

07 April 2010

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ENVIRONMENTAL MANAGEMENT COMMITTEE:

Chair and Councillors

NOTICE OF MEETING

I hereby give notice that a meeting of the Environmental Management Committee of the Auckland Regional Council is to be held in the Council Chamber, Ground Floor, 21 Pitt Street, Auckland, at:

11.00 AM OR AT THE CONCLUSION OF THE RSP COMMITTEE MEETING

ON

WEDNESDAY 7 APRIL 2010

An agenda for the meeting is attached.

B L Thomas
GROUP MANAGER, DEMOCRACY SERVICES

per:



Theresa Pearce
COMMITTEE SECRETARY

Our agendas and minutes are available online, go to www.arc.govt.nz/council/agendas-and-minutes

All reports in this Agenda are not to be construed as Council policy until adopted

AGENDA

ENVIRONMENTAL MANAGEMENT COMMITTEE

AGENDA FOR THE MEETING OF THE ENVIRONMENTAL MANAGEMENT COMMITTEE OF THE AUCKLAND REGIONAL COUNCIL TO BE HELD IN THE COUNCIL CHAMBER , GROUND FLOOR, 21 PITT STREET, AUCKLAND ON WEDNESDAY 7 APRIL 2010 AT 11.00 AM OR AT THE CONCLUSION OF THE RSP COMMITTEE MEETING .

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MEMBERS:

Cr	Dianne	Glenn	(Chair)
Cr	Jan	Sinclair	(Deputy Chair)
Cr	Michael	Barnett	
Cr	Judith	Bassett	
Cr	Bill	Burrill	
Cr	Clive	Carter	
Cr	Joel	Cayford	
Cr	Sandra	Coney	
Cr	Michael	Lee	
Cr	Brent	Morrissey	
Cr	Christine	Rankin	
Cr	Christine	Rose	
Cr	Paul	Walbran	

A PROCEDURAL

A.1 MINUTES

Committee Secretary: 19 March 2010

That the minutes of the meeting held on Tuesday 2 March 2010 be confirmed.

B ITEMS FOR DECISION

- B.1 ASSIGNMENT OF COMMISSIONERS TO RESOURCE CONSENT HEARINGS
- B.2 ASSIGNMENT OF COMMISSIONERS TO RESOURCE CONSENT HEARINGS
- B.3 ASSIGNMENT OF COMMISSIONERS TO RESOURCE CONSENT HEARINGS

**B.1 ASSIGNMENT OF COMMISSIONERS TO RESOURCE
CONSENT HEARINGS
C512-01**

Theresa Pearce, Hearings Coordinator: Friday 19 March 2010

This is a routine report to appoint Commissioners to Resource Consent Hearing panels.

Applicant	Sanitarium Health Food Company
File No.	17135
Consent Activity:	Discharge of contaminants to air generated from the production of food products at their site at 108 - 124 Pah Road, Royal Oak, Auckland
Independent Commissioners required	Independent commissioners are required for this hearing to meet the necessary timeframes. An independent commissioner with technical expertise in discharges to air is also required.
Hearing Venue:	Committee Room 1, Ground Floor, Auckland Regional Council
Hearing Dates:	19 - 23 April 2010
Expected Duration:	4 days (as required)
Site Visit Details:	Date: Monday 19 April 2010 (morning) Venue: 108 - 124 Pah Road, Royal Oak, Auckland
Proposed Commissioners:	Ms Wyn Hoadley Mr Les Simmons Mr Kevin Rolfe
Proposed Alternates:	That an alternate commissioner be appointed to the panel for the Sanitarium Health Food Company hearing, if it becomes necessary

