

MEETING OF THE REGULATION HEARING COMMITTEE

TO THE MEMBERS OF THE
COMMITTEE

MEMBERSHIP OF THE COMMITTEE

David Caygill
Donald Couch
Tom Lambie

A meeting of the Committee will be held on
Thursday 27th May 2010 at 12.00 p.m.

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-notice/minutes/Pages/Default.aspx>

Dr Bryan Jenkins
CHIEF EXECUTIVE

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

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 PREVIOUS MEETING
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

REGULATION HEARING COMMITTEE

MINUTES OF THE MEETING HELD IN THE COUNCIL CHAMBER, FIRST FLOOR,
PEGASUS BUILDING, ENVIRONMENT CANTERBURY, 58 KILMORE STREET,
CHRISTCHURCH ON 14 MAY 2010 AT 12.30 P.M.

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PRESENT

Commissioners Peter Skelton (Chairperson), Donald Couch and Tom Lambie

MANAGEMENT AND STAFF PRESENT

Donald Fraser (Consents Hearings Team Leader).

1. APOLOGIES

Commissioner David Caygill

2. CONFLICTS OF INTEREST

Nil

3. DEPUTATIONS AND PETITIONS

Nil.

MATTERS FOR DECISION

4 APPOINTMENT OF DECISION-MAKERS TO HEAR AND DECIDE RESOURCE CONSENT APPLICATIONS

4.1 CHRISTCHURCH CITY COUNCIL CRC101835,101843,101760 and 101819

The Committee was advised that a hearing was originally scheduled to commence on 5 May 2010 to hear and decide the applications relating to the discharge of wastewater from the Governors Bay and Diamond harbour wastewater treatment plants. However, Mr Robin Delamore, who had been previously appointed by Council declared a conflict of interest and stood down from the hearing panel. Mr Delamore was also the Minister of Conservation's appointee on the panel.

A new hearing commissioner was now recommended to replace Mr Delamore. Ms McGarry had considerable experience as a hearing commissioner (and as a chair of hearing panels) with Environment Canterbury and had also been appointed by the Minister of Conservation for this hearing.

Resolved

- (a) *That the Committee appoints Sharon McGarry as Commissioner to hear and decide resource consent applications CRC101835,101843,101760 and 1018190862-100864 by Christchurch City Council with the full powers of the Council as a consent authority.*
- (b) *That the Committee appoints Sharon McGarry to deal with any preliminary matters associated with (a) with the full powers of the Council as a consent authority.*

Peter Skelton/Tom Lambie

4.2 ORANA PARK WILDLIFE TRUST CRC102104

The Committee was advised that it was council policy to appoint an external decision maker when consent applications were lodged for an activity on land owned by the council.

The commissioner recommended had satisfied the commissioners he had the necessary criteria, including technical ability, availability and timeframe commitment to carry out the duties required.

Resolved

- (a) *That the Committee appoints Robert Nixon as Commissioner to consider and decide resource consent application CRC101104 by Orana Park Wildlife Trust, including the decision as to whether the application shall be processed with or without notification, with the full powers of the Council as a consent authority.*

- (b) *That the Committee appoints Robert Nixon to deal with any preliminary matters associated with (a) with the full powers of the Council as a consent authority.*

Peter Skelton/Donald Couch

4.3 NEW ZEALAND DEERSTALKERS ASSOCIATION NORTH CANTERBURY BRANCH CRC102888

The Committee was advised that it was council policy to appoint a hearing commissioner when consent applications were lodged to carry out an activity on land owned by the council.

The commissioner recommended had satisfied the commissioners he had the necessary criteria, including technical ability, availability and timeframe commitment to carry out the duties required.

Resolved

- (a) *That the Committee appoints Barry Loe as Commissioner to consider and decide resource consent application CRC102888 by New Zealand Deerstalkers Association North Canterbury Branch, including the decision as to whether the application shall be processed with or without notification, with the full powers of the Council as a consent authority.*
- (b) *That the Committee appoints Barry Loe to deal with any preliminary matters associated with (a) with the full powers of the Council as a consent authority.*

Peter Skelton/Donald Couch

4.4 RESOURCE CONSENT APPLICATIONS SUBJECT TO PUBLIC NOTIFICATION WHERE THERE ARE NO PARTIES TO BE HEARD.

Regulation Hearing Committee (RHC) was currently delegated to consider and decide resource consent applications subject to public notification where there are no parties to be heard, including the applicant.

It was recommended that a hearing commissioner be appointed by the RHC to consider and decide those applications delegated to RHC to decide.

The hearing commissioner recommended was previously a chair of Regulation Hearing Committee; a lawyer experienced in RMA matters; experienced hearing commissioner, RMA Accreditation Certified (Chair), and had confirmed his availability as required on a weekly basis to sit as a decision maker.

Then Commissioners noted that the recommendation was for a term of three months ending on Friday 30 July 2010.

