

**MINUTES OF 339TH MEETING OF ENVIRONMENT CANTERBURY HELD IN THE
COUNCIL CHAMBER, ENVIRONMENT CANTERBURY, 58 KILMORE STREET,
CHRISTCHURCH ON THURSDAY, 28 MAY 2009 AT 8.30 A.M.**

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PRESENT

Crs T K Burke, J T Demeter, C J Evans, P C R Harrow, 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 R Crowther (Executive Assistant to Chairman and Councillors). J L Atkinson (Director Regional Programmes), J Curtis (Director External Relations), K L Drummond (Director Regulation), K Lawn (Director Operations) and K J W Taylor (Director Investigations and Monitoring), were in attendance for part of the meeting and some report authors were in attendance to present their reports.

1. APOLOGIES

There were no apologies.

2. CONFLICTS OF INTEREST

Crs Murray, Harrow and Oldfield declared an interest in relation to item 8.

Cr Neill joined the meeting at 8.35 a.m.

3. MINUTES OF MEETING

Resolved

That the minutes of 29 April 2009, be confirmed as a true and correct record, and be adopted.

Cr McKay/Cr Kane

4. MATTERS ARISING

Item 6: Policies for the Management of Environment Canterbury Lands

Cr Little raised concern at the resolution passed by the Council on 29 April 2009 and indicated he would be following the available procedure under Standing Orders to have this resolution reviewed at a future meeting.

Item 4: Matters Arising

Cr Kirk sought information on Environment Canterbury's submission on the Resource Management Amendment Bill to the Select Committee. Cr Burke advised that the Committee appeared to be amenable to considering amendments to the Bill and it was clear they had read and given consideration to the submission.

5. DEPUTATIONS AND PETITIONS

Mayor Ron Keating and Cr Sandra Stewart (Waimakariri District Council) presented a deputation on the Kaiapoi Air Plan.

They spoke in support of implementing the Kaiapoi Air Plan and suggested a further stage in the enforcement process allowing more time for residents to comply due to the very limited lead-in time compared with Christchurch. They sought an active door-to-door campaign and requested that Waimakariri Councillors and Kaiapoi Community Board members have input into the development of the publicity campaign and air plan rules.

6. TO APPOINT A SUBCOMMITTEE TO OVERSEE AND MANAGE A PRIVATE PLAN CHANGE REQUEST TO THE REGIONAL COASTAL ENVIRONMENT PLAN

Meredith Whitmore (Resource Management Planner (Graduate)) presented this report to appoint a Council sub-committee to oversee and consider a Private Plan Change (PPC) request to the Regional Coastal Environment Plan (RCEP), and David Gregory (Principal Planner (Coastal)) was in attendance to answer questions.

Council sought clarification of the detail of the request and what time commitment would be involved. David Gregory advised that the subcommittee would be required to consider and determine the matter entirely.

Cr McKay moved, seconded Cr Sage, that Council appoints a subcommittee of Crs Sutherland, Demeter and Tindall with Cr Sutherland in the Chair.

Cr Demeter withdrew due to unavailability and it was noted that expressions of interest should have been sought before a subcommittee was proposed. The Chairman agreed to explore a better process for bringing these kinds of recommendations to Council.

Cr Evans moved an amendment, seconded by Cr Kane, that the subcommittee comprise Crs Sutherland, Kirk and Little, to conclude all preliminary matters and determine the outcome of a Private Plan Change request on the Regional Coastal Environment Plan.

A Division was called for and the amendment was declared CARRIED 6 votes to 4 with four abstentions, the voting being as follows:

For (6)	Against (4)	Abstention (4)
Cr Harrow	Cr Sutherland	Cr Tindall
Cr Neill	Cr Burke	Cr Kirk
Cr Evans	Cr Sage	Cr Demeter
Cr Murray	Cr McKay	Cr Little
Cr Oldfield		
Cr Kane		

This became the substantive motion which was CARRIED.

Resolved

That the Council appoint a sub-committee comprised of Cr Sutherland (Chair), Cr Kirk and Cr Little to conclude all preliminary matters and determine the outcome of a PPC request on the RCEP.

Cr Evans/Cr Kane

7. REVIEW OF THE CANTERBURY REGIONAL LAND TRANSPORT STRATEGY 2008-18

Robert Woods (Programme Manager Transport) presented this report to advise the Council of the need to commence a comprehensive review of the Canterbury Regional Land Transport Strategy, and to seek that a request is made to the Canterbury Regional Transport Committee to prepare a new strategy, for approval by the Council. It was noted that the review will be comprehensive, including all modes of transport and will include health benefits, safety and security issues.