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Applicant	Pacific Steel Limited
File No.	8053
Consent Activity:	Discharge of contaminants to air at their site at 193 James Fletcher Drive Favona Manukau City
Independent Commissioners required	Independent commissioners are required to meet the necessary timeframes for holding this Resource Management hearing. An independent commissioner with technical expertise in discharges to air is also required.
Hearing Venue:	Committee Room 1, Ground Floor, Auckland Regional Council
Hearing Dates:	27, 28, 29 and 30 April 2010
Expected Duration:	4 days (as required)
Site Visit Details:	Date: To be advised Venue: 193 James Fletcher Drive Favona Manukau City
Proposed Commissioners:	Ms Gwen Bull Mr Ken Graham Mr Kevin Rolfe
Proposed Alternates:	That an alternate commissioner be appointed to the panel for the Pacific Steel Limited hearing, if it becomes necessary

RECOMMENDATION/S

- a) That the report be received.
- b) That independent commissioners Wyn Hoadley, Les Simmons and Kevin Rolfe be appointed to the panel for the Sanitarium Health Food Company hearing.
- c) That an alternate commissioner be appointed to the panel for the Sanitarium Health Food Company hearing, if it becomes necessary.
- d) That independent commissioners Gwen Bull, Ken Graham and Kevin Rolfe be appointed to the panel for the Pacific Steel Limited hearing.
- e) That an alternate commissioner be appointed to the panel for the Pacific Steel Limited hearing, if it becomes necessary.

B.2 ASSIGNMENT OF COMMISSIONERS TO RESOURCE CONSENT HEARINGS C512-01

Euan Williams, Consents Planner, Regulatory Services: 11 March 2010

This is a routine report to appoint Commissioners to Resource Consent Hearing panels.

Applicant	Sea + City Projects Limited
File No.	21583, 21707, 21708, 21709
Consent Activity:	<p>Sea + City Projects Limited is applying for resource consents from Auckland Regional Council and Auckland City Council (ACC) to undertake works associated with the amenity and infrastructure upgrade of Jellicoe Street road reserve (west of Daldy Street), development of public open space comprising Jellicoe Plaza, North Wharf promenade and Silo Park, dredging works to improve deep water berthage, and to provide wetland and rain garden stormwater treatment systems. Resource consents sought from the Auckland Regional Council are as follows:</p> <ul style="list-style-type: none">• To authorise the discharge of contaminants to land or water arising from the land disturbance and construction works;• To authorise capital and maintenance dredging within the Cement Wharf basin;• To authorise the construction and use of public seating on Western Wharf and North Wharf, the construction and use of a cantilevered structure over the Coastal Marine Area (CMA) in the Cement Wharf basin, and the construction and use of a stormwater outfall structure and its associated discharge into the CMA under Western Wharf;• To authorise the diversion and discharge of stormwater from the impervious areas on the Jellicoe Street road reserve and public open spaces to Westhaven Marina Harbour via a 750mm diameter pipe located underneath Western Wharf and via a wetland and overflow weir steps located adjacent to the Cement Wharf basin;• To authorise the discharge of contaminants to air arising from the proposed earthworks; and,• To undertake approximately 19,000m² of earthworks and to undertake roading and trenching for a length of more than 100 metres within the Jellicoe Street road reserve.

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The applications were jointly publicly notified on 28 February 2010 with submissions closing 26 March 2010. The joint hearing to consider the resource consent applications made to the respective consent authorities is tentatively scheduled to commence on 27 May 2010.

Independent Commissioners:

Independent commissioners are necessary as there may be a conflict of interest as Sea + City is owned by Auckland Regional Holdings (ARH) and the proposed development is adjacent to land which is in ARH ownership on Jellicoe, Hamer and Brigham Streets. In addition there are other proposed developments in the waterfront area which ARH/Sea+City has an interest in.

Given the issues detailed in the application it is recommended that same independent commissioners that heard the Jellicoe Street East applications (with legal, contamination and planning expertise) be appointed to hear this application.

ACC are expected to appoint the same independent commissioners to hear the ACC application as it used for the Jellicoe Street East hearing, being Leigh McGregor, Les Simmons and Greg Hill.

