

**309th MEETING OF THE
CANTERBURY REGIONAL COUNCIL**

COUNCIL MEETING

**TO THE CHAIRMAN AND COUNCILLORS OF THE
CANTERBURY REGIONAL COUNCIL**

MEMBERSHIP OF THE COUNCIL

Cr Kerry Burke (Chairman)

Cr Jane Demeter

Cr Carole Evans

Cr Pat Harrow

Cr Jo Kane

Cr Bob Kirk

Cr Ross Little

Cr Angus McKay

Cr Bronwen Murray

Cr Alec Neill

Cr Mark Oldfield

Cr Eugenie Sage

Cr David Sutherland

Cr Rik Tindall

A meeting of the Council will be held on

Thursday, 13 December 2007 at 8.30 a.m.

VENUE: Council Chamber
First Floor
Environment Canterbury
58 Kilmore Street
Christchurch

BUSINESS: As per Order Paper attached.

Dr Bryan Jenkins
CHIEF EXECUTIVE

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

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.

**CANTERBURY REGIONAL COUNCIL
COUNCIL MEETING
ORDER PAPER**

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AGENDA ITEM NO: 7	SUBJECT MATTER: 2008/09 ANNUAL PLAN – POSSIBLE SHIFTS IN DIRECTION
REPORT: Council	DATE OF MEETING: 13 December 2007
FILE REFERENCES:	PORTFOLIO: All PROJECT: OUTPUT:
REPORT BY: Neil Pilbrow Portfolio Manager Finance and Corporate Services	ENDORSED BY: Wayne Thomas Director Finance and Corporate Services

PURPOSE

To adopt:

- The budget principles and timetable for the 2008/09 Annual Plan.
- Shifts in direction from the LTCCP (to enable detailed budgeting to start).
- Variations to portfolio levels of service (new and foreshadowed in LTCCP or 2007/08 Annual Plan)
- Matters requiring amendments to the 2006-16 LTCCP.

BACKGROUND

The Council is required to prepare and adopt an annual plan each year that contains the proposed budget and funding impact statement for that year. The first year of an LTCCP is the Annual Plan for that year. 2008/09 is the third year of the 2006-16 LTCCP.

The purpose of the annual plan is to identify variations from the LTCCP that have arisen since the LTCCP was adopted. It is not, generally, an opportunity to review the Council's 10-year LTCCP work programmes.

Annual Plans are able to accommodate variations to the LTCCP, provided they do not alter significantly intended levels of service (significance is not defined). The intention of the Local Government Act is to provide a high level of certainty for ratepayers, which means not amending the LTCCP more than necessary.

Due to the timing of the recent Council elections, this annual plan process is starting later than would usually be the case. Normally, Portfolio Committees would be involved in considering the shifts in direction that have arisen since the LTCCP was adopted. This year the shifts in direction will be considered at a workshop of the whole Council for adoption at a Council meeting next day. While this is not ideal, it is considered reasonable given that in an "annual plan year", there should be relatively few substantive changes to consider.

With the tight timing, there is virtually no opportunity later on to go back to the start to introduce substantive new issues. The timetable and budgeting principles set out below are

aimed at ensuring that the process is clear, runs smoothly and the right debates are held at the right times.

Following the workshop on 12 December 2007, recommendations relating to the above will be drafted for tabling and adoption at this meeting.

TIMETABLE

Dec 12	Council workshop to consider: <ul style="list-style-type: none">• budget principles and timetable• the impact of shifts in direction from LTCCP• variations to portfolio Levels of Service (new and foreshadowed in LTCCP or 2007/08 Annual Plan)• matters requiring amendment to LTCCP
Dec 13	Council meeting to adopt: <ul style="list-style-type: none">• budget principles and timetable• shifts in direction from LTCCP (to enable detailed budgeting to be done)• variations to portfolio Levels of Service (new and foreshadowed in LTCCP or 2007/08 Annual Plan)• matters requiring amendment to LTCCP <p>This is the time to influence what goes into the budget</p>
Feb 7	Council meeting to adopt amendments to LTCCP for audit.
Feb 21	Council meeting to: <ul style="list-style-type: none">• receive provisional budget and rating examples• adopt the following as the basis for the Annual Plan:<ul style="list-style-type: none">– budget– parent project levels of service– Group of Activity sections of the Annual Plan. <p>This is the last opportunity to influence what goes out for consultation</p>
Mar 6	Council meeting to: <ul style="list-style-type: none">• receive rating examples• adopt the following:<ul style="list-style-type: none">– Statement of Proposal to adopt the Annual Plan and amend the LTCCP– adopt the Summary• receive the audit certificate for amendments to LTCCP• adopt the audited amendments to LTCCP.• consider constituency consultation during submission period Mar 29 - Apr 29 .
Mar 29 - Apr 29	Public submission period.
May 26-28	Council hears submissions (one day in Timaru if required).
May 28	Council meeting to consider submissions, make decisions and, if changes are made amendments to LTCCP as a result of submissions, authorise the Finance and Audit Committee to adopt amendments to LTCCP for audit. <p>This is the final opportunity to make changes</p>

Jun 5	Finance and Audit Committee meeting to receive and adopt amendments to LTCCP for audit (if no changes are made as a result of submissions, this will not be required).
Jun 26	Council meeting to: <ul style="list-style-type: none"> • receive final rating examples • adopt the Annual Plan and amendments to the LTCCP • receive the audit certificate for amendments to LTCCP • adopt the audited amendments to LTCCP. • strike rates subject to valuation data being available
Jun 30	Back-up date to strike rates if valuation data is not available for Jun 19 meeting.

OPPORTUNITY FOR COUNCILLOR INPUT

By this meeting, Councillors will have had the opportunity at the workshop on 12 December 2007 to have considered the shifts in direction from the LTCCP, assessed the implications for the 2008/09 budget and to have formed a view on what should be included in the draft 2008/09 Annual Plan. **This Council meeting is the time to confirm what goes into the budget for the draft 2007/08 Annual Plan.**

On 21 February 2008 staff will bring the budget back for adoption as “the basis for the draft Annual Plan”. This step provides staff with the required certainty that the figures will not be changed again so that the document can be finalised. At this stage the budget will comply with the directions set by the Council and embodied in the resolutions adopted at this Council meeting. **At that point it would be possible to accommodate minor adjustments only, if required. It would be inappropriate to introduce substantive new material.**

BUDGET PRINCIPLES

The budget principles aim to provide clarity about the process to assist staff and Councillors in preparing the 2008/09 Annual Plan.

1. The objective is to deliver the levels of service forecast in the LTCCP and remain within the overall general rates forecast in the LTCCP (\$34,875k).

This means that existing work programmes will be delivered within the previously agreed levels of funding, reflecting the intent of the Local Government Act that levels of service and levels of funding forecast in the LTCCP are delivered as stated.

This does not preclude the Council introducing changes where necessary.

2. Work programmes, including variations approved in 2007/08 to accommodate unforeseen changes, are reviewed to ensure all are still valid for 2008/09.

Reviewing work programmes and previous variations may identify funds that can be re-allocated to fund new variations.

Re-allocation of previously budgeted staff and resources between projects and Groups of Activities is to be limited to only that necessary to address approved shifts in direction.

VARIATIONS TO PORTFOLIO LEVELS OF SERVICE (NEW AND FORESHADOWED IN LTCCP OR 2007/08 ANNUAL PLAN)

The 2006-16 LTCCP identified a number of levels of service that required further work to identify suitable measures and targets. A number were able to be included in the 2007/08 Annual Plan. The few remaining will be included in the 2008/09 Annual Plan. As these additions were foreshadowed in the LTCCP or 2007/08 Annual Plan, including them in the 2008/09 Annual Plan does not constitute an amendment to the LTCCP. Similarly, adding additional measures to enable better reporting does not constitute an amendment.

Details of these will be outlined at the Workshop on 12 December 2007 and resolutions drafted for tabling and adoption at this meeting as appropriate.

MATTERS REQUIRING AN AMENDMENT TO THE 2006-16 LTCCP

The process for amending the LTCCP is the same as adopting the Annual Plan, but with the additional steps for auditing before the draft amendments are released for consultation and the final adopted. This involves two extra Council meetings to adopt documents pre and post audit.

The timetable allows for LTCCP amendment material to proceed at a faster pace ahead of the Annual Plan, which does not require the additional audit steps.

Two amendments are expected to be required. Both involve changes to levels of service.

- Introducing incentives to encourage people to move to cleaner forms of home heating in Ashburton, Rangiora and Kaiapoi through the "Clean Heat" project.
- Amending the location and timing of some earthquake and flood hazard investigations.

Details of amendments will be presented at the workshop on 12 December 2007, and resolutions drafted for tabling and adoption at this meeting.

RECOMMENDATION

That the Council adopts the budget principles for the 2008/09 budget:

- (a) The objective is to deliver the levels of service forecast in the LTCCP and remain within the overall general rates forecast in the LTCCP (\$34,875k).*
- (b) Work programmes, including variations approved in 2007/08 to accommodate unforeseen changes, are reviewed to ensure all are still valid for 2008/09.*

Note: Further resolutions relating to shifts in direction for the 2008/09 budget, variations to portfolio levels of service and amendments to the LTCCP will be tabled at the meeting, following the Workshop on 12 December 2007.

AGENDA ITEM NO: 8	SUBJECT MATTER: REGULATORY DELEGATIONS
REPORT: Council	DATE OF MEETING: 13 December 2007
FILE REFERENCES:	PORTFOLIO: PROJECT: OUTPUT:
REPORT BY: Donald Fraser Consents Hearings	ENDORSED BY: Mike Freeman Director Regulation

Report and attachments to be circulated prior to meeting.

AGENDA ITEM NO: 9	SUBJECT MATTER: CHANGE 3: PROPOSED CHANGE TO THE STORMWATER RULE IN THE TRANSITIONAL REGIONAL PLAN
REPORT: Council	DATE OF MEETING: 13 December 2007
FILE REFERENCES: CO9C/5	PORTFOLIO: PROJECT: Various OUTPUT:
REPORT BY: Ivan Holland Environmental Consultant	ENDORSED BY: Mike Freeman Director Regulation

PURPOSE

To provide an opportunity to address implementation issues associated with the stormwater rules in the Transitional Regional Plan (TRP) and the proposed Natural Resource Regional Plan Chapter 4: Water Quality (pNRRP).

ATTACHMENTS

Part 1 Background to Transitional Regional Plan Change
Part 2 Proposed Change to the stormwater rule in the Transitional Plan
Part 3 Supplementary Section 32 Report

BACKGROUND

Very few residential (or other) stormwater discharges¹ to land or water are permitted by the current combination of rules (TRP and pNRRP). Many individual roof stormwater discharges even require a resource consent in Canterbury.

The Christchurch City Council estimates that up to 4,000 resource consents could be required for stormwater discharges in Christchurch each year under the current regional rules (up to 800 subdivisions, 1100 commercial/industrial buildings, 1400 residential dwellings of which about 250 are for 2 or more dwellings and 400 garages). Based on the Christchurch figures, the number of resource consents required for stormwater discharges throughout Canterbury would be incredible.

Based on figures over the past few months, Environment Canterbury has been processing approximately 150 stormwater discharge consent applications at any one time resulting in significant delays for applicants.

A number of short and long-term “settlement” stormwater discharge applications are expected². However, the timeframe for such applications is uncertain and such applications will not benefit subdivisions outside “settlements”.

¹ Stormwater discharges need to be permitted by the TRP and pNRRP to avoid the requirement for a resource consent under section 15(1) of Resource Management Act.

² Rule WQL7 of pNRRP Chapter 4.

THE PROPOSAL

It is proposed that the General authorisation for the discharge of stormwater (TRP) be changed.

The change recommended is a condition that permits the discharge of stormwater from residential and rural-residential subdivisions, involving fewer than 30 allotments, to land. This additional condition would be similar to existing condition (3) that permits the same but into surface waters.

THE OUTCOME

Environment Canterbury will be able to prioritise managing the stormwater discharges that are most likely to cause adverse effects on the environment such as:

- Subdivisions within sensitive/vulnerable groundwater zones;
- Industrial sites;
- Construction – erosion and sediment control; and
- Working pro-actively with Territorial Authorities on “settlement” stormwater consents.

There will also be a significant reduction in the number of minor stormwater discharge consent applications allowing processing timeframes to be reduced.

OTHER OPTIONS

DO NOTHING

Environment Canterbury will continue to receive an increasing number of stormwater discharge consent applications for minor developments that will result in extended delays to applicants and negligible environmental benefit.

NON-ENFORCEMENT OF TRP

This is not recommended as it would be contrary to the Regional Council's duty to enforce the provisions of operative plans³.

INTERIM MEASURES

The following measures have/will be implemented to minimise delays to stormwater discharge consent applications until the plan change takes effect:

- A consent application form for roof stormwater discharges – complete and available on the website; and
- A consent application form for residential stormwater discharges into land is available on the website.

VIEWS OF AFFECTED AND INTERESTED PARTIES

Consultation has been undertaken with first schedule parties. A number of technical issues were raised together with requests for clarification of the term “highest groundwater levels” and explanatory notes have been added to the Proposed Change to the TRP rule as a consequence.

³ Section 84 of the Resource Management Act

FINANCIAL AND TIMING

Some cost will be associated with implementing the change to the TRP. An estimate of such costs is \$22,000. This is based on least four weeks of full-time work during the plan change process over a six to nine month period. This workload will vary depending on the number and depth of submissions. At this stage no provisions has been made for funding this work.

RECOMMENDATION

That the Council approve.

- (a) Approves and publicly notifies, in accordance with Schedule 1 of the Resource Management Act, the attached Change 3 to the Transitional Regional Plan (TRP) to incorporate into the TRP a clause to permit the discharge of stormwater to land from residential and rural-residential subdivisions, involving fewer than 30 allotments.*
- (b) Adopts the Supplementary Section 32 Report.*
- (c) Requests the Chief Executive to identify potential sources of funding for the estimated \$22,000 needed for the 2007/08 financial year for the administration of this change.*

*Change 3:
Proposed change to the
stormwater rule in the
Transitional Regional Plan*

Part 1: Background to Transitional Regional Plan Change

Introduction and summary of changes to the General Authorisation for the Discharge of Stormwater in the Transitional Regional Plan.

(NB. This background section is not part of the change to the TRP and submissions need not be made on this section.)

1.1 Introduction to the change

The proposed change to the General Authorisation for the Discharge of Stormwater in the Transitional Regional Plan (TRP) will permit the discharge of stormwater into land from small scale residential developments.

Stormwater discharges that are not specified as permitted activities in the General Authorisation for the Discharge of Stormwater and that do not meet the conditions of the general authorisation require discharge permits.

The following pages set out the proposed change to the General Authorisation for the Discharge of Stormwater. The change is being proposed because of the following:

- The conditions in the relevant rule (WQL5) in Chapter 4 of the proposed Natural Resources Regional Plan (pNRRP) are more permissive than the general authorisation. This change will help bring the TRP stormwater rules in line with those in the pNRRP.
- All stormwater discharges into land from residential developments since 28 September 1991 require a resource consent regardless of scale, significance and likely adverse environmental effects.
- Stormwater discharges into surface waters from small residential developments are permitted by the general authorisation without treatment however the same discharges into land are not. It is generally accepted that stormwater receives further treatment when allowed to infiltrate into land.
- Stormwater system design is considered by territorial authorities when issuing subdivision and land use consents, and as such the regional council consenting process is not considered to add value to the management of stormwater from relatively small residential developments.
- Shifting the onus from applying for consents for some activities to meeting a permitted activity condition is also more cost effective for the community and Environment Canterbury as the regulatory authority.

1.2 Summary of the change

The proposed change is the addition of a clause to the general authorisation that permits the discharge of stormwater from small residential and rural-residential subdivisions to land subject to condition(s). The additional clause is similar to existing clause (3) that permits the same but into surface waters.

Two minor corrections have also been made to the conditions in the general authorisation.

1.3 How amendments are shown

Changes to the text are identified as follows:

Additions arising from the change are underlined.

Deletions arising from the change are shown as ~~striketrough~~.

[Please note that submissions should only be made in relation to the matters that are set out in Part 2].

Part 2: Proposed Change to the stormwater rule in the
Transitional Plan

**CANTERBURY REGIONAL COUNCIL
GENERAL AUTHORISATION FOR THE DISCHARGE OF STORMWATER**

Under Section 22 of the Water and Soil Conservation Act 1967 the Canterbury Regional Council authorises the following specified discharges of stormwater into natural water, within its region, subject to the specified conditions.

- (1) The discharge of roof stormwater from buildings and structures either into the ground or directly into groundwater provided it is via a sealed system that excludes all other stormwater, except in the following areas:
 - (a) that part of the Christchurch urban area where the Christchurch City Council stormwater system is available;
 - (b) that part of the Christchurch City Council area south of the Avon-Heathcote Estuary and the Heathcote Rover;
 - (c) that part of the Kaiapoi urban area where the Waimakariri District Council stormwater system is available;
 - (d) the Banks Peninsula District Council area;
 - (e) that part of the Selwyn District Council area east of the Halswell River; and
 - (f) that part of the Timaru urban area where the Timaru District Council stormwater system is available;
- (2) The discharge of stormwater to surface waters, except stock water races and irrigation races, from all existing buildings, structures, hard-standing surfaces and roading.
- (3) The discharge of stormwater to surface waters, except stock water races, irrigation races and lakes, from residential or rural-residential subdivisions made after 28 September 1991, involving fewer than 30 allotments.
- (4) The discharge of stormwater from roading into the ground, outside of the Christchurch City Council urban area.
- (5) The discharge of stormwater to ground from residential or rural-residential subdivisions made after 28 September 1991, involving fewer than 30 allotments, where highest groundwater levels are deeper than 10 metres from the ground surface.

CONDITIONS

The above authorisations are subject to the following conditions:

- (1) Where the discharge is into natural water in a territorial authority stormwater drainage system, prior written consent to discharge must be obtained from that territorial authority.
- (2) Any territorial authority making use of this general authorisation shall:
 - (a) provide the ~~Regulations and Consents Manager~~, Canterbury Regional Council with a list by 1 August each year which outlines the work undertaken in the preceding financial year under this general authorisation;

- (b) ensure that all industrial and commercial facilities that discharge stormwater into the stormwater system under the control of the territorial authority, undertake all reasonable precautions to minimise the quantities of silt, and the risk of accidental spillages of hazardous or polluting substances, entering the stormwater system;
 - (c) when modifying or upgrading existing stormwater disposal systems consider incorporating measures that would:
 - (i) reduce the amount of contaminants, including silt, entering natural water; and
 - (ii) reduce the risk of flooding in any surface receiving waters; and
 - (d) provide the ~~Regulations and Consents Manager~~, Canterbury Regional Council, with an annual report by 1 August each year, outlining the measures taken to meet conditions 26 (b) and (c).
- (3) Any Discharge made under this authorisation shall not cause erosion to the banks or bed of the receiving waterway.

The authorisation is effective from 28 September 1991.

Explanatory Notes:

- (1) This authorisation does not authorise the discharge of any substances that would constitute an offence under Section 34 of the Water and Soil Conservation Act 1967 (Section 338 of the Resource Management Act 1991).
- (2) Any existing or proposed discharge of stormwater that does not meet the above conditions is not covered by this general authorisation and must be authorised by a discharge permit, under the Resource Management Act 1991. Before this Act came into effect on 1 October 1991, a water right would have been required under the Water & Soil Conservation Act 1967.
- (3) This general authorisation does not relieve any person or organisation from any other legal requirements under any other act, bylaw or regulation.
- (4) This general authorisation does not preclude the territorial authority from using the requirements of Section 459 of the Local Government Act to eliminate a nuisance created by an uncontrolled stormwater discharge.
- (5) This general authorisation can be changed in whole or part, if the public interest so requires.
- (6) The reference to “highest groundwater levels” in this general authorisation means the highest groundwater level which can reasonably be expected at the point of discharge based upon relevant and available groundwater data.
- (7) For the purposes of determining whether a subdivision involves “fewer than 30 allotments”, the following matters will be taken into account: (i) Any allotment that is part of the subdivision regardless of the intended use will be considered as an allotment; (ii) Where a subdivision comprises stages, the total allotments proposed for all stages of the subdivision will be used to determine the number of allotments; and (iii) The number of allotments proposed in the corresponding subdivision consent application with the territorial authority.

Part 3: Supplementary Section 32 Report

3.1 Introduction

The General Authorisation for the Discharge of Stormwater in the TRP states that the discharges specified are Permitted Activities and that discharges that do not meet the conditions of the general authorisation are Discretionary Activities for which discharge permits are required.

This supplementary report is Environment Canterbury's evaluation of whether, taking into account efficiency and effectiveness, the change to the general authorisation, which relates to permitting stormwater discharges to land from small residential developments, is the most appropriate way to achieve any relevant objectives, as required by Section 32 of the Resource Management Act.

This evaluation takes into account the benefits and costs of the change, and the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the rule.

3.2 Environmental issue

The main environmental issue associated with the discharge of stormwater onto or into land is the contamination of groundwater. Canterbury's groundwater resources are a significant natural resource and a strategic economic asset for the region. While the water quality in these aquifers is generally very high, and in many areas it is used as drinking water without treatment, it is vulnerable to contamination from land uses and discharges onto or into land (pNRRP, p. 4-52).

It is generally accepted that where management practices are adopted to prevent or minimise the entry of contaminants into groundwater, land use intensification may occur without causing a decline in groundwater quality.

