

MEETING OF THE REGIONAL PLANNING COMMITTEE

TO THE CHAIRPERSON AND MEMBERS OF THE
COMMITTEE

MEMBERSHIP OF THE COMMITTEE

Cr R M Kirk (Chairperson)

Cr T K Burke	Cr B S Murray
Cr J T Demeter	Cr A G Neill
Cr C J Evans	Cr M E Oldfield
Cr P C R Harrow	Cr E M Sage
Cr J M Kane	Cr D P Sutherland
Cr R I R Little	Cr R M G Tindall
Cr A R McKay	

A meeting of the Committee will be held on
Wednesday, 9 September 2009 at 9.30 am

VENUE: Council Chamber
First Floor
Pegasus Building
Environment Canterbury
58 Kilmore Street
CHRISTCHURCH

BUSINESS: As per Order Paper attached
Agendas are available on our website three days prior to the date
of the meeting -
<http://www.ecan.govt.nz/About+Us/Council+Info/Committee+Agendas.htm>

Dr Bryan Jenkins
CHIEF EXECUTIVE

**RECOMMENDATIONS IN REPORTS ARE NOT TO BE TAKEN
AS COUNCIL POLICY UNTIL ADOPTED BY COUNCIL**

58 Kilmore Street,
PO Box 345,
Christchurch,
Telephone: (03) 365-3828,
Fax: (03) 365-3194
Website: www.ecan.govt.nz



COMPLIANCE WITH LOCAL GOVERNMENT ACT 2002 DECISION-MAKING REQUIREMENTS

Except as below, a statement of compliance and a completed decision checklist is required for any agenda item on a council committee or the council recommending that a decision be made. This will be the responsibility of the person signing off the agenda item.

The compliance statement and checklist will not be used for:

- Recommendations that information be received or that the Council make a decision.
- Decisions taken under the Resource Management Act 1991 or the Biosecurity Act 1993 in relation to resource consents, decisions required when following the procedures set out in Schedule 1 of the Resource Management Act 1991, other permissions, submissions on plans, or references to the Environment Court.
- Decisions taken to proceed with enforcement procedures under various primary or secondary legislation or regulations, including procedures under the Resource Management Act 1991, the Biosecurity Act 1993, the Local Government Act 2002, and Environment Canterbury Bylaws.
- Administrative and personnel decisions that are entirely internal to Environment Canterbury.
- Other decisions where the procedures to be followed are set out in Legislation.

COMPLIANCE STATEMENT

The council committee (or the council) must formally certify that:

- (a) It is satisfied that it has sufficient information about the options and their benefits and costs, in terms of the region's social, economic, environmental and cultural well-being and the effects on community outcomes, bearing in mind the significance of the decisions.
- (b) It is satisfied that it knows enough about and has given adequate consideration to the views and preferences of affected and interested parties bearing in mind the significance of the decision.

INFORMATION CHECKLIST

(a)	A Statement of the Proposed Decision
(b)	A Statement of the Objective of the Proposed Decision and the Issue or Problem being addressed
(c)	A list of all reasonably practicable options, (including doing nothing).
(d)	For each option in (c): An evaluation of the Benefits and Costs, in terms of the region's social, economic, environmental and cultural well-being.
(e)	For each option in (c): A statement of the extent to which community outcomes would be promoted or achieved in an integrated and efficient manner.
(f)	For each option in (c): A statement of the Impact, if any, on Environment Canterbury's capacity to undertake its statutory responsibilities
(g)	If the Proposed Decision is a significant decision in relation to land or a body of water, a statement of how Maori values have been taken into account
(h)	A Statement of significant inconsistencies, if any, with any Existing Policy, Plan or Legislation arising from the Proposed Decision.
(i)	A statement how the views and preferences of affected or interested persons have been given adequate consideration during the definition of the problem or issue, the objective, the assessment of options and the development of the proposed decision, including the particular contribution of Maori to the decision-making process.

Notes:

The significance of proposals and decisions determines how much time, money and effort is put into exploring and evaluating options and obtaining the views of affected and interested parties. The significance of proposals and decisions is determined through reference to criteria contained in the policy on significance.

The policy on significance together with Section 76 of the Local Government Act 2002 set out the Council's requirements in relation to decisions. Some decisions can only be made through the Long-Term Council Community Plan, or after the Special Consultative Procedures set out in the Act have been used, (refer to the policy on significance and the Act).

All decisions of Environment Canterbury are subject to the decision-making requirements of section 76 of the Act unless inconsistent with specific requirements of other legislation.

