

**MINUTES OF 338TH MEETING OF ENVIRONMENT CANTERBURY HELD IN THE
COUNCIL CHAMBER, ENVIRONMENT CANTERBURY, 58 KILMORE STREET,
CHRISTCHURCH ON THURSDAY, 29 APRIL 2009 AT 1.55 P.M.**

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PRESENT

Crs T K Burke (Chairperson), J T Demeter, C J Evans, J M Kane, R M Kirk, R I R Little, A R McKay, B S Murray, A G Neill, M E Oldfield, E M Sage, D P Sutherland and R M G Tindall.

MANAGEMENT AND OFFICERS PRESENT

B R Jenkins (Chief Executive) and J C Pani (Manager Secretariat). J L Atkinson (Director Regional Programmes), K L Drummond (Director Regulation), D J Rule (Director Resource Planning and Consents), and I W Thomas (Director Finance and Corporate Services), were in attendance for part of the meeting and some report authors were in attendance to present their reports.

1. APOLOGIES

Cr P C R Harrow.

2. CONFLICTS OF INTEREST

There were no declarations of conflicts of interest.

3. MINUTES OF MEETING

The minutes were confirmed subject to two minor editing corrections.

Cr Tindall arrived at 1.58 p.m.

Resolved

That the minutes of 25 March, 31 March, 1 April and 15 April 2009, be confirmed as true and correct records, and be adopted.

Cr Burke/Cr Kirk

4. MATTERS ARISING

Cr Burke advised that the Chairman, Chief Executive and a technical support officer were to present Environment Canterbury's submission on the Resource Management Amendment Bill to the Select Committee in Christchurch on 30 April.

5. DEPUTATIONS AND PETITIONS

There were no deputations and petitions.

5. POLICIES FOR THE MANAGEMENT OF ENVIRONMENT CANTERBURY LANDS

Greg Byrnes (Parks and Reserves Officer) presented this report seeking the adoption of the Policies for the Management of Environment Canterbury Lands (draft document attached to the agenda) as the overarching policy framework for the management of Council lands. Mr Byrnes advised that the policy document would establish a governance framework for Council officers and provide stakeholders with a document which clearly outlines Council's land management objectives.

The following change of wording was made to the draft policy document: Section 3.2(d) to read "*Management plans will be reviewed every ten years of operations*".

Cr McKay moved (seconded Cr Little) the officer recommendations (a) and (b) on page 30 of the Council agenda with the word “*plan*” in recommendation (b) amended to read “*policies*”.

An amendment was moved by Cr Sage, seconded by Cr Demeter that the following wording being added as part of Policy 7.1(e): “... *this includes ensuring stock do not access waterways or wetlands and there is no clearance of areas of indigenous vegetation without the consent of Environment Canterbury.*”

The Amendment was put and declared CARRIED. This became part of the substantive Motion which was then put and declared CARRIED.

Resolved

That the Council:

(a) Adopts the Policies for the Management of Environment Canterbury Lands, as amended, and

(b) Makes the policies available to stakeholders.

Cr McKay/Cr Little

Cr Little requested that his vote against the motion be recorded.

7. WASTE MINIMISATION

Brodie Young (Environmental Quality and Hazards Manager) presented for approval a draft submission on a discussion document from the Ministry for the Environment on waste minimisation. A draft submission document that was circulated prior to the meeting was tabled.

Resolved

That the Council approves the submission on the Ministry for the Environment discussion document ‘Waste Minimisation in New Zealand’:

Cr Little/Cr Kane

8. MEMBERSHIP OF CANTERBURY REGIONAL TRANSPORT COMMITTEE

Cr Kane, Chairperson of the Canterbury Regional Transport Committee, presented this report to endorse a nomination for a NZ Transport Agency alternate member of the Canterbury Regional Transport Committee.

Resolved

That the Council endorses the nomination of Mr Dennis Robertson, Regional Manager Access and Use, as the NZ Transport Agency’s alternate member of the Canterbury Regional Transport Committee.