The discharge of stormwater run-off into the ground from small scale subdivisions or other areas where there is a stormwater collection system is unlikely to have any significant adverse effects on groundwater quality (pNRRP, p. 4-199). This plan change acknowledges this statement but relies on a conservative groundwater depth restriction rather than specifying stormwater system design and operation.

The TRP does not contain objectives in relation to contamination of groundwater from stormwater discharges. However, Objective WQL2: Water quality outcomes for groundwater and contaminated land of Chapter 4 of the pNRRP sets out general groundwater quality objectives and specific values for certain health-related variables (p. 4-51).

3.3 Evaluation of methods

The following methods have been selected:

1. Change the wording of the general authorisation – This approach will permit small scale residential stormwater discharges into land. This change will enable Environment Canterbury to prioritise managing the stormwater discharges that are most likely to cause adverse effects on the environment.
2. Consent application form – An application form has been made available to minimise delays to stormwater discharge consent applications until the plan change takes effect. The application form is for residential stormwater discharges into land and is available on Environment Canterbury's website.

The following methods were considered and discarded:

3. Retain the existing wording of the general authorisation – This approach will continue to result in approximately a hundred resource consents being issued each year for small

scale residential subdivisions many of which that would be permitted by the relevant rule in the pNRRP. This alternative was not considered to be the best use of available resources to achieve the groundwater quality objective and would result in extended delays to applicants and negligible environmental benefit.

4. Non-enforcement of the general authorisation – This approach was rejected as it would be contrary to the Regional Council's duty to enforce the provisions of operative plans.

3.4 Effectiveness of selected methods

Effectiveness is considered to be the measure of how successful a particular option is in addressing the issues in terms of achieving the desired environmental outcome.

The desired outcome is to allow stormwater to be discharged into the ground from small scale subdivisions without resulting in adverse effects on groundwater quality whilst reducing the regulatory involvement of Environment Canterbury.

Currently all stormwater discharges into land from residential developments require a resource consent regardless of scale, significance and likely adverse environmental effects. By permitting some residential stormwater discharges into ground, the proposed change to the general authorisation will reduce the number of resource consents required for residential and rural residential stormwater discharges. The proposed change permits stormwater discharges only "where highest groundwater levels are deeper than 10 metres from the ground surface". A conservative groundwater separation distance has been chosen in preference to specifying a method/s for treating/removing contaminants from stormwater to avoid complexity.

The minimum groundwater depth proposed is conservative and requires sufficient separation to groundwater to allow treatment/contaminant removal from untreated stormwater by in situ substrate. Although not required, it is expected that many stormwater discharges will be treated prior to being discharged into ground despite the change to the rules. Stormwater treatment may also be required by territorial authorities as part of the subdivision consent process or by the relevant rules in the pNRRP.

Environment Canterbury will be able to conduct a rigorous review of the potential environmental effects of residential stormwater discharges via the consenting process where groundwater levels are less than ten metres below the ground surface and do not meet the requirements of Rule WQL5 in the pNRRP.

A consent application form has been developed for residential stormwater discharges into land and is available via Environment Canterbury offices and the Environment Canterbury website. The application form will increase resource consent processing efficiency and will have maximum benefit until the change becomes operative.

Based on the above information the proposed change will be more effective at managing the effects of stormwater discharges on groundwater quality than the current wording of the general authorisation.

3.5 Environmental benefits and costs of selected methods

The potential environmental cost associated with the plan change is a reduction in groundwater quality as a result of stormwater discharges from small scale residential subdivisions not being subject to the additional scrutiny of the resource consent process. This environmental cost is considered to be relatively small for the following reasons:

- (i) The rules in the pNRRP in many cases would permit stormwater discharges from small residential developments with limited treatment;
- (ii) The plan change specifies a minimum groundwater depth which is conservative and requires sufficient separation to groundwater to allow treatment/contaminant removal from untreated stormwater by subsoils; and

- (iii) The rules in the pNRRP would prevent stormwater discharges into land within sensitive and vulnerable groundwater zones without a resource consent.

The plan change will reduce the number of resource consents required for stormwater discharges from small residential developments and will allow Environment Canterbury to prioritise managing stormwater discharges that are more likely to cause adverse environmental effects such as those within sensitive and/or vulnerable groundwater zones, from industrial sites and from construction and earthworks. Environment Canterbury will also be able to allocate more time to working with territorial authorities in the development of stormwater management plans for settlements. These are considered to be potential environmental benefits associated with the plan change as they are more likely to lead to sustainable management of the quality of Canterbury's groundwater resources.

The stormwater consent application form is not expected to result in an environmental cost or benefit but is expected to have a social and economic effect.

3.6 Social and economic benefits and costs of selected methods

An economic benefit is likely to be experienced by developers as a result of the plan change and application form. Under the current TRP, all stormwater discharges into land from residential developments required a resource consent. The change to the plan will reduce the number of small scale residential developments that require resource consents. The costs of processing resource consent applications are recovered from consent applicants. The average cost for the processing of a stormwater discharge permit is approximately \$3,000. It is estimated that 100 consents for residential stormwater discharges are processed per year in Canterbury and that around 20 percent of these discharges will not require consent following the plan change. As such, an annual consent processing cost saving of \$60,000 is predicted. A reduction in the average consent processing cost is likely if the application form becomes widely used.

It is likely that developers add resource consent acquisition costs onto subdivision land prices and as such they are ultimately borne by those members of the community who purchase lots in residential subdivisions.

The change to the plan is not expected to result in more residential subdivisions as such developments are primarily regulated by territorial authorities through their respective district plans. However such small residential developments are likely to receive approval to discharge stormwater in less time and for less cost to the developer as a result of the plan change and application form.

The change is expected to result in more stormwater discharges being permitted activities. Monitoring of permitted activities is funded from general rates as distinct from monitoring of resource consents (the cost of which is recovered from consent holders). The change will result in a shift of funding from consent holders to general ratepayers for small scale residential developments. The exact cost of this shift has not been estimated but is conservatively expected to be less than \$50,000 for the 2008/09 financial year. This estimate is based on monitoring 50 permitted residential subdivisions during the year at an annual monitoring cost of \$1,000/subdivision. In subsequent financial years charges could be considered to recover costs of monitoring permitted subdivision stormwater discharges.

3.7 Efficiency of selected methods

Efficiency is considered to be measuring by comparison of the environmental, social and economic benefits to costs. The combination of the plan change and consent application form is considered to be the most efficient method for enabling better use of Environment Canterbury's resources to manage stormwater discharges most likely to cause adverse environmental effects.

The plan change proposed is minor and will affect only relatively minor stormwater discharges. The net environmental benefit is considered to be enabling the regional council to prioritise management of more significant stormwater discharges through reduced consenting workload. The net social and economic costs will be a shift of potential compliance monitoring costs from consent holders and developers to general ratepayers. As detailed earlier in this report, this shift is expected to be

relatively minor and will only have effect until the pNRRP becomes operative or in urban areas until the territorial authority obtains a whole-of-settlement stormwater discharge permit. The pNRRP is expected to be operative within five years.

Following consideration of the benefits and costs of the plan change, the modified stormwater rule and consent application form will be efficient methods for managing the impact of stormwater discharges on groundwater quality.

3.8 Risk of acting / not acting

Environment Canterbury considers that the information available is sufficient to provide a sound basis for its selection of methods. However, it recognises that there is some uncertainty associated with the level of risk of contamination of groundwater associated with the separation distance to groundwater and about the level of treatment subsoils will provide to stormwater before it enters groundwater. Environment Canterbury has not undertaken any specific investigations into the effects of residential stormwater discharges into land on groundwater quality however it is generally accepted that some contaminant removal will occur as stormwater passes through subsoil.

The risk of the plan change is reduced significantly due to the relevant pNRRP stormwater rule (WQL5) not permitting stormwater discharges into land within areas where groundwater is used to supply communities with drinking water and the Christchurch Groundwater Recharge Zone. The risk of acting is further reduced as the plan change will permit stormwater discharges only from small scale residential developments.

By not acting, Environment Canterbury risks being inundated with resource consent applications for minor activities that are unlikely to have adverse effects on the environment. The Christchurch City Council has estimated that over 2,000 resource consents could be required for residential stormwater discharges in Christchurch each year under the current combination of regional rules (TRP and pNRRP). This number of applications will exacerbate existing delays in the processing of resource consents and not allow the regional council's limited resources to be used for managing more significant risks to groundwater quality.

The potential consequences on groundwater quality from the plan change is outweighed by the benefits of enabling more significance risks to groundwater quality to be prioritised and reducing the number of resource consents required for relatively minor activities.

3.9 Appropriateness of selected methods

The plan change and consent application form are the most appropriate methods to achieve reduced regulation of stormwater discharges from small residential developments without causing a reduction in groundwater quality.

Having regard to the evaluation, the proposed methods will be more effective and efficient than the other methods considered and although further information would be useful, the risk to groundwater quality from acting is considered to be minor and far outweighed by the potential benefits from better focused management of more significant risks to groundwater quality.

3.10 Initial consultation

Environment Canterbury invited local authorities and tangata whenua within the Canterbury region, the Minister for the Environment, the Department of Conservation and Community and Public Health to meet and discuss the proposed plan change at two scheduled meetings or individually.

The two consultation meetings occurred on Thursday 22 November in Timaru and on Friday 23 November 2007 in Christchurch. No individual meetings were requested or held.

Representatives of the Timaru District Council attended the meeting in Timaru and representatives of the Selwyn District Council and Christchurch City Council attended the meeting in Christchurch.

Based on comments made at the meetings, the plan change is unlikely to have a significant impact in the Timaru district or within Christchurch city due to the minimum groundwater depth requirement. More detail was requested on how “highest groundwater levels” and the number of subdivision allotments would be determined and as such two additional explanatory notes have been added to the plan change.

3.11 Relevant Council decisions

At the 305th meeting of the Canterbury Regional Council on Thursday 11 October 2007, the Canterbury Regional Council approved:

The drafting (including initial consultation) of a change to the Transitional Regional Plan to permit the discharge of stormwater to land from residential and rural-residential subdivisions, involving fewer than 30 allotments.

AGENDA ITEM NO: 10	SUBJECT MATTER: 2008 COUNCIL AND COMMITTEE MEETINGS SCHEDULE
REPORT: Council	DATE OF MEETING: 13 December 2007
FILE REFERENCES:	PORTFOLIO: Democratic Process PROJECT: Council/Committee Meetings 0201 OUTPUT: A Schedule of Council and Committee meetings is prepared
REPORT BY: Robyn Pay Administration Officer	ENDORSED BY: Jude Pani Manager Secretariat

PURPOSE

To provide for the approval of the 2008 Council and Committee meetings schedule.

ATTACHMENT

Draft 2008 Council and Committee meetings schedule.

BACKGROUND

In order that the business of the Council can be conducted in an orderly manner, and to allow public notification of meetings to be given in compliance with the Local Government Official Information and Meetings Act 1987, it is necessary for the Council to adopt a schedule of meetings.

The Draft 2008 Council and Committee meetings schedule follows a similar pattern to that of 2007. The schedule generally includes:

- One workshop day each month prior to Council meeting
- One regular Council meeting each month (generally the last Thursday)
- Afternoon on Council meeting day to be a workshop
- One meeting each month of Finance and Audit Committee
- One meeting each month of Regional Planning (Committee or workshop, as required)
- Four meetings of the Regional Land Transport Committee
- Scheduled weekly meetings of the Regulation Hearing Committees
- LTCCP workshops, portfolio workshops and committee meetings as required by the Annual Plan/Annual Report/LTCCP processes
- Initial meetings of the Southern Committee and Maori Advisory Committee
- One meeting for each of the three Area Committees (Christchurch, Central, Northern)

THE PROPOSAL

The draft schedule attached has been prepared taking into account the points above plus an attempt to group meetings together allowing blocks of unallocated time for other councillor commitments (including NRRP hearings, consent hearings etc). The following should be noted:

COUNCIL AND COMMITTEES

- Regular monthly Council meetings to commence at 8.30 a.m. and conclude by 1.00 p.m. This allows for a workshop to be scheduled in the afternoon.
- The regular Council meeting on 28 August and the special Council meeting on 6 March will both be held in Timaru.
- The dates shown meet the requirements of the Annual Plan/LTCCP timetables.
- Finance and Audit Committee, Workshops, Regional Planning Committee to generally start at 9.30 a.m.
- RLTC commences at 10.00 a.m. to allow time for those members travelling from out of Christchurch.

AREA COMMITTEES

- Area Committee meeting dates are tentative only, and cannot be confirmed until all district councils have adopted their meetings schedules.
- The terms of reference for the Northern and Central Area Committees allow for one formal meeting per year, and workshops to be held throughout the year as required.
- The terms of reference for the Christchurch Area Committee provide for an initial committee meeting early in the year, and other committee meetings/workshops as required. It is proposed that a recommendation on future meeting frequency and dates be made by this committee at its first meeting.

MISCELLANEOUS

- Liaison meetings with territorial authorities are still to be added to the schedule. This cannot happen until all councils have adopted their meetings schedules.
- Dates for the Canterbury Mayoral Forum will be added following the meeting of the Forum on 10 December.
- Dates for the Canterbury Civil Defence Emergency Management Group Joint Committee have been set by that body.
- One meeting has been scheduled for both the Maori Advisory Committee and the Southern Committee. It is proposed that recommendations on future meeting frequency and dates be made by these committees at their first meetings.

CONCLUSIONS

It is proposed that the Council adopt the attached Draft 2008 Council and Committee Meetings Schedule. Following adoption of the schedule it is proposed to overlay hearing dates for NRRP (starting February).

The requirement for NRRP hearing dates will mean that it will be difficult to reschedule existing meetings or to schedule additional Council/Committee meetings within normal work hours during the year.

RECOMMENDATION

That the 2008 Council and Committee Meetings Schedule be adopted.

2008 Council and Committee Meetings Schedule

	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	
MON									1			1	MON
TUE	1			1			1		2			2	TUE
WED	2			2			2		3	1		3 RLTC	WED
THU	3			3	1		3		4	2		4	THU
FRI	4	1 RHC		4 RHC	2 RHC RA		4 RHC	1 RHC	5 RHC	3 RHC		5 RHC	FRI
SAT	5	2	1	5	3		5	2	6	4	1	6	SAT
SUN	6	3	2	6	4	1	6	3	7	5	2	7	SUN
MON	7	4	3 Chch Area	7	5	2 Queens B/day	7	4	8	6	3	8	MON
TUE	8	5	4 Sthn Tour	8 F&A	6	3 LTCCP Wsh	8 LTCCP Wsh	5	9 F&A	7 Port Cttees	4	9	TUE
WED	9	6 Waitangi	5 Sthn Tour	9 RP	7	4 LTCCP Wsh	9 LTCCP Wsh	6	10 RP	8 Port Cttees	5	10 F&A Workshop	WED
THU	10	7 Council	6 Sthn Tour Sp Council in Timaru	10	8 Z5	5	10 LTCCP Wsh	7	11 Z5	9 Port Cttees	6	11 Council	THU
FRI	11	8 RHC	7 RHC	11 RHC	9 RHC Z5	6 RHC	11 RHC	8 RHC	12 RHC	10 RHC	7 RHC	12 RHC	FRI
SAT	12	9	8	12	10	7	12	9	13	11	8	13	SAT
SUN	13	10	9	13	11	8	13	10	14	12	9	14	SUN
MON	14	11	10 Centr Area	14	12	9	14	11	15	13	10	15	MON
TUE	15	12 Port Cttees	11 F&A	15	13 F&A	10 F&A	15 F&A CombPort	12 F&A	16	14 F&A	11 F&A	16	TUE
WED	16	13 F&A Southern	12 RP	16	14 RP	11 RP	16 RP	13 RP	17 RLTC	15 RP	12 RP	17	WED
THU	17	14 RP	13	17	15 Workshop	12 Gov Workshop	17 Workshop	14 Workshop	18	16 CombPort	13	18	THU
FRI	18 RHC	15 RHC	14 RHC	18 RHC	16 RHC	13 RHC	18 RHC	15 RHC	19 RHC	17 RHC	14 Show Day	19 RHC	FRI
SAT	19	16	15	19	17	14	19	16	20	18	15	20	SAT
SUN	20	17	16	20	18	15	20	17	21	19	16	21	SUN
MON	21	18 RMA train	17 Nthn Area	21	19 CDEMG	16	21	18	22	20	17	22	MON
TUE	22	19 RMA train	18	22	20	17	22	19	23	21	18	23	TUE
WED	23	20 Port W/s	19 RLTC	23 Workshop	21	18 RLTC	23	20	24 Workshop	22	19	24	WED
THU	24	21 Port W/s Sp Council	20	24 Council Workshop	22	19	24	21	25 Council Workshop	23	20	25 Xmas Day	THU
FRI	25 RHC	22 RHC Maori Adv	21 Good Friday	25 ANZAC	23 RHC	20 RHC	25 RHC	22 RHC RA	26 RHC	24 RHC	21 RHC	26 Boxing Day	FRI
SAT	26	23	22	26	24	21	26	23	27	25	22	27	SAT
SUN	27	24	23	27	25	22		24	28	26	23	28	SUN
MON	28	25 CDEMG	24 Easter Mon.	28	26 APlan	23	27 – 30 July LGNZ Conf @ Rotorua	25 CDEMG	29	27 Labour	24 CDEMG	29	MON
TUE	29	26 Workshop	25	29	27 APlan	24		26	30	28	25	30	TUE
WED	30 Workshop	27 Council	26 Workshop	30	28 APlan Sp Council	25 Workshop		27		29 Workshop	26 Workshop	31	WED
THU	31 Workshop	28 RA	27 Council ROC		29 Council Workshop	26 Council Workshop	31 Council ROC	28 Council in TIMARU		30 Council Workshop	27 Council ROC		THU
FRI		29 RHC RA	28 RHC		30 RHC	27 RHC		29 RHC		31 RHC	28 RHC RA		FRI
SAT			29		31	28		30			29		SAT
SUN			30			29		31			30		SUN
MON			31			30 SpCounc If required							MON
TUE													TUE

Annual Plan/Report Timetable

31 January	Workshop: LTCCP Amendments
7 February	*Adopt amendments to LTCCP for sending for audit
21 February	Adopt budget, parent project levels of service, etc as basis for Annual Plan and Summary
6 March	Adopt Draft 08/09 Annual Plan & Summary, receive LTCCP amndmt audit cert, adopt Draft amndmts to LTCCP, councillor briefings on stakeholder meetings in submission period
29 March	Annual Plan submissions open
29 April	Annual Plan submissions close
26-28 May	Hearing of submissions (incl one day in Timaru if required)
28 May	Council meeting to consider all submissions & make decisions
10 June	*Finance & Audit Committee adopts amendments to LTCCP for sending for audit
26 June	*Adopt final 08/09 Annual Plan, receive LTCCP amendment audit cert, adopt amendments to LTCCP, strike 08/09 rates
30 June	If required (to strike 08/09 rates)
12 August	*Finance and Audit Committee approve non-financial content of 07/08 Annual Report for audit
14 October	*Finance & Audit Committee approve financial content of 07/08 Annual Report
30 October	*Adopt 07/08 Annual Report

Portfolio Workshops/Committee meetings

12, 20-21 Feb	Workshops: Familiarisation of portfolios' current year's work programmes
3-4 June	Workshops: 2009-19 LTCCP future direction
8-10 July	Workshops: 2009-19 LTCCP future direction
15 July	Combined Portfolios Committee: Summarise and sign off as input into LTCCP scenario building
7-9 October	Committee meetings to discuss alternative scenarios for portfolios
14 October	*F&A Committee: review of Portfolio Committee proposals
16 October	Combined Portfolios Committee receives F&A Committee recommendations and makes recommendations to 30 October Council meeting

* Included on regular Council/F&A Cttee agenda

APlan	- Hearings on Draft Annual Plan
Canty MF	- Canterbury Mayoral Forum
Centr Area	- Central Area Committee (time and venue to be confirmed)
CDEMG	- Civil Defence Emergency Management Group Joint Committee (10.00 a.m.)
Chch Area	- Christchurch Area Committee (9.30 a.m., only one meeting scheduled initially)
CombPort	- Combined Portfolios Committee
Council	- Council (8.30 a.m.) (Note: August meeting to be held in Timaru)
SpCouncil	- Council - Special Purpose Only (9.30 a.m.)
F&A	- Finance and Audit Committee (generally 9.30 a.m.)
Gov Workshop	- Governance Workshop
LTCCP Wsh	- LTCCP Workshop
Maori Adv	- Maori Advisory Committee (1.30 p.m., only one meeting scheduled initially)
Nthn Area	- Northern Area Committee (time and venue to be confirmed)
Port Cttees	- Portfolio Committees
Port W/s	- Portfolio Committees workshop
RA	- LGNZ Regional Affairs Committee
RHC	- Regulation Hearing Committee (9.00 a.m.)
RLTC	- Regional Land Transport Committee (10.00 a.m.)
RMA train	- MFE Good Decision Making Training for those affected councillors
ROC	- Regulation Overview Committee
RP	- Regional Planning Committee/Workshops – as required (9.30 a.m.)
Southern	- Southern Committee (1.30 p.m., only one meeting scheduled initially)
Sthn Tour	- Councillor tour of southern part of region
W/Shop	- Workshop (9.30 a.m.)
Z5	- LGNZ Zone 5

SCHEDULE ADOPTED BY COUNCIL ON 13 DECEMBER 2007

AGENDA ITEM NO: 11	SUBJECT MATTER: SUBMISSION TO MAF BIOSECURITY NEW ZEALAND ON DRAFT POLICY FOR RESPONDING TO PESTS AND DISEASES (RISK ORGANISMS)
REPORT: Council	DATE OF MEETING: 13 December 2007
FILE REFERENCES:	PORTFOLIO: Land, Pests and Biosecurity PROJECT: OUTPUT:
REPORT BY: Tamsin Page Senior Policy Analyst	ENDORSED BY: John Talbot Director Policy and Planning

PURPOSE

The purpose of this report is to obtain Council endorsement of a submission by Environment Canterbury to MAF Biosecurity New Zealand (BNZ) on the draft Policy for responding to pests and diseases (risk organisms).

