



Report 05.470
Date 2 September 2005
File WAR 040170
WP/03/06/09

Committee Rural Services and Wairarapa
Author Stephen Thawley, Acting Section Leader, Consents & Compliance

Delegation of Resource Management Act 1991 - Functions to Hearing Commissioners

1. Purpose

To approve the appointment of an independent commissioner under the Resource Management Act 1991 to hear and decide a resource consent application to take groundwater from two bores at Kahutara, South Wairarapa.

2. Significance of the decision

The matters in this report do not trigger the significance policy of the Council or otherwise trigger section 76(3)(b) of the Local Government Act 2002.

3. Background

An application for resource consent has been made by A E & S W Benton Partnership to take groundwater from two bores for irrigation purposes at Kahutara, South Wairarapa.

The application was notified in December 2004 and eight submissions were received. Following a pre-hearing meeting in March 2005, the applicant requested the application to be placed on hold whilst further information on the potential effects on a neighbouring bore was collected.

The applicant has now completed this work and requested that a decision on the application be made. A hearing is required to decide the resource consent application and it has been scheduled for 12th October 2005.

The applicant has requested independent commissioners to hear and decide this resource consent application as the applicant sees a perceived conflict of interest regarding current and future relationships with potential Hearings Committee members and Alec Benton. The Chairman of the Rural Services and Wairarapa Committee has agreed to that request.

4. Comment

It is proposed to appoint Tony Cussins and Christine Foster to hear and decide this resource consent application. As Tony Cussins is not on an existing list of approved commissioners, the delegation for appointing Tony as a hearing commissioner lies with the Rural Services and Wairarapa Committee, as decided by the Council earlier this year. Christine Foster is on the existing list of appointed commissioners. Upon confirmation of Tony Cussins' appointment by the Committee, the Chairperson of the Rural Services and Wairarapa Committee will appoint Tony Cussins and Christine Foster as the hearings panel to hear and decide the resource consent application.

Tony Cussins is a Senior Environmental Scientist (Principal) with Tonkin & Taylor Ltd in Auckland, whom he has worked with for nearly 10 years. Tony has specific technical expertise in hydrogeology which will be of value in determining this application. Tony has recently gained accreditation as a hearing commissioner through the Ministry for the Environment's 'Making Good Decisions' programme and has acted as an independent commissioner on resource consent hearings for groundwater takes for Environment Canterbury.

5. Communication

The applicant will be advised of the appointment of the commissioner. No further communication is considered necessary.

6. Recommendation

That the Committee:

***Appoints**, pursuant to section 34(A) of the Resource Management Act 1991, Tony Cussins as an independent commissioner to hear and consider resource consent application WAR 040170 from A E & S W Benton Partnership.*

Report prepared by:

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