
Northland Regional Council

Supplementary Item

Council Meeting

**Tuesday, 13 December 2016
at 2.00pm**

**ISSUE: Supplementary item for council meeting –
13 December 2016****ID:** A905887**To:** Council Meeting, 13 December 2016**From:** Chris Taylor, Governance Support Manager**Date:** 12 December 2016

Report Type:	<input type="checkbox"/> Normal operations	<input type="checkbox"/> Information	<input checked="" type="checkbox"/> Decision
Purpose:	<input type="checkbox"/> Infrastructure	<input type="checkbox"/> Public service	<input type="checkbox"/> Regulatory function
	<input checked="" type="checkbox"/> Legislative function	<input type="checkbox"/> Annual\Long Term Plan	<input type="checkbox"/> Other
Significance:	<input type="checkbox"/> Triggered	<input checked="" type="checkbox"/> Not Triggered	

Executive Summary:

Due to unforeseen events (following the collation of the agenda), council is requested to receive Supplementary Item 7.8: Appointment of Hearings Commissioner – Resource Consent Application APP.038620.01.01. This report supercedes Item 7.8 in the council agenda.

Recommendations:

That as permitted under section 46A(7) of the Local Government Official Information and Meetings Act 1987:

- **Supplementary Item 7.8:** Appointment of Hearings Commissioner – Resource Consent Application APP.038620.01.01;

be received.

**ISSUE: Supplementary Item for Council Meeting –
13 December 2016: Appointment of Hearings
Commissioner – Resource Consent Application
APP.038620.01.01**

ID: A905881

To: Council Meeting, 13 December 2016

From: Colin Dall, Group Manager – Regulatory Services

Date: 12 December 2016

Report Type:	<input type="checkbox"/>	Information	<input checked="" type="checkbox"/>	Decision
Significance & engagement:	<input checked="" type="checkbox"/>	Not Triggered	<input type="checkbox"/>	Triggered
Māori impact:	<input checked="" type="checkbox"/>	Not Impacted	<input type="checkbox"/>	Impacted
Financial implications:	<input checked="" type="checkbox"/>	No Implications	<input type="checkbox"/>	Implications

Purpose

To gain council approval to appoint Rob Loeffering to hear and determine resource consent applications made by Ngawha Geothermal Limited to both Northland Regional Council and Far North District Council for the Ngawha Geothermal Power Station.

Executive summary

This item replaces Item 7.8, which recommends that the council appoint Rob van Voorthuysen to hear and determine resource consent applications made by Ngawha Geothermal Limited to both Northland Regional Council and Far North District Council for the Ngawha Geothermal Power Station.

Mr van Voorthuysen notified the council on 8 December 2016 that he can no longer attend the joint hearing for the resource consent applications which is scheduled for 19 and 20 December 2016. He suggested the following three options:

1. Get someone else.
2. Delay until end of March 2017.
3. He does the hearing on “on the papers”, ie with no hearing, putting questions of the witnesses in writing and do the write-up in January 2017.

The council has consulted with Ngawha Geothermal Limited and the Far North District Council, with the outcome being to proceed with Option 1 above.

As noted in Item 7.8, the consents currently held by Ngawha Generation Limited were heard and determined for both councils by three independent accredited Resource Management Act hearings commissioners – Rob van Voorthuysen (Chair), Rob Loeffering, and Bronwyn Hunt.

Mr Loeffering has been contacted and is available to hear and determine the resource consent applications on 19 and 20 December 2016. He is considered the best option to replace Mr van Voorthuysen. His curriculum vitae is attached as **Attachment 1**.

Recommendations

1. That the report “Supplementary Item for Council Meeting – 13 December 2016: Appointment of Hearings Commissioner – Resource Consent Application APP.038620.01.01” by Colin Dall, Group Manager – Regulatory Services, dated 12 December 2016 be received.

 2. That the Northland Regional Council, pursuant to section 34A(1) of the Resource Management Act 1991, appoints Rob Lieffering to hear and determine Resource Consent Application APP.038620.01.01, and delegates to him the functions, powers, and duties under sections 37, 37A, 39, 40-42A, 100-114, and 133A of the Act for that purpose.
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Background:

Same as Item 7.8.

Considerations:

Same as Item 7.8 other than in regard to options for appointment of the hearing commissioner. Due to Mr van Voorthuysen’s unavailability, Mr Lieffering is considered to be the best qualified person for the job.

Authorised by:

Name: Colin Dall
Title: Group Manager – Regulatory Service
Date: 12 December 2016

Attachment 1



Rob Lieffering
COMMISSIONER

Rob has over 19 years' of relevant experience as an environmental professional, with most of this time spent working within councils (regional and unitary). He is an Accredited Hearings Commissioner, including holding the Chair endorsement. Rob is a full member of the New Zealand Planning Institute (NZPI), a member of the Resource Management Law Association (RMLA), and was on the Technical Committee of the New Zealand Land Treatment Collective.