ATTACHMENT

A copy of the Environment Canterbury submission is attached.

BACKGROUND

The above draft Policy replaces the Biosecurity Council's *Policy for Responding to an Exotic Organism Incursion* (September 2001), and incorporates recommendations set out in *Tiakina Aotearoa / Protect New Zealand: Biosecurity Strategy for New Zealand* (2003).

The draft Policy sits within the wider biosecurity system, and specifically relates to the biosecurity incursion response system. Within this system, the Government has adopted the "4Rs" approach to risk management – reduction, readiness, response, recovery – which is consistent with the approach taken in the National Civil Defense and Emergency Management Strategy (2004). The draft Policy is limited to the readiness, response and some aspects of recovery, elements of this approach.

The draft Policy is the result of a project started in late 2005 to review MAF's existing incursion response policies and processes. This project has included consultation, via focus groups, regarding stakeholders' expectations of MAF responses, the review of some 50 existing documents and the development of a new response model.

The stated objective of the Policy is that BNZ will lead responses to risk organisms that pose nationally significant threats to New Zealand's people, environment and economy, and that responses will aim to achieve the best overall outcome for New Zealand by minimising the impacts of both the risk organism and the response itself. The policy objective also states that BNZ may contribute to responses where risk organisms are not nationally significant, on a case by case basis, where those benefiting from the response also contribute resources.

BNZ has identified several key changes within the Policy of interest to regional councils. These include:

- the policy covers risk organisms that are “new to New Zealand” as well as those that are established in New Zealand;
- the policy provides a single, generic basis for all sectors, replacing separate animal, plant, forestry and marine-focused approaches;
- the policy seeks to focus on roles and a generic decision making framework, rather than prescriptive procedures;
- there is a stronger focus on preparedness for response through the development of default action plans that can be adapted within the context of an actual incursion; and
- when a response is initiated, a parallel workstream to consider long-term management options will also be established.

Submissions on the draft Policy close on Friday 14th December.

Key Issues Raised in Environment Canterbury’s Submission

There are several elements of the draft Policy that are supported and commendable. These include the purported key changes identified by BNZ above, as well as the stated purpose of the Policy, which includes clarification of roles and responsibilities and expectations of the response system; expansion of the Policy to cover the whole range of environmental, economic, human health and cultural values; explicit inclusion within the Policy scope of established risk organisms as well as ‘new to New Zealand’ risk organisms; and clear and comprehensive identification of the key expectations of the response system.

However, there are a number of considerable short-comings in the draft Policy, which does not back up these initial positive elements with the necessary clarity and certainty around the ‘who’, ‘how’, ‘what’ or ‘when’ for these elements to be achieved. Little clarity is provided regarding the roles and responsibilities of the various agencies, organisations and other parties involved in incursion response. No guidance is provided in terms of the criteria and/or triggers that will determine whether an issue is of ‘national interest’, the instances when BNZ could be expected to become involved if an issue is not nationally significant, or how this might be prioritised. The Policy gives little detail, nor even any clear direction, as to how the expectations of the system will in fact be met, e.g. how BNZ will go about ensuring that their “systems will be integrated with whole-of-government and key stakeholder systems”, or that “clear roles and responsibilities will be agreed before crises develop”.

It is acknowledged that the Policy is intended to be high level, generic and non-prescriptive, and therefore unlikely to include detailed specifics. However, given that it relates to the biosecurity response system, which can potentially require swift, decisive and well coordinated action, it is considered that at the very least, the Policy should signal how the more specific detail will be developed, and should leave the reader with a clear sense of the roles and responsibilities of the key parties likely to be involved. The draft Policy does not achieve this.

In addition, the Policy barely acknowledges the actual and potential roles and responsibilities of regional councils, despite the fact that regional councils will in many instances be key players in both incursion response and subsequent long term management if eradication cannot be achieved.

As a result of these shortcomings, the Policy fails to meaningfully address the fundamental issues that have been repeatedly raised by regional councils for some years now, including the need for decisive leadership, clearly and widely understood roles and responsibilities, clear decision making and priority setting systems/criteria, and a greater level of coordination and integration between central and regional government.

THE PROPOSAL

That Council approve the attached submission to MAF Biosecurity New Zealand on the draft Policy for responding to pests and diseases (risk organisms).

CONSISTENCY WITH EXISTING POLICY, PLANS OR LEGISLATION

The submission is consistent with, and supports, Environment Canterbury's existing policy and statutory responsibilities relating to biosecurity and pest management.

RECOMMENDATION

That the Council approves the attached submission to MAF Biosecurity New Zealand.

Submitter Details

Name of organisation making the submission: **Environment Canterbury**

Contact person: Tamsin Page, Senior Policy Analyst

Contact details: PO Box 345
CHRISTCHURCH
Phone: 03-365 3828
Fax: 03-365 3194
tamsin.page@ecan.govt.nz

This submission relates to MAF Biosecurity New Zealand's draft Policy for responding to pests and diseases (risk organisms), dated September 2007.

Submission

1. Introduction

1. Environment Canterbury (ECan) welcomes the opportunity to comment on the draft Policy. ECan commends MAF Biosecurity New Zealand (BNZ) for recognising the need for clear national policy and leadership in relation to incursion response, and considers that this is one of the key roles that BNZ should be taking.
2. However, ECan considers that there are a number of short-comings with the draft Policy, which consequently falls considerably short of meeting this need. Although there are elements of the Policy that are commendable, particularly the initial sections, such as the stated Policy purpose and expectations of the response system, the Policy fails to provide the necessary clarity and certainty regarding the 'who', 'how', 'what' and 'when', or to even clearly signal how these elements might be developed at an alternative level.
3. ECan is also disappointed that the Policy fails to recognise or acknowledge the actual and potential roles and responsibilities of regional councils within the wider biosecurity system, or within the incursion response system, and in fact barely refers to regional councils specifically at all.
4. As a result of these shortcomings, ECan considers that the Policy fails to meaningfully address the fundamental issues that have been repeatedly raised by regional councils for some years now, including the need for decisive leadership, clearly and widely understood roles and responsibilities, clear decision making and priority setting systems/criteria, and a greater level of coordination and integration between central and regional government.

2. Submission Points

5. ECan supports the initiative to develop clearer national policy regarding incursion response, and sees this as one of the key leadership roles of BNZ in fulfilling its function as the national management agency for the biosecurity system. ECan is also encouraged by the stated purpose of the Policy, particularly that of clarifying roles and responsibilities and expectations of the response system. However, as referred to below, ECan is disappointed that this initiative has not produced the necessary clarity and certainty regarding key elements of the response framework.

6. ECan supports the expansion of the Policy to cover the whole range of environmental, economic, human health and cultural values. This is a positive and encouraging move from the historically narrower focus on risk organisms impacting on the agricultural sector.
7. ECan supports the explicit inclusion within the Policy scope of both “new to New Zealand” risk organisms, and risk organisms that are already established in New Zealand. However, ECan considers that the Policy fails to provide sufficient guidance regarding the criteria that will be used to determine whether an established (or new) risk organism is “of national interest” and therefore trigger the involvement of BNZ in a response. The Policy refers to the Decision Steps and Principles set out in Appendix Six of the Policy as providing the criteria for determining ‘national interest’. However, the steps and questions in Appendix Six provide little clarity or certainty in this regard, nor any useful indication to stakeholders of the type of factors that are likely to signal a risk organism that is of national interest or significance.
8. Similarly, ECan supports the indication in the Policy that BNZ may participate in a response where a risk organism is not considered of national interest. It is indicated that this will be determined on a case-by-case basis, however the Policy provides little indication of the sort of factors that BNZ will take into account in determining whether it will participate, and consequently provides little certainty or clarity to industry or regional councils (the most likely parties to initiate or be involved in a non-national interest response) as to the instances in which they could expect support from BNZ. This is disappointing, given that BNZ’s central role and ability to coordinate across regions can add considerable value and assistance, particularly in instances where a risk organism may become widespread in one or several regions, but remain at a low level, or absent, in others.
9. ECan supports and commends the comprehensive identification of the key expectations for the biosecurity response system, which appear to capture all of the fundamental aspects of an effective response system. However, ECan is concerned that the Policy then fails to clearly outline how these expectations will be met, or to even provide clear direction in this regard. For example, it is not evident how BNZ will go about ensuring that its “*systems will be integrated with whole-of-government and key stakeholder systems*”, how “*clear roles and responsibilities will be agreed before crises develop*”, nor is there any indication of the process or steps that will be taken to identify “*clear triggers for terminating the response, or for transitioning to long-term management and recovery*”.
10. The Policy alludes to two instruments that could be assumed to provide the necessary detail and/or guidance regarding how the system expectations will be met. These are the *Biosecurity Response Procedures and Tools (2007)*, and reference to the development of a generic incident action plan as a default where a specific plan has not been developed. However, the *Procedures and Tools* document is not provided nor summarised with the Policy, and nor does it appear to be available on BNZ’s website, making it difficult to assess whether it provides the necessary detail and clarity to address the shortcomings of the Policy. And the reference to the development of incident action plans, which would seem to be one of the cornerstone mechanisms by which the Policy will be implemented and by which the clarity and detail regarding steps to be taken during an incursion are established, is effectively ‘hidden’ within the section of the document relating to Biosecurity Readiness.
11. The Policy makes it clear that BNZ will be the lead agency for any ‘national interest’ response, and ECan considers that this is appropriate. However, the biosecurity system in New Zealand involves (and is in fact reliant upon) a number of other agencies, organisations and industry groups, all of whom could potentially be involved in an

incursion response, and are likely to be involved in subsequent long-term management. Despite this, the Policy fails to provide clarification of the actual and potential roles and responsibilities of these different parties in an incursion response, and nor does it identify the sorts of agreements or relationships that will be needed to implement an effective and coordinated incursion response.

12. ECan is particularly disappointed in the lack of recognition or acknowledgement within the Policy of the role of regional councils. The interface between central and regional government is a fundamental part of our biosecurity and pest management system. Also, given that it is generally regional councils and regional communities who bear the cost and responsibility for long-term pest management, there is a strong interest in the incursion response system at the regional level. However, the Policy makes minimal reference to regional councils, or how they will be involved in a response, making it very difficult to relate the Policy in any meaningful and specific way to regional councils and the role that they could or should play in managing responses to risk organisms.
13. The Policy states an intention to adopt a Coordinated Incident Management System (CIMS) structure for response projects for interagency coordination and response planning, and ECan supports this. However, given the points made above, ECan questions how interagency coordination and planning will in fact be achieved.
14. ECan acknowledges that the draft Policy is a high level, generic policy to be applied across all sectors, replacing a previous separate, sector-specific approach. This is an appropriate approach, provided the Policy either contains sufficient clarity within it in terms of a framework and roles and responsibilities to ensure a sense of confidence in the system; or underpins, and signals within it, the development of clear systems and plans (potentially sector-specific), and how, when and with whom these will be developed. As it is drafted, the Policy achieves neither of these.
15. ECan also acknowledges that the Policy aims to be enabling and non-prescriptive. However, this is a Policy for responding to incursions in circumstances akin to emergency management, where clear, decisive action is required, and all parties involved have a clear understanding and common expectations regarding the fundamentals in terms of roles and responsibilities and decision making criteria and triggers. Although it is acknowledged that a degree of flexibility is certainly required in such situations, and many things cannot be predicted, the Policy should at the very least indicate clearly the specific parties that will be involved, and what their respective roles and responsibilities are; or, clearly signal how these things will be dealt with, such as through the development of incursion response action plans, or implementation plans to be developed over a specified timeframe, with input from particular parties / stakeholders etc.
16. ECan supports the approach taken within the Policy to break the response system into phases, i.e. investigation, response, transition to long-term management, long-term management, and learning from responses. However, the Policy gives the impression that BNZ's involvement will always end at the end of the response phase, and provides no guidance regarding when BNZ may contribute to on-going management, or the types of mechanisms that BNZ might use to assist in coordinating long-term management, such as through National Pest Management Strategies, which are barely mentioned at all in the document. There is also a lack of clarity regarding the arrangements to be adopted in making the transitions between the different phases of the system, particularly the important transition between incursion response and long-term management. This will require clear and agreed plans, available tools and mechanisms, and agreed funding sources, particularly where public good values are at risk and national benefit is present.

17. ECan considers that the Policy contrasts quite strongly with the recent discussion document *Joint Decision-Making and Resourcing for Readiness and Incursion Responses*, developed by BNZ and Industry as a result of a cross primary industry sector working group programme. Although ECan has some concerns about the apparent exclusion of regional councils in the development of this discussion document, it considers that it provides a good example of the level of clarity and certainty that is required, particularly in terms of roles and responsibilities, a decision-making framework, funding arrangements, and implementation and operational functions. ECan suggests that if this level of detail and clarification is not provided within the draft Policy, BNZ should undertake a similar exercise with regional councils, and should clearly signal within the draft Policy that this is the approach intended to be taken.

3. Conclusion

18. ECan supports the development of stronger and clearer national policy regarding incursion response to risk organisms, and supports some elements of the draft Policy. However, despite its length and detail in some respects, ECan considers that the draft Policy fails to provide the clarity or direction required for an effective incursion response system, and in particular, fails to provide the necessary certainty regarding roles and responsibilities, decision making criteria, or how the key expectations of the response system will actually be met.

AGENDA ITEM NO: 12	SUBJECT MATTER: SUBMISSION ON PROPOSED NATIONAL ENVIRONMENTAL STANDARDS FOR ELECTRICITY TRANSMISSION
REPORT: Council	DATE OF MEETING: 13 December 2007
FILE REFERENCES:	PORTFOLIO: Energy PROJECT: OUTPUT:
REPORT BY: Richard Ball Manager Regional Policy and Effectiveness	ENDORSED BY: John Talbot Director Policy and Planning

PURPOSE

The purpose of this report is to obtain Council endorsement of a submission by Environment Canterbury to the Ministry for the Environment (MFE) on their Proposed National Environmental Standards (NES) for Electricity Transmission. Submissions closed on 30 November 2007.

ATTACHMENTS

- A copy of Environment Canterbury's submission.
- The executive summary from MFE's discussion document.

A copy of the full discussion document is available in the Councillors' lounge or can be viewed on MFE's website.

BACKGROUND

The attached submission was sent to MFE on behalf of Environment Canterbury in time to meet the submission closing date of 30 November 2007. The covering letter sent with the submission pointed out that the submission had not yet been approved by Council but would be on the agenda for 13 December 2007 Council meeting.

If Council approves the submission without change a letter will be sent to MFE confirming this. Similarly, Council may amend or withdraw the submission. It will be at the MFE's discretion as to whether it accepts an amended submission.

Generally, the approval of transmission lines and related structures is the responsibility of District Councils. However, the proposed standards will also apply to areas where regional council functions apply, such as the Coastal Marine Area (CMA) and the beds of lakes and rivers. The issue of transmission lines is also relevant to matters being considered in the Regional Policy Statement and the Regional Energy Strategy.

THE PROPOSAL

It is proposed that Council approve the attached submission to MFE on the Proposed National Environmental Standards for Electricity Transmission. Alternatively, Council may wish to amend or withdraw the submission.

CONSISTENCY WITH EXISTING POLICY, PLANS OR LEGISLATION

The submission is consistent with, and supports, Environment Canterbury's existing policy and statutory responsibilities.

RECOMMENDATION

That Council approves the attached submission to MFE on the Proposed National Environmental Standards for Electricity Transmission.

Environment Canterbury Submission to the Ministry for the Environment on: The Proposed National Environmental Standards for Electricity Transmission – Discussion Document

Introduction

1. Environment Canterbury thanks the Ministry for the Environment for the opportunity to comment on the Proposed National Environmental Standards for Electricity Transmission (Proposed NES).
2. Environment Canterbury makes this submission in recognition of its:
 - Environmental management responsibilities under the Resource Management Act;
 - Regional advocacy responsibilities, whereby it represents over 480,000 people within the 4.22 million hectares that make up the Canterbury region on matters of regional interest and concern.
3. This submission includes:
 - background energy and policy context;
 - Comment on the 16 posed questions; and
 - General and specific comments on the PNES as it relates to Environment Canterbury's functions and regional plans.

Canterbury Energy and Policy Context

4. Canterbury is a fast growing region in need of secure, reliable and affordable energy supply. According to a report compiled by the Canterbury Manufacturers Association in 2006 there is an average increase of 2.3% in electricity demand in Canterbury each year. The report indicates that currently there is insufficient supply and capacity to keep up with demand and that the Country will start experiencing serious supply shortages within two years. The Canterbury Mayoral Forum (consisting of the mayors of all the territorial authorities in the Canterbury Region as well as the Chairman of the Canterbury Regional Council), is "deeply concerned at the lack of new electrical generation and transmission capacity".
5. Canterbury already contains a number of major hydro electricity generation schemes, such as the Waitaki scheme. Correspondingly, Canterbury also contains major transmission lines, shunting power generally northward to Christchurch and to the North Island on the direct current link when the Waitaki hydro lakes are full. Occasionally additional electricity is sent southward on the direct current link during dry periods.
6. Environment Canterbury expects to receive and consider applications for resource consents for additional electricity generation and transmission.

Canterbury Regional Energy Strategy Project

7. Environment Canterbury is a member of the Canterbury Regional Energy Forum (made up of key energy stakeholders). The Forum has established the Canterbury Regional Energy Strategy Project (CRESP) to promote discussion, collaboration and planning by local government, energy companies and other interested parties. Through the CRESP, the Forum aims to see the operation of national markets in Canterbury augmented with soundly-based initiatives that make energy supply here more secure, reliable and

affordable, and thereby support the economic progress of the region and the preferences of its local communities.

8. Preliminary CRESA activity has identified a broad range of energy issues of particular importance in Canterbury. These issues include: growth in energy demand, constraints on electricity transmission into the region, the need to articulate better distributed and local generation opportunities, regional winter electricity supply risk, deterioration of air quality at times, competition for water, and the limited reticulation of gas.
9. Three key areas of development potential have emerged: increased diversity of electricity generation and reduced dependency on imports from other regions, stronger energy supply chains and greater coordination between industries, and increased supply of alternative fuels sourced within the region, including bio-fuels.

Comments on the Submission Questions

Question 1 – Do you think national environmental standards are the most appropriate way of providing detailed national direction for the management of the national grid?

10. Environment Canterbury considers that national environmental standards are the most appropriate way of providing detailed national direction for the management of the national grid (existing transmission).

Question 2 – Do you agree with the objective? Do you think the objective meets the purpose of the RMA?

11. Environment Canterbury supports the objective and considers it meets the purpose of the RMA.

Question 3 – Have we covered all the viable options for providing national guidance under the RMA for the sustainable management of electricity transmission?

12. Environment Canterbury considers that all the viable options have been covered.

Question 4 – Are the proposals for permitted activities likely to generate additional resource consent requirements?

13. Environment Canterbury is unable to answer this with certainty. In some areas (such as some activities in the beds of lakes and rivers, discharges to water, and activities in the coastal environment) consent requirements will be more stringent than currently required by the Canterbury Proposed Natural Resources Regional Plan (PNRRP) or the Regional Coastal Environment Plan, leading to additional resource consent applications. In contrast, in other areas (such as activities that are related to discharges to air) the PNRRP rules will be relaxed and there will be less stringent consent requirements.

Question 5 – Should more activities be permitted than currently proposed? For example, earth peaks are permitted in many plans, and often increase the height of the tower by more than the 15% allowed in the Proposed NES. Should earth peaks be permitted without a height allowance?

14. There are no immediately obvious activities that should be permitted under the Proposed NES that have not already been covered. With regard to the proposed permitted activities, there are some amendments suggested that will be discussed later in this submission.
15. With regard to the example used above, it is not clear from the Proposed NES what earth peaks are or if they are standard for the construction of transmission towers. If earth peaks are a matter for consideration, they should have a definition in the Proposed NES. In answer to the example question, it is considered they should not be permitted if they extend the height greater than the 15% proposed by the Proposed NES, where there are adverse landscape effects.

Question 6 – Do you think the categories assigned to the activities are appropriate? Are they too stringent or too lenient? For example, putting existing overhead transmission lines underground is a restricted discretionary activity. Should this be a controlled or even permitted activity?

16. Generally, Environment Canterbury considers that the categories assigned to activities are appropriate. There are some specific provisions (discussed later in the submission) that need revision.
17. Regarding the example question, it is considered that restricted discretionary status is appropriate for placing transmission lines underground as this status recognises the environmental benefits (particularly to landscape) while giving local authorities the scope to require mitigation of adverse effects including those caused by earthworks from the undergrounding.