ENVIRONMENT CANTERBURY
REGIONAL PLANNING COMMITTEE
ORDER PAPER

1. APOLOGIES
2. CONFLICT OF INTEREST
3. MINUTES OF MEETING – 12 AUGUST 2009
4. MATTERS ARISING
5. DEPUTATIONS AND PETITIONS

MATTER FOR COMMITTEE DECISION

6. REVIEW OF THE CANTERBURY REGIONAL POLICY STATEMENT – ALIGNMENT OF THE DRAFT WATER CHAPTER AND THE CANTERBURY WATER MANAGEMENT STRATEGY

MATTER FOR INFORMATION

7. REVIEW OF ENVIRONMENTAL FLOWS PROGRAMME

MATTER FOR RECOMMENDATION TO COUNCIL

8. PUBLIC EXCLUDED
 - 8.1 RESIDENTIAL OUTDOOR BURNING: POLICY ALQ4 AND RULE ALQ29 CHAPTER 3 OF THE PROPOSED NATURAL RESOURCES REGIONAL PLAN
9. NOTICES OF MOTION
10. EXTRAORDINARY AND URGENT BUSINESS
11. QUESTIONS
12. NEXT MEETING – 14 OCTOBER 2009

**ENVIRONMENT CANTERBURY
REGIONAL PLANNING COMMITTEE**

**MINUTES OF THE MEETING HELD IN THE COUNCIL CHAMBER,
ENVIRONMENT CANTERBURY, 58 KILMORE STREET, CHRISTCHURCH
ON WEDNESDAY 12 AUGUST 2009 AT 9.35 AM.**

CONTENTS

1. APOLOGIES
2. CONFLICT OF INTEREST
3. MINUTES OF MEETING – 15 JULY 2009
4. MATTERS ARISING
5. DEPUTATIONS AND PETITIONS

MATTERS FOR RECOMMENDATION TO COUNCIL

- 6 REGIONAL POLICY STATEMENT: REVIEW UPDATE, INCLUDING DRAFT CHAPTERS ON LANDSCAPE, ECOSYSTEMS AND INDIGENOUS BIODIVERSITY, AND COASTAL ENVIRONMENT
- 7 CUMULATIVE EFFECTS OF LAND USE ON WATER QUALITY

MATTERS FOR INFORMATION

8. REVIEW OF ENVIRONMENTAL FLOWS
9. PUBLIC EXCLUDED
10. NOTICES OF MOTION
11. EXTRAORDINARY AND URGENT BUSINESS
12. QUESTIONS
13. NEXT MEETING – 9 September 2009

PRESENT

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

MANAGEMENT AND STAFF

Louise McDonald (Administration Officer).

For part of the meeting: Jill Atkinson (Director Regional Programmes), Kim Drummond (Director Regulation), Don Rule (Director Resource Planning and Consents), John Glennie (Natural Resources Policy Manager), Stephen Hall (Programme Manager Pests and Biodiversity), Andrew Willis (Regional Policies and Effectiveness Manager), Lynda Weastall (Principal Planning Advisor), Raymond Ford (Senior Resource Management Planner) David Gregory (Principal Planner Coastal) Marcus Langman (Project Leader RPS Review) and Frank Stewart (Policy Analyst)

The meeting adjourned between 9.35 and 11.23 am to enable the Committee to consider the draft Ecosystems and Indigenous Biodiversity chapter (as attached to the agenda) in a workshop.

The meeting resumed at 11.23 am.

1. APOLOGIES

Crs C J Evans and M E Oldfield

2. CONFLICT OF INTEREST

Cr Little advised the Committee that in relation to item 5, the Regional Policy Statement draft chapters, this could affect his property in terms of wetlands, coastal, public access and indigenous biodiversity.

3. MINUTES OF MEETING – 15 July 2009

Resolved

That the minutes of the meeting held on 15 July 2009, as circulated, be confirmed as a true and accurate record and be adopted.

Cr Sage /Cr Tindall

4. MATTERS ARISING

Clarification was requested regarding the process for Natural Resources Regional Plan (NRRP) variation No 8 Hurunui, if the decision on the Water Conservation Order was delayed.

5. DEPUTATIONS AND PETITIONS

There were no deputations or petitions.

MATTERS FOR RECOMMENDATION TO COUNCIL

6. REGIONAL POLICY STATEMENT: REVIEW UPDATE, INCLUDING DRAFT CHAPTERS ON LANDSCAPE, ECOSYSTEMS AND INDIGENOUS BIODIVERSITY AND COASTAL ENVIRONMENT

Marcus Langman introduced this report that included an update on the review of the Regional Policy Statement (RPS), an update on the process for consultation with Tangata Whenua, and draft chapters for approval for further consultation with territorial authorities and stakeholders.

