) will remain unchanged at 30 April 2028.

A hearing is scheduled for 30 November to 2 December 2009 to hear and decide the applications.

The decision-makers recommended have satisfied Council staff they have the necessary criteria, including technical ability, availability and RMA Accreditation Certification, to carry out the duties required.

Report prepared by Donald Fraser, Consents Hearings Officer  
Report endorsed by John Boraston, Consents Manager

### ***Recommended***

- (a) *That the Committee appoint Emma Christmas as a Commissioner to hear and decide resource consent application CRC091997 – 091998, CRC093392, CRC093391 and CRC897381C.2 by Morven Glenavy Irrigation Scheme with the full powers of the Council as a consent authority.*
- (b) *That the Committee appoint Emma Christmas to deal with any preliminary matters associated with (a) with the full powers of the Council as a consent authority.*

## **6.3 N W UNWIN – CRC083583**

### **Application**

To place a mooring block on the bed of the sea, occupy the seabed and related parts of the Coastal Marine Area outside a designated mooring area, and use a swing mooring, at or about map reference NZMS 260 N36:910-317 (Latitude 43 degrees, 37 minutes, 20 seconds, Longitude 172 degrees, 45 minutes, 50 seconds), Pile Bay, Lyttelton Harbour.

A consent duration of 35 years is sought.

A hearing is scheduled for 27 October 2009 to hear and decide the application.

Environment Canterbury is a submitter to the notified application. Therefore external decision-makers are required to be appointed.

The hearing panel recommended have satisfied Council staff they have the necessary criteria, including technical ability, availability and RMA Accreditation Certification, to carry out the duties required.

Report prepared by Donald Fraser, Consents Hearings Officer  
Report endorsed by John Boraston, Consents Manager

**Recommended**

- (a) *That the Committee appoint Councillors J M Kane, J T Demeter and P C R Harrow and that Councillor Kane be appointed Chairperson of the Hearing Panel to hear and decide resource consent application CRC083583 by N W Unwin with the full powers of the Council as a consent authority.*
- (b) *That the Committee appoint Councillors J M Kane, J T Demeter and P C R Harrow to deal with any preliminary matters associated with (a) with the full powers of the Council as a consent authority.*

**6.4 CHRISTCHURCH CITY COUNCIL – CRC091721**

**Application**

To discharge water and contaminants to land and water where the discharge is associated with all current and future stormwater as reflected in the Integrated Catchment Management Plan (ICMP) for the South-West area of Christchurch ('the project area'). The application excludes all discharges of stormwater from industrial premises already consented or industrial premises that do not discharge to the Christchurch City Council stormwater network.

The ICMP project area is shown in the map below and consists of a total of 7,975 hectares, and includes the upper Heathcote River, Cashmere Stream and the Halswell River sub catchments of Knights and Nottingham Streams, and is within the Christchurch Groundwater Protection Zones 1, 2 and 3.

The western boundary is Pound Road and Marshs Road, the western boundary then extends southwards to, but not including, the Halswell River at Lansdowne Valley. The northern boundary is Yaldhurst Road between Yaldhurst and the Riccarton Raceway. The eastern boundary is the Heathcote River at Cashmere. The project area also extends to the ephemeral waterways draining the north and west-facing slopes of the Port Hills between Early Valley Road and Dyers Pass Road.

A consent duration of 35 years is sought.

A hearing is tentatively scheduled to commence on 16 November 2009 to hear and decide the application.

Environment Canterbury is a submitter to the application and Council policy directs that external decision-makers be appointed.

The decision-makers recommended have satisfied Council staff they have the necessary criteria, including technical ability, availability and RMA Accreditation Certification, to carry out the duties required.

Report prepared by Donald Fraser, Consents Hearings Officer  
Report endorsed by John Boraston, Consents Manager

***Recommended***

- (a) *That the Committee appoint Sharon McGarry and Robert Batty to hear and decide resource consent application CRC091721 by Christchurch City Council with the full powers of the Council as a consent authority.*
- (b) *That the Committee appoint Sharon McGarry and Robert Batty to deal with any preliminary matters associated with (a) with the full powers of the Council as a consent authority.*

**6.5 B R A CHAFFEY –CRC061009**

A hearing will be scheduled to decide an objection lodged by B R A Chaffey under Section 357 RMA to the costs incurred in the processing of resource consent CRC061009.

The decision maker recommended has satisfied council staff he has the necessary criteria, including technical ability, availability and RMA Accreditation certification, to carry out the duties required.

Report prepared by Donald Fraser, Consents Hearings Officer  
Report endorsed by John Boraston, Consents Manager

***Recommended***

- (a) *That the Committee appoint Richard Budd to hear and decide the objection lodged to the costs incurred in the processing of resource consent CRC061009 by B R A Chaffey with the full powers of the Council as a consent authority.*
- (b) *That the Committee appoint Richard Budd to deal with any preliminary matters associated with (a) with the full powers of the Council as a consent authority.*

**6.6 DARWIN EARTYHWORKS LIMITED CRC093806**

**Application**

To extract gravel, sand and other natural materials from the bed of the Eyre River at or about map reference NZMS 260 L35:4646-6476

The proposed application is to carry out an activity is on Environment Canterbury reserve land ( for river management purposes) and Council policy requires that an external decision maker be appointed.

The decision maker recommended has satisfied council staff she has the necessary criteria, including technical ability, availability and RMA Accreditation Certification, to carry out the duties required.

Report prepared by Donald Fraser, Consents Hearings Officer  
Report endorsed by John Boraston, Consents Manager

**Recommended**

- (a) *That the Committee appoint Sharon McGarry as a decision maker to decide whether resource consent application CRC093806 by Darwin Earthworks Limited shall be processed with or without notification, with the full powers of the council as a consent authority.*
- (b) *That the Committee appoint Sharon McGarry to determine resource consent application CRC093806 with or without a hearing, with the full powers of the council as a consent authority.*
- (c) *That the Committee appoint Sharon McGarry to deal with any preliminary matters associated with (a) and (b), with the full powers of the Council as a consent authority*