Cr Kane/Cr Burke

9. COMMITTEE REPORTS

9.1 MAORI ADVISORY COMMITTEE

Cr Burke, Chairperson of the Maori Advisory Committee presented the report of the Committee meeting held on 27 March 2009.

Resolved

That the Council receives the report of the Maori Advisory Committee held on 27 March 2009.

Cr Burke/Cr Tindall

9.2 FINANCE AND AUDIT COMMITTEE

Cr Kirk, Chairperson of the Finance and Audit Committee presented the report of the Finance and Audit Committee meeting held on 14 April 2009. Cr Kirk moved, seconded by Cr Sage, that the report be received and the Committee recommendations be approved.

It was requested that the recommendations be put separately. A Division was called for recommendation d(i). The motion was declared CARRIED 8 votes to 5, the voting being as follows:

For (8)	Against (5)	Absent (1)
Cr Burke	Cr Little	Cr Harrow
Cr Kirk	Cr Neill	
Cr Kane	Cr McKay	
Cr Tindall	Cr Oldfield	
Cr Evans	Cr Murray	
Cr Sutherland		
Cr Sage		
Cr Demeter		

Resolved

That the Council:

- (a) Receives the report of the Finance and Audit Committee held on 14 April 2009.***
- (b) Notes the progress made on project levels of service detailed in the "Tri-annual Report, Progress on Levels of Service 2008/09 November-February.***
- (c) Approves the following changes to the levels of service for the projects:***
 - 0476 Aids to Navigation - Harbours***
 - 0459 Stock Effluent Disposal Sites***
 - 0483 Cycleway Development***
 - 0264 Hazardous Waste Working Party & Canterbury Waste Joint committee***
 - 0611 Regional Hazardous Waste Management Strategy Implementation***
 - 0624 Industrial Pollution Prevention***
 - 0599 Regional Agrichemical Collection***
 - 0261 G/Water Investigations, Drilling and Testing***
 - 0631 Canterbury Strategic Water Study (as amended)***

(d) Approves the following budget adjustment:

Name	From	\$	To	\$
(i) <i>Building & Consent Authority Regulation</i>	<i>General Reserves</i>	<i>(109,000)</i>	<i>068304</i>	<i>109,000</i>
(ii) <i>Biosecurity Act s100 – Chilean Needle Grass</i>	<i>General Reserves</i>	<i>(40,000)</i>	<i>075103</i>	<i>40,000</i>
	<i>Total</i>	<i>(149,000)</i>		<i>149,000</i>

Cr Kirk/Cr Sage

9.3 REGIONAL PLANNING COMMITTEE

Cr Kirk, Chairperson of the Regional Planning Committee presented the report of the Regional Planning Committee meeting held on 14 April 2009. Cr Kirk moved, seconded by Cr Sage, that the report be received and the Committee recommendations be approved.

Following debate on the view expressed regarding the impractical aspects of not focussing the inventory on wetland sites of significance, it was moved by Cr Little, seconded by Cr Kane, that the wording of recommendation (c) read: *Include provision for the preparation of a significant wetlands inventory as a method in the Canterbury Regional Policy Statement.* The Amendment was put and declared CARRIED.

Resolved

That the Council:

- (a) Receives the report of the Regional Planning Committee held on 14 April 2009.**

Canterbury Regional Policy Statement

- (b) Approves the drafting on an “Ecosystems and Indigenous Biodiversity” chapter of the Canterbury Regional Policy Statement following the directions outlined in the report to the Committee, and as amended by the Committee.**
- (c) Includes provision for the preparation of a significant wetlands inventory as a method in the Canterbury Regional Policy Statement.**
- (d) Includes more details on methods recognising the contribution of private landowners in the “Ecosystems and Indigenous Biodiversity” chapter of the Canterbury Regional Policy Statement.**

Natural Resources Regional Plan

- (e) Progressively pursues the short and long term options identified in the report presented to the Committee that will provide for future community water supplies within the Natural Resources Regional Plan.**