LANDSCAPE

Cr Little, as chair of the land portfolio, requested clarification of the principle regarding his earlier declaration of interest in this issue versus his role of representation.

There was some discussion regarding the difference between declaring an interest and disclosing an interest. It was confirmed that following a declaration of interest it was the Councillor's own decision as to whether they remained for that item.

Cr Neill arrived at 11.43 am.

Marcus Langman presented a revised version of the draft Landscape chapter (via the datashow) that had proposed amendments made following from the discussion at the workshop held on 11 August 2009.

The Committee discussed the wording of Policy 2. It was suggested that "adopt" was too prescriptive and should be replaced with "promote".

The view was expressed that "adopt" would provide more clarity and certainty.

It was moved by Cr Little, seconded by Cr Harrow

That Policy 2 commence with the word "promote" rather than "adopt" to reflect the Council's role.

The motion was put. A division was called for and the motion was declared LOST, the voting being as follows:

For (5)	Against (7)	Absent (2)
Cr Little	Cr Burke	Cr Oldfield
Cr Harrow	Cr Demeter	Cr Evans
Cr McKay	Cr Tindall	
Cr Murray	Cr Sutherland	
Cr Neill	Cr Kane	
	Cr Sage	
	Cr Kirk	

The proposal to amend Policy 4 by changing "achieve" with "to seek" was considered. Andrew Willis explained that "to seek" would sit better with what is described in the methods.

There was some support for retaining "achieve" as it would provide guidance to the territorial authorities as to who would take responsibility.

It was moved Cr Sage, seconded Cr Tindall

That Policy 4 retain the word "achieve"

The motion was put. A division was called for and the motion was declared LOST, the voting being as follows:

For (3)	Against (9)	Absent (2)
Cr Sage	Cr Kirk	Cr Oldfield
Cr Demeter	Cr Murray	Cr Evans
Cr Tindall	Cr Burke	
	Cr McKay	
	Cr Harrow	
	Cr Sutherland	
	Cr Little	
	Cr Neill	
	Cr Kane	

It was moved Cr Harrow, seconded Cr Murray
That non-Maori values be included in the values listed in Policy 4 (a).

The motion was put. A division was called for and the motion was declared LOST, the voting being as follows:

For (2)	Against (10)	Absent (2)
Cr Murray	Cr Kirk	Cr Oldfield
Cr Harrow	Cr Neill	Cr Murray
	Cr Burke	
	Cr Tindall	
	Cr Sutherland	
	Cr Kane	
	Cr Demeter	
	Cr McKay	
	Cr Little	
	Cr Sage	

The completeness of the list of areas described in Policy 5 was discussed.

Recommended to the Council

That in addition to the Clarence river mouth include in Policy 5 the following hapua/coastal lagoons as outstanding natural features: Hapuku, Kahutara, Conway, Waiau, Hurunui, Ashley, Rakaia, Hakatere/Ashburton, Hinds, Rangitata, Ophi and Waikaki; and the Ashley estuary.

Cr Sage/Cr Little

It was moved Cr Harrow, seconded Cr Little
That the list of areas in Policy 5 be amended to read:

(a) Parts of Banks Peninsula

(d) Parts of the Kaikoura coastline

to enable the Territorial Authorities to identify the more important parts of these areas to manage.

The motion was put and LOST.

In addition to the recommendations the following wording changes to the draft Landscape were supported:

- The third paragraph of the introduction to the Landscape chapter include the statement that the RPS is concerned “primarily” with Outstanding Natural Landscapes and Features.
- The following sentence be added to the third paragraph of the introduction: “The RPS also provides support for the management and identification of other landscapes, which may be identified as outstanding at a local level, or may warrant protection for other reasons.”
- The tenth paragraph of the introduction to include the sentence: “It is also acknowledged that the actions of landowners, through activities such as covenanting, can often lead to the protection of landscape values.”
- Method 4 in Policy 1 be amended to require a review of district and regional plans with regard to the landscape review within 10 years. And the addition of the following sentence: “Areas may be refined following further analysis, and other areas included which may be of values at a local area.”
- The fourth paragraph of the explanation to Policy 1 insert the words “and other rural uses have assisted” following the word “pastoralism”.