Therefore it is considered appropriate that ARC appoint the same hearing panel as the Jellicoe Street East comprising L McGregor, a barrister with experience in environmental law, and L Simmons, a planner with experience in resource management, and Ian Jenkins, an environmental scientist with experience in contaminated land. All members of the ARC panel are on the ARC approved Hearing Commissioner list.

Joint Hearing / Held With:	Y	Auckland City Council
RCA:	N	

Hearing Venue:	Auckland Regional Council	
Hearing Date/s:	27, 28 and 31 May 2010	
Expected Duration:	3 days	
Site Visit Details:	Date:	Tentatively 24 May 2010
	Venue:	Jellicoe Street, Freemans Bay

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Proposed Commissioners:

Leigh McGregor

Les Simmons

Ian Jenkins

Proposed Alternates:

That an alternate independent commissioner be appointed if it becomes necessary.

RECOMMENDATIONS

- a) That the report be received.
- b) That independent commissioners Leigh McGregor, Les Simmons, and Ian Jenkins be appointed to the panel for the Sea+City Jellicoe Street West and Silo Park hearing.
- c) That an alternate independent commissioner be appointed to the panel for the Sea+City Jellicoe Street West and Silo Park hearing, if it becomes necessary.

**B.3 ASSIGNMENT OF COMMISSIONERS TO RESOURCE
CONSENT HEARINGS
C512-01**

Euan Williams, Consents Planner, Regulatory Services: 23 February 2010

This is a routine report to appoint Commissioners to Resource Consent Hearing panels.

Applicant	Hobsonville Land Company Limited
File No.	21567, 21569, 21568, 21589
Consent Activity:	<p>Hobsonville Land Company Limited has applied to Auckland Regional Council for resource consents to authorise the redevelopment of the Hobsonville Landing area which incorporates the construction, occupation and use of structures (including a ferry wharf, marina, boardwalks and launching facility) and activities in the coastal marine area (CMA), and on land adjacent to Hobsonville Road. Resource consents sought from Auckland Regional Council are as follows:</p> <ul style="list-style-type: none">• Reconstruction of an historic wharf and construction of a 400m long and 3–5m wide boardwalk in the CMA to connect the Landing area with Marine Parade (Application No. 36489).• Construction of a 90m long and 3–5m wide ferry wharf, public deck and 13 public casual pontoon berths in the CMA (Application No. 37449).• Construction of tidal stairs occupying 480m² in the CMA (Application No. 37452).• Use and maintenance of the existing historical seaplane ramp in the CMA (Application No. 37453).• Construction of a 44 berth marina in the CMA on the eastern side of the existing seaplane ramp (Application No. 37455).• Construction of a 95m long floating breakwater structure and 10 permanent mooring piles in the CMA (Application No. 37463).• Construction of a 7.5m wide concrete finishing berth in the CMA (Application No. 37464).• Undertake 230,000m³ of capital dredging over an area of 83,000m² in the CMA (Application No. 37469).• Maintenance dredging (up to 10,000m³ every 5 to

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10 years as required) in the CMA (Application No. 37470).

- Construction of a 85m long and 5m wide boardwalk in the CMA between the seaplane ramp and the finishing berth (Application No. 37456).
- Stabilisation and maintenance of the existing seawall in the CMA which incorporates 10 existing stormwater outfalls (Application No. 37457).
- Construction of a boat launch facility comprising concrete beams extending into the CMA to be used by either a) a 600 tonne and a 220 tonne travelling hoist; or b) a 1,000 tonne shiplift and 220 tonne travelling hoist (Application No. 37465).
- Construction of a 13m wide all-tide dual-lane boat ramp in the CMA (Application No. 37466).
- Construction of a 70m long beach and artificial headland in the CMA (Application Nos. 37467 and 37468).
- Construction of temporary structures in the CMA associated with construction (Application No. 37472).
- To authorise the existing stormwater discharge from 10 stormwater outfall structures (Application No.37640).
- Undertake 4,200m² of earthworks associated with the park and ride facility (Application No. 37639).

