

MEETING OF THE REGULATION HEARING COMMITTEE

TO THE CHAIRPERSON AND MEMBERS OF THE
COMMITTEE

MEMBERSHIP OF THE COMMITTEE

Peter Skelton (Chairperson)
Lan Pham
Tom Lambie
Elizabeth Cunningham

A meeting of the Committee will be held on
Thursday 2 February 2017 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-notice/minutes/Pages/Default.aspx>

Bill Bayfield
CHIEF EXECUTIVE

**RECOMMENDATIONS IN REPORTS ARE NOT TO BE TAKEN
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**Environment
Canterbury
Regional Council**
Kaunihera Taiao ki Waitaha

CANTERBURY REGIONAL COUNCIL
REGULATION HEARING COMMITTEE
ORDER PAPER

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	DECISION ITEMS
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6.2	Appointment of a Facilitator for a pre-hearing of resource consent applications - CRC172455, CRC172456, CRC172522 and CRC172523 to be held by Lyttelton Port Company Limited
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REGULATION HEARING COMMITTEE

Minutes of the meeting held in the Council Chamber,
200 Tuam Street, Christchurch on
Thursday 1 December 2016 at 8:30 am

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4. MATTERS ARISING FROM PREVIOUS MINUTES
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DECISION ITEMS

- 6.1 **Appointment of Decision Maker to decide resource consent applications -**
CRC172568 and CRC172569 – Burwood Resource Recovery Park Limited
- 6.2 **Appointment of Decision Maker to decide resource consent application -**
CRC170833 and CRC170945 to be held by Hurunui District Council
- 6.3 **Appointment of Decision Maker to decide an objection to decision -**
CRC092417 held by Chequers Stud Limited

PROCEDURAL ITEMS

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

PRESENT

Councillors Peter Skelton (Chairperson), Lan Pham, Tom Lambie and Elizabeth Cunningham.

OFFICERS PRESENT

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

Cr Skelton opened the meeting and welcome the members to the first meeting of the newly constituted Committee. He briefly explained to members their function and how the Committee operates. He specifically pointed to the quorum; choosing a Chair in his absence; and members' conflicts of interest, if any.

1. APOLOGY

None

2. CONFLICTS OF INTEREST

No conflicts of interest were declared.

3. MINUTES OF PREVIOUS MEETING – 6 OCTOBER 2016

Resolved:

That the Committee confirms as a true and correct record, and adopts the minutes of, the meeting held on 6 October 2016.

Cr Lambie / Cr Cunningham
CARRIED

4. MATTERS ARISING

There were no matters arising from the minutes.

5. DEPUTATIONS AND PETITIONS

There were no deputations or petitions.

6. DECISION ITEMS

For each of the three items Alison Cooper provided Councillors with brief background information in respect of the expertise of proposed Hearing Commissioners.

6.1 Appointment of Decision Maker to decide resource consent applications - CRC172568 and CRC172569 – Burwood Resource Recovery Park Limited

Resolved:

That the Committee, in regard to resource application CRC172568 and CRC172569, to be held by Burwood Resource Recovery Park Limited

(a) Appoints Ken Lawn as a Commissioner under s34A of the Resource Management Act 1991; and

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

Cr Pham / Cr Cunningham
CARRIED

6.2 Appointment of Decision Maker to decide resource consent application - CRC170833 and CRC170945 to be held by Hurunui District Council

Resolved:

That the Committee, in regard to resource applications CRC170833 and CRC170945 made by Hurunui District Council

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

(b) Delegates to Ken Gimblett 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.

Cr Lambie / Cr Pham
CARRIED

6.3 Appointment of Decision Maker to decide an objection to decision - CRC092417 held by Chequers Stud Limited

Resolved:

That the Committee, in regard to an objection to decision of resource consent CRC092417 – Chequers Stud Limited

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

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

Cr Cunningham / Cr Lambie
CARRIED

Alison Cooper provided an update of hearings, notifications and appeals. She explained the potential reasons for appointing a specific number of Hearing Commissioners.

The Chairperson requested staff to regularly circulate the update to all Councillors and to provide Regulation Hearing Committee members with a copy of the Hearings Policy for information.

7. EXTRAORDINARY AND URGENT BUSINESS

None

8. NEXT MEETING

To be confirmed.

9. CLOSURE

Chairman Skelton declared the meeting closed at 9.02 am.

CONFIRMED

DATE: _____

CHAIRPERSON _____

Regulation Hearing Committee paper

General Information

Agenda item number	6.1	Date	2 February 2017
Portfolio	Operations Group - Consents	Commissioner	Regulation Hearing Committee
Author	Alison Cooper	Endorsed by	Tania Harris

Title

Appointment of Decision Makers to consider and decide resource consent applications

Purpose

To appoint a Hearing Panel to hear and decide resource consent applications CRC1170651, CRC170652, CRC170653, CRC170654, CRC170655, CRC170656, CRC170657, CRC170658, CRC170659, CRC170660, CRC170661, CRC170662 made by Rangitata Diversion Race Management Limited

Recommendations

That the Committee, in regard to resource applications CRC1170651, CRC170652, CRC170653, CRC170654, CRC170655, CRC170656, CRC170657, CRC170658, CRC170659, CRC170660, CRC170661, CRC170662 made by Rangitata Diversion Race Management Limited

- (a) Appoints Paul Rogers as a Hearings Commissioner, and member and Chair of the Hearing Panel under s34A of the Resource Management Act 1991; and*
- (b) Appoints Richard Allibone as a Hearings Commissioner, and member of the Hearing Panel under s34A of the Resource Management Act 1991; and*
- (c) Appoints Yvette Couch-Lewis as a Hearings Commissioner, and member of the Hearing Panel under s34A of the Resource Management Act 1991; and*
- (d) Delegates to Paul Rogers, Richard Allibone and Yvette Couch-Lewis, 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