- Policy 2 to be: “Adopt management mechanisms in relation to subdivision, use or development, which will achieve maintenance or enhancement of the values of the Outstanding Natural Landscapes and Features.”
- Policy 2 Method 2 – add the following wording “as described in Appendix XX, or as further refined or included as outstanding at a district level.”
- Insert the words “or private land covenanting” to the first sentence of the last paragraph of the explanation to Policy 2.
- The first sentence of the second paragraph of the explanation to Objective 2 to read: “In particular, territorial authorities may recognise that certain areas are important as activity buffer areas, areas of high natural character in the coastal environment, areas of high scenic value, or they may be amenity areas that require specific recognition under s7(c).”
- Objective 3 Policy 3 to read: “To ensure consistency of assessment and promote consistency of management of Outstanding Natural Landscapes and Features across the Canterbury Region.”
- Policy 4: replace “Achieve” with “To seek...”.
- Policy 4 Method 1 add the words “... when determining landscape values”.
- The first sentence of the last paragraph of the explanation for Policy 4 to read: “Applying Policy 4 and the associated methods enables consideration of the potential need for a buffer to be provided in relation to an Outstanding Natural Landscape or Feature.”
- Policy 5 to add “important” before “representative or unique”.
- The explanation to Policy 6 to include “Such areas may contain buildings, features or associations that span the period of human settlement in New Zealand”.

Recommended to the Council

That the progress to date on the Regional Policy Statement be noted;

That the draft Regional Policy Statement chapters in relation to Landscape for consultation with constituent territorial councils and other identified key stakeholders be approved subject to the changes sought by the Committee including:

- i) That there is greater detail and clarity in the mapping so that topographical information such as mountain ranges and rivers is readable on the maps.***
- ii) That the Landscape chapter, with the other chapters, be subject to a legal review to test the enforceability of provisions, as well as editing to ensure a consistent and coherent style throughout the Regional Policy Statement.***

Cr Sage/Cr Demeter

Crs Harrow, Little and Murray requested their vote against this recommendation be recorded.

The meeting adjourned between 1.10 and 1.52 pm.

ECOSYSTEMS AND INDIGENOUS BIODIVERSITY

Frank Stewart, noting the comments made during the workshop session held prior to this meeting, took the Committee through the draft chapter Ecosystems and Indigenous Biodiversity.

Recommended to the Council

That the second sentence in paragraph 8A.1.2 Defining Ecosystems and Indigenous Biodiversity replace the words “in contrast to” with “as a subset of ecosystems as defined”.

Cr Sage/Cr Demeter

The Committee discussed the wording of Policy 8A.1 and the link between the Biodiversity Strategy and the RPS. It was suggested that the wording be amended to reflect that the Strategy guides the non-regulatory methods but not the Council's regulatory functions. While recognising the role of the Strategy, there will be occasions when a regulatory approach is needed.

Concern was expressed that this would diminish the role of the Strategy as its voluntary nature had resulted in its success in engaging with the people who would enable its objectives to be realised.

It was moved Cr Sage, seconded Cr Demeter

That Policy 8A.1 be amended so that the Biodiversity Strategy guides the use of non-regulatory methods rather than the implementation of the Council's Resource Management Act functions.

The motion was put, on show of hands the vote was 6/6, therefore the motion was LOST.

Policies 8A.3 and 8A.5 were then considered and request was made for the criteria for what is “significant” to be further developed and brought back to the committee. Due to the timeframe for the consultation process it was agreed that, if available, this information should be presented to the Council meeting to be held on 27 August 2009.

Recommended to the Council

Amend policy 8A.3 by replacing references to “significant indigenous vegetation” with “areas of significant indigenous vegetation and significant habitat of indigenous fauna” in paragraph 2.

Cr Sage/Cr Demeter

Recommended to the Council

Amend Policy 8A.5 to modify and further develop the criteria for wetlands.

Cr Sage/Cr Demeter

Recommended to the Council

Amend Schedule 8A.3 Locations of Examples of Likely Ecologically Significant Wetlands to include a paragraph involving the words “but are not limited to”.

Cr Kirk/Cr Sage

In the explanation to Issue 8A.2 there was reference to wetlands being “drained and reclaimed”, it was requested that the word “reclaimed” be replaced with a more accurate description.

Recommended to the Council

References to “reclaimed” areas should be described as “filled”.

Cr McKay/Cr Kirk

For the second sentence of the principal threats paragraph in the explanation to Policy 8A.2 (page 39) it was suggested that some additional information (from the Biodiversity Strategy) be added to the sentence regarding the state of existing wetlands.

Recommended to the Council

Amend the explanation to 8A.2 Issues: Principal Threats to include the reference from the Biodiversity Strategy referring to less than 10% of the original wetlands of the region remaining.