Question 7 – Are the terms and conditions proposed to control the environmental effects of permitted activities appropriate? Are the matters over which the council can have control / discretion in assessing resource consents appropriate?

18. Environment Canterbury considers that there are some terms and conditions that are inappropriate. Likewise there are some matters over which the Council can have control or discretion which are inappropriate. These specific provisions will be discussed later in the submission.

Question 8 – Are there any other activities that should be listed in the transmission activities Proposed NES?

19. Environment Canterbury is unaware of any additional activities that should be included in the Proposed NES.

Question 9 – Should the Proposed NES make provision for activities to be ‘non-complying’ (for example, some activities in the coastal marine area)?

20. Environment Canterbury is unaware of any activities that should be non-complying. It is noted however that the discussion document does not make any mention of Restricted Coastal Activities. While it is accepted that it is unlikely that the scale of transmission works within the CMA is unlikely to be such that it would trigger a Restricted Coastal Activity status, it is considered that the PNES does need to recognise these activities in such a way as to be in keeping with the National Coastal Policy Statement.

Question 10 – Should the construction of new transmission lines be covered in the Proposed NES?

21. It is considered that the nature of the national grid is such that some level of national guidance on the management of the grid is necessary in order to help resolve cross boundary issues, to manage the grid in a sustainable manner and to give recognition to the national importance of the infrastructure.
22. However, Environment Canterbury notes that new transmission lines, as opposed to maintenance of existing lines, is of a different scale of activity, with significantly more political and community interest. While it may be beneficial for a NPS on new transmission lines, it is difficult to comment on the appropriateness of a NES, especially in isolation of the likely NES contents. Environment Canterbury considers that an NPS, coupled with increased use of ministerial call-ins, is a better approach to new transmission lines than a NES.

Question 11 – Do you have any comments on the activities proposed to be covered by the transmission risks Proposed NES? Is this the most appropriate way to manage these activities?

23. Environment Canterbury notes that the transmission risks Proposed NES is of more relevance to district councils. The transmission risks Proposed NES is relevant to Environment Canterbury where transmission lines are in the beds or margins or lakes and rivers, or in the CMA.
24. Of the activities proposed, Environment Canterbury notes that some structures, such as stopbanks may be prohibited in certain areas by the prohibition on the deposition of material under lines which reduce the height to the ground to less than a safe distance (Table A8, Activity 3). It is noted that 7.5m is the minimum height distance standard for roads or other land traversable by vehicles under a 110 to 220 kV line. This limit may restrict the building or alterations of stopbanks in Canterbury. Environment Canterbury notes that buildings such as bridges may also be classified as prohibited activities. Stopbanks and bridges are essential infrastructure and must be provided for. As such, Environment Canterbury requests that infrastructure such as stopbanks and bridges are not classified as prohibited, but rather explicitly listed as discretionary activities.
25. Regarding appropriateness of the Proposed NES, Environment Canterbury notes the justification for why the proposed standard is being developed under the RMA. However, with regard to Option A, Environment Canterbury considers that the NZECP 34 already provides for this level of protection. To require local authorities to begin regulating what are effectively NZECP standards is onerous and beyond the scope of Council functions under the RMA or the LGA 2002. By creating a NES that repeats the NZECP 34, the Ministry is effectively placing this additional function on local authorities.
26. With regard to Option B, Environment Canterbury notes that the RMA framework can add value to achieving this, however Environment Canterbury notes that amendments to the NZECP legislation and the building code is a viable alternative.

Question 12 – Do you have any comments on the proposed activity types (prohibited, controlled, non-complying, restricted discretionary)

27. Environment Canterbury considers that the proposed activity types generally appear to be appropriate. However, why a boat ramp within nine metres of a transmission line is

classified as non-complying is not clear. The needs to be justification for this. See point 39 below for further comment.

Question 13 – Which Building option do you prefer and why? What should be the cut off point for managing ‘buildings’ (e.g. all buildings and structures, only inhabitable buildings)? What about bridges and other structures? How could this be defined?

28. From a regional authority perspective, Option A is considered unnecessary as the NZECP 34 already protects the area specified. Option B is considered the better of the two options as it adds more protection than is currently afforded under existing legislation.
29. Regarding a cut-off point, whether to include non-habitable buildings depends on the aims of the Proposed NES. If this is solely for human safety then non habitable structures should not be covered where there is no chance that safety can be compromised. However, if the Proposed NES also seeks to ensure ease of access for maintenance, and to provide options for more major alterations to the exiting lines then it should cover all structures to ensure this.
30. Environment Canterbury reiterates the comment made under Question 11 earlier that structures such as stopbanks and bridges should be classified as discretionary activities, rather than prohibited.

Question 14 – Are there any other activities that should be managed to prevent risks to transmission lines? For example, damming and diverting water could endanger transmission support structures. Is this adequately controlled in regional plans now, or are additional provisions required?

31. Environment Canterbury considers that other activities that may pose a threat to transmission lines, such as the damming and diverting of water, are adequately controlled by regional plans. If an activity had potential to threaten any structure which does not belong to the applicant, the owner of that structure would be considered to be a potentially affected party. It is considered that the normal resource consent process provides adequate protection to transmission lines.
32. In the few instances where activities may occur that do not require resource consent, there are still provisions (under the RMA and other legislation) that protect property.

Question 15 – Have we accurately reflected the range of costs and benefits arising from the proposals for national environmental standards and who might bear the costs or receive the benefits? Are there any costs or benefits we have overlooked?

33. Environment Canterbury considers that the range of costs and benefits identified appears to be accurate.

Question 16 – Are our estimates of costs and benefits accurate? Do you have information on costs and benefits that could assist the second stage of our assessment (of the impacts of the final proposals)? Do you have any information on costs and benefits that we have been unable at this stage to quantify?

34. Regarding the estimates, Environment Canterbury is unable to robustly comment on these. However, it is considered that they do appear to be underestimates. For example, Environment Canterbury believes that the estimated cost for plan changes to

accommodate the NES will exceed the stated \$510,000 (Point 5.3, page 30) for all Councils in the first two years.

35. Environment Canterbury may be able to provide information that could assist in identifying the additional costs that the proposed NES will generate for Regional Councils. If we are able to source this information we could provide this upon request at a later stage.

Comments on the Proposed NES

Regional Plans and the PNES

- 36 Section 13(1) of the RMA places restrictions on certain uses of beds of lakes and rivers by preventing these activities from occurring unless expressly allowed by a rule in a regional plan or by resource consent (default discretionary activity status). This provision allows for regional plans to permit activities. The proposed table A7 requires that proposed transmission activities within the coastal marine area and the beds of lakes and rivers are discretionary activities. It is considered that this proposal is inconsistent with Sections 12(1) and 13(1) of the RMA. This issue was noted in the legal opinion contained in the companion document to the Proposed NES, titled "*Recommendations for a Proposed National Environmental Standard on High-Voltage Transmission Line Activities*" February 2007. Because of this issue it is stated in the document that a NES would not seek to prevail over regional council rules dealing with these areas. Specifically, "regional rules for activities in the coastal marine area, rivers and lakes, and dealing with damming and diversion of water, will continue to apply." Clearly this is not the case with the Proposed NES as drafted. This issue needs to be addressed.
- 37 It is considered that many of the proposed rules will be difficult to assimilate directly into existing plans. It is requested that MfE, when drafting rules, endeavour to make rules that can be reproduced within existing plans. In doing this, MfE would need to reconsider reference to schedules or reference to material within proposed rules.

Scheduled Landscape, Ecological or Heritage Sites

- 38 The Proposed NES uses as a trigger to move from a more permissive activity status to a more restrictive status the presence of a listing or special recognition of an area or site (scheduling). While the rationale behind this approach is understood it may not always be effective as some worthy landscape, ecological and heritage areas and sites are not currently scheduled or listed in plans. Furthermore, Environment Canterbury is aware of at least one district council in Canterbury that is considering removing scheduled ecological protection areas from their district plan to rely entirely on non-regulatory management. As such, reliance on scheduling as a trigger is problematic. As discussed later in this submission under "Glossary and Definitions", scheduled landscape / ecological protection areas could also be contained in other policy documents such as a national policy statement, regional policy statements and regional plans.

Activity Status – General Comment

39. There are some examples where it is unclear why a particular activity status has been applied to a particular activity. As covered earlier, one example of this is Activity 8 in Table A8. This makes the building of a boat ramp within 9m of a transmission line a non-complying activity. In this case it is not clear what effects to the transmission line could not be avoided, remedied or mitigated under a discretionary activity status. It is

considered that a more robust explanation that explains why any given activity status was chosen would be useful within or accompanying the activity tables.

Tables – General Comments

40. The guide and examples for applying the NES listed in Appendix 4 at page 55 – 56 are misleading, to the extent that they indicate that if an activity is listed as a permitted activity and meets the terms and conditions then it is permitted. However, if the activity is in the CMA or beds of lakes and rivers then it is automatically a discretionary activity, and NOT permitted. This should be acknowledged in the table and the guide.
41. Currently the tables link activities forward to the next more restrictive category. It would be useful to also reference activities back to linked activities. For example, Activity 18 earthworks and tree trimming that fail the permitted terms and conditions become Activity 27 (controlled). If they do not meet the controlled description they become Activity 38 (restricted Discretionary). Activity 38 should read: “Earthworks and tree trimming that fail permitted or controlled activity criteria and earthworks that are associated with...”

Table A4 – Permitted Activities (Page 57-59)

42. Activity 3,4,5 - The permitted activity to allow a 15% increase in height through upgrading or replacing towers may have more than a minor effect on landscape values in some areas. As such, Environment Canterbury considers that this figure should be reduced to 5% for towers or poles in scheduled landscape areas. Where this is breached the activity should become restricted discretionary
43. Activity 3 condition 4 and activity 4, condition 3 – Refers to the situation where necessary to ‘correct an NZECP 34 violation’ by allowing for a greater height increase. It is not clear why rules should be more lenient if the situation is correcting a violation of the NZECP. There needs to be some explanation within the text to explain why these situations should permit a 25% height increase rather than a 15% height increase, as the environmental effects will be greater no matter the reason for extending the height. Furthermore, Environment Canterbury considers it would be more appropriate to classify this activity as a restricted discretionary activity.
44. Activity 8, condition 2 – This condition is extremely blunt. Most regional plans have specifications for permitted activities that define those activities that will not contribute to slope instability, bank erosion, bed erosion etc, in much greater detail. It is not clear if this condition allows for plans to be specific – how do you design rules that are “no more restrictive nor lenient than this NES” in terms of the conditions in this rule? The rule should be reworded to read:

“does not contribute tostream or lake, or exceed any relevant permitted activity threshold specified in a regional plan.”

This would be inclusive of regional plan thresholds where they applied and cover those areas where no regional rules applied.
45. Activity 10 - “Temporary structures” should be defined. For example, how long can a temporary structure remain in place?
46. Activity 11 – This activity should carry terms and conditions allowing for the management of any contaminants, discharges e.t.c., relating to painting, that could discharge to land, air or water.

47. Activity 12, Condition 4; Activity 13 Condition 4 , Activity 14, Condition 5 – These should also include conditions to manage soil contamination (i.e. contaminants likely to remain in the soil) and discharges to air.
48. Activity 12, Condition 4; Activity 13 Condition 4, Activity 14, Condition 5 – These prohibit the discharge of contaminants to water. All regional plans will contain a rule to overcome the S15(1) hurdle and authorise discharges, which only have minor adverse effects, as a permitted activity. Because the proposed NES imposes a more stringent requirement, the ‘highest hurdle’ test applies. As a consequence, these activities will be required to obtain resource consent even though any discharge arising from the activity may be authorised by a rule in a regional plan. If there are good reasons for such a stringent condition, these will need to be stated, but the consequence will be additional resource consents (see comment in Question 13). As an alternative, Environment Canterbury recommends that the condition is reworded so it defaults back to the relevant rule in a regional plan.
49. Activity 18, conditions 1 & 2 – There is a possibility that conditions 1 and 2 can conflict. For example, the specified volumes exceed the permitted activity thresholds in the Canterbury Regional Councils’ Land and Vegetation Plan. It would be better to reword condition 2 to read:

“... as written... or exceed any threshold in condition (1).”
50. Activity 19, Condition 4 - This condition is unnecessary as it applies anyway. A person must comply with the relevant provisions of a regional or district plan in addition to the NES.

Table A5 – Controlled Activities (page 61)

51. Activity 27 – The matters over which control is reserved contains two ‘undefined terms’ - “wlope” and “wediment”. This should be addressed.

Table A6 – Restricted Discretionary Activities (Page 62)

52. Activity 31 – permanent deviation of a transmission line – Environment Canterbury considers that this activity should be a full discretionary activity as it is too significant for restricted discretion. As an alternative, or in addition, the activity could be narrowed by limiting the amount of the deviation allowed, e.g. provide for a maximum of five towers to be shifted.
53. Activity 38 – Bullet point 2 under matters over which discretion applies – It is not clear what is meant by “reinstatement”. Is it restricted just to vegetation, or does it include the reinstatement of landscape values? This should be clarified.

Table A7 – Discretionary Activities (Page 63)

54. Activity 41 - It is unclear why all proposed transmission activities within the CMA and beds of lakes and rivers are discretionary activities. This is inconsistent with the approach taken to activities in other areas, and makes a number of activities discretionary which would otherwise be permitted under rules in the Canterbury Regional Councils’ PNRRP and Regional Coastal Environment Plan. Were the permitted, controlled and restricted discretionary activities (in Table A4, A5 and A6) to apply to such activities in these areas they would still be inconsistent with Environment

Canterbury's regional plan provisions. For these reasons Environment Canterbury requests that the Proposed NES should be amended so that "proposed transmission activities" within the CMA and beds of rivers and lakes are discretionary activities unless they are permitted by a rule in a regional plan.

Glossary and Definitions

55. Add "earth peaks" if they are to be included for consideration.
56. Environment Canterbury notes that "earthworks" appears twice with different definitions. The second definition is more detailed and also includes 'boring' and 'drilling'. These are relevant to transmission line operations so should be included. The first definition should be deleted.
57. Many regional and district plans also define some of the same terms listed in the glossary and definitions (e.g. "maintenance"). Consequently there is a potential for inconsistencies between the Proposed NES and these plans where the same activity is defined differently.
58. The definition 'scheduled landscape / ecological protection areas' is limited to those areas identified in a schedule or listed in a district plan. Other policy documents, such as a national policy statement or regional policy statement, could define areas or habitats of national significance. There is also no reference to national parks or national reserves which, by definition, contain areas and ecosystems of national significance. The definition should be expanded to include national and regional policy statements, regional plans, national parks and reserves and conservation orders.

Conclusion

59. Environment Canterbury thanks MfE for the opportunity to provide comments to the Proposed NES.
60. Environment Canterbury is supportive of the Ministry's proposals to provide national guidance dealing with the maintenance of and risks to existing transmission lines.
61. Environment Canterbury notes that amendments are required to the Proposed NES to make it more workable. Environment Canterbury is happy to continue be involved in the Proposed NES development process.

Yours faithfully

J Talbot
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Executive summary

Background

A reliable, secure and affordable supply of energy – particularly electricity – underpins our economy and is important for people's wellbeing. A resilient high-voltage electricity transmission network (national grid) is critical to ensuring security of supply and supporting renewable electricity generation. However, having a resilient grid that is responsive to our increasing demand for electricity (normally at large distances from where the electricity is generated) depends on adequate maintenance, upgrading the capacity of existing lines, and building new lines in areas where capacity is reached.

The national grid traverses 72 local and 12 regional councils and is operated by Transpower New Zealand Ltd (Transpower), a state-owned enterprise. A variety of approvals are required under the Resource Management Act 1991 (RMA) for the operation, maintenance and upgrade of the grid. A single line upgrade is likely to cross several districts, and the type of approval required depends on the requirements of each district plan, which can vary considerably between districts. This variation results in inconsistencies in the way the effects of transmission are managed, and there is scope for reducing the time spent determining the consent requirements for transmission work in each district.

The objective of the RMA is to promote the sustainable management of natural and physical resources. The definition of 'physical resource' includes structures such as the high-voltage electricity transmission infrastructure (the national grid). Sustainable management requires protecting this resource from the adverse effects of activities carried out in proximity to the grid. Electricity transmission also has adverse effects on the environment, and sustainable management in this context requires managing these effects.

Developing national environmental standards

National environmental standards (NES) can ensure that planning controls for electricity transmission are appropriate and nationally consistent, and can also manage activities that could endanger the integrity of the national grid if carried out near the lines.

The proposal to introduce NES is part of a wider government exercise to provide national guidance under the RMA on network infrastructure, including telecommunications and electricity generation. The first step was an investigation of the merits and potential scope of a range of options by the Reference Group on Electricity Transmission, comprising representatives from central and local government, landowners and industry. After evaluating the options, the Reference Group consulted with stakeholders and concluded that NES would be the best option for providing detailed national guidance on electricity transmission. On the basis of the Reference Group's report, the Government decided to consult on a proposed national policy statement (NPS) and proposals for NES for electricity transmission.

An NPS was released for consultation by an independent board of inquiry in May 2007 and submissions closed on 24 June (see Appendix 1). The board will report back to the Minister for the Environment in December 2007.

This discussion document follows on from the initial consultation on proposals for national guidance and direction under the RMA for electricity transmission. It builds on the work of the

Reference Group by setting out resource management issues faced in managing the operation, maintenance and upgrading of the electricity transmission network, and describes how standards under the RMA have the potential to resolve some of these issues. It then seeks your input on the preferred option for NES.

The proposed standards

This document proposes two NES. A *transmission activities NES* would set out a framework for managing the effects of electricity transmission operation, maintenance and upgrade activities, which would be consistently applied across all districts. The proposed NES would allow transmission activities that do not have significant adverse effects to be carried out without resource consent, subject to terms and conditions to limit the effects. Activities beyond the thresholds for permitted activities would require a resource consent. The level of assessment proposed for consents would be proportional to the likely environmental impacts. The proposed NES would not apply to the construction of new lines.

A resilient national grid also relies on protecting the grid from activities that could affect transmission lines or put the grid at risk; for example, by destabilising transmission support structures or interfering with the conductors (wires). Controls on third-party activities under the Electricity Act focus on electrical safe distances, but these distances may be much less than is appropriate for land-use planning. These controls also tend to be applied after the event and leave rectification to the grid operator. Two-thirds of plans do not provide any protection for transmission lines.

This document therefore also proposes a *transmission risks NES* to address the issue of risk to the national grid. The proposed NES would incorporate some of the provisions of the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34) relating to excavations adjacent to towers, depositing material under lines, and boat ramps. The proposal includes two options for building near lines. One option imposes restrictions around the support structures and wires. The second option imposes a 20-metre zone each side of the transmission line, within which resource consent would be to construct buildings or structures. In addition, the proposal includes requiring resource consents for subdivision within this zone (aligned to current district council practice).

Costs and benefits

Both proposed NES will benefit the electricity consumer through reducing the likelihood of future electricity supply interruptions and grid constraints, which could have economic impacts on businesses and communities, and could result in loss of life. These potentially significant benefits to consumers have not been quantified because the magnitude and likelihood of these effects are difficult to predict.

The quantifiable benefits of the proposals for a transmission activities NES are the cost savings to Transpower from having a nationally consistent framework for managing the adverse effects of transmission. Transpower will benefit from reduced costs in not needing to advocate for appropriate rules in plans, and from a reduction in costs of approvals for maintenance and upgrading projects.

A transmission activities NES may impose additional costs on councils and Transpower arising from additional resource consent requirements in some districts, but these will be offset by fewer resource consents being required in other districts. Local authorities will face general implementation costs and some non-recoverable costs in dealing with an increase in

applications for certificates of compliance under the NES. Although there is no legal requirement to do so, some councils will choose to change their plans to incorporate the NES to avoid confusion. Overall, the benefits of the proposed transmission activities NES outweigh the costs.

The key benefit of the proposed transmission risks NES is a reduction in Transpower's costs to fix problems and repair lines damaged by third-party activities. Ultimately these costs are passed on to consumers, and although at an individual level the difference may not be noticeable, at a national level Transpower spend over \$5 million per year rectifying problems caused by third parties. An additional benefit, which could not be quantified, is reducing the risk of interruption to the electricity supply, which can have significant economic impacts. Line outages are inconvenient for consumers and can affect their health and wellbeing, and could result in loss of life.

However, the proposed transmission risks NES will impose additional consent requirements on landowners for activities carried out near the lines. In other words, it may impose restrictions on the activities that can be carried out on some land. This NES will also increase local authority enforcement costs and generate additional consent processing costs (not all of which may be recoverable from the applicant). The costs for those councils choosing to change their plans to incorporate the NES are the same as for the transmission activities NES (ie, regardless of whether the change is for one or two NES). Central government will face implementation costs for the standards, for producing guidance material and for monitoring implementation.

Both options for controlling buildings near transmission lines have been evaluated. The costs and benefits associated with a 20-metre consent-required zone option will be considerably higher than the option based on NZECP 34 electrical safe distances. In particular under the 20-metre zone option, Transpower would benefit by not needing to advocate for appropriate rules in district plans and a significant reduction in repair costs.

The costs for council plan changes and government implementation costs are the same regardless of whether one or two NES are introduced. Therefore the net benefit of introducing two NES together is greater than the sum of the net benefits of each proposed NES introduced alone.