Resolved

That Alec Neill be appointed as a Hearing Commissioner to consider and decide resource consent applications, subject to public notification where there are no parties to be heard, with the full powers of the Council as a consent authority for a period of time to expire on Friday 30 July 2010.

Peter Skelton/Tom Lambie

4.5 OBJECTION TO COSTS INCURRED IN PROCESSING RESOURCE CONSENT APPLICATION CRC100014 – S N J AND R A WYLIE AND R J LISTER

The Committee was advised that a hearing would be scheduled to hear and decide an objection to the costs incurred in processing a consent application to take and use groundwater at Rangiora.

The commissioner recommended had satisfied council staff he had the necessary criteria, including technical ability, availability and timeframe commitment to carry out the duties required.

Resolved

- (a) *That the Committee appoints Richard Budd as Commissioner to hear and decide an objection lodged to the costs incurred in the processing of resource consent resource CRC100014 by S N J and W R Wylie and R J Lister with the full powers of the Council as a consent authority.*
- (b) *That the Committees appoints Richard Budd to deal with any preliminary matters associated with (a) with the full powers of the Council as a consent authority.*

Peter Skelton/Donald Couch

8. QUESTIONS

Nil.

9. EXTRAORDINARY AND URGENT BUSINESS

Nil

10. NEXT MEETING

27 May 2010.

11. CLOSURE

The Chairperson adjourned the meeting at 1.10 p.m.

CONFIRMED

DATE _____ CHAIRPERSON _____

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

6.1 T W and B M LOVETT CRC102937

A hearing will be scheduled to hear and decide an objection lodged under Section 357 RMA to a decision made by the council to refuse a consent application under Section 88 Resource management Act.

The application is to take and use groundwater for irrigation at Fairfield Road, Newlands.

Report prepared by Donald Fraser, Consents Hearings Team Leader
Report endorsed by Tania Harris, Consents Manager

Recommended

- (a) *That the Committee appoint Alec Neill as a Commissioner to hear and decide the objection to a decision to refuse consent application CRC102937 by T W and B M Lovett under Section 88 RMA with the full powers of the Council as a consent authority.*
- (b) *That the Committee appoint Alec Neill to deal with any preliminary matters associated with (a) with the full powers of the Council as a consent authority.*

6.2 OBJECTIONS TO COSTS INCURRED IN PROCESSING RESOURCE CONSENT APPLICATIONS

V Scully CRC012735
G R and D M Diftort CRC092748
The Fireplace Limited CRC083785 and CRC083786
R A Illingworth CRC093635
Waipara Projects Limited CRC071379
E L Dickson CRC093764
J C Reid CRC093884
S N J and R A Wylie and R J Lister CRC100014

Hearings will be scheduled to hear and decide the above objections lodged under Section 357 RMA to the costs incurred in processing the resource consents.

The Hearing Commissioner recommended has satisfied council staff he has the necessary criteria, including technical ability, availability and timeframe commitments, to carry out the duties required.

Report prepared by Donald Fraser, Consents Hearings Team Leader
Report endorsed by Tania Harris, Consents Manager

Recommended

- (a) *That the Committee appoints Richard Budd as a Commissioner to hear and decide the objections lodged to the costs incurred in the processing of resource consents resource consents V Scully CRC012735, G R and D M Diftort CRC092748, The Fireplace Limited CRC083785 and CRC083786, R A*

Illingworth CRC093635, Waipara Projects Limited CRC071379, E L Dickson CRC093764, J C Reid CRC093884 and S N J and R A Wylie and R J Lister CRC100014, with the full powers of the Council as a consent authority.

- (b) *That the Committee appoints Richard Budd to deal with any preliminary matters associated with (a) with the full powers of the Council as a consent authority.*

6.3 OBJECTIONS TO COSTS INCURRED IN PROCESSING RESOURCE CONSENT APPLICATIONS

Park Lane Residents Association CRC090502 and CRC010623.1
I A Surgenor CRC093990
A L McAlwee CRC093646
J S Rutherford CRC091632
Hurley Excavation and Cartage Limited CRC080350.1
Wainono Dairy Limited CRC091163

Hearings will be scheduled to hear and decide objections lodged under Section 357 RMA to the costs incurred in processing resource consents.

The commissioner recommended has satisfied council staff he has the necessary criteria, including technical ability, availability and timeframe commitment to carry out the duties required.

Report prepared by Donald Fraser, Consents Hearings Team Leader
Report endorsed by Tania Harris, Consents Manager

Recommended

- (a) *That the Committee appoints Ken Lawn as a Commissioner to hear and decide the objection lodged to the costs incurred in processing resource consents Park Lane Residents Association CRC090502 and CRC010623.1, I A Surgenor CRC093990, A L McAlwee CRC093646, J S Rutherford CRC091632, Hurley Excavation and Cartage Limited CRC080350.1, and Wainono Dairy Limited CRC091163 with the full powers of the Council as a consent authority.*
- (b) *That the Committee appoints Ken Lawn to deal with any preliminary matters associated with (a) with the full powers of the Council as a consent authority.*