Cr Demeter/Cr Sage

In addition to the recommendations the following wording changes were requested:

- Replace the term “farm plans” with “property plans”.
- Check the use of the word “inappropriate” and the need for the words “under any circumstances” in Policy 8A.6(b).

Recommended to the Council

That the draft Regional Policy Statement chapter in relation to Ecosystems and Biodiversity, except for the criteria for significance in Policy 8A.3 and Policy 8A.5, be approved for consultation with constituent territorial councils and other identified key stakeholders subject to the changes sought by the Committee.

Cr Sage/Cr Tindall

Crs Harrow and Murray requested that their vote against this recommendation be recorded.

The meeting adjourned between 3.45 and 4.10 pm.

THE COASTAL ENVIRONMENT

Frank Stewart spoke to a powerpoint presentation summarising the development of the Coastal Environment chapter. He advised that the report and ministerial decisions on the Proposed New Zealand Coastal Policy Statement (NZCPS) are yet to be released. Noting that the Coastal chapter will need to be changed when the new NZCPS is released, it was agreed that work should continue on developing this chapter.

Recommended to the Council

Amend Policy 11.2 by inserting the word “significantly” before the word “compromised”.

Cr Sage/Cr McKay

Recommended to the Council

Amend Policy 11.1 by adding reference to the management of the extraction of sand and gravel.

Cr Kirk/Cr Burke

Recommended to the Council

Amend the explanation for Objective 11.4 by adding ecological to the list of values.

Cr Demeter/Cr Sage

It was suggested that the explanation for Policy 11.3 include reference to migrating birds.

Cr Neill left at 5 pm.

Recommended to the Council

That the draft Regional Policy Statement chapter in relation to Coastal Environment, be approved for consultation with constituent territorial authorities and other identified key stakeholders, subject to the changes sought by the Committee.

Cr Sage/Cr Sutherland

CONSULTATION WITH NGAI TAHU

Further to the proposal to remove the existing chapter 6 "Provision for the Relationship of Tangata Whenua with Resources" and integrate the issues and policies into the document as a whole (Council resolution of 24 July 2008). The Committee were advised that it was now recognised that would be difficult for Ngai Tahu to provide feedback on the document as a whole when the revision of the RPS was been done chapter by chapter.

Recommended to the Council

That the previous resolution that requires approval in writing from Nga Runanga and Te Runanga o Ngai Tahu for the removal of Chapter 6 be amended, and instead seek feedback from Nga Runanga and Te Runanga o Ngai Tahu in relation to the Tangata Whenua Gap Analysis work.

Cr Sage/Cr Tindall

EDITORIAL CHANGES

Recommended to the Council

That it be noted that editorial changes will be made to the parked chapters to ensure a consistent and coherent style throughout the Regional Policy Statement.

Cr Sage/Cr Tindall

7. CUMULATIVE EFFECTS OF LAND USE ON WATER QUALITY

Raymond Ford introduced this report on the work undertaken following the 27 March 2008 Council resolution to proceed to work to amend the Proposed Natural Resources Regional Plan. This involved establishing a more effective policy framework to manage the water quality effects of intensive land use, and to better address the remediation of degraded water quality.

Recommended to the Council

That a stakeholder working group be established to assist development of a Discussion Document "Managing the Effects of Land Use on Water Quality in the Canterbury Region".

Cr McKay/Cr Burke

Cr Kirk invited expressions of availability and interest of Councillors for membership of the working group. Crs Murray, Little and Tindall indicated their availability and briefly outlined their interest in this issue.

It was moved Cr Harrow, seconded Cr Kane

That Councillors Little and Murray be Environment Canterbury's representatives on the Stakeholder Working Group.

An amendment was moved by Cr McKay, seconded by Cr Sage

That Councillors Murray, Little and Tindall be nominated as the Council's representatives on the Stakeholder Working Groups and if required, on decision making, to act as one.

The following procedural motion was moved by Cr Little, seconded by Cr Kane

That the matter of the Environment Canterbury representation on the working party be left to lie on the table.

The motion was put and LOST on show of hands 4/5.

The amendment was then put and CARRIED on a show of hands 6/4, Crs Kane and Harrow requested their votes against the amendment be recorded.

Cr Murray expressed her concern at the process of appointing the Council representatives, withdrew her interest in being on the Working Party, and left the meeting at 5.50pm.

The amendment became the substantive motion which was then put and CARRIED.

