

Report 07.823
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Committee Council
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Establishment of Restricted Coastal Activity Committee

1. Purpose

To establish a committee to consider an application for two coastal permits which are restricted coastal activities.

2. Significance of the decision

The matters for decision 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

Greater Wellington Regional Council (Greater Wellington) has received a resource consent application WGN080003 relating to the ongoing operation of the Moa Point Wastewater Treatment Plant. This includes applications for the following permits:

[26180] Coastal permit to continuously discharge up to 3000 litres per second of secondary treated and disinfected wastewater from the Moa Point Wastewater Treatment Plant into the coastal marine area via the existing submarine outfall. (Discretionary and Restricted Coastal Activity).

[26181] Coastal permit to occasionally discharge mixed disinfected, secondary treated and milli-screened wastewater to the coastal marine area via the existing submarine outfall, during and/or immediately after heavy rainfall, when the quantity of wastewater arriving at the Moa Point Wastewater Treatment Plant exceeds 3,000 litres per second (the secondary treatment capacity of the Moa Point Wastewater Treatment Plant). (Discretionary and Restricted Coastal Activity).

[26182] Coastal permit to occupy the foreshore and seabed of the coastal marine area with the existing submarine pipeline. (Controlled Activity).

[26183] Discharge permit to continuously discharge contaminants (including odour) to air from the Moa Point Wastewater Treatment Plant ventilation system. (Discretionary Activity).

Two of the coastal permit applications are for activities which The Regional Coastal Plan for the Wellington Region describes as restricted coastal activities.

There are specific requirements under the Resource Management Act 1991 (RMA) for hearing applications for a restricted coastal activity.

3.1 Restricted Coastal Activities- Committee Requirements

Section 117 of the RMA states that an application for a permit to carry out a restricted coastal activity:

...shall be considered by a committee of the regional council that is—

- (a) Set up under [[clause 30 of Schedule 7 of the Local Government Act 2002]] and that also contains one person appointed by the Minister of Conservation (either for all such cases or in a particular case); and
- (b) Serviced by the regional council.

This section restricts a committee to making a recommendation to the Minister of Conservation on the restricted coastal activity.

3.2 Applications for Resource Consent- Committee Requirements

Section 34 of the RMA authorises the Council to delegate any of its functions, powers or duties under the Act to a committee. The Council will need to delegate specific powers, functions and duties to this committee when it is considering the parts of the application which are not restricted coastal activities.

Section 39B requires the chairperson of the committee and over half of the total membership of the committee to be accredited under the RMA. However, section 39C provides that no decision of a committee is invalid due to the lack of accreditation as required by section 39B. In this case, the chairperson and a majority of the proposed total membership are accredited.

3.3 Local Government Act 2002

Under clause 30 of schedule 7 of the Local Government Act 2002 the Council is entitled to appoint committees. Clause 31 of schedule 7 provides that there be a minimum of 3 members of the committee, and at least one member of the committee be an elected member. No member of a committee can be an employee of Greater Wellington.

4. **Comment**

The Chair of the Regulatory Committee has a current delegation to appoint hearing panels and subcommittees. However the power to appoint a committee has not been delegated. Officers consider that due to the Restricted Coastal Activity component of this application a committee should be set up to hear all of the applications.

A proposed terms of reference for the committee is attached (**attachment 1**).

5. **Communication**

No communications are necessary.

6. **Recommendations**

That the Council:

1. ***Receives*** the report.
2. ***Notes*** the content of the report.
3. ***Resolves*** to establish the Restricted Coastal Activity Committee to exercise any of the powers and duties referred to in section 117(6) of the Resource Management Act 1991, including the specific powers set out in attachment 2.
4. ***Delegates*** to the Restricted Coastal Activity Committee the powers and duties referred to in section 117(6) of the Resource Management Act 1991, including the specific powers set out in attachment 2 when considering those applications for coastal and discharge permits to provide for the ongoing operation of the Moa Point Wastewater Treatment Plant which are restricted coastal activities in The Regional Coastal Plan for the Wellington Region.
5. ***Delegates*** to the Restricted Coastal Activity Committee the power to hear and determine those applications for coastal and discharge permits to provide for the ongoing operation of the Moa Point Wastewater Treatment Plant which are not restricted coastal activities in The Regional Coastal Plan for the Wellington Region, including the specific powers set out in attachment 2.
6. ***Appoints*** Cr Barbara Donaldson, Chris Turver and Elizabeth Burge as members of that Committee and appoints Mr Turver as Chair.
7. ***Notes and confirms*** the appointment of Richard Heerdegen as a member of that Committee, as the Minister of Conservation's appointee.
8. ***Adopts*** the terms of reference as set out in attachment 1 to this report.

Report prepared by:

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Attachment 1: Draft Terms of Reference

Attachment 2: Specific Resource Management Act 1991 Delegations to the Restricted Coastal Activity Committee