Overall, the proposed transmission activities NES alone would have a net benefit of \$2.1 million over a 10-year period, and the ratio of the present value of benefits to costs is about 3.7 to 1. Implementing the transmission risks NES in conjunction with the transmission activities NES would have a net benefit over 10 years of \$3.8 million for the option based on electrical safe distances. The ratio of benefits to costs is about 2.9 to 1. If the option based on the 20-metre zone for buildings were implemented in conjunction with the proposed transmission activities NES, the net benefit over 10 years would be \$5.9 million and the ratio of benefits to costs would remain at about 2.9 to 1.

This economic evaluation does not include some benefits that were potentially significant but could not be quantified. For instance, the assessment doesn't include the potentially significant economic costs of line outages caused by grid constraints or third-party activities, or loss of life. (For example, the estimated economic cost of the 2006 Auckland power disruption was \$70 million.) The assessment also does not include the costs of consent-related delays to line upgrades.

Submissions are invited on the proposals in this discussion document. We invite you to read through the document, and then use chapter 7 for making a submission.

The document at a glance

What is the problem? (sections 2.5, 2.6)

Inconsistent provisions in plans that govern electricity transmission operation, maintenance and upgrade result in unnecessary RMA costs and delays. These costs fall on the operator of the national grid (Transpower) and local authorities.

Lack of protection for the national grid from inappropriate third-party activities puts the grid, and the person undertaking the activity, at risk, and results in expenditure by the grid operator of over \$5 million per year to rectify problems.

What would fix the problem? (sections 2.7, 3.3, 3.4)

A solution to the problem requires:

- nationally consistent management of the environmental effects of transmission
- providing an appropriate level of environmental protection while enabling maintenance and upgrade projects to proceed without consent-related delays and unnecessary costs
- nationally consistent management of the adverse effects of third-party activities that could put the national grid at risk.

What is being proposed? (chapter 4)

This discussion document proposes two national environmental standards (NES) for electricity transmission (the national grid). A proposed transmission activities NES would replace rules in district and some regional plans that manage the environmental effects of electricity transmission. A proposed transmission risks NES would supplement rules in plans to control the effects of third-party activities (eg, excavation or building) on the national grid.

Why was this option selected? (chapter 3)

National environmental standards:

- provide national consistency in managing the adverse effects of, and on, transmission lines through a framework of activity types that gives an appropriate level of control for each activity
- build on and extend existing local authority controls, and allow local decision-making on resource consent applications
- can be implemented in relatively short timeframes and at moderate cost.

Who will this affect? (chapter 5)

The proposed transmission activities NES will reduce RMA costs to the owner of the national grid, but may impose additional costs on local authorities. The proposed transmission risks NES will require that landowners obtain resource consent for certain new activities near transmission lines. It will significantly reduce the cost to the line owner of fixing damage from third-party activities, but may require additional local authority expenditure on enforcement. Both proposed NES will help improve the security of electricity supply, benefiting electricity consumers.

How to make a submission (chapter 7)

Submissions are invited on the proposed subject matter of the standards. Details on how to make a submission are given in chapter 7. Submissions close on 30 November 2007.

AGENDA ITEM NO: 13	SUBJECT MATTER: SUBMISSION ON PORT AND HARBOUR AND NAVIGATION SAFETY MANAGEMENT
REPORT: Council	DATE OF MEETING: 13 December 2007
FILE REFERENCES:	PORTFOLIO: Navigation Safety PROJECT: Navigation Safety Policy OUTPUT: Submissions
REPORT BY: Frank Stewart Regional Policy Analyst	ENDORSED BY: John Talbot Director Policy and Planning

PURPOSE

To adopt an Environment Canterbury submission on a Ministry of Transport discussion document on Port and Harbour and Navigation Safety Management.

ATTACHMENT

Draft Environment Canterbury submission.

BACKGROUND

The Ministry of Transport released a discussion document for public comment on 5 November 2007 entitled Port and Harbour and Navigation Safety Management.

The closing date for submissions is 19 December 2007 but late submission will be accepted provided a draft or an intention to submit is provided before this date.

The primary issue discussed by the document is the implementation of the New Zealand Port and Harbour Marine Safety Code prepared by Maritime New Zealand in August 2004. However, the discussion document also canvasses wider issues such as the role of various parties including regional councils in navigation safety and associated legislation.

It is understood by Council staff that the discussion document stems from problems experienced by Marlborough District Council in undertaking and funding tasks dictated by the Maritime NZ Code. There is also an intention to address the fact that navigation safety functions are covered by a number of different parliamentary Acts and the desire to consolidate these.

Regardless of our views in Canterbury changes may occur for reasons that relate to the expressed needs of other regions than ours such as Marlborough District Council's ferries issues in the Sounds.

The Regional Harbourmaster and Frank Stewart attended a briefing by Ministry of Transport officials on 14 November 2007.

The discussion document can be viewed or downloaded from the Ministry of Transport website <http://www.transport.govt.nz/portandharbour/>.

The discussion document does not provide a basis for immediate action in terms of legislation. Discussions are very much at an early conceptual level. It can be expected that detailed proposals will not be developed until well into 2008 and draft legislation much later than this if it can be fitted into the Governments legislative programme.

THE PROPOSAL

The discussion document provides a template for responses including a series of questions. It is proposed to use these as a basis for responding.

THE SUBMISSION

The submission has been formulated by the Evan Walker, the Navigation Safety Manager, Tony Whiteley, the Regional Harbourmaster and Frank Stewart, Regional Policy Analyst. A first draft for comments and suggestions was provided to Cr Murray the council chair of the Navigation Safety Portfolio Committee and Cr Kirk, the previous chair.

The submission largely supports the status quo with room for some improvements in relation to funding and Maritime New Zealand's statutory involvement in port operations.

It argues that regional councils are the bodies best suited to the navigation safety role, not a central agency. The suggestion that the Director of Maritime New Zealand be given the sign off on our bylaws is not supported. It would cause delays and expenses that are unnecessary and not helpful.

RECOMMENDATION

That the Council adopt the submission on the Ministry of Transport discussion document on Port and Harbour and Navigation Safety Management.

DRAFT

**Port and Harbour and Navigation Safety Management Discussion Document
November 2007**

This is Environment Canterbury's submission to the discussion document prepared by the Ministry of Transport. This submission was adopted by the Canterbury Regional Council at its meeting on 13 December 2007.

Submission

Name of Submitter	Environment Canterbury
Contact details (Address, Phone, email)	PO Box 345 CHRISTCHURCH Attn: Frank Stewart Tel (03) 3717176 E-mail: frank.stewart@ecan.govt.nz
Do you wish your comments to be disclosed publicly?	OK to disclose

Background

Environment Canterbury has accepted its role under the Local Government Act 1974 to regulate Navigation Safety in Canterbury. Environment Canterbury has appointed both a Navigation Safety Manager and a Regional Harbourmaster, both working from an office in Lyttelton. An additional port harbourmaster is appointed under contract with the port company for the port of Timaru but not for the port of Lyttelton.

Canterbury is a large region with a long coastline, two commercial ports, and a number of harbours catering for fishing and recreational craft. There are numerous natural and hydro lakes that are used recreationally. In addition many large and small braided rivers are used for jet boating.

There are a large number of honorary maritime enforcement officers who have warrants to act in both marine and inland waters. Some of these enforcement officers are employed on contract, either individually or through an organisation (e.g. the Royal New Zealand Coastguard), to undertake patrol duties for heavily used recreation areas.

Environment Canterbury provides navigation aids, navigation and regulatory buoys and signage for inland waters and marine waters outside of the ports of Timaru and Lyttelton. Navigation aids in the commercial ports of Timaru and Lyttelton are left to the port companies to manage.

Environment Canterbury has navigation safety bylaws that apply to specified harbours (including the ports of Lyttelton and Timaru) and to all navigable inland waters (lakes and rivers). The specified harbours are:

- | | |
|--|----------------|
| Lyttelton Harbour / Whakaraupo | Timaru Harbour |
| Kaikoura Harbour | Akaroa Harbour |
| Avon and Heathcote Rivers Estuary/Ihutai | Sumner Bay |
| Waimakariri Harbour | Pigeon Bay |
| Little Akaloa Bay | Okains Bay |
| Le Bons Bay and | Motunau Beach. |

Environment Canterbury has its own vessels for river work under its water management and flood control functions. These are generally unsuitable in the marine environment but may be available for navigation safety (and oil pollution response) purposes. Typically, if vessels are needed, reliance is placed on vessels operated by the contracted enforcement officers for work on river and harbours. There is no seagoing capacity, although use of Coastguard vessels is a possibility.

The New Zealand Port and Harbour Marine Safety Code (the Code) has responsibilities for regional and territorial authorities, port companies, Maritime New Zealand and the Ministry of Transport. The Code applies to all “harbours” which are defined by the Code to include pilotage areas and other coastal or inland waters subject to a determination by the regional council that the code should apply to those waters.

In Canterbury the focus to date has been on the two commercial ports of Timaru and Lyttelton. No explicit determination has been made to apply the code to other waters. The implementation of the Code for Timaru and Lyttelton has also to date been focussed on port company and pilotage activities and has so far not covered the role of the Regional Harbourmaster or Environment Canterbury as a whole.

Environment Canterbury also assists the Chatham Islands Council with navigation safety matters.

KEY ISSUES FOR PORT AND HARBOUR SAFETY MANAGEMENT

Do you agree with the analysis of key issues?

The key issues focus on the relevant legislation, the Maritime Transport Act 1994 and the Local Government Act 1974 as well as the New Zealand Port and Harbour Marine Safety Code. This not exhaustive, there are a number of other Acts that affect navigation safety activities of regional councils. They include the Resource Management Act and the Local Government Act 2002 as well as others.

Are there other important issues that have not been identified?

The analysis focuses on the extent to which the code has been applied. There are some issues with the code itself, particularly its application to smaller relatively low use inland waters. However, at present the code allows for a code application assessment to be made by a regional council to examine whether it wants the code to apply to particular water ways.

Insurance and its costs as applied to liabilities for regional council actions in a harbour and ports in particular, and in dealing with wrecks are significant issues for regional councils. As a potential “deep pocket” for litigants, extreme care is needed in formulating and adopting regional council responsibilities.

Another issue is the use of Resource Management Act provisions by some district councils to attempt to regulate navigation and navigation safety through district plan provisions.

Do you consider that these issues warrant action?

They can be considered in the discussion context below.

POSSIBLE RESPONSES TO KEY ISSUES

Can a Code without any formal statutory support be relied on for the effective long term management of port and harbour marine safety?

It is too early to answer this question. The overall view of the harbourmasters from the major ports is that the status quo should be retained, at least until the Codes are bedded in, and have gone through the audit processes already scheduled (by about 2012).

If the measures in the Code remain entirely voluntary, what actions would participants take to mitigate the risk of failing to meet their responsibilities under the Code?

The priority at present is the commercial ports and work for most of them is well underway, with encouragement and support from Maritime New Zealand. In the short term this should be sufficient.

Would an approved code of practice be more likely than the existing Code to secure the effective long term management of port and harbour marine safety?

It is difficult to see how a formal approval process would add anything. It would only need to become a formal document if there were some form of legal compulsion to comply with it.

If legislation were to provide for an approved code, what should be the basis for developing and establishing such a code?

Maritime New Zealand already has a process in place for developing and changing Maritime Rules, this process could be used for the Code. The present code has a number of discretionary elements, (such as harbours being subject to a code application assessment) these would need to be tightened up.

Would a provision based on Section 20(9) of the HSE Act have any value in the context of a port and harbour marine safety code?

This would only be useful and relevant if there was some form of compulsory requirement for the preparation of a code.

Should local harbour safety control become a prescribed function of regional councils?

Prescribed functions would remove uncertainty about who is responsible and the allocation of resources to undertake the necessary functions. An issue is the ability of regional councils to act out to the 12 mile limit of their regions. However, regional councils do have responsibility for this area under the Resource Management Act.

Navigation safety responsibility implies a physical presence in an area on an ongoing basis. Extending the responsibility for marine areas beyond pilotage districts should still be optional. One solution may be to make it optional further than 200 metres from the shore.

What, if any, supporting duties should accompany any such function?

Appointment of a Harbourmaster, and adoption of Navigation Safety Bylaws.

Would there be advantages to including any such function and duties in the Maritime Transport Act rather than in local government legislation?

This would make little practical difference unless some form of approval role was given to Maritime New Zealand. Regional councils are accustomed to working under the Local Government Acts. We do not see a need to change this. Both the 1974 and 2002 Acts could be consolidated at some stage but there is no urgency.

Does the legal authority of harbourmasters need clarification?

Expansion of the Harbourmaster's authority to direct certain activities of port companies and other harbour owners or managers would be appropriate. At present such authority is limited to vessels and navigation hazards.

Perhaps the authority of honorary enforcement officers could be prescribed more. Obviously they should not have authority over large ships, and would be rightly ignored if they tried. Typically warrants of appointment do not make the distinction between ships and pleasure craft, although this is a matter for the regional council to fix if it wants to.

Would providing for maritime rules to prescribe regional council obligations in respect of port and harbour safety management be preferable to the stipulation of specific statutory duties?

This would make little practical difference unless some form of approval role was given to Maritime New Zealand.

Should port facility operators and other marine service providers be subject to a general duty to act safely in providing marine services under their control?

This is acceptable to Environment Canterbury.

How should that duty be framed and what standard of care should apply to it?

The Rail model seems appropriate.

Should port facility operators have a duty to have place effective measures to identify, assess and manage risks involved in port marine operations under their control?

This is similar to normal workplace requirements in relation to workers and is acceptable to Environment Canterbury. Pilots are already subject to Maritime Rules and come under the risk assessment requirements of the Code.

Should legislation provide expressly for audits and inspections of port marine operations?

This appears to be a sensible approach.

Would the ability to impose conditions on port marine operations under Section 55 be a suitable, proportionate mechanism for responding to safety problems identified by an audit?

Regulation, if it is going to happen, needs teeth.

Could problems identified by an audit be addressed initially by publication of audit findings and recommendations, with the imposition of conditions reserved as an option if recommendations are disregarded without good cause?

This appears to be a sensible approach.

Would there be any value in legislation providing for maritime rules to be made in respect of port marine operations?

Maritime Rules are an appropriate instrument although there may be a need for some form of penalty or sanction for non-compliance by commercial port related organisations.

Regional Councils would not need the incentives associated with possible penalties. There are already provisions that require local authorities to act in compliance with certain principles in section 14 of the Local Government Act 2002. There are also decision making requirements under Part 6 of that Act.

Maritime (Marine Protection) Rules also already apply to regional councils with respect to oil spill contingency plans. Penalties do apply to commercial organisations that transfer oil to or from vessels without a site oil spill contingency plan.

If so, what should be the scope of any such rule-making powers?

Rules already cover pilotage, navigation aids, oil transfers and bylaws. They could include (although the merits of any rules would need to be established) the following: mooring and unmooring, use of tugs, hazardous goods handling, hotwork, use of divers alongside, health and safety generally, use of cranes, qualifications of persons performing specified roles, and probably other areas of port activity.

Do you agree that port marine service providers should not be required to hold a maritime document?

Yes, there is no framework and too much uncertainty and variability about who undertakes shoreside services that would allow for a simple licensing system.

Do you consider that a mandatory Code is a practical option for the future management of port and harbour marine safety?

Making the application of the code a mandatory requirement for all waters would cause some compliance difficulties for Environment Canterbury.

Because navigation safety responsibilities extend to all navigable inland waters rather than named waters, it is not feasible to undertake a comprehensive risk assessment covering every navigable water body.

Even for identified high use inland and coastal waters there is some difficulty in firstly applying a code designed for use in commercial shipping circumstances.

Even if the Code were to become mandatory there needs to be some flexibility in how it is to be applied. It should be made possible to take a non-specific approach to risk assessment and application of the code to numerous unspecified inland waters. Perhaps a tiered approach would be possible, (e.g. Major Ports/Minor Ports/Major Recreational Areas/Other Areas).

Completion of the work of implementing the code is a work in progress. It would not be appropriate to change the system and possibly delay implementation of the Code.

There is clearly a need to foster the implementation of the code without necessarily making it compulsory. Formal recognition of its role via legislation may be the best way of doing this.

Giving regional councils a specific statutory role in navigation safety with a requirement to fulfil that role for all the navigable waters of the region creates some difficulties because regions extend out to the 12 mile limit. Few regional councils have any ability to regulate navigation activities at sea.

Compulsion could be limited to areas where there are marine facilities and surrounding water. Such a statutory regime would create no difficulties for Environment Canterbury because we have already adopted this role and more.

FUNDING OF REGIONAL COUNCIL HARBOUR SAFETY MANAGEMENT COSTS

Is the present bylaw mechanism for imposing navigation safety related charges a barrier to cost recovery?

Environment Canterbury already imposes Port Charges on port operators (Lyttelton, Timaru and two district councils) to cover directly attributable costs. We also have a system of charges for swing mooring owners.

If so, what could be done to make cost recovery easier to achieve?

There is one matter that should be progressed with some speed and clarity. Regional councils should be given the power to make direct charges relating to navigation safety activities, instead of having to do it through bylaws all the time.

Bylaws are relatively inflexible if charges need to be reviewed. Rather than have the fees and charges fixed by bylaws, section 684B of the Local Government Act 1974 could allow for the nature of the charges to be specified by bylaws, but allow the actual fixing of the amounts to be determined through the Annual Plan and Long Term Council Community Plan (LTCCP) processes.

Would regulations be a more effective cost recovery mechanism?

Regulations are less flexible than bylaws from a regional council perspective.

Would it be a problem if harbour-control cost recovery practice varied between regions?

No, even if bylaw charges were levied on vessels there are port company charges that vary now between ports.

Is there a cost recovery option that has not been considered in this discussion?

Regional councils that undertake navigation safety functions should be allocated a portion of the roading petrol tax, representing fuel used off road in boats. A boat registration system could also provide revenue.

COULD CENTRALISED HARBOUR CONTROL IMPROVE HARBOUR SAFETY OUTCOMES THAN REGIONAL CONTROL?

What are the factors that most affect local authorities' harbour management capability?

There is a lack of seagoing capacity, and reliance on volunteers for education, monitoring and enforcement of bylaws.

Insurance and its costs as applied to liabilities for regional council actions in a harbour and ports in particular, and in dealing with wrecks are significant issues for regional councils. As a potential "deep pocket" for litigants, extreme care is needed in formulating and adopting regional council responsibilities.

How could constraints on local authorities' capability best be overcome?

More revenue from the sources identified above, or equivalent government grants.

The legislation covering wrecks needs amending to provide that the Director of Maritime New Zealand has the power to act immediately without having to wait for a regional council response to his or her request to deal with a wreck.

Should this be done within the current organisational model?

The system is still being developed, but is already showing positive results so why fix something that is not broken, the proposed review is premature, although some aspects of the current laws should be amended.

Could better harbour safety outcomes be achieved under a different organisational model?

No, centralisation would produce too much separation of “on the water” activities from the policy makers and regulators. The situation is different for aviation and airports where the users are much more tightly regulated and controlled.

Would harbour safety outcomes be improved if harbour safety management were no longer a local authority function? If so, how?

Local solutions are necessary for local problems and a central government agency would not be appropriate as manager of this process. Local government is best placed to deal with local concerns and issues and is easily accessed by members of the public on a day to day basis. Environment Canterbury has chosen to adopt some bylaw provisions that are unique to Canterbury. These have the support of the boating community and the public generally. This autonomy would be lost under a central model.

Maritime New Zealand has difficulty now in dealing with navigation safety responsibilities not picked up by regional councils. They are very thin on the ground.

What are the implications of a centralised system for the performance of tier 2 marine oil spill response and other marine functions that remain a regional council responsibility?

As most harbourmasters also carry the role of regional on-scene commander, relocating them under Maritime New Zealand’s control would strip the Tier 2 marine oil spill response capability of many of its top-end decision makers. Separation would reduce integration of functions and economies of scale at a local level.

What are the advantages and disadvantages of the three centralised harbour safety delivery models outlined above?

They all suffer from the problems identified above. Centralising only the ‘big ship’ component of safety would fragment the current system and would be detrimental to its aim of improving safety. The commercial and recreational activities cannot be separated as they occur in the same waters.

Are there any potential model or models not mentioned above?

This does not mean that Maritime New Zealand cannot have some regulatory functions in accord with Model 1.

If a central agency were responsible nationally for harbour safety management, would delegable functions, duties and powers adequately provide for local authorities willing and able to continue in a harbour safety management role?

Central government has a different focus and culture that does not lend itself to the flexibility considered necessary to deal with local issues, i.e. one size does not fit all.

GENERAL NAVIGATION SAFETY

ISSUES FOR NAVIGATION SAFETY

POSSIBLE APPROACH FOR IMPROVING THE COHERENCE OF NAVIGATION SAFETY CONTROL

Is there support for statutory confirmation of regional council responsibility for navigation safety?

Environment Canterbury has accepted its role under the Local Government Act 1974 to regulate Navigation Safety in Canterbury. Even then there are areas of coastal waters where we have chosen not to take up this responsibility.

The use of district plan provisions under the Resource Management Act to regulate navigation and navigation safety should be precluded by legislation. Selwyn District Council has such rules in place in Canterbury. Typically district boundaries lie down the centre of waterways and there is provision for transfers of navigation safety responsibilities.

Would confining such responsibility to enclosed and inland waters be realistic?

Yes, regional capability is limited, and not just financial limitations.