Recommended to the Council

That Councillors Murray, Little and Tindall be nominated as the Council's representatives on the Stakeholder Working Groups and if required, on decision making, to act as one.

Cr McKay/Cr Sage

Cr Kane requested that her vote against this recommendation be recorded.

Resolved

That, pursuant to Standing Order 3.3.7, the meeting continue for more than six hours.

Cr Burke/Cr Demeter

REVIEW OF ENVIRONMENTAL FLOWS PROGRAMME

Lynda Weastell spoke to this report providing an update of the environment flow and allocation regime reviews.

Cr McKay advised that a meeting had arranged for 3 September, commencing at 7pm at Dunsandel, to discuss the Selwyn/Rakaia consent review. All Councillors were invited to attend.

Resolved

That the information be received.

Cr Burke/Cr Sage

9. PUBLIC EXCLUDED***Resolved***

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

Minutes from part of a meeting held 15 July 2009 and matters arising

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:

<i>General subject of each matter to be considered</i>	<i>Reason for passing this resolution in relation to each matter</i>	<i>Ground(s) under section 48(1) for the passing of this resolution</i>
<i>Minutes from part of a meeting held 15 July 2009 and matters arising</i>	<i>That good reason exists for not discussing the matter with the public present and is not outweighed by the public interest.</i>	<i>Section 48(1)(a)</i>

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:

Maintain legal professional privilege – Section 7(2) (g)

Cr Kirk/Cr Burke

The meeting went into public excluded session from 6.04 and 6.08 pm

10. NOTICES OF MOTION

There were no notices of motion.

11. EXTRAORDINARY AND URGENT BUSINESS

There was no extraordinary or urgent business.

12. QUESTIONS

There were no questions.

13. NEXT MEETING – 9 SEPTEMBER 2009

The meeting closed at 6.10 pm.

CONFIRMED

DATE

CHAIRPERSON

ENVIRONMENT CANTERBURY

REGIONAL PLANNING COMMITTEE

MINUTES OF PART OF A MEETING OF THE REGIONAL PLANNING COMMITTEE HELD WITH THE PUBLIC EXCLUDED IN THE COUNCIL CHAMBER, ENVIRONMENT CANTERBURY, 58 KILMORE STREET, CHRISTCHURCH, WEDNESDAY 12 AUGUST 2009 AT 6.04 PM.

CONTENTS

MINUTES FROM PART OF A MEETING HELD 15 JULY 2009 AND MATTERS ARISING

PRESENT

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

MANAGEMENT AND OFFICERS PRESENT

Louise McDonald (Administration Officer)

APOLOGIES

Crs C J Evans, B S Murray, A G Neill and M E Oldfield

9.1 MINUTES FROM PART OF A MEETING HELD 15 JULY 2009

Resolved

That the minutes of part of the meeting held on 15 July 2009, with the public excluded, as circulated, be confirmed as a true and accurate record, and be adopted.

Cr Sage/Cr McKay

Resolved

That the meeting come out of public excluded session.

Cr McKay/Cr Sage

The meeting moved out of public excluded session at 6.08 pm.

CONFIRMED

DATE _____ CHAIRPERSON

AGENDA ITEM NO: 6.	SUBJECT MATTER: Review of the Canterbury Regional Policy Statement - Alignment of the draft RPS Water chapter and the CWMS
REPORT: Regional Planning Committee	DATE OF MEETING: 9 September 2009
FILE REFERENCES: RPS/2008/PREP/CONS	PORTFOLIO: Democratic PROJECT: Regional Policy Statement Review OUTPUT: A reviewed CRPS
REPORT BY: Marcus Langman - Project Leader RPS Review	ENDORSED BY: Jill Atkinson - Director, Regional Programmes

PURPOSE

The purpose of this report is to update the Committee on the preferred process to be followed for the review of the Water chapter as part of the review of the Regional Policy Statement (RPS). The report advises alignment of the Canterbury Water Management Strategy (CWMS) with the draft RPS Water chapter. The paper also sets out the process for consultation on the chapter which varies from the process followed for other chapters.

ATTACHMENTS

- None

BACKGROUND

Environment Canterbury is required to initiate a review of the CRPS within 10 years of the RPS becoming operative. The review commenced in 2006, and a reviewed CRPS is timetabled to be publicly notified in mid-2010.

Staff reported to the Regional Planning Committee on other water-related policy initiatives currently being undertaken, including the CWMS and the proposed National Policy Statement (NPS) on Freshwater Management in February 2009. It was resolved that staff report back to the Committee after further considering how the processes can best be aligned.