- (f) **Authorises staff to commence preparation of a variation to give effect to the first three short term options identified in the report presented to the Committee:**
- (i) **Notify a variation to Policy WQN14(9)(f) to amend the last two lines to read something like: "... that the take will not cause adverse effects on instream values, or localised groundwater interference effects, or adversely affect the availability of water for existing community drinking-water/stockwater supplies, or availability for an individual's existing domestic/stockwater.**
 - (ii) **Amend the relevant groundwater take rule so that a community drinking water/stockwater take from groundwater is a controlled activity, except in the Waipara Groundwater Zone where it should be restricted discretionary, as even small rates of take can have a significant drawdown.**
 - (iii) **Amend the relevant surface water rule take so that a community drinking water/stock take from surface water is a restricted discretionary activity with provision that an application may not be notified.**

Cr Kirk/Cr Sage

The meeting adjourned for afternoon tea from 3.15 until 3.37 p.m.

9.4 REGIONAL TRANSPORT COMMITTEE

Cr Kane, Chairperson of the Regional Transport Committee presented the report of the Regional Transport Committee meeting held on 20 April 2009.

Resolved

That the Council receives the report of the Regional Transport Committee held on 20 April 2009.

Cr Kane/Cr Burke

10. CHAIRMAN'S REPORT

Cr Burke presented the Chairman's Report which had been previously circulated by email. He advised that he had put in an appeal on behalf of the Canterbury Regional Council to the Christchurch City Council final Proposal for Representation Arrangements for the 2010 Local Elections. He commented that he believed it was important for the Council to stay in the process with the appeal point being the desirability of the Christchurch City Council and the Canterbury Regional Council having boundary alignment for their respective constituencies and wards within Christchurch City.

Resolved

That the Council receives the Chairman's report and confirms the lodgement of the appeal to the Christchurch City Council final Proposal for Representation Arrangements for the 2010 Local Elections.

Cr Burke/Cr Kirk

11. FINANCIAL REPORTS ON COUNCIL PORTFOLIO ACTIVITIES

Mark Smith (Financial Accountant) presented the financial summary of the Council's activities for the nine months ended 31 March 2009.

There was discussion on some of the budget variances and questions relating to the Canterbury Strategic Water Study (\$244k unfavourable) and clarification sought on the alignment of this non-statutory process with the statutory processes.

Dr Jenkins advised that the statutory process of the NRRP provides an environmental baseline for water management in Canterbury, whereas the Canterbury Water Management Strategy (CWMS) provides a sustainable development approach for water management in Canterbury. The intention is that the relevant aspects of the CWMS that need statutory backing would be taken through the Regional Policy Statement. He said that it follows a similar model to that used for the Greater Christchurch Urban Development Strategy, both in terms of the consultation process and the non-statutory plan.

Dr Jenkins advised that the approximate cost of producing the brochure was \$70,000 for printing and distribution to all Canterbury households. He explained the budget allocation which has been balanced over a four-year period and the \$195,000 funding is additional to accelerate the programme and bring on additional resources to achieve the timeframes.

Council was advised that the unfavourable budget relating to RMA Enforcement was a result of increased activity with an expectation that activity in this area will continue to increase by the year-end.

Resolved

That the Council receives information on the financial reports for the period ending 31 March 2009 be received.

Cr Burke/Cr McKay

12. CHIEF EXECUTIVE'S ITEMS

Dr Jenkins presented the Chief Executives Items including introducing a presentation from Jon Mitchell (Regional Emergency Management Office Manager) on the Pandemic Influenza Response Plan in light of the new Influenza A outbreak. Dr Jenkins advised that the Civil Defence and Emergency Management team is working in liaison with DHB Pandemic Management team with an Environment Canterbury officer seconded to assist with updating Avian influenza educational material to generic flu. There is regular communication with the National CDEM Controller and a teleconference booked to look at potential response in the event of an escalation. He advised that Environment Canterbury has an organisational pandemic response plan.

Mr Mitchell then provided information relating to the NZ/Canterbury context, national response strategy and the Environment Canterbury context. A copy of the presentation was tabled.

Resolved

That the Chief Executive's items be received.