Should maritime rules, enforceable by regional councils, regulate navigation in areas beyond a council's area of direct responsibility?

Yes, the powers of harbourmasters can extend to the whole region now despite limited bylaw coverage.

Would the ability to issue infringement notices in respect of breaches of maritime rules be a reasonable and useful extension of local enforcement powers?

Yes.

Should the Director of Maritime New Zealand approve the content of a navigation safety bylaw to ensure consistency with relevant maritime rules?

No, existing requirements to be not inconsistent with Rule 91 is sufficient. Environment Canterbury has adopted the provisions of Rule 22 in its bylaws so it can be enforceable by Environment Canterbury officers.

Could questions of certainty, clarity and consistency be resolved through measures other than those discussed?

The consultation and submission process works well now.

FUNDING ARRANGEMENTS FOR RECREATIONAL BOATING CONTROLS

Would the establishment of a statutory navigation safety function expose regional councils to costs that they do not face at present?

Yes, if extended out to the limits of the territorial sea.

Are the practical difficulties of cost recovery from recreational boat users a constraint on the ability of councils to exercise local navigation safety control?

Yes, Environment Canterbury would do more to promote navigation safety for recreational craft if funding was not wholly from general rates. A fairer system of cost recovery would help.

Is there scope for a mechanism other than licensing or registration to assist cost recovery from recreational boat users?

Regional councils that undertake navigation safety functions should be allocated a portion of the roading petrol tax, representing fuel used off road in boats. A boat registration system could also provide revenue.

How likely would councils be to use a more accessible funding mechanism?

Almost certain.

Is rating a fair and reasonable alternative to user charging to cover recreational navigation safety costs?

It is the best we have got right now. Mobility of trailer boats, both inter regionally and intra regionally means that it is not appropriate to use targeted rates.

SHOULD ALL NAVIGATION SAFETY CONTROLS BE CONSOLIDATED IN ONE STATUTE?

Is the idea of consolidating navigation safety controls in one statute feasible in practice and supportable in principle?

Yes, but this is not a high priority and will make no practical difference.

Would the benefits of consolidation outweigh the potential disadvantages of introducing into the Maritime Transport Act provisions that relate to functions, duties and powers belonging to organisations and officials other than Maritime New Zealand and the Director of Maritime New Zealand?

Not necessarily, if all we are doing is transferring the provisions.

Would consolidation of navigation safety controls be assisted by simplifying existing measures to their essential elements and reducing the level of prescription?

There are elements of current legislation that are inappropriate (e.g. the PWC provisions) but this is a problem with the legislation not a consolidation issue.

Would it be preferable to retain separate legislation subject to modifications to improve the coordination and clarity of the legislation?

Modifications are appropriate whether or not legislation is consolidated.

AGENDA ITEM NO: 14	SUBJECT MATTER: SUBMISSION ON PUBLIC TRANSPORT MANAGEMENT BILL
REPORT: Council	DATE OF MEETING: 13 December 2007
FILE REFERENCES:	PORTFOLIO: PROJECT: OUTPUT:
REPORT BY: Wayne Holton-Jeffreys Manager Passenger Services	ENDORSED BY: Ken Lawn Director Operations

PURPOSE

This report seeks approval of a submission from Environment Canterbury on the Public Transport Management Bill. Submissions must be lodged by 14 December 2007.

ATTACHMENT

The proposed submission is attached.

BACKGROUND

The Public Transport Management Bill is designed to give regional councils greater powers to regulate the public transport services provided in their regions, while retaining the ability of operators to register such services on a commercial basis.

The Bill has been warmly welcomed by regional councils, and is the result of considerable input to a working party set up by the Ministry of Transport by regional councils, central government, transport agencies and the operators.

The main issue that this Bill addresses is the role of, and process for, commercial registrations and contracted services.

CONTRACTED AND COMMERCIAL SERVICES

Most urban bus services in Canterbury are provided as contracted services. That is, the regional council determines a service or services that it wishes to contract, and calls for tenders for the operation of those service or services. The cost of those services, net of any fare revenue, is funded from regional council rates and central government subsidies.

The current Transport Services Licensing Act (which will be replaced by the new Bill) also provides for commercially registered services. A company can seek to commercially register a particular service. That service will be operated commercially, i.e. it has no ratepayer or taxpayer contribution. A regional council has some limited grounds on which it can decline a commercial registration.

In other parts of the country, commercial registrations have been used strategically, in a manner that has become known as "cherry picking". A bus company will commercially

register the financial parts of services, for example, the morning and afternoon peak services. That leaves the regional council with the job of establishing contracted services for the gaps. Usually the company that has commercially registered the peaks wins the contract for the balance of the service, sometimes at high prices.

COMMERCIAL SERVICES IN CANTERBURY

In Canterbury, we have managed to avoid such practices. The Council's Regional Passenger Transport Plan includes a policy that "contracted services will be offered as a complete package of morning and afternoon peaks as well as peak periods and weekends". This has become known as "bundling". The plan goes on to comment "this makes the commercial registration of a partial service for only parts of a day (e.g. morning and/or afternoon peak periods) unlikely to be acceptable".

Because of that provision, any commercial registrations in Canterbury have been for full services, including off peak. We also have few such registrations, and the only ones remaining are the Airport Flyer (City to Airport via Memorial Ave) and the Cashmere to Harewood and Airport service.

It has always been at least arguable whether the provisions in the Regional Passenger Transport Plan, and the ability to decline partial commercial registrations on that basis, are within the law of the Transport Services Licensing Act. That was close to being tested by one of our operators in 2004, and a description of that is included in the submission as a case study. The legal testing was avoided when we settled the issue by agreement. But we have continued to feel vulnerable.

Canterbury has become a good case study of how public transport can operate (generally) without commercial services, or at least without 'cherry picking' type commercial services. The success of public transport in Christchurch, and the contribution of the lack of commercial services, is set out in the attached submission.

THE PUBLIC TRANSPORT MANAGEMENT BILL

The Public Transport Management Bill essentially puts into place the practice that we have established in Canterbury, and removes our worry about the legality of our current practice. It still retains the ability of operators to commercially register services. But it also gives regional councils the power to include controls on commercial services in the Regional Public Transport Plan. As a consequence of those greater powers, the Bill requires some more rigour around the contents of Regional Public Transport Plans, and the process for preparing them. That additional rigour is generally good practice, and is an acceptable counter to the additional powers.

ENVIRONMENT CANTERBURY POSITION

The Bill essentially puts in place and authorises the approach taken in Canterbury, and should be welcomed and supported by the Council. There are some technical amendments suggested in the submission. But the main tenor of the attached submission is that Environment Canterbury welcomes the Bill, and the submission provides some evidence of the merits of the Canterbury approach.

It is likely that the Bill will be strongly opposed by some of the public transport operators, so it is important that Parliament hears about the positive merits of the Bill.

There is also a view, especially in Auckland, that the Bill does not go far enough. ARTA, for example, is requesting that regional councils are given the power through the Regional Public Transport Plan, and exclude commercial registrations altogether from defined areas (e.g. Auckland urban area). While that would be a good outcome (and is supported in the attached submission), it is probably not necessary to go that far for Canterbury. The current Bill is a good compromise between that outcome and what the bus operators would want.

RECOMMENDATION

That the Council approve the attached submission to the Public Management Transport Bill.

Environment Canterbury

Submission to the Transport and Industrial Relations Committee on the Public Transport Management Bill

30 November 2007

HEARING PRESENTATION:

Environment Canterbury would like the opportunity to present this submission at the hearing.

FOR FURTHER INFORMATION:

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1. Introduction

Environment Canterbury (“the Council”) welcomes the opportunity to make a submission on the Public Transport Management Bill. This submission has been endorsed by the Council of Environment Canterbury on 13 December 2007.

The Council strongly supports the intention of this Bill as it goes to the heart of the ability of regional councils, and their partners, to plan and provide for successful public passenger transport networks.

The current public passenger systems means that Regional Councils have limited means of regulating commercial systems. This can restrict the development and planning of an intergraded, responsive and sustainable public transport system.

The Council strongly supports both the ability for regional councils to apply controls to commercial services and for the specific controls that are provided in the Bill. The Council acknowledges that implementation of the Bill will require increased rigour in developing and implementing a Regional Passenger Transport Plan and it accept that this increased rigour is a necessary outcome of having the ability to implement controls.

This submission firstly talks about the Canterbury context to illustrate why controls are needed, and then goes on to discuss comments on specific clauses.

2. Case Study of the Christchurch Public Transport Experience

The Christchurch public passenger transport network (called ‘Metro’) has been described as the “jewel in the crown” of public transport in New Zealand. While this is due to a range of factors, including good strategy, committed councils and innovative initiatives, it is also due in no small part to the lack of commercial registrations in Christchurch, and those few commercial registrations that do exist are for whole routes or services.

The current system of allowing operators to “cherry pick” certain routes leave Regional Councils with the responsibility of dealing with the remaining routes without having the ability to create an integrated network. This could result in lack of confidence, lower patronage and increased costs.

Christchurch, therefore, provides a unique opportunity to compare what can happen when a public passenger network is not compromised by the type of commercial registrations (often referred to as “cherry picking”) that has happened in other parts of the country under the current provisions of the Transport Services Licensing Act. Christchurch provides a picture of what could happen if the controls in the Public Transport Management Bill are implemented.

This submission makes use of the five factors used by the Ministry of Transport in its evaluation of the existing public transport system in the Public Transport Procurement Legislation Review, May 2002 (the Review). These five factors were derived from the New Zealand Transport Strategy 2002. The five factors demonstrate why Metro has been described as the “jewel in the crown” of public transport in New Zealand. The five factors are value for money, integration, , responsiveness, and sustainability, and service quality

Value for Money

Christchurch has the most competitive bus service contracting market in New Zealand. The Ministry of Transport review shows that the average number of bids in Christchurch tenders was 2.39, compared to 1.33 in Auckland, and 1.12 in Wellington. In Christchurch 61% of the

contracts were retained by the incumbent, compared to 83% in Auckland, and 88% in Wellington.

Christchurch has the lowest total income per service kilometre. Total income is public funding (LTNZ funding and rating income) plus fare box revenue. That means that Christchurch has the lowest cost operation per kilometre. Also, public bus funding per boarding has been lower in Christchurch than the other cities since about 2002.

Christchurch also has the lowest average fares when compared to Auckland and Wellington, yet still achieves around over 40% cost recovery.

On a Metrocard, passengers can travel anywhere within the Christchurch City urban area, making as many transfers between buses as they require within two hours, for \$1.90 and pay no more than \$3.80 per day, or \$19 per week.

Integration

Christchurch has managed to achieve integrated planning, integrated branding, integrated ticketing, and citywide real time information.

Integrated planning has enabled Environment Canterbury to consult, plan and implement significant service reviews and changes to existing routes, and introduce new cross suburban services such as the Orbiter, and the Metrostar. Not having many commercially registered routes, or parts of routes, has made that much easier, and more comprehensive.

Integrated ticketing has enabled the development of the very successful Metrocard. Now over 80% of journeys are made using the Metrocard. This encourages transfers, rewards patronage, and reduces boarding times. It also enables any bus operator, or mix of bus operators, to run services as part of the Christchurch network.

Real time information provides customer information about how far away the bus is, and provides useful planning and monitoring information to Environment Canterbury. This helps create more confidence in the network which is evidenced by increased patronage. Having fewer commercial services in the Christchurch area has assisted with the coordination of services. Good coordination encourages patronage and assists planning.

Responsiveness

One of the positive benefits put forward for commercial registrations is that they enable bus operators to respond quickly to introduce new initiatives, or to stop unsuccessful initiatives. While that is true, it is our belief that this will generally be from the point of view of successful commercial operations, not from the passengers' perspective (see following Christchurch experience of partial commercial registrations).

Individual operators are not always looking at the overall network and instead are likely to focus only on those routes that are likely to increase the profit of their commercial business. Regional Councils however focus on the whole network and when planning have to consider the impact of routes and if they were changed the impact on surrounding routes.

The Christchurch bus network has also been very responsive to new initiatives to grow patronage. While they might take a little longer, they will generally include extensive market research, community consultation, and involve community and public funding as they are developed.

Good examples in Christchurch are the Orbiter and the Metrostar (new cross suburban services that link major shopping centres and other key destinations. Other examples are the

extensive increases in frequencies on many routes, and the service reviews that have seen quite significant route changes, and through routing of services.

New and more frequent services have generally been put in ahead of demand, on the basis that demand and patronage will grow over time. Bus service vehicle kilometres per population are higher in Christchurch than any other city, reflecting that 'ahead of demand' provision. That approach has been rewarded by the steepest growth in bus boardings per head of population, and relative change in bus boardings.

Issues arising from a shortage of bus drivers, and hence bus operators not being able to run all scheduled services, led to an Environment Canterbury initiative to agree to variations to existing contracts to fund increases in driver wages. This issue was resolved within a matter of months.

Sustainability

The continued and significant climb in bus patronage in Christchurch from nine million in 1997/98 to over 15.72 million in 2006/07 reflects the sustainable development of the Christchurch bus network. Many of the statistics and trends identified under the other headings also reflect the sustainable nature of the network.

Full use of the six or eight month lead times for new contracts has helped existing and new bus operators to bid in the Christchurch market. Not having the likely threat of commercial registrations has also helped. This has meant that Environment Canterbury can continue to plan and improve services with confidence, and make decisions that put in capacity and routes ahead of demand, and so grow the market.

Service Quality

Christchurch has the lowest average bus fleet age, and the most accessible (super low floor wheelchair accessible) bus fleet. These have been achieved because Environment Canterbury has been able to specify and fund these requirements through its contract services.

Environment Canterbury has been developing quality partnering relationships with its bus operators. Part of this includes the establishment of agreed KPI's with its bus operators. A trial of a reward and penalty KPI system is underway. These partnerships can be developed notwithstanding that all the services are contracted services.

An experience of partial commercial registrations

Christchurch has experienced one example of a proposed partial commercial registration. In 2004, following service reviews including significant public consultation, it was decided that two routes would continue to Christchurch International Airport (the Cashmere to Harewood, and the Sumner to Avonhead), in addition to the existing commercially registered Airport Flyer. These two routes would link areas that had significant tourist accommodation areas, and airport worker catchments, to the Airport.

There was a six month differential between the tendering of the Cashmere to Harewood service and the Sumner to Avonhead service. During the tendering period, the operator of the commercially registered Airport Flyer, decided to commercially register, in its entirety, the Cashmere to Harewood service, which they already operated as a contracted service. Then when the Sumner to Avonhead was tendered around six months later, the same operator also commercially registered this service in its entirety.

The commercial registrations were accepted by Environment Canterbury, as it fell within its policy of commercially registering full services. The Cashmere to Harewood service commenced 8 June 2004 and the Sumner to Avonhead service was timed to commence on 1 November 2004.

On 5 August 2004 the company applied to register a variation to all three services (Airport Flyer, Cashmere to Harewood and Sumner to Avonhead), which significantly reduced the frequency outside the peak. Fifteen and 20 minute frequency was to be reduced to a 60 minute frequency (outside the peak), and only every second bus on the alternate Airport routes (Avonhead and Harewood) would proceed to the Airport.

This variation was declined by Environment Canterbury, under the grounds of “being contrary to sound traffic management”, and/or “other environmental factors”. The company appealed that decision to the District Court.

In the end that matter was not ruled on by the Court, because the parties reached an agreed settlement.

The cost to Environment Canterbury of agreeing to settle was as follows:

- To the community: the Sumner to Avonhead service did not go to the Airport for the term of this contract, and the commercial registration of that route was abandoned. This meant that we were unable to provide a service that the community strongly supported.
- To the ratepayer and funding agency: in the ensuing expedited tender for the service for a six month period, the tender was won by the only company in a position to tender for the service, at a cost of 88% of what the subsequent service cost for an entire 12 months.

If the variation had been successful, Environment Canterbury would have needed to seek tenders for the three missing 15-minute services each hour, the two missing 20-minute services each hour, and for every second service on Avonhead and Harewood for the last few kilometres to the Airport.

This is an example of the situation under the current system where an operator has potential to select registration of commercial services which have the effect of increasing payments for contracted services and potentially blocking competition. Regional Councils are currently restricted in their ability to regulate the commercial services and plan how they co-ordinate with contracted services.

Environment Canterbury therefore supports the ability for Councils to have further control in respect of commercial services.

3. Does this legislation go far enough

Many regional councils' submissions to the Ministry of Transport review favoured an option that would allow regional councils to specify in the Passenger Transport Plans, whether or not commercial registrations would be allowed in defined areas. This would enable Plans to determine, following a consultation process, that in particular areas or cities it would be better to determine that there should be no commercial services, rather than the more onerous task of specifying controls on commercial services that may be registered. There is some appeal to that ability, and Environment Canterbury would support such an outcome. The experiences described earlier of planning for and providing a public transport network (mostly) without commercial services is good evidence to support such an outcome.

However, Environment Canterbury also accepts the provisions of the Bill as an acceptable solution, and one that it is prepared to work with. The fact that we have few commercial registrations makes it easier for Environment Canterbury to reach that conclusion, compared with other cities, in particular Auckland

Having said that, Environment Canterbury would strongly oppose any watering down of the provisions of the Bill. In particular, Environment Canterbury wants to see retained the ability to include controls on commercial services in the manner set out in the Bill. There are some specific issues raised in the next sections, but they are fine tuning and clarification issues.

Environment Canterbury accepts the greater rigour around the content of Regional Passenger Transport Plans, and the process for preparing, adopting, and varying these plans. Those are necessary as a counter to the greater powers that regional councils will have over commercial services.

4. Bundling services (services that are contracted for or registered collectively)

One of the reasons why there are few commercial services in Christchurch is the inclusion in the Regional Passenger Transport Plan of a policy that “contracted services will be offered as a complete package of morning and afternoon peaks as well as peak periods and weekends”. This has become known as “bundling”. The plan goes on to comment “this makes the commercial registration of a partial service for only parts of a day (e.g. morning and/or afternoon peak periods) unlikely to be acceptable”.

The Bill provides in Clause 10 “Contents of regional public transport plans” section (2) (iv) that a Regional Public Transport Plan may include policies on “identifying services that are contracted for, or registered collectively, and those not contracted for, or registered separately”.

It is assumed that the term “collectively” is an appropriate term for what we have called “bundling”, and which would cover the type of policy referred to above in the Canterbury Regional Passenger Transport Plan.

However, the Bill does not continue that issue through into section 12 “Controls on commercial public transport services”, nor does it appear that a commercial registration that does not meet that policy is within the grounds for declining to register a commercial public transport service under Clause 29, or a variation under Clause 33.

Environment Canterbury requests that a control to be added to Clause 12 (2) that a regional council may adopt a control that “requires services to be registered collectively where that is specified in a Regional Public Transport Plan”.

In addition, Environment Canterbury requests that a ground be added to the grounds on which a regional council may decline to register, or vary, a commercial public transport service where the registration does not meet the policy set out in the plan for being registered collectively.

Environment Canterbury also supports ensuring that the legislation allows bundling of groups of routes into area contracts, or commercial services, if that is what the Plan deems necessary.

5. We wish to make the following specific comments

Clause: 4 - Interpretation

We agree with the general intent of this clause, but request for consistency with Clause 10(1)(a) to have the word 'specified' replaced with the words 'state or describe'. We prefer the words 'state or describe' as they are less prescriptive than the word 'specified'.

Clause 12(2) – Controls on commercial public transport services

As described under section 4 above, we request that a regional council may adopt a control that “requires services to be registered collectively where that is specified in a Regional Public Transport Plan”.

Clause: 12 (3) (e) - Controls on commercial public transport services

The meaning of this clause is unclear. We understand the clause to mean that no control can be more restrictive than any policy in a Regional Public Transport Plan. Environment Canterbury supports this meaning. We request that the wording for this be clarified in the Bill.

Clause 29 – Grounds for declining to register commercial public transport services, and

Clause 33 – Grounds for declining to register variations to commercial public transport services

As mentioned above Environment Canterbury would like clause 29 and 33 expanded to include the ability to decline to register a commercial service if it did not comply with policies set out in the Council's Regional Passenger Transport Plan.

Clause: 30 - Process for declining commercial public transport services, and

Clause: 34 - Process for declining to register a variation to registered commercial public transport services

We have concerns about the references to seven days within this clause and ask that the period to notify the operator be 21 days as at present. We support the retention of the total period of 21 days, although we would prefer that it is increased to 30 days. It is the breaking up of that period into seven day slots that concerns us. When a request is received to register a commercial service, the regional council contacts all the territorial authorities that the service will operate in for their input. In order for the territorial authorities to respond, they need to go through their own processes and then the regional council must consider all the information received in order to make a decision. This may often take more than seven days. We feel that the current 21 days (or preferably 30 days) allows a more considered and robust decision to be made.

6. Conclusion

Environment Canterbury welcomes this opportunity to make a submission to this Bill. The Council strongly supports the introduction of controls, particularly those whereby commercial registrations must comply with controls set out in the Regional Public Transport Plan. The Council supports the increased rigour that will be required in developing and implementing Regional Passenger Transport Plans.

It is vital that there are controls in order to help ensure that the public transport system is integrated, responsive, sustainable, provides value for money and high service quality. To ensure this applies it is important that Regional Councils can stop operators "cherry picking" the best routes if it has a negative impact on other parts of the network. Regional Councils must be able to exert controls to ensure the appropriate planning and integration of all services in the network can continue.