THE PROPOSAL

That the Committee notes the alignment of the draft RPS Water chapter with the Canterbury Water Management Strategy, and the consultation process to be followed for the chapter.

ANALYSIS

Since reporting to the Regional Planning Committee in February 2009, members of the RPS review team have taken part in CWMS officials' group meetings. With the strategy nearly complete, early work has started on mapping some of the outcomes of the CWMS into a broad framework for the RPS Water chapter.

The Canterbury Mayoral Forum is timetabled to deliver the final CWMS by the end of October 2009. In terms of content, the draft Water chapter will not be able to deliver all of the CWMS. The draft Water chapter will be limited in terms of the provisions for management of water under the Resource Management Act.

The timing and content of the proposed NPS (Freshwater Management) remains uncertain, and it is unlikely to be sufficiently advanced to inform the development of the Water chapter of the RPS.

Staff are now in a position to advise that the best option for developing the Water chapter is to align it with the CWMS. In a similar manner to Change 1 being the first step for implementing the Urban Development Strategy, the review of the Water chapter provides a good opportunity as a first step for implementing the CWMS.

This paper seeks that the Water chapter of the reviewed CRPS proceed on the basis that its primary purpose is to implement the CWMS, as well as addressing any issues not currently addressed by the CWMS. It is noted that in Environment Canterbury's submission to the CWMS steering group, the Council highlighted the RPS as a key instrument for statutory implementation of the CWMS.

A shorter process of consultation on the Water chapter is recommended, recognising the significant consultation that has taken place to date on the CWMS. Over the next two months, there will be presentations to all Councils, and hui with Papatipu Runanga on the strategy. These provide an opportunity to draw attention to the RPS process and its timelines.

The process recommended for the Water chapter of the RPS would include approval of the draft chapter in November for consultation, followed by a request for written responses to the draft chapter from Schedule 1 stakeholders. The Water chapter would then be reported back to RPC in early 2010 and considered as part of the full RPS document for notification.

VIEWS OF AFFECTED AND INTERESTED PARTIES

To date, no consultation has been undertaken on the Water chapter. However a significant round of consultation has been undertaken as part of development of the Canterbury Water Management Strategy, with further consultation planned over the next two months. The development of the RPS will rely to some extent on that consultation.

A targeted round of consultation through an invitation for written responses on the draft chapter, and input into the development of the chapter from Ngai Tahu, is proposed, prior to the reporting back to the Regional Planning Committee in early 2010. Staff will work with Te Runanga o Ngai Tahu to determine the best form of input and consultation with iwi. Further public participation in the process will be enabled following notification of the proposed RPS in 2010.

FINANCIAL

The work is being undertaken within budgets providing for the RPS review.

CONCLUSIONS

The review of the RPS Water chapter will enable the proposed Regional Policy Statement to be aligned, and be one of the first steps, for implementing the Canterbury Water Management Strategy.

RECOMMENDATIONS

That the Committee note that the focus of the development of the water chapter of the reviewed CRPS is to primarily implement the CWMS, and that the process are aligned; and that the review process for the water chapter of the CRPS consists of:

- i. Council approving a draft chapter for the purposes of consultation;*
- ii. Consultation with mandatory First Schedule stakeholders only, through circulation of the approved draft chapter and an invitation for written responses; and*
- iii. Council consideration of the final water chapter as part of the CRPS as a whole in early 2010.*

AGENDA ITEM NO: 7.	SUBJECT MATTER: REVIEW OF ENVIRONMENTAL FLOWS PROGRAMME
REPORT: Regional Planning Committee	DATE OF MEETING:
FILE REFERENCES:	PORTFOLIO: Water PROJECT: NRRP Environmental Flows Review OUTPUT: Update on Environmental Flows projects
REPORT BY: Andrew Parrish Project Leader Planning (Air & Rivers)	ENDORSED BY: Lynda Weastell Principal Planning Advisor

PURPOSE

To provide an update to the Regional Planning Committee on Environmental Flow projects.

BACKGROUND

A monthly update on the Environmental Flow and Allocation Regime reviews is provided in the RPC Agenda for information. The update provides a summary on the current status and next steps in each project. The dates for public meetings or community advisory group meetings are shown in bold.

