

MEETING OF THE REGULATION HEARING COMMITTEE

TO THE CHAIRPERSON AND MEMBERS OF THE
COMMITTEE

MEMBERSHIP OF THE COMMITTEE

Peter Skelton (Chairperson)
David Caygill
Tom Lambie
Elizabeth Cunningham

A meeting of the Committee will be held on
Thursday 18 August 2016 at 8.30 am

VENUE: Council Chamber
200 Tuam 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>

Bill Bayfield
CHIEF EXECUTIVE

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

Everything is connected

*Facilitating sustainable development
in the Canterbury region*

PO Box 345, Christchurch 8013

P: 03 365 3828

F: 03 365 3194

www.ecan.govt.nz



**Environment
Canterbury
Regional Council**
Kaunihera Taiao ki Waitaha

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.

**CANTERBURY REGIONAL COUNCIL
REGULATION HEARING COMMITTEE
ORDER PAPER**

1.	APOLOGIES
2.	CONFLICTS OF INTEREST
3.	MINUTES OF PREVIOUS MEETINGS: 28 JULY 2016
4.	MATTERS ARISING FROM PREVIOUS MINUTES
5.	DEPUTATIONS AND PETITIONS
	DECISION ITEMS
6.1	Appointment of Decision Maker to decide resource consent applications - CRC167412, CRC167413, CRC167414, CRC167415, CRC167416, CRC167417, CRC167418, CRC167419, CRC169624 – Christchurch City Council
6.2	Appointment of Decision Maker to hear and decide objection to costs of resource consents
	PROCEDURAL ITEMS
7.	EXTRAORDINARY AND URGENT BUSINESS
8.	NEXT MEETING – To be confirmed
9.	CLOSURE

REGULATION HEARING COMMITTEE

Minutes of the meeting held in the Council Chamber,
200 Tuam Street, Christchurch on
Thursday 28 July 2016 at 8:30am

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2. CONFLICTS OF INTEREST
3. MINUTES OF PREVIOUS MEETING – 21 JULY 2016
4. MATTERS ARISING FROM PREVIOUS MINUTES
5. DEPUTATIONS AND PETITIONS

DECISION ITEMS

- 6.1 **Appointment of Decision Makers to decide resource consent application – L W & D I Molloy - CRC151154 and CRC151179; and Yollom Farm Limited – CRC151176**
- 6.2 **Appointment of Decision Makers to decide resource consent application – CRC154901 – to be held jointly by Longbeach Estate Limited and Raynham Dairies Limited; CRC154902 and CRC154906 to be held by Mr K B & Mrs R A Townshend; and CRC154904 to be held by Bellwin Farms Limited**

PROCEDURAL ITEMS

7. EXTRAORDINARY AND URGENT BUSINESS
8. NEXT MEETING
9. CLOSURE

PRESENT

Commissioners Peter Skelton (Chairperson), David Caygill and Elizabeth Cunningham.

OFFICERS PRESENT

Alison Cooper, Consents Hearings Officer and Therese Davel, Senior Administration Officer

1. APOLOGIES

Commissioner Tom Lambie

2. CONFLICTS OF INTEREST

None.

3. MINUTES OF PREVIOUS MEETING – 21 JULY 2016

Resolved:

That the Committee confirms as a true and correct record, and adopts the minutes of, the meeting held on 21 July 2016.

Elizabeth Cunningham / David Caygill
CARRIED

4. MATTERS ARISING

None.

5. DEPUTATIONS AND PETITIONS

There were no deputations and petitions.

6. DECISION ITEMS

6.1 Appointment of Decision Makers to decide resource consent application – L W & D I Molloy - CRC151154 and CRC151179; and Yollom Farm Limited – CRC151176

Resolved:

That the Committee, in regard to resource applications CRC151154 and CRC151179 to be held by L W & D I Molloy; and resource consent application CRC155179 to be held by Yollom Farm Limited

(a) Appoints Sharon McGarry as a Hearings Commissioner under s34A of the Resource Management Act 1991; and

(b) Delegates to Sharon McGarry pursuant to s34A(1) Resource Management Act 1991, the function, powers and duties required to: deal with any preliminary matters; hear; and decide the application.

David Caygill / Elizabeth Cunningham
CARRIED

6.2 Appointment of Decision Makers to decide resource consent application – CRC154901 – to be held jointly by Longbeach Estate Limited and Raynham Dairies Limited; CRC154902 and CRC154906 to be held by Mr K B & Mrs R A Townshend; and CRC154904 to be held by Bellwin Farms Limited

Resolved:

That the Committee, in regard to resource applications CRC154901 – to be held jointly by Longbeach Estate Limited and Raynham Dairies Limited; CRC154902 and CRC154906 made by Mr K B & Mrs R A Townshend; and CRC154904 made by Bellwin Farms Limited

(a) Appoints Sharon McGarry as a Hearings Commissioner under s34A of the Resource Management Act 1991; and

UNCONFIRMED

(b) Delegates to Sharon McGarry pursuant to s34A(1) Resource Management Act 1991, the function, powers and duties required to: deal with any preliminary matters; hear; and decide the application.

David Caygill / Elizabeth Cunningham
CARRIED

7. EXTRAORDINARY AND URGENT BUSINESS

None.

