

MEETING OF THE REGULATION HEARING COMMITTEE

TO THE CHAIRPERSON AND MEMBERS OF THE
COMMITTEE

MEMBERSHIP OF THE COMMITTEE

Cr B S Murray (Chairperson)
Cr D P Sutherland
Cr C J Evans

A meeting of the Committee will be held on
Thursday, 28 January 2010 at 8.30 am

VENUE: Opihi Room
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](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 PREVIOUS MEETING – To be precirculated
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 PEGASUS BAY VINEYARD AND WINERY LIMITED – CRC041892

Application

CRC041892 – to take up to 9.6 litres per second of water from a gallery adjacent to the Waipara River at or about map reference NZMS 260 M34:8554-9317, for drip irrigation of 40 hectares of grapes at Georges Road, Waipara. This application is for a new activity. A consent duration of 35 years has been sought.

A hearing is scheduled for 17 February 2010 to hear and decide the application.

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 Team Leader
Report endorsed by John Boraston, Consents Manager

Recommended

- (a) *That the Committee appoint Sharon McGarry and Jo Kane as Commissioners to hear and decide resource consent application CRC041892 by Pegasus Bay Vineyard and Winery Limited with the full powers of the Council as a consent authority.*
- (b) *That the Committee appoint Sharon McGarry and Jo Kane to deal with any preliminary matters associated with (a) with the full powers of the Council as a consent authority.*

6.2 WAIAU PASTURE LIMITED- CRC100299

Application

Applicant: Waiau Pasture Limited

Address: C/- Bowden Environmental Limited, PO Box 404, Kaiapoi 7644, Attn: Ms Erin Blair

Waiau Pastures Limited have applied to the Canterbury Regional Council for a land use consent to undertake flood protection works in the bed of the Waiau River between map references NZMS 260 N32:2771-3221 and N32:2954-3169, on Lot 1 DP 76306, Sisters Road, Parnassus.

CRC100299 – to disturb the bed, deposit material on the bed and plant willows on and in the bed of the Waiau River.

A consent duration of 35 years is sought for the above consent.

A hearing will be scheduled for early March 2010 to hear and decide the application. Environment Canterbury is a submitter to the application and council policy requires an external decision maker to be appointed.

The decision-maker recommended have 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 Team Leader
Report endorsed by John Boraston, Consents Manager

Recommended

- (a) *That the Committee appoint Barry Loe as Commissioner to hear and decide resource consent application CRC100299 by Waiau Pastures Limited Irrigation Scheme with the full powers of the Council as a consent authority.*
- (b) *That the Committee appoint Barry Loe to deal with any preliminary matters associated with (a) with the full powers of the Council as a consent authority.*

6.3 OBJECTION TO COSTS INCURRED – MONITORING CHARGES

**D G MOORHEAD CRC050365, CRC050367, CRC050368, CRC050365
ASCOT FARMS LIMITED CRC050781 AND CRC050782
M J LOWERY CRC042917
N R & A L MOSLEY AND S B & N J CARRICK CRC050061
SOLVENT RESCUE (1999) LIMITED CRC992174**

Objections have been lodged to the monitoring charges incurred and objections have requested that a hearing be scheduled to determine the objections.

The decision maker recommended have 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 Team Leader
Report endorsed by John Boraston, Consents Manager

Recommended

- (a) *That the Committee appoint Dr Michael Freeman to hear and decide the objections lodged to monitoring costs incurred for resource consents CRC050365, CRC050367, CRC050368, CRC050781, CRC050782, CRC042917, CRC050061 and CRC992174 with the full powers of the Council as a consent authority.*
- (b) *That the Committee appoint Dr Michael Freeman to deal with any preliminary matters associated with (a) with the full powers of the Council as a consent authority.*

6.4 OBJECTIONS TO COSTS INCURRED IN PROCESSING RESOURCE CONSENT APPLICATIONS

MR S P BRAND - CRC080456
SEVENTH DAY ADVENTIST CHURCH - CRC071919
MR D C HIGGS - CRC080511
MR G M STODDART - CRC030955
MR D H & MRS C A GIBSON & MR D J HARVIE - CRC031255.1
MR G NIMMO - CRC090035
MR A K Y & MRS J A WANG - CRC082980
MS G A BROCKIE - CRC084788
O C & P M TROUNCE FAMILY TRUST CRC040709.1, CRC091784,
CRC091785,CRC091786 CRC091787
MR N G & MS P J FERGUSON - CRC084223

Hearings will be scheduled to hear and decide the objection to costs incurred in processing the resource consent applications.

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

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

Recommended

- (a) *That the Committee appoint Richard Budd to hear and decide the objections lodged to the costs incurred in the processing of resource consent applications CRC080456 ,CRC071919, CRC080511, CRC030955, CRC031255.1,CRC090035, CRC082980, CRC084788, CRC040709.1 ,CRC091784, CRC091785, CRC091786, CRC091787 and CRC084223 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.*

6.5 CANTERBURY REGIONAL COUNCIL – CRC102088

APPLICATION

To install one temporary monitoring/investigation Bore at Deep Creek Road, Waimate at or about map reference NZMS 260 J40:6000-0930.

It is council policy to appoint an external decision maker when resource consent applications are lodged by the council.

The decision maker recommended have 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 Team Leader

Report endorsed by John Boraston, Consents Manager

Recommended

- (a) *That the Committee appoint Robert Nixon as a decision maker to consider and decide resource consent application CRC102088 by Canterbury Regional Council, including the decision 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 appoint Robert Nixon to deal with any preliminary matters associated with (a) with the full powers of the Council as a consent authority.*