Rangitata Diversion Race Management Ltd have applied for or a suite of resource consents to construct, maintain and operate a large water storage facility (which could store up to 53

million cubic metres) on the eastern side of the Rangitata River near Klondyke. The water storage facility will be located adjacent to Montalto Road. The water storage facility is expected to supply water for a variety of purposes. Water from the facility will be made available to existing irrigators (to improve their reliability), and may be made available for additional irrigation (in mid-Canterbury and south Canterbury) as well as for projects such as Targeted Stream Augmentation and Managed Aquifer Recharge. Resource consent is, however, only being sought for the water storage facility and a series of associated activities. The use of the water from the water storage facility will be subject to resource consent applications, or will occur in accordance with existing resource consents. A 35 year duration is sought for all consents.

The application was publicly notified. This will be a joint hearing with Ashburton District Council

97 submissions have been received. 40 submitters wish to be heard. A slight majority of submissions oppose the proposal.

Discussion

The proposed commissioners, Paul Rogers as Chairman and Hearing Panel member; Richard Allibone as a Hearing Panel member; and Yvette Couch-Lewis as a Hearing Panel member; have satisfied Council staff they have the necessary criteria, including technical ability, RMA Accreditation certification, availability and timeframe commitments to carry out the duties required.

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	2 February 2017
Portfolio	Operations Group - Consents	Commissioner	Regulation Hearing Committee
Author	Alison Cooper	Endorsed by	Tania Harris

Title

Appointment of a Facilitator for a pre-hearing of resource consent applications.

Purpose

To appoint a Facilitator to facilitate a pre-hearing of resource consent applications to be held by Lyttelton Port Company Limited – CRC172455, CRC172456, CRC172522 and CRC172523

Recommendations

That the Committee, in regard to resource applications CRC172455, CRC172456, CRC172522 and CRC172523 made by Lyttelton Port Company Limited

(a) Appoints Ken Gimblett as a Facilitator under s99 of the Resource Management Act 1991; and

(b) Delegates to Ken Gimblett pursuant to s34A(1) Resource Management Act 1991, the function, powers and duties required under s99 to facilitate a pre-hearing meeting.

Proposal

Background

Lyttelton Port Company Limited has applied for consents for channel deepening dredging to enable larger vessels to access Lyttelton Port; subsequent maintenance dredging of the channel created after deepening; and dredging of seabed material at Te Awaparahi Bay in preparation for reclaiming land for a new container facility.

The consents are for two coastal permits to dredge the seabed for a shipping (navigation) channel; preparation for land reclamation and depositing the seabed material at Te Awaparahi Bay; and dredge and deposit material at Godley Head; plus two consents to discharge contaminants associated with the dredging.

The application was publicly notified with 44 submissions received and 23 submitters who wish to be heard.

The Applicant wishes to have a prehearing meeting to enable clarification and/or facilitate a resolution of a matter arising from the submissions.

Discussion

The proposed Facilitator, Ken Gimblett, has satisfied Council staff he has the necessary criteria, including facilitation experience, availability and timeframe commitments to carry out the duties required.

Regulation Hearing Committee paper

General Information

Agenda item number	6.3	Date	2 February 2017
Portfolio	Operations Group - Consents	Commissioner	Regulation Hearing Committee
Author	Alison Cooper	Endorsed by	Tania Harris

Title

Appointment of Decision Makers to consider and decide resource consent applications

Purpose

To appoint a Hearing Commissioner to hear and decide resource consent applications CRC172455, CRC172456, CRC172522 and CRC172523 to be held by Lyttelton Port Company Limited.

Recommendations

That the Committee, in regard to resource applications CRC172455, CRC172456, CRC172522 and CRC172523 to be held by Lyttelton Port Company Limited:

- (a) Appoints Sir Graham Pankhurst as a Hearings Commissioner, and member and Chair of the Hearing Panel under s34A of the Resource Management Act 1991; and*
- (b) Appoints Peter Atkinson as a Hearings Commissioner, and member of the Hearing Panel under s34A of the Resource Management Act 1991; and*
- (c) Appoints Raewyn Solomon as a Hearings Commissioner, and member of the Hearing Panel under s34A of the Resource Management Act 1991; and*
- (d) Delegates to Sir Graham Pankhurst, Peter Atkinson and Raewyn Solomon, pursuant to s34A(1) Resource Management Act 1991, the function, powers and duties required to: deal with any preliminary matters; hear; and decide the applications*

Proposal

Background

Lyttelton Port Company Limited has applied for consents for channel deepening dredging to enable larger vessels to access Lyttelton Port; subsequent maintenance dredging of the channel created after deepening; and dredging of seabed material at Te Awaparahi Bay in preparation for reclaiming land for a new container facility.

The consents are for two coastal permits to dredge the seabed for a shipping (navigation) channel; preparation for land reclamation and depositing the seabed material at Te Awaparahi Bay; and dredge and deposit material at Godley Head; plus two consents to discharge contaminants associated with the dredging.

The applications were publicly notified.

44 submissions were received, and 23 submitters wish to be heard. The majority of the submitters oppose the proposal.

Discussion

The proposed commissioners, Sir Graham Pankhurst as Chairman and Hearing Panel member; Peter Atkinson as a Hearing Panel member; and Raewyn Solomon as a Hearing Panel member; have satisfied Council staff they have the necessary criteria, including technical ability, RMA Accreditation certification, availability and timeframe commitments to carry out the duties required.

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.