AGENDA ITEM NO: 15	SUBJECT MATTER: SUBMISSION TO THE TRANSPORT AND INDUSTRIAL RELATIONS SELECT COMMITTEE ON THE LAND TRANSPORT MANAGEMENT AMENDMENT BILL 2007
REPORT: Council	DATE OF MEETING: 13 December 2007
FILE REFERENCES:	PORTFOLIO: Regional Land Transport PROJECT: PET047208 OUTPUT: Submission
REPORT BY: Rob Woods Transport Policy Analyst	ENDORSED BY: Dr Bryan Jenkins Chief Executive

PURPOSE

The purpose of this report is to seek the Council's approval to a submission on the Land Transport Management Amendment Bill 2007.

ATTACHMENT

A copy of the draft submission will be circulated to Council prior to the 13 December meeting.

Given the short submission period allowed for this Bill, our desire to confer with Territorial Authorities/approved organisations around the region as well as the number of other transport submissions that staff are working on within the same timeframe, a paper for Council was not able to be completed in time for the agenda circulation.

BACKGROUND

The Land Transport Management Act 2003 (the Act) was a landmark for the transport sector in that it put into legislation the Government's vision for an integrated, safe, responsive and sustainable land transport system. The Act gives effect to the Government's New Zealand Transport Strategy, which has further objectives to assist economic development, assist safety and personal security, improve access and mobility, protect and promote public health and ensure environmental sustainability.

The Act made a number of changes and improvements to pre-existing legislation. The objectives of these changes comprised requirements for:

- an integrated approach to land transport funding and management,
- improved social and environmental responsibility in land transport funding, planning, and management;
- changes to the statutory objectives of Transfund and Transit to broaden the focus of each entity,
- improved long-term planning and investment in land transport to ensure that land transport funding is allocated in an efficient and effective manner
- improved flexibility of land transport funding, including provisions enabling new roads to be built on a tolled or concession agreement basis or on a basis involving a combination of those methods.

In light of the Act and following a number of sector reviews there are ongoing concerns that the Government's expectations of the land transport sector are not being fully realised. Five principal issues were identified as a result of these reviews, namely:

- the need to provide greater national direction,
- how to improve certainty and accountability around funding,
- how to reduce fragmentation of decision making at the sub-national level,
- how to supplement funding tools available to regions, and
- how to clarify the roles of the three agencies (Transit New Zealand, Land Transport New Zealand and the Ministry of Transport)

The Land Transport Management Amendment Bill 2007 has been prepared by Government to address these issues and following its first reading has been referred to the Transport and Industrial Relations Select Committee. The committee is now inviting submissions.

CONTENTS OF THE BILL

The Bill essentially aims to enhance the transport planning and funding system established by the 2003 Act through:

- fully allocating fuel excise duty (FED) for land transport purposes (as mooted in budget 2007) and changing the way FED is set to provide more certainty for future investment,
- enabling regions to develop regional fuel tax schemes of up to 10 cents per litre on petrol and diesel,
- Government providing policy statements every three to six years setting out planned investment and funding priorities to provide more strategic guidance to the transport sector,
- Changing to a three year planning cycle rather than an annual one to reduce 'planning churn',
- Introducing regional land transport programmes to rationalise land transport planning documents, reduce consultation and encourage integrated land transport planning,
- Increasing the term or outlook of the regional land transport strategy and the national land transport strategy from ten years to thirty years to recognise the long term nature of transport investment, and
- The merger of Land Transport New Zealand, the office of the Director of Land Transport and Transit New Zealand into a single statutory Crown Entity called the New Zealand Transport Agency, in order to achieve more integrated decision making and better accountability.

IMPLICATIONS OF THE BILL

Full Hypothecation of Fuel Excise Duty (FED)

Land Transport funding from Government comes from road user charges (RUC), motor vehicle registration and licensing fees, and a dedicated portion of fuel excise duty (FED). This income goes into the National Land Transport Fund, the lion share of which is used to fund the annual National Land Transport Programme. This financial year the National Land Transport Fund comprises \$2,459 million. This is distributed regionally ('R' funding on a population basis), nationally ('N' funding on a project by project basis) and through Crown appropriations.

The Bill proposes to fully hypothecate (dedicate) income from fuel excise duty to Land Transport from 2009/10 onwards. It is noted in the introductory notes to the Bill that this will also provide additional funding from 2009/10 onwards. The Government's primary aim in

doing this is to better link land transport demand and expenditure with those who fund it (road users), and to remove the risk to the Crown of future funding pressures and revenue fluctuations.

The Bill signals the setting of FED, RUC and allowable adjustments on a three-yearly basis.

Together with the new planning framework created by other aspects of the Bill, this will give greater funding certainty in land transport, which has long been an issue for land transport providers such as regional and local councils. The implications for regional and local councils are positive, in that additional funding will be available for land transport and it will be more certain.

Regional Fuel Tax

The Bill allows for reconstituted (see below) Regional Land Transport Committees (RLTC) to prepare and recommend to Regional Councils a regional fuel tax scheme of up to 10 cents per litre on petrol and diesel (only up to 5 cents per litre may be used for roading projects). Regional Councils may then recommend the scheme and its projects to the responsible Ministers who will receive advice from the New Zealand Transport Agency (the new Crown Entity formed by the merger of Land Transport New Zealand and Transit New Zealand – see below) as to its likely contribution to Government land transport objectives.

The aim of this part of the Bill is to allow for regions to implement capital projects in a timescale that would otherwise not be achievable through the current funding system. It is explicit in the Bill that such capital projects must still meet Government's objectives. Once approved the collection, distribution and rebate elements of the tax would be administered by the New Zealand Transport Agency. The Bill allows for rebates of regional fuel tax where the fuel was used for commercial non-road or off-road purposes.

The scheme may be reviewed once every three years and there is an allowance for it to be varied, but only in duration or in regard to the apportionment of revenue between capital projects being funded by the scheme (if there is more than one).

The implications for regional and local councils are generally positive in that if proposed by a region it would provide another potential source of land transport revenue to fund projects within regionally established timelines. The Council may indicate a preference for RLTC's to have the ability to set the physical boundaries of the scheme (such as sub-regional and inter-regional ones), rather than apply the tax across the whole region, as proposed. This would allow some flexibility for the RLTC, regional council and local councils to take into account potential intra-regional inequalities resulting from the application of the tax; however there will always be localised issues either side of such a boundary to consider.

Government Policy Statement (GPS)

The Bill proposes that every three years the Government will announce a Government Policy Statement (GPS) on land transport. This GPS will set out funding policy and priorities to the sector, indicating the Government's "short to medium term impacts and objectives" it wishes to achieve. It will set out how much funding will be made available to each 'activity class', (such as passenger transport and capital improvements), over the following six years. The GPS will be a statutory document and therefore must be given effect to.

The implications of the GPS for regional and local councils will be generally positive, in that it will provide greater short to medium term funding certainty and provide guidance from Government on the funding that will be available in the following six years for each "activity class". It will allow regional land transport programmes (see below), annual plans and LTCCP's to be planned and prepared with greater certainty and co-ordination. The net result

will be improved outcomes for land transport and its users through enhanced delivery processes.

One Year to Three Year Planning Cycle

Regional and local councils will no longer be required to develop and consult on annual land transport programmes. Instead, RLTC's will be required to prioritise transport projects (excluding local road maintenance, renewals and minor capital works and the region's existing public transport operations) every three years, by preparing and submitting a Regional Land Transport Programme. This is discussed within the wider planning context below.

Regional Land Transport Committees

The Bill proposes to reconstitute the membership of RLTC as follows:

- (a) 2 members from the regional council,
- (b) 1 member from each territorial authority,
- (c) 1 member from the New Zealand Transport Agency
- (d) 1 member to represent the objectives of economic development,
- (e) 1 member to represent the objectives of safety and personal security,
- (f) 1 member to represent the objectives of public health,
- (g) 1 member to represent the objectives of access and mobility,
- (h) 1 member to represent the objectives of environmental sustainability,
- (i) 1 member to represent the objectives of cultural interests.

The economic development member must be from the wider regional community and not from the regional council or any of the territorial authorities in the region. All of the members would have voting rights on Regional Land Transport Strategies, but only members (a)-(c) would be able to vote on the three-yearly Regional Land Transport Programme (see below).

The purpose of this change is to improve accountability for local decision making and improve the delivery of land transport programmes and the Government's objectives. In Canterbury this would result in a reduction of the size of the RLTC from 29 members to 19 members, with 13 of these RLTC members able to vote on the three-yearly regional land transport programmes.

The change in size of the RLTC will, in addition to achieving the Government's objectives, improve the efficiency of its operation, which with 29 members has become often unwieldy. On the other hand, a number of organisations currently with a member on the Committee will have concerns about losing their direct representation in regional land transport decision making, particularly in light of the greater role of RLTC's signalled elsewhere in the legislation. On balance however, and with regard to Government's desire to improve local decision making and public accountability within the region's expanded role, the proposed reconstitution of RLTC is the most effective mechanism in which to deliver this.

There is nothing to prevent non-statutory groups to be formed below the RLTC that could work to inform the decisions of the RLTC. Existing groupings such as the Freight Working Group and the Active Transport Forum provide a potential model to accommodate the views of organisations that lose their seat around the RLTC table. The scope for new such groups should be balanced however with the capacity and resources of the Officers and the RLTC to assist with the administration of such groupings.

Regional Land Transport Strategies and Programmes

Regional Land Transport Strategies are proposed to be shifted from a three-yearly cycle to a six-yearly cycle, and have a thirty year outlook as opposed to the current ten year outlook.

The RLTC will continue to be responsible for its preparation on behalf of the Regional Council. The RLTC will be required to prepare a progress report on the operative RLTS every three years.

The shift from a three yearly RLTS requirement of the RLTC to a six-yearly one will ease the workload of the RLTC, however this is tempered by the new requirement to prepare regional land transport programmes and RLTS progress reports every three years. The Bill requires the first regional land transport programme to be in place by 01 July 2009, so the parallel process of LTCCP preparation for the period 2009/19 will also be underway leading up to this date. This will place local Government resources under pressure to comply with each of these and other requirements, at least for this first round. Officers are aware that this issue is to be raised in a number of other submissions from approved organisations around the country, with secondment of former LTNZ and Transit staff and increased financial assistance cited as possible ways for Government to assist with these increased demands.

On balance the implications for regional and local councils are positive. Transitional arrangements through to the completion of the first Regional Land Transport Programme may be highly complex towards 01 July 2009, however the longer term outlook and benefits to the Land Transport sector outweigh these concerns. The transition to meeting these requirements, as well as those for LTCCP's under the Local Government Act 2002 could be eased through greater financial assistance from Government for this first round at least.

Ten Year to Thirty Year Planning Outlook

The proposal to shift the outlook of the RLTS from ten years to thirty years is proposed in recognition of the long term nature of funding in the land transport sector. It will allow regions to signal their long term needs well in advance and Government to respond to these needs.

Canterbury is well placed to respond to this new requirement in the next RLTS scheduled for adoption in 2014 at the latest (under the new legislation). This is because current transport planning investigations deriving from the Greater Christchurch Urban Development Strategy have already taken a long term view out to 2041.

Establishment of New Zealand Transport Agency

The Bill proposes to merge the functions of Land Transport New Zealand and Transit New Zealand into a single Crown Entity called the New Zealand Transport Agency. The primary driver for this is the desire for more cost-effective delivery of its activities, improved ability to consider all transport modes and activities and to ensure that appropriate trade-offs are made. Whilst the Agency will retain the state highway functions of Transit New Zealand and continue to be 100% funded by Government, state highway projects (aside from maintenance, renewals and minor capital works) will be prioritised alongside all other projects within the region on a three-yearly basis by the RLTC, rather than independent of regional programmes as is currently the case.

The implication for regional and local councils will be enhanced, co-ordinated and more integrated regional land transport funding and delivery of projects.

RECOMMENDATION

That the Council approve the submission to the Transport and Industrial Relations Select Committee on the Land Transport Management Amendment Bill 2007, as circulated to the Council prior to the meeting.

AGENDA ITEM NO: 16	SUBJECT MATTER: SUBMISSION ON SEA CHANGE – TRANSFORMING COASTAL SHIPPING IN NEW ZEALAND DRAFT STRATEGY
REPORT TO: Council	DATE OF MEETING: 13 December 2007
FILE REFERENCES:	PORTFOLIO: Regional Land Transport PROJECT: PET047208 OUTPUT: Submission
REPORT BY: Simon Milner Transport Planner	ENDORSED BY: Dr Bryan Jenkins Chief Executive

PURPOSE

For Environment Canterbury to consider and endorse a submission to the Ministry of Transport on the Draft Strategy “Sea Change – Transforming Coastal Shipping in New Zealand”.

ATTACHMENT

Given the short submission period allowed for this Strategy, as well as the number of other transport submissions that staff are working on within the same timeframe, a paper for Council was not able to be completed in time for the agenda circulation.

A copy of the draft submission will be circulated to Council prior to the 13 December meeting.

BACKGROUND

The Ministry of Transport released “Sea Change – Transforming Coastal Shipping in New Zealand” as a draft strategy for public consultation in November 2007. It is seeking submissions on the draft strategy by 19th December 2007.

Through its Regional Land Transport Strategy, Environment Canterbury has a policy stating that the region should “provide for the effective movement of freight in ways that are efficient, safe and sustainable ensuring that that guiding principles for freight are applied”. This policy is to be achieved by, amongst other methods:

- Providing facilities for inter-modal freight interchange; and
- Supporting opportunities for efficient transport of freight by alternatives to road.

The draft submission to be circulated to Council prior to the 13 December 2007 meeting focuses on issues within the draft strategy that are of relevance to Environment Canterbury and the Canterbury region – specifically, how the proposed Maritime Liaison Unit might interact with regional councils, how enhanced shipping services might interact / impact upon rail freight flows and the impact that the proposals may have on the ports of Canterbury and road traffic flows to/from them.

RECOMMENDATION

That the Council approve the submission to the Ministry of Transport’s Draft Strategy “Sea Change – Transforming Coastal Shipping in New Zealand”.

AGENDA ITEM NO: 17	SUBJECT MATTER: FINANCIAL REPORTS ON COUNCIL PORTFOLIO ACTIVITIES
REPORT: Council	DATE OF MEETING: 13 December 2007
FILE REFERENCES:	PORTFOLIO: PROJECT: OUTPUT:
REPORT BY: Mark Smith Financial Accountant	ENDORSED BY: Wayne Thomas Director Finance and Corporate Services

Attached is the financial summary of the Council's activities for the four months ended 31 October 2007.

RECOMMENDATION

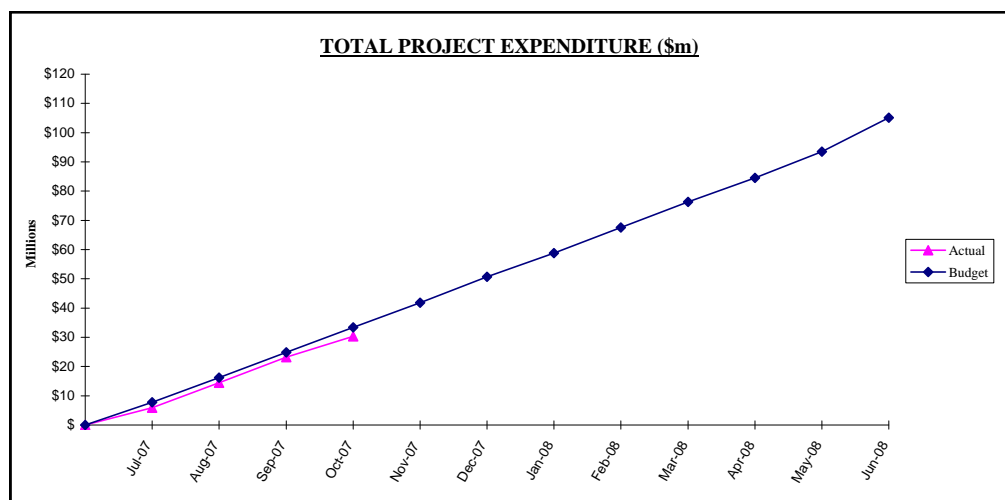
That the information on the financial reports for the period ending 31 October 2007 be received.

Environment Canterbury Financial Summary for the four months ended 31 October 2007.

	Revenue YTD			Expenditure YTD			Surplus/(Deficit) YTD		
	Actual	Budget	Variance f/(u)	Actual	Budget	Variance f/(u)	Actual	Budget	Variance f/(u)
Summary									
Total Projects	\$ 31,102,029	\$ 32,292,637	\$(1,190,608)	\$ 30,372,687	\$ 33,399,854	\$ 3,027,167	\$ 729,342	\$ (1,107,217)	\$ 1,836,559
By Portfolio									
Air Quality	2,324,888	2,309,975	14,913	3,316,459	2,990,517	(325,942)	(991,571)	(680,542)	(311,029)
Emergency Management	439,743	431,078	8,665	443,732	431,078	(12,654)	(3,989)	0	(3,989)
Coastal Environment	477,193	483,878	(6,685)	409,455	497,545	88,090	67,738	(13,667)	81,405
Energy	67,905	103,178	(35,273)	73,161	103,178	30,017	(5,256)	0	(5,256)
Land	2,012,595	1,983,838	28,757	1,328,578	1,586,013	257,435	684,017	397,825	286,192
Hazards	2,854,426	2,932,529	(78,103)	3,542,108	3,343,062	(199,046)	(687,682)	(410,533)	(277,149)
Navigation Safety	209,986	215,179	(5,193)	135,566	215,179	79,613	74,420	0	74,420
Pests and Biosecurity	2,511,660	3,265,468	(753,808)	1,965,555	3,321,315	1,355,760	546,105	(55,847)	601,952
Public Passenger Transport	10,712,538	11,163,331	(450,793)	10,793,639	11,313,576	519,937	(81,101)	(150,245)	69,144
Regional Land Transport	303,015	386,458	(83,443)	244,768	412,171	167,403	58,247	(25,713)	83,960
Waste, Haz Sub & Cont Sites	397,253	438,907	(41,654)	287,955	445,574	157,619	109,298	(6,667)	115,965
Water Quality, Quantity and Ecosystems	2,770,064	2,762,368	7,696	2,341,055	2,829,459	488,404	429,009	(67,091)	496,100
RMA Regulatory	3,573,158	3,644,141	(70,983)	3,407,193	3,703,278	296,085	165,965	(59,137)	225,102
Democratic Process	2,447,605	2,172,309	275,296	2,083,463	2,207,909	124,446	364,142	(35,600)	399,742
	\$ 31,102,029	\$ 32,292,637	\$(1,190,608)	\$ 30,372,687	\$ 33,399,854	\$ 3,027,167	\$ 729,342	\$ (1,107,217)	\$ 1,836,559

Surplus to budget (\$000's):

General Rate Funded	1,933
Separate Rate Funded	(499)
User Pays Funded	402



Air Quality

Financial highlights

- Overall ↑ Deficit 311k over budget.
- Revenue ↑ Over budget by 15k
- Expenditure ↑ Over budget by 326k

Variance commentary

Clean Air Programme (\$392k unfavourable)

The conversion rate is on target however the full assistance uptake is ahead of budget.

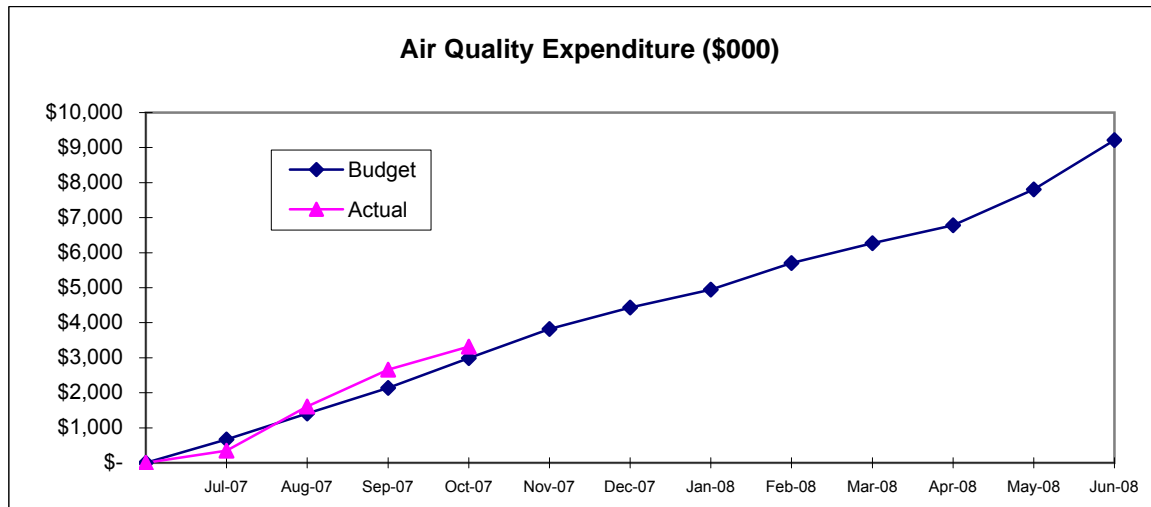
Air Quality Investigations (\$93k favourable)

Labour costs are lower than budget due to two vacant positions.

A new air quality scientist position has recently been filled and another scientist will soon return from leave.