Resolved

That the Council:

- (a) Requests the Chair of the Canterbury Regional Transport Committee to initiate with the Committee a comprehensive review of the Canterbury Regional Land Transport Strategy 2008-18, and***
- (b) that the Regional Transport Committee prepares a draft Canterbury Regional Land Transport Strategy 2011-41 for approval by the Regional Council, and***
- (c) that the Regional Transport Committee undertakes these activities with regard to the requirements of relevant legislation and in a manner consistent with the outline project schedule, and***
- (d) that the Regional Transport Committee completes the activities in a), b) and c) by no later than June 2011.***

Cr Kane/Cr Evans

Morning tea was taken from 10.06 to 10.25 a.m.

8. SUBMISSION ON THE CANTERBURY WATER MANAGEMENT STRATEGY

Christina Robb (Programme Manager Water and Land) presented this report to approve a submission from Environment Canterbury to the Steering Group of the Canterbury Water Management Strategy. Crs Harrow, Murray and Oldfield declared an interest as they have put in their own submissions.

Cr Neill returned at 10.32 a.m.

Cr Oldfield left the meeting from 10.46 to 10.53 a.m.

Amendments to the submission were suggested that would provide the Steering Group with better understanding of the process of how the strategy will relate to Environment Canterbury's statutory obligations.

Resolved

- (a) ***That the attached submission as amended be provided to the Steering Group of Canterbury Water Management Strategy.***
- (b) ***That the Chairman and Chief Executive Officer appear in support of their submission at any hearing.***

Cr Neill/Cr Kane

Crs Harrow, Oldfield and Murray did not participate in the voting.

9. PRESENTATION TO THE BOARD OF INQUIRY OF THE PROPOSED NATURAL POLICY STATEMENT ON FRESHWATER MANAGEMENT

Christina Robb (Programme Manager Water and Land) presented this report to seek a Council decision on who will present Environment Canterbury's submission to the Board of Inquiry on the Proposed National Policy Statement on Freshwater Management.

Cr Murray returned at 10.53 a.m.

Resolved

That the Council Chair and Chief Executive Officer present Environment Canterbury's submission to the Board of Inquiry on the proposed National Policy Statement on Freshwater Management.

Cr McKay/Cr Evans

10. COMMUNICATIONS AND ENFORCEMENT OF DOMESTIC AIR PLAN RULES FOR KAIAPOI – VARIATION 12

Ken Lawn (Director Operations) presented this report to obtain council approval on the communications and enforcement implementation of the Air Plan once it becomes operative, in particular, the domestic provisions, that is, the small scale solid fuel burner provisions for Variation 12 - Kaiapoi.

Ken Lawn advised a communications package would be developed once an enforcement plan is decided. It will need to move Kaiapoi quickly forward as residents lag behind Christchurch in their understanding of the issues. A softer enforcement plan would take these circumstances into account and will assist with community buy-in.

Resolved

- (a) ***the enforcement approach of Rules AQL89, AQL90 and AQL91 to be broadly applied as follows:***
- (i) ***Discharging from open fire or prohibited small scale solid fuel burner from 1 May 2010 with or without purchasing an alternative – softest approach:***
- ***Formal written warning stating that must comply by 1 May 2011 and can continue to use fire until 1 May 2011***
 - ***From 1 May 2011, the firm approach of 2a to apply:***

- *First visit and found to be discharging = infringement notice of \$300*
- *Second visit and discharging = \$300 plus issue Abatement Notice*
- *Third and subsequent visit and discharging: \$300 + \$750 = \$1050 for each occasion*
- *Continued breaches = prosecution*

Note: Discretion allowed to enforcement regime to take into account the householder's specific circumstances

- (b) *during the second half of 2009 and all of 2010, there will be communications and advice of rules becoming operative for either option (a) or (b) above;*
- (c) *the enforcement approach of Rules AQL 89, AQL90 and AQL91 at the date the house is sold, to be broadly applied as follows:*

Discharging from open fire or prohibited small scale solid fuel burner from the date upon which there is a registered transfer of ownership of the site on which the open fire or enclosed burner is located – firm approach in accordance with complying with section 84 of the RMA and must stop discharging from said device:

- *First visit and found to be discharging - written warning*
- *Second visit and discharging = infringement notice of \$300*
- *Third visit and discharging = \$300 plus issue Abatement Notice*
- *Fourth and subsequent visit and discharging: \$300 + \$750 = \$1050 for each occasion*
- *Continued breaches = prosecution*

Note: Discretion allowed to enforcement regime to take into account the householder's specific circumstances.

