



## STAFF REPORT

**TO:** Environment & Planning Committee

**FROM:** Rob Lieffering, Resource Consents Manager

**REFERENCE:** C651

**SUBJECT:** **RESOURCE CONSENTS MANAGER'S REPORT - REPORT EP08/09/06** – Report prepared for meeting of 16 September

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### 1. INTRODUCTION

This report presents a status report on current workloads of the Resource Consent Section, recent decisions of significance, and appeals which had been lodged with the Environment Court on decisions issued by the Hearings Committee.

This report also presents a summary of the Resource Consent's performance in respect of compliance with statutory timeframes for the 2007-2008 financial year. These data will be included in the Council's response to the biennial survey which the Ministry for the Environment undertakes.

### 2. CURRENT RESOURCE CONSENT WORKLOADS

As at 1 September 2008 the Resource Consents section has **641** resource consent applications lodged (cf. 638 in previous report) of which 378 applications are "on hold" either for further information or at the request of the applicant, and 263 applications are "in process" whereby the processing clock is ticking (cf. 260 applications in previous report).

### 3. SUMMARY OF DECISIONS MADE BY THE COUNCIL THROUGH HEARINGS COMMITTEES AND UNDER DELEGATED AUTHORITY

The following table presents a summary of the various types of consents issued, average processing days, and compliance with statutory timeframes.

**Table 1: Activity Status**

	Activity Status				Total
	Controlled	Discretionary	Restricted Discretionary	Non-complying	
Number of consents processed	207	488	416	24	1,135

**Table 2: Type of Resource Consent**

Type of Resource Consent	Subdivision	Land Use		Coastal Permit	Water Permit	Discharge Permit	Total	% Issued within statutory timeframes
		District	Regional					
Number of notified consents issued	15	21	12	1	13	128	190	76%
Number of limited notified consents issued	4	2	1	3	1	12	23	91%
Number of non-notified consents issued	172	421	142	6	80	101	922	93%
Total consents issued	191	444	155	10	94	241	<b>1,135</b>	<b>90.4%</b>
% Issued within statutory timeframes	76%	96%	87%	80%	89%	94%	<b>90.4%</b>	

**Table 3: Other Statistics**

Details	Number
Number of applications to change or cancel conditions of consent (S.127 RMA)	106
Number of Certificate of Compliances issued	8
Number of Designations or Outline Plans issued	20
Number of rights-of-way issued under the Local Government Act	11
Number of resource consents declined	0
Number (and percentage) of consents where further information was requested under S.92 of the RMA	565 (50%)
Number (and percentage) of decisions issued under delegated authority by Council staff	960 (84.6%)
Number (and percentage) of decisions issued by a Council Hearings Committee	170 (15.0%)
Number (and percentage) of decisions issued by a mixed panel of councillors and independent commissioner(s)	5 (0.4%)
Number of objections (S.357 RMA) received	16
Number of decisions appealed to the Environment Court (S.120 RMA)	11

#### 4. CURRENT APPEALS

Council staff are dealing (or have dealt with) with the following appeals on resource consent decisions, all of which relate to decisions made by various Hearings Committees:

<b>Appellant</b>	<b>Matter</b>	<b>Status</b>
CRT Ltd	Appeal against conditions of consent to establish a commercial activity at Lower Queen Street.	Environment Court decision issued. Decision overturned the Council's decision and refused consent.
Baigent	Appeal against conditions associated with Mt Heslington water sharing.	On hold awaiting outcome of appeal on RM060681 group of consents. See below.
Weingut Seifried	Appeal against conditions associated with Mt Heslington water sharing.	On hold awaiting outcome of appeal on RM060681 group of consents. See below.
Transit NZ	Subdivision at Stringer Valley (Applicant: Tasman Ltd).	Appeal resolved.
Richmond West Group	Subdivision of land at Richmond West.	On hold due to Variation to TRMP.
Riwaka Fruit and Viticultural Services Ltd	Subdivision at Flett Road, Moutere.	Appeal resolved.
Jones	Subdivision at Park Drive, Richmond. Appellant was a submitter.	Appeal resolved.
Kearney	Subdivision at Park Drive, Richmond. Appellant is the applicant.	Appeal resolved.
Tidswell	Subdivision at Mapua.	Mediation held and amended conditions being finalised. Appeal will be able to be resolved without a formal hearing.
Reilly	Development at Pupu Springs (Applicant: Reilly).	Mediation generally successful. Revised wording drafted and circulated. Currently being considered by applicant. Likely to be resolved by consent order.
Transit NZ		
Rose		
Earle and others		
Fleming		
Tiakina te Taiao	Subdivision at Marahau (Applicant: Newhaven Syndicate).	Environment Court mediation held and further informal mediation ongoing. Very likely to be resolved without needing a formal hearing.
Friends Of Mapua Wetland	Subdivision at Aranui Road (Aranui Road Trust)	Mediation held and draft Consent order being prepared. May be able to be resolved without need for a formal hearing.