Cr Kane/Cr Evans

13. COUNCILLOR REPORTS EXTERNAL APPOINTMENTS/ CONFERENCES/ SEMINARS

Cr Burke reported on his recent attendance at the Auckland Governance conference. He advised during the trip to Auckland he, along with the Manager Secretariat, met with Mayor John Banks and Mike Lee, Chairman of the Auckland Regional Council.

Cr Sage advised that there was a lot of activity at the Canterbury Regional Tb-free Committee which would be reflected by submission to LTCCP processes.

Cr Tindall commented that in the absence of Cr Kane he had attended the Council of Social Services meeting. He suggested that Council formally resolve this appointment issue.

Local Government New Zealand Conference

There was discussion on attendance at the Local Government New Zealand (LGNZ) Conference to be held in Christchurch from 26–29 July 2009. Concern was expressed at the current practice of paying for partners' costs for attending the LGNZ Conference. Some Councillors were keen to attend for part of the Conference. Confirming a number of registrations without naming Councillors was considered the way to proceed at this stage. Councillors interested in attending were to advise the Chairman. Cr Tindall expressed an interest in attending. Cr Little offered to be available to be on standby and make up the numbers if needed.

LGNZ Zones 5/6 Combined Meeting – Remits

A report on remits for LGNZ Zones 5/6 Combined Meeting was tabled. This item was presented as extraordinary and urgent business. It was moved by Cr Burke, seconded by Cr McKay that this topic be received as extraordinary and urgent business. The reason why the item was not on the agenda was that the information became available after the agenda was prepared and could not be delayed until a subsequent meeting as Council needed to consider its position prior to the 7/8 May meeting. The motion was put and CARRIED.

There was discussion and the remits and agreement to support the position presented by the officers.

Resolved

That the Council:

- (a) Receives the Councillor Reports and receives the LGNZ Zones 5/6 Combined meeting remit consideration as urgent business.***
- (b) Accepts the resignation of Cr Kane as the Council appointment to the Council of Social Services.***
- (c) Appoints Cr Tindall as the Council appointment to the Council of Social Services.***

Cr Kane/Cr Burke

(d) **Appoints the Chairman and three Councillors to attend the LGNZ Conference and does not approve payment of partners' costs.**

Cr Evans/Cr Murray

(e) **Supports the positions presented by officers on the remits for the LGNZ Zones 5/6 Combined meeting.**

Cr Evans/Cr Murray

Cr Neill requested that his vote against recommendation (d) be recorded.

14. PUBLIC EXCLUDED

Resolved

That the public be excluded from the following part of the proceedings of this meeting, namely:

- 14.1 **Minutes of 25 March,**
- 14.2 **Minutes of 1 April and**
- 14.3 **Minutes of 15 April 2009 Council meetings**
- 14.4 **Report of the CEO Performance Review Committee**

The general subject of the matter to be considered while the public is excluded, the reason for passing this resolution and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
Minutes of 25 March Minutes	The exclusion of the public from the meeting is necessary to enable the Council to deliberate in private on its decision in proceedings which are before the Council and which will be proceeding to the Environment Court.	Section 48(1)(d)
Minutes of 25 March, 1 April and 15 April 2009 Report of the CEO Performance Review Committee	That good reason exists for not discussing the matter with the public present and is not outweighed by the public interest.	Section 48(1)(a)

This resolution is made in reliance on Section 48(1) of the Local Government Official Information and Meetings Act 1987 and the particular interests protected by Section 7 of that Act which would be prejudiced by the holding of the relevant part of the proceedings of the meeting in public are as follows:

14.1 **Maintain legal professional privilege – Section 7(g).**

14.1, 14.2, 14.3

Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) – Section 7(i).

14.4 Protect the privacy of natural persons – Section 7(a).

Cr Burke/Cr Little

The meeting moved into public excluded session from 5.15 until 5.28 p.m.

15. NOTICES OF MOTION

There were no notices of motion.

16. QUESTIONS

There were no questions.

17. EXTRAORDINARY AND URGENT BUSINESS

An item of extraordinary and urgent business was taken as item 13.

18. NEXT MEETING – 28 MAY 2009

19. CLOSURE

The Chairman declared the meeting closed at 5.30 p.m.

CONFIRMED

DATE _____ CHAIRPERSON _____