- (d) *That Environment Canterbury works with the Waimakariri District Council and the Kaiapoi Community Board regarding the most effective way to communicate the message to the community to put the above into effect.*

Cr Kane/Cr Little

The motion was carried without dissent.

11. COUNCILLOR ALLOWANCES AND REIMBURSEMENTS

Raewyn Crowther (Executive Assistant to Chairman and Councillors) presented this report to enable the Council to approve changes to the Councillors' Allowances and Reimbursements Policy to be submitted for approval to the Remuneration Authority, and consider whether a submission is made on the Remuneration Authority Discussion Paper – Mileage Allowance.

Councillors discussed the personal accident cover in clause 10.2 of the Councillors' Allowances and Reimbursements Policy and further investigations will be carried out into this matter.

The proposed new clause 8.2.4, introducing a reimbursement allowance for telephone and Broadband expenses, was discussed with Cr Neill moving, seconded by Cr Oldfield that the allowance be at the rate of \$75.00.

A division was called for and the motion was LOST 6 votes to 7 with one abstention, the voting being as follows:

For (6)	Against (7)	Abstention (1)
Cr Kirk	Cr Harrow	Cr Murray
Cr Burke	Cr Evans	
Cr Neill	Cr Little	
Cr Sutherland	Cr McKay	
Cr Demeter	Cr Tindall	
Cr Oldfield	Cr Sage	
	Cr Kane	

A discussion on the provisions for attendance at the Local Government New Zealand Conference, clause 9.1, took place in which varying views on payment of partners' expenses were expressed. It was moved by Cr Demeter, seconded Cr Murray, that the paragraph in clause 9.1 relating to Local Government New Zealand Conference be amended by removing the last three words "and partners/spouses". The motion was CARRIED.

Cr Murray left the meeting from 11.35 to 11.38 a.m.

Resolved

That the Council:

- (a) ***Adopts an amended Councillors' Allowances and Reimbursements Policy for recommendation to the Remuneration Authority but with the exception of Clause 10.2 until further information on this aspect is available.***

Cr Burke/Cr McKay

- (b) ***Approves a submission to the Remuneration Authority opposing the proposal to replace the payment of mileage allowance with the introduction of payment for travel time.***

Cr Burke/Cr Kane

12. COMMITTEE REPORTS

12.1 CHRISTCHURCH AREA COMMITTEE

Cr Evans, Chairman, Christchurch Area Committee, presented the report of the Committee meeting held on 4 May 2009.

Resolved

- (a) ***That the report of the Christchurch Area Committee meeting held on 4 May 2009 be received and, that the matter for Council decision (Regional Pest Management Strategy) be approved.***

- (b) That the establishment of a Christchurch Area Pest Liaison Committee be considered as part of the review of the Canterbury Regional Pest Management Strategy.**

Cr Evans/Cr McKay

12.2 REGIONAL PLANNING COMMITTEE

Cr Kirk, Chairman, Regional Planning Committee, presented the report of the Committee meeting held on 13 May 2009.

Cr Kirk moved, seconded Cr Demeter, the recommendations as in the report relating to the drafting of a "Landscape" chapter of the proposed Regional Policy Statement.

An amendment to recommendation (b) was moved by Cr Little, seconded by Cr Harrow, that the review of the Canterbury Regional Policy Statement be approved subject to this Council limiting itself to providing "guidance" to territorial authorities rather than "direction", and that the extensive processes previously completed by the territorial authorities be supported.

In clarification the Chief Executive noted that policies do not contain directions but are more than guidance. In discussion it was noted that the recommendation is to allow for the chapter to be drafted and there will be appropriate opportunities to consult during the process. The Chairman reminded Council that a collaborative process in the development of policies is now a requirement by law.

A Division was called for and the motion was declared LOST 6 votes to 8, the voting being as follows:

For (6)	Against (8)
Cr Evans	Cr Demeter
Cr Neill	Cr Sutherland
Cr Little	Cr Murray
Cr Harrow	Cr Burke
Cr McKay	Cr Kirk
Cr Oldfield	Cr Tindall
	Cr Sage
	Cr Kane

Crs Little and Oldfield wished their votes in favour of the motion to be recorded.