Natural Resources RP – Air (\$39k unfavourable)

An Environet contract has been completed earlier than budgeted and expenditure will even out in the coming months.



Emergency Management

Financial highlights

- Overall ↑ Deficit 4k over budget.
- Revenue ↑ Over budget by 9k
- Expenditure ↑ Over budget by 13k

Variance commentary

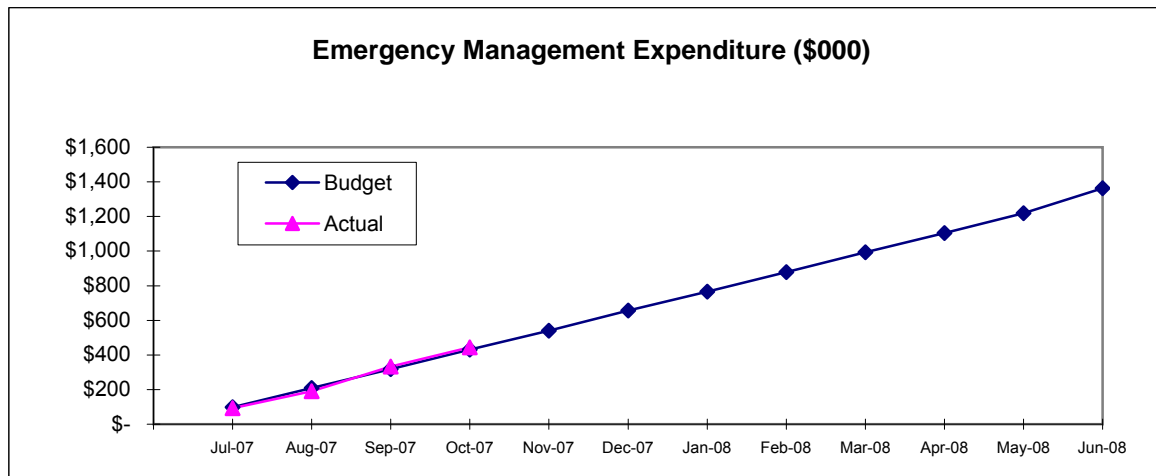
Public Information – Civil Defence – Regional (\$39k favourable)

A grant of \$36k was received in advance relating to the pandemic road show.

Civil Defence Training – Regional (\$42k unfavourable)

Expenditure has been higher than budget due to Exercise Pandora and also training costs which will be recovered later.

Expenditure will come into line with the budget.



Coastal Environment

Financial highlights

- Overall ↑ Surplus 81k over budget.
- Revenue ↓ Under budget by 7k
- Expenditure ↓ Under budget by 88k

Variance commentary

Regional Coastal Environment Plan (\$38k favourable)

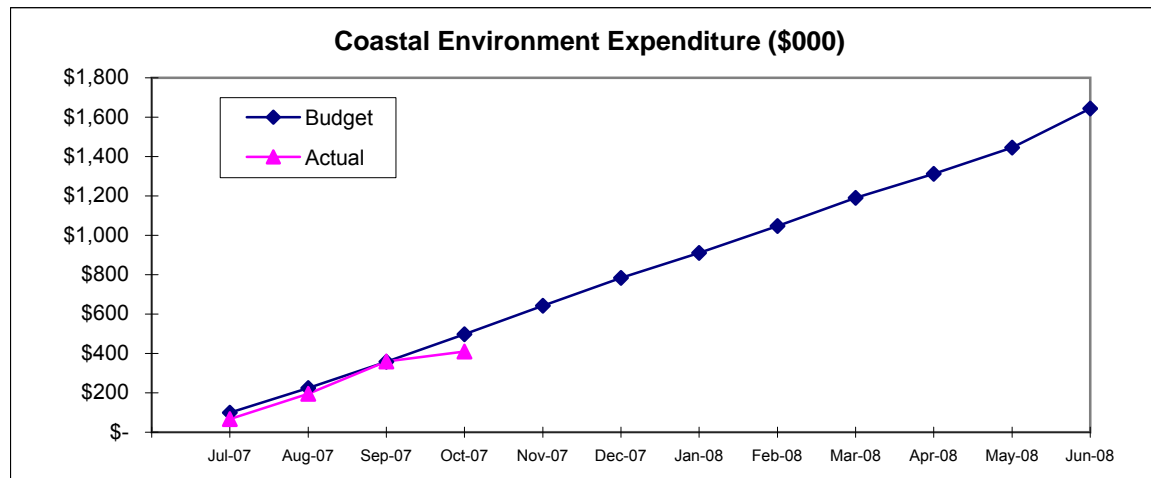
The majority of expenditure will occur from December 2007 onwards.

Coastal Hazards Investigations (\$45k unfavourable)

Annual contribution for Canterbury wave buoy was paid earlier than budgeted.

Coastal Water Quality Monitoring (\$33k favourable)

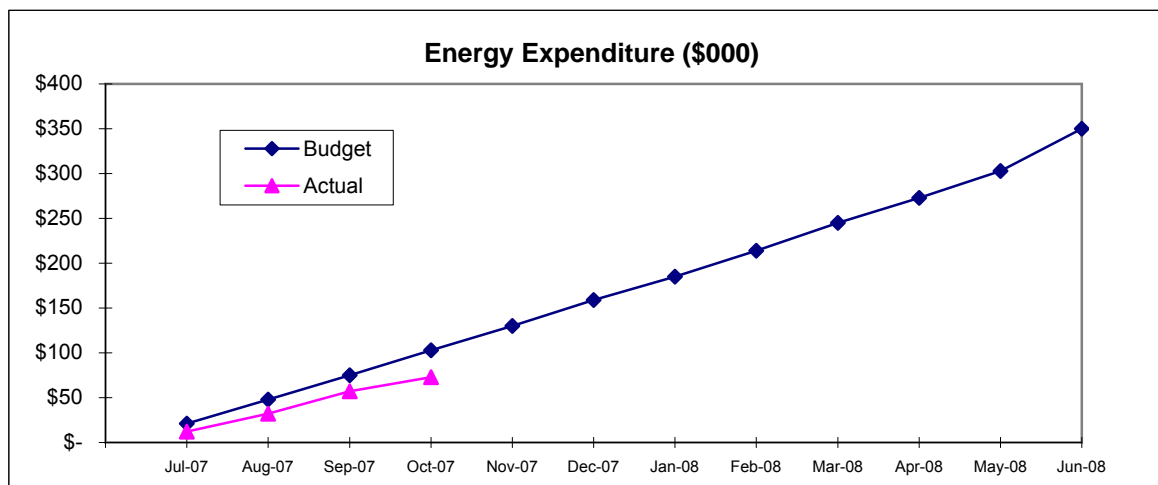
Monitoring programme is running on schedule and expenditure will even out during the year.



Energy




Financial highlight

- Overall ↑ Deficit 5k over budget.
- Revenue ↓ Under budget by 35k
- Expenditure ↓ Under budget by 30k



Land

Financial highlights

- Overall  Surplus 286k over budget.
- Revenue  Over budget by 29k
- Expenditure  Under budget by 257k

Variance commentary

Environment Enhancement Fund (\$80k favourable)

Revenue from the Honda Tree Fund was received in advance. Most of the expenditure will be spent from January 08.

ECan Land Management (\$71k favourable)

Lease rentals received have been higher than budget as a result of rent reviews.

Expenditures on Goods and Services are \$44k lower than budgeted due to some contract works have been delayed.

Industry Initiatives (\$69k favourable)

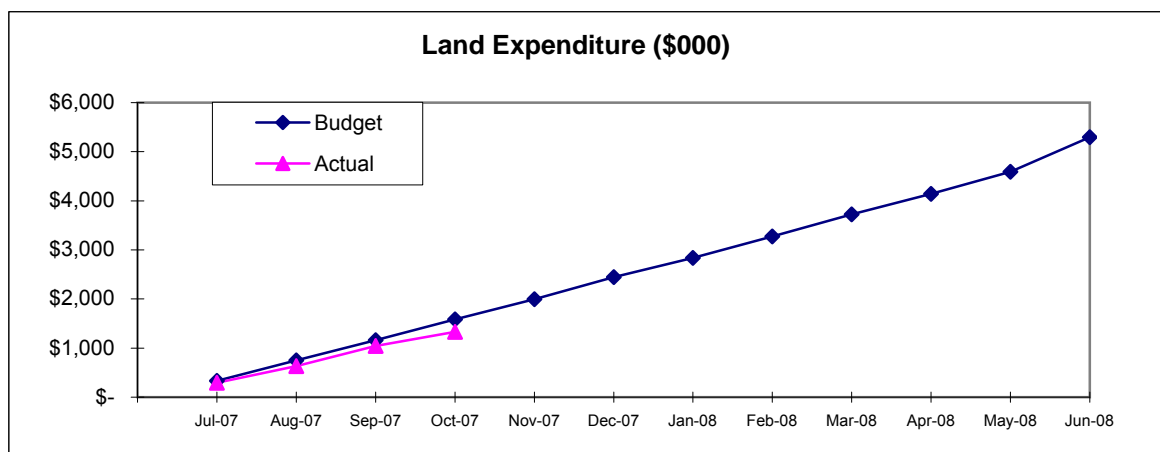
Expenditure is under budget due to two vacant positions.

Wetlands Communications (\$41k unfavourable)

Most of the planned work occurred in early year. Expenditure will gradually come back into line.

Biodiversity Strategy (\$49k favourable)

Expenditure will be spent after Christmas when formally launching the strategy and commencing implementation.



Hazards

Financial highlights

- Overall ↑ Deficit 277k over budget.
- Revenue ↓ Under budget by 78k
- Expenditure ↑ Over budget by 199k

Variance commentary

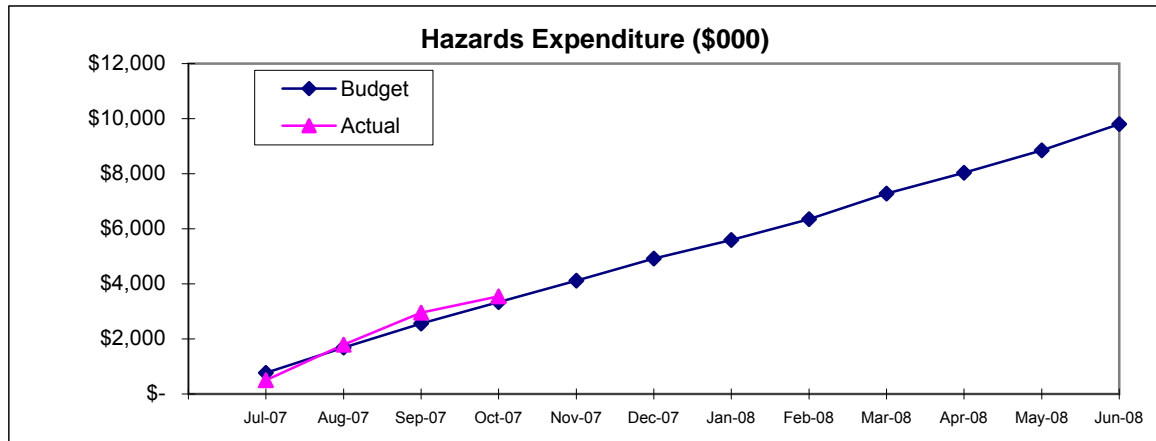
Catchment Works In Rating Districts (\$394k unfavourable)

Approximately \$832k of capital works is included in this project and will be capitalised later.

These capital works relate mainly to the Waimakariri, Ashley and the Ashburton town stopbank.

Earthquake Hazard and Risk Assessment (\$48k favourable)

A number of projects are currently underway and most of related expenditure will be invoiced at the end of the project.



Navigation Safety

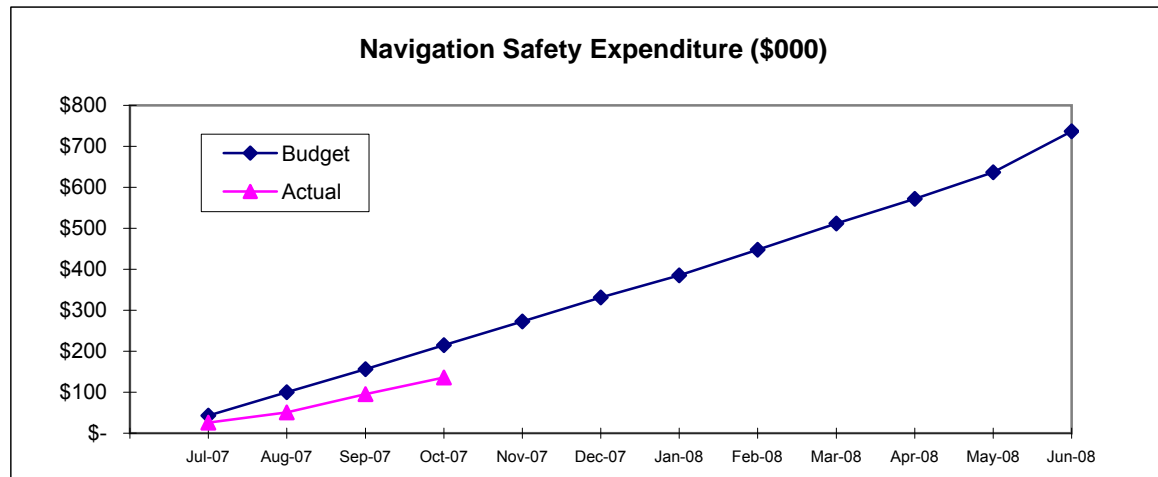
Financial highlights

- Overall ↑ Surplus 74k over budget.
- Revenue ↓ Under budget by 5k
- Expenditure ↓ Under budget by 79k

Variance commentary

Navigation Safety – Harbours & Inland Waters (\$54k favourable)

Expenditure is below budget due to the seasonal factor. Further expenditure will occur over the summer period.



Pests and Biosecurity

Financial highlights

- Overall ↑ Surplus 602k over budget.
- Revenue ↓ Under budget by 754k
- Expenditure ↓ Under budget by 1356k

Variance commentary

Bovine TB Operations (\$259k favourable)

Programmes carried out on behalf of Animal Health Board have been lower than budgeted for.

Rabbit Compliance Inspections (\$50k favourable)

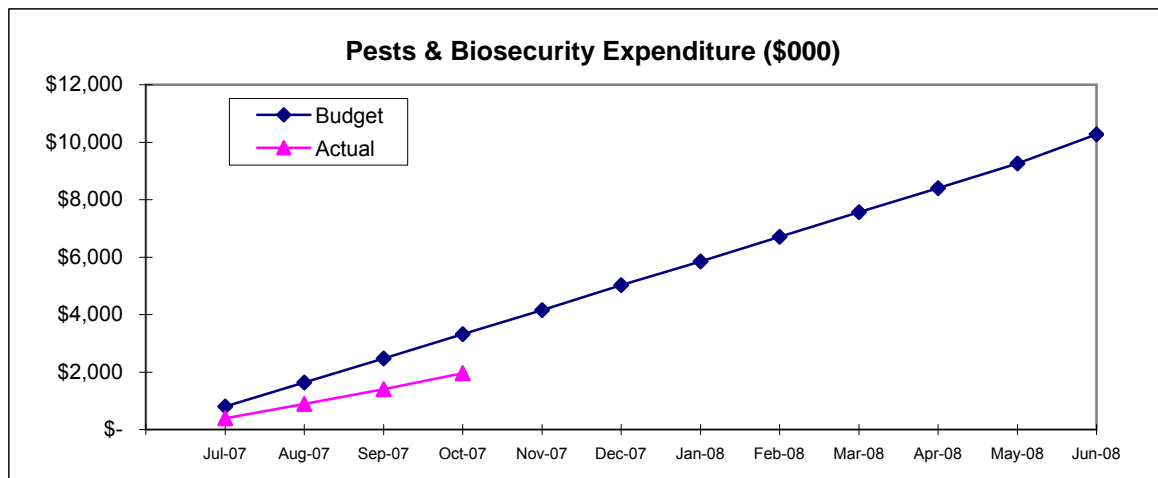
Programmes have commenced and expenditure will be come into line with budget during the year.

Animal Pests Threats to Biodiversity (\$44k favourable)

Many programmes of this project will start after Christmas. Expenditure will come back into line with budget late in the year.

Community Initiated Programmes (\$39k favourable)

Programmes have not yet commenced. Estimated start date will be February 2008.



Public Passenger Transport

Financial highlights

- Overall ▼ Deficit 69k under budget.
- Revenue ▼ Under budget by 451k
- Expenditure ▼ Under budget by 520k

Variance commentary

Total Mobility (\$52k favourable)

Voucher take up in Christchurch, Ashburton and Timaru has been lower than expected.

Passenger Services Information (\$183k unfavourable)

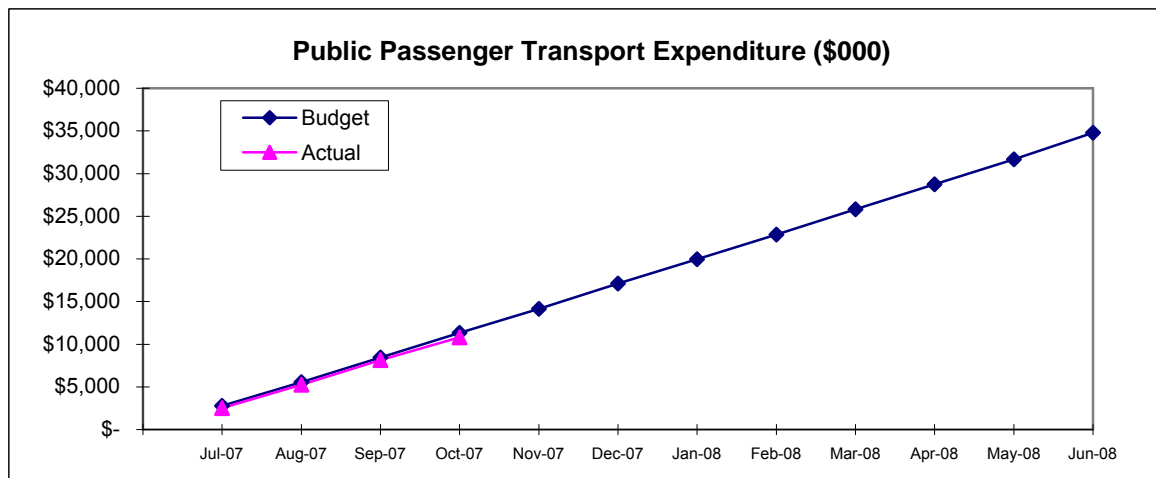
A payment for bus shelters and facilities for 2006/07 was made in this financial year.

Passenger Services Marketing (\$49k favourable)

The TVC campaign is underway from September to November. Expenditure will increase in the coming months.

Clearing House (\$41k favourable)

Sundry revenue of \$28k was received for metrocard replacements and sundry sales at the Bus Exchange.



Regional Land Transport

Financial highlights

- Overall ↑ Surplus 84k over budget.
- Revenue ↓ Under budget by 83k
- Expenditure ↓ Under budget by 167k

Variance commentary

Road Safety Co-ordination (\$40k favourable)

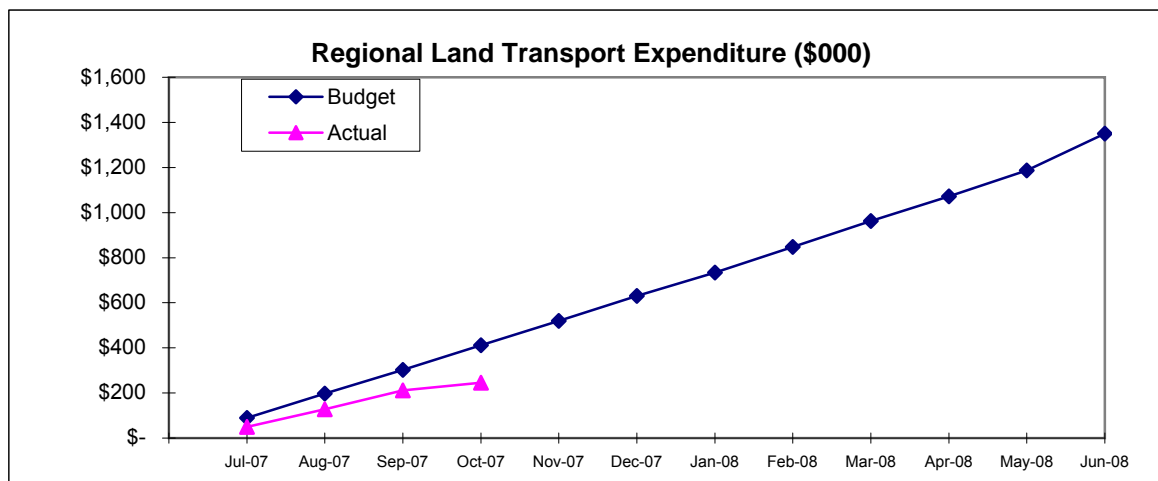
Regional advertising funding of \$38k has been received in advance from Land Transport New Zealand.

Regional Land Transport Policy Development (\$54k unfavourable)

Due to staff vacancies external consultants have carried out more work than was programmed.

Regional Land Transport Strategy Implementation (\$32k favourable)

Expenditure is less than budgeted due to staff vacancies.



Waste, Haz Sub & Cont Sites

Financial highlights

- Overall ↑ Surplus 116k over budget.
- Revenue ↓ Under budget by 42k
- Expenditure ↓ Under budget by 158k