The applications to the Auckland Regional Council were jointly publicly notified with Waitakere City Council on 15 January 2010 with submissions closing 12 February 2010. It has been agreed with Waitakere City that there will be a joint hearing to consider the resource consent applications made to the respective consent authorities and the hearing tentatively scheduled to commence on 3 May 2010 subject to availability of Commissioners for both Councils.

Independent Commissioners:

The applicant's agent wrote to Auckland Regional Council on 4 February 2010 requesting an independent panel of commissioners who are not members of the local authority. The request was made pursuant to s100A of the RMA and the following reasons were given:

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(i) The application involves consents from both Waitakere City Council and Auckland Regional Council;

(ii) A significant part of the application relates to the provision of public transport infrastructure (the ferry wharf and park and ride facility) and the applicant considers there may be a perception that the ARC is potentially conflicted between its regulatory and planning policy arms; and

(iii) Many aspects of the application are technically complex and will require specialist knowledge in order to adequately weigh any technical evidence.

The applicant requested that panel consist of an independent Chair, a lawyer or planner by profession and at least one independent commissioner that demonstrates a technical competency in coastal engineering/coastal processes.

The applicant has also made a similar request to Waitakere City Council to appoint an independent panel of commissioners to hear their application.

Given the issues detailed in the application it is recommended that commissioners with legal, planning and ecological/coastal expertise be appointed to hear this application.

It is therefore considered appropriate three commissioners be appointed to the ARC panel from the approved hearing commissioner list being Ms Leigh McGregor, a barrister with experience in environmental law, Mr Les Simmons, a planner with experience in resource management and Dr A Rees, a marine biologist employed by the University of Auckland with experience in marine ecology and coastal processes. If it becomes necessary an alternative independent commissioner will need to be appointed.

Joint Hearing / Held With:

Yes

Waitakere City Council

RCA:

No

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Hearing Venue:	Auckland Regional Council
Hearing Dates:	3-7 May 2010
Expected Duration:	5 days
Site Visit Details:	Date: Tentatively 21 April 2010 Venue: Hobsonville Peninsula
Proposed Commissioners:	Leigh McGregor Les Simmons Dr Alwyn Rees
Proposed Alternate/s:	That an alternate independent commissioner be appointed if it becomes necessary.
Minister of Conservation Appointee: (if applicable)	N/A

RECOMMENDATIONS

- a) That the report be received.
- b) That independent commissioners Leigh McGregor, Les Simmons, and Alwyn Rees be appointed to the panel for the Hobsonville Landing hearing.
- c) That an alternate independent commissioner be appointed to the panel for the Hobsonville Landing hearing, if it becomes necessary.

C ITEMS FOR INFORMATION

THERE ARE NO ITEMS FOR INFORMATION

D ADMINISTRATIVE ITEMS

D.1 PROCEDURAL MOTION TO EXCLUDE THE PUBLIC

RECOMMENDATION

That, pursuant to the provisions of Section 48(1)(a) of the Local Government Official Information & Meetings Act 1987, the public be excluded from the following proceedings of this meeting; the subject matter, the reasons and specific grounds for exclusions are set below:

E.1:	600 Whitford-Maraetai Road: Potential Settlement of Appeals
Reason:	Legal Professional Privilege
Grounds:	To enable the local authority to deliberate in private on its decision or recommendation to maintain legal professional privilege – subject to Section 7(2)(g) of the Act
Specifics:	The report provides advice on a matter that is subject to legal professional privilege.

E.2:	Request for direct referral to the Environment Court
Reason:	Rights of Appeal
Grounds:	To enable the local authority to deliberate in private on its decision or recommendation as the matter is subject to appeal - Section 48(2)(a)(i) of the Act
Specifics:	The report provides advice on a matter that is subject to appeal.