8. NEXT MEETING

To be confirmed.

9. CLOSURE

Chairman Skelton declared the meeting closed at 8:54am.

CONFIRMED

DATE: _____ **CHAIRPERSON:** _____

Regulation Hearing Committee paper

General Information

Agenda item number	6.1	Date	17 August 2016
Portfolio	Operations Group - Consents	Commissioner	Regulation Hearing Committee
Author	Alison Cooper	Endorsed by	Tania Harris

Title

Appointment of Decision Maker to decide resource consent applications

Purpose

To appoint a Hearing Commissioner to hear and decide resource consent application(s) – CRC167412, CRC167413, CRC167414, CRC167415, CRC167416, CRC167417, CRC167418, CRC167419, CRC169624 – Christchurch City Council

Recommendations

That the Committee, in regard to resource applications CRC167412, CRC167413, CRC167414, CRC167415, CRC167416, CRC167417, CRC167418, CRC167419, CRC169624 made by Christchurch City Council

(a) Appoints Sharon McGarry as a Hearings Commissioner under s34A of the Resource Management Act 1991; and

(b) Delegates to Sharon McGarry pursuant to s34A(1) Resource Management Act 1991, the function, powers and duties required to: deal with any preliminary matters; hear; and decide the application.

Proposal

Background

Christchurch City Council proposes to convert wastewater treatment plants to wastewater pumping and storage facilities in Governors Bay, Diamond Harbour, and Cashin Quay, Lyttelton and to construct a new wastewater pump station on Simeon Quay, Lyttelton. Wastewater flows collected at Governors Bay and Diamond Harbour will be reticulated via a buried submarine pipeline across Lyttelton Harbour to a newly constructed wastewater pump station at Simeon Quay, Lyttelton. A wastewater pipeline will also be constructed to reticulate wastewater flows through the Lyttelton Vehicle Tunnel and along State Highway 74 and road reserve to an existing pump station (Pump Station 15) in Alport Place, Woolston where wastewater is pumped to the Christchurch Wastewater Treatment Plant in Bromley.

Consents are required to use land for the storage of wastewater, to excavate land; disturb the seabed and foreshore during construction; to place, operate and maintain pipes under the seabed; as well as discharge permits to discharge to air; discharges of stormwater and dewatering water; and water permits for drilling under and over surface water bodies.

The applicant seeks a consent duration of 35 years.

The applications were jointly notified with Christchurch City Council. Their applications are for a notice of requirement and a land use consent.

Six submissions were received with four parties to be heard. Four support the proposal and two were neutral.

A joint hearing is required. The hearing is proposed for September 2016.

Discussion

The proposed commissioner, Sharon McGarry, be appointed as she has satisfied Council staff she has the necessary criteria, including technical ability, RMA Accreditation certification, availability and timeframe commitments to carry out the duties required.

Christchurch City Council also propose to appoint Ms McGarry for this joint hearing.

Legal compliance

S34A of the Resource Management Act 1991 allows Council to delegate functions to Hearing Commissioners appointed by the Canterbury Regional Council.

The Regulation Hearing Committee appoints Hearing Commissioners in relation to consent authority matters under the Resource Management Act 1991.

Regulation Hearing Committee paper

General Information

Agenda item number	6.2	Date	17 August 2016
Portfolio	Operations Group - Consents	Commissioner	Regulation Hearing Committee
Author	Alison Cooper	Endorsed by	Tania Harris

Title

Appointment of Decision Maker to hear and decide objection to costs of resource consents,

Purpose

To renew the appointments of Hearing Commissioners to hear and decide objection to costs of resource consent application.

Recommendations

That the Committee, in regard to an objection to costs of resource consent application lodged under s357B of the Resource Management Act 1991

- (a) *Appoints Alec Neill as a Hearings Commissioner under s34A of the Resource Management Act 1991, for a period of time to expire 6 August 2016.*
- (b) *Appoints Ken Lawn as a Hearings Commissioner under s34A of the Resource Management Act 1991, for a period of time to expire 6 August 2016.*
- (c) *Delegates to Alec Neill and Ken Lawn pursuant to s34A(1) Resource Management Act 1991, the function, powers and duties required to: deal with any preliminary matters; hear; and decide an objection to costs of resource consent application.*

Proposal

Background

Hearings are required to hear and decide an objection to costs for resource consent.

Hearing Commissioners Alec Neill and Ken Lawn were appointed last year for a one year period as individual commissioners to hear and decide objection to costs, as required.

The period of appointment has now expired.

Discussion

It is proposed that Alec Neill and Ken Lawn be reappointed as decision makers to hear and decide objection to costs, for a period of 12 months expiring 6 August 2016. The proposal to appoint two commissioners is to ensure availability of one person as and when required.

The Commissioners recommended have satisfied staff they have the necessary criteria including technical ability, RMA Accreditation certification, availability and timeframe commitments to carry out the duties required during the period of appointment.

Legal compliance

S34A of the Resource Management Act 1991 allows Council to delegate functions to Hearing Commissioners appointed by the Canterbury Regional Council.

The Regulation Hearing Committee appoints Hearing Commissioners in relation to consent authority matters under the Resource Management Act 1991.