Rob has a Doctorate in Earth/Soil Sciences. His technical experience has included advising council staff, hearings committees, submitters, and tangata whenua on Resource Management Act (RMA) requirements; providing scientific input and advice on a broad range of environmental issues.

He has extensive RMA experience having managed the resource consents departments at both Northland Regional Council and Tasman District Council. He has been the convener of the Regional Council Consent Managers Group Special Interest Group.

Rob has been appointed as commissioner by the Nelson City Council, Tasman District Council, and jointly by West Coast Regional Council and Buller District Council. The decisions he has been asked to make include notification decisions as well as hearing resource consent applications and notices of requirement. He is acutely aware of the importance of decisions being legally robust and defensible.

In addition to his commissioner decisions, Rob has made hundreds of decisions on resource consent applications, including decisions on notification, under delegated authority.

SPECIALISATIONS

- Decision making under the Resource Management Act Management
- Effective, enforceable, and workable resource consent conditions
- Mediation and informal resolution
- Auditing/review of AEEs
- Environmental science
- Project management/coordination

CAREER SUMMARY

- Senior Environmental Consultant, MWH NZ Ltd, Jan 2012 to present
- Consents Senior Programme Manager, Northland Regional Council, 2010 to 2012
- Regional Policy Senior Programme Manager, Northland Regional Council, 2009 to 2010
- Resource Consents Manager, Tasman District Council, 2004 to 2008
- Water and Wastes Team Leader, Northland Regional Council, 1998 to 2004
- Environmental Consultant, Tonkin and Taylor Limited, 1997 to 1998
- Environmental Quality Officer, Marlborough District Council, 1996 to 1997
- Assistant Lecturer, Earth Sciences Department, Waikato University, 1992 to 1997

QUALIFICATIONS AND MEMBERSHIPS

- Full Member New Zealand Planning Institute (MNZPI) – 2012
- Accredited Hearings Commissioner (Chair Endorsement) – 2006
- Resource Management Law Association (RMLA) - 2013
- PhD, Soil/Earth Sciences - 1995
- MSc (Hons), Soil/Earth Sciences - 1990
- BSc, Earth Sciences - 1987

TRAINING

- NZPI Case Law Update 2010, 2011, 2012, 2013, 2014
- Maori Values and World Views in Resource

Commissioner Decisions

Nelson City Council Sewage Overflows, Nelson City Council, 2012

Nelson City Council's Consents Department sought Rob's expertise to make a decision on a global application for sewage overflows from throughout its reticulation system.

Solid Energy Coal Mine, West Coast Regional Council and Buller District Council, 2012

Rob was appointed as a commissioner (one of three) to hear and make decisions on a large suite of resource consents for a large (~250 ha) open cast coal mine on the Stockton Plateau. This was a two week hearing. There were many effects that needed to be considered and included a complex biodiversity offset/compensation proposal which many submitters challenged.

Minister of Education Notice of Requirement, Nelson City Council, 2012

Rob was appointed as the sole commissioner to hear and make the recommendation on the Minister of Education's Notice of Requirement to establish and operate a teen parent unit and to also include an existing kindergarten on the Auckland Point School site.

M & J Vince Subdivision, Nelson City Council, 2013

Rob was appointed as the sole commissioner to hear and decide the resource consent application lodged by M & J Vince to subdivide their rural property at Wakapuaka.

Pattinson Family Non-Trading Trust, Tasman District Council, 2013

Rob was appointed to hear and decide an application to establish and operate a farm park, restaurant/café, shop, and associated discharges (wastewater and stormwater) at Gardner Valley Road.

Telecom New Zealand Limited, Nelson City Council, 2012 and 2013

Rob has been appointed to make decisions – (notification and final decision) for a new contentious cellphone tower at Atawhai. Rob was also subsequently appointed to make decisions (also notification and final decision) on a subsequent application to vary conditions.

Oceania Group Limited, Nelson City Council, 2013

Rob was appointed as the sole commissioner to hear and decide the resource consent application lodged by Oceania Group Limited for Stage Two of a comprehensive development of the Green Gables retirement village.

Alteration to Historic Building, Nelson City Council, 2014

Rob was appointed make a decision on notification and also make the substantive decision on an application by the Nelson City Council to alter Melrose House.

Orphanage Creek Culvert, Nelson City Council, 2015

Rob was appointed to make a decision on notification and also to make the substantive decision on an application by Nelson City Council's Engineering Department to install a large culvert on the bed of Orphanage Creek. The application included diversion of the watercourse, earthworks, and stormwater discharges.

A N and M D Baigent, Section 357 RMA Objection to Return of Application, Tasman District Council, 2015

Rob was appointed to hear and decide an RMA section 357 objection lodged by in respect of the Tasman District Council's decision to return an incomplete consent application under section 88 of the RMA. Rob's preliminary determination was that the Council had incorrectly used section 88 of the RMA. Both the Council and the Applicant agreed and therefore no hearing was necessary.

