

MEETING OF THE REGULATION HEARING COMMITTEE

TO THE CHAIRPERSON AND MEMBERS OF THE
COMMITTEE

MEMBERSHIP OF THE COMMITTEE

Cr A R McKay (Chairperson)
Cr C J Evans
Cr J T Demeter

A meeting of the Committee will be held on
Thursday, 12 November 2009 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-notice/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 – 20 November 2009 Councillors McKay, Demeter and Evans
10. CLOSURE

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

6.1 ALLIED CONCRETE LIMITED – CRC093738

Application

CRC093738 - to discharge contaminants into air from the operation of a concrete batching plant on Lots 1-3 DP 6792 on the Timaru-Temuka Highway, Washdyke, Timaru, at or about map reference NZMS 260 J39:6960-4996. Contaminants to be discharged include cement dust, including suspended particulates less than ten micron (PM₁₀), dust from the handling and storage of aggregate and sand, and fugitive dust from site activities relating to Allied Concrete.

A consent duration of 35 years is sought.

A hearing is scheduled for 16 November 2009 to hear and decide the application.

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 Team Leader
Report endorsed by John Boraston, Consents Manager

Recommended

- (a) *That the Committee appoint John Iseli as Commissioner to hear and decide resource consent application CRC093738 by Allied Concrete Limited with the full powers of the Council as a consent authority.*
- (b) *That the Committee appoint John Iseli to deal with any preliminary matters associated with (a) with the full powers of the Council as a consent authority.*

6.2 CHRISTCHURCH READYMIX CONCRETE LIMITED – CRC083603

Application

CRC083603 - to excavate and deposit gravel sand, and other natural material, and to disturb the bed of the Ashley River/Rakahui, and to place a structure in the bed of the Ashley River between map references NZMS 260 M35:8599-6986 and M35:8479-6990.

Environment Canterbury has ownership of the bed of that section of the Ashley River and it is Council policy to appoint an external decision-maker where this is the case.

The Commissioner 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 Team Leader
Report endorsed by John Boraston, Consents Manager

Recommended

- (a) *That the Committee appoint Sharon McGarry as a Commissioner to hear and decide resource consent application CRC083603 by Christchurch Readymix Concrete Limited with the full powers of the Council as a consent authority.*
- (b) *That the Committee appoint Sharon McGarry to deal with any preliminary matters associated with (a) with the full powers of the Council as a consent authority.*