RECOMMENDATION

That the information be received

September Update					
Catchment	Current Status	Next Steps	End of FY Goal	On Track (Yes / No)	Comments
Conway	<ul style="list-style-type: none"> • Let of briefs to investigate ecological and hydrological issues raised in submissions. • Report back on robustness of Variation to staff end Sept 2009. 	<ul style="list-style-type: none"> • Council Workshop in October 	Decisions released on variation	Yes	<ul style="list-style-type: none"> • Options for completing Variation for October Council workshop
Ellesmere	<ul style="list-style-type: none"> • Submissions Closed (Ellesmere 1); Technical contracts tendered (Ellesmere 2&3) • Technical work for Upper Selwyn underway • Staff compiling synopsis of all processes and work in Ellesmere Catchment to date. 	<ul style="list-style-type: none"> • Workshop planned October to discuss next steps 	Notified flow plan July 2010	No	Several r.m. processes occurring in this catchment, so the first step is to identify what will be covered in any flow plan and how it can add value.
Hurunui	<ul style="list-style-type: none"> • Review of Variation Occurring 	<ul style="list-style-type: none"> • Outcome dependent on 1 Sept workshop, following WCO decision release 	Variation completed or flow plan notified July 2010	Yes	<ul style="list-style-type: none"> • WCO report now received & options discussed 01 Sept & reported to RPC & Council Sept 2009.
Kaikoura	<ul style="list-style-type: none"> • Omitted submission notified • Brief for hydrology & 	<ul style="list-style-type: none"> • Hearing to be held in November (date to be set 	Variation completed and merged with NRRP	Yes	<ul style="list-style-type: none"> • Further submissions close mid September

	<p>ecology evidence requested.</p> <ul style="list-style-type: none"> • Reporting officer assigned for hearing in November 	with Panel).			
Catchment	Current Status	Next Steps	End of FY Goal	On Track (Yes / No)	Comments
Orari	<ul style="list-style-type: none"> • Technical work continuing • Development of comms plan with community advisory group leading up to February 2010 	<ul style="list-style-type: none"> • Receive and review technical reports due Feb 2010 	Notified Flow Plan July 2010	Yes but delay in technical reports means timetable being actively managed	<ul style="list-style-type: none"> • Community advisory group have agreed not to meet until after technical reports and IFIM analysis is received
Pareora	<ul style="list-style-type: none"> • Hydrology work being undertaken by Mr Scarf and Mr de Joux • Steering Group met on 24 August 2009 to discuss flow options in the Pareora 	<ul style="list-style-type: none"> • Economic Assessment to be carried out • Hydrology work being completed by Mr Scarf and Mr de Joux • Next steering group meeting 6 October 2009 	Notified Flow Plan – July 2010	Yes	
Waiau	<ul style="list-style-type: none"> • CAG meeting held on 18 August 2009 	<ul style="list-style-type: none"> • Next Community Advisory Group meeting 8 September 2009 	Notified Flow Plan – July 2010	Yes	

		<ul style="list-style-type: none"> Review feedback on minimum flow options and A Allocation block 			
Catchment	Current Status	Next Steps	End of FY Goal	On Track (Yes / No)	Comments
Waihao	<ul style="list-style-type: none"> Assessing options to progress the environmental flow plan forward 	<ul style="list-style-type: none"> Report to RPC/Council Nov 2009 			
Waimakariri	<ul style="list-style-type: none"> Plan Change notified 08 Aug 2009. Public meetings attended ChCh 24th Aug; Darfield 25th Aug & SDC 26th Aug. <p>Final public meeting Rangiora 31st Aug.</p>	<ul style="list-style-type: none"> Submissions on the Plan Change to be received 11 September 2009 Summary of Submissions to be developed 	Complete	Yes	
Waimakariri Tributaries	<ul style="list-style-type: none"> Workshop with RPC 1 September 2009 	<ul style="list-style-type: none"> Report to RPC 14 October 2009 	Complete	Yes	
Waitohi	<ul style="list-style-type: none"> Technical panel reports received 	<ul style="list-style-type: none"> Incorporate Waitohi into Environmental Flow regime for Hurunui 	Complete	Yes	

AGENDA ITEM NO: 8	SUBJECT MATTER: PUBLIC EXCLUDED
REPORT: Council	DATE OF MEETING: 9 September 2009
FILE REFERENCES:	PORTFOLIO: PROJECT: OUTPUT:
REPORT BY: Louise McDonald Administration Officer	ENDORSED BY:

MEETING WITH PUBLIC EXCLUDED

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

- 8.1 Residential Outdoor Burning: Policy ALQ4 and Rule ALQ29 Chapter 3 of the Proposed Natural Resources Regional Plan - Appeals

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
Residential Outdoor Burning: Policy ALQ4 and Rule ALQ29 Chapter 3 of the Proposed Natural Resources Regional Plan - Appeals	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:

Maintain legal professional privilege – Section 7(2)(g).