<b>Appellant</b>	<b>Matter</b>	<b>Status</b>
Sebastien Vineyards Ltd	Subdivision at Tasman	Resolved via variation to decision and withdrawal of appeal.
Weingut Seifried	Excavation of ponds and increase water take (Applicant: A Baigent)	Informal mediation held and acceptable solution found. Understood to be acceptable to appellants so very likely appeal will be resolved. Outcome likely to render previous proceedings (see above) obsolete.
M and T Bouterey and Clark Education and Training	Childcare centre in Richmond (Applicant: Ireland Developments Limited)	Appeal resolved.
R and L Haines	Subdivision on Best Island (Appellant is applicant) – Declined by Hearings Committee	New appeal. Exchange of evidence timetable set.
R Carr and A Emerson	New dwelling at Totara Ave (Appellant is the Applicant)	New appeal. Awaiting instructions from Environment Court. Mediation likely to be entered into.
K and H Drake	Relocated dwelling at Ruby Bay (Applicant: D'Urville Vineyards Limited)	New appeal. Mediation likely.

## 5. JUDICIAL REVIEWS

### *Katania Limited*

In my previous report I advised that Mr H Seifried and Mrs A M Seifried, through their solicitor Mr G Downing, had sought a Judicial Review (in the High Court) on the decision I made under delegated authority to allow an application for resource consent lodged by Katania Limited to be processed on a non-notified basis and without the written approval of the Seifrieds.

The Council has now been advised that the Seifrieds have withdrawn this Judicial Review as their engineering consultant has reviewed the stormwater management system proposed by Katania Limited and he is now satisfied with the details.

### *Torrent Bay*

Stuart Allen Investments Limited has sought a Judicial Review in the High Court on two decisions I made under delegated authority to allow a land use consent (issued to P G Egden and J B Loughnan C/- T Douglas-Clifford) and a discharge permit (issued to T J Douglas-Clifford) to be issued on a non-notified basis and without its written approval. The land use consent was to construct a second dwelling on a property at Torrent Bay located within the Coastal Environment Area. The discharge permit was for the discharge of treated domestic wastewater. The resource consents were issued in 2006 and 2007 respectively.

The documents received by the Council did not include affidavits and a timetable for the exchange of evidence has been set.

## **6. SIGNIFICANT HEARINGS AND APPLICATIONS**

The Council has held a number of resource consent hearings since my last report. Some of the more significant hearings have included:

- Port Motueka Users Group Limited: Reconstruction and repair of the training wall at the entrance of Motueka Harbour. Granted by Committee which included Dr Mike Johnston as a commissioner.
- Arohanui Resort Limited: An 18 lot residential subdivision at Martin Farm Road, Kaiteriteri. Granted by Committee
- Ireland Developments Limited: To establish and operate an education and child care centre at Edward Street, Richmond. Granted by Committee.
- R and N Bensemman: A 16 lot subdivision at Old Wharf Road, Motueka. Granted by Committee.

A number of hearings have already been scheduled for September and there are also a number of applications which have been publicly notified for which hearings are likely to be required in the next few months. Some of the more significant applications include:

- Richmond Baptist Church: A proposal to expand the operations at the applicant's Salisbury Road property. A hearing is scheduled for 15 September 2008 and will be heard by Camilla Owen as an independent commissioner.
- Sustainable Ventures Limited: Proposal to redevelop the Pakawau Camp Ground. The applications were notified in August 2007 and the applicant has amended its application in light of the submissions received. A hearing date has not yet been set as the Council is awaiting further information in respect of the discharge permit for wastewater.
- New Zealand Energy Limited: Proposed hydrogenation scheme at Lake Matiri. Submissions have closed and further information has been sought before a hearing date is set.
- Brown Acre Village Limited: Comprehensive development (unit titles) at Parker Street, Motueka. Submissions have been received but staff are addressing stormwater issues with the applicant before setting a hearing date.
- Waitapu Fishing Company Limited: New consents for two marine farms at Waitapu Bay. The applicant currently has two consents which are due to expire. Currently notified and awaiting submissions.

## **7. STAFFING**

The Resource Consents section is now fully staffed after the appointment of Pauline Webby as a Consent Planner (Subdivisions). Pauline was formerly at Nelson City Council and she is working in the Motueka Service Centre alongside Paul Gibson.

## **8. RECOMMENDATION**

That this report be received.

Rob Lieffering  
**Resource Consents Manager**