Resolved

- (a) That the report of the Regional Planning Committee meeting held on 13 May 2009 be received, and that the matter for Council decision (review of the Canterbury Regional Policy Statement) be approved.**
- (b) That the Regional Planning Committee recommend to Council that approval is given to drafting a "Landscape" chapter of the proposed Canterbury Regional Policy Statement following the directions outlined in the report "Landscape – Directions for Drafting" as presented to the Committee.**

- (c) ***That the Canterbury Landscape Study Review is reported back to the Regional Planning Committee prior to the workshop to discuss the draft Regional Policy Statement Landscape chapter.***
- (d) ***That criteria for the identification of cultural and heritage landscapes are investigated as part of the drafting of the landscape chapter.***

Cr Kirk/Cr Demeter

The Chairman advised Council of a request for a delegation from Mr Matt Ross of Mid-River Irrigation on the matter of the minute of Commissioner Skelton which requires a Council response.

Resolved

That Council delegates to the Regional Planning Committee at its meeting on 10 June 2009 the power to make a decision on behalf of Council on Commissioner Skelton's minute of 18 May 2009.

Cr Burke/Cr Oldfield

Lunch was taken from 12.40 until 1.20 p.m.

Cr Kane returned at 1.23 p.m.

Cr Murray left the meeting from 1.25 p.m. to 1.28 p.m.

Cr Evans returned at 1.31 p.m.

13. CHAIRMAN'S REPORT

Cr Burke presented the Chairman's Report and responded to questions from Councillors on matters relating to Auckland's Governance, in particular the model of "co-management" which could have implications for local government.

The Mountain to the Sea Cycleway proposal was well received with Councillors expressing a desire to see this matter progressed, with a possible presentation to Central Government of the best of the cycleway proposals from across the region in a co-ordinated approach.

The Chief Executive noted that while there is no budget for this work, a feasibility study could be carried out within the regional parks funding. It was suggested that outside groups looking at similar initiatives be invited to a workshop to explore what needs to be done to achieve Canterbury's contribution to a national cycleway, and how to make best advantage of Central Government funding.

Resolved

- (a) ***That the report be received and the contents noted;***
- (b) ***That support in principle for the concept of a "Mountains to Sea" cycleway be indicated, with the Regional Council's financial contribution being made by the completion of its proposed cycleways in the Waimakariri Regional Park; and***
- (c) ***That the Council offer to help facilitate discussions between the interested and affected parties involved to help develop a***

collaboratively-based proposal, which might qualify for assistance from the funding package secured by the Prime Minister for the “great rides” concept .

- (d) *That Council requests the Chief Executive to explore a way forward to address these issues.*

Cr Burke/Cr Harrow

14. FINANCIAL REPORTS ON COUNCIL PORTFOLIO ACTIVITIES

Mark Smith (Financial Accountant) presented the financial summary of the Council's activities for the ten months ended 30 April 2009 and answered Councillors' questions on the report in relation to variances.

Resolved

That the information on the financial reports for the period ending 30 April 2009 be received.

Cr McKay/Cr Sage

15. CHIEF EXECUTIVE'S ITEMS

Resolved

That the Chief Executive's items be received.

Cr Neill/Cr Kane

16. COUNCILLOR REPORTS EXTERNAL APPOINTMENTS/CONFERENCES/ SEMINARS

Cr Tindall reported on the Zone 5/6 meeting on 7 and 8 May 2009.

Cr Harrow reported on his observation of the impact of the Colorado Beetle, an indigenous pest which is devastating United States forests.

Cr Kirk advised that he had addressed the AGM of the Forest and Bird Society in Ashburton regarding coasts.

Resolved

That the Council received the Councillor reports.

Cr Burke/Cr Little

17. PUBLIC EXCLUDED

Resolved

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

17.1 Minutes of 29 April 2009 Meeting

17.2 Consent to proceed to a hearing at the Environment Court on appeals on Variation 11 (Rangiora) to Chapter 3 of Natural Resources Regional Plan

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
17.1 Minutes of 29 April 2009 Meeting	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)
17.2 Consent to proceed to a hearing at the Environment Court on appeals on Variation 11 (Rangiora) to Chapter 3 of Natural Resources Regional Plan	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)

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:

**17.1 Maintain legal professional privilege – Section 7(g).
Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) – Section 7(i).**

17.2 Maintain legal professional privilege – Section 7(g).

Cr Burke/Cr Kirk

The meeting moved into public excluded session from 2.45 p.m. to 3.35 p.m.

18. NOTICE OF MOTION

There were no notices of motion.

19. QUESTIONS

There were no questions.

20. EXTRAORDINARY AND URGENT BUSINESS

There was no extraordinary and urgent business.

21. NEXT MEETINGS - 4 AND 25 JUNE 2009

22. CLOSURE

The Chairman declared the meeting closed at 3.38 p.m.

CONFIRMED

DATE _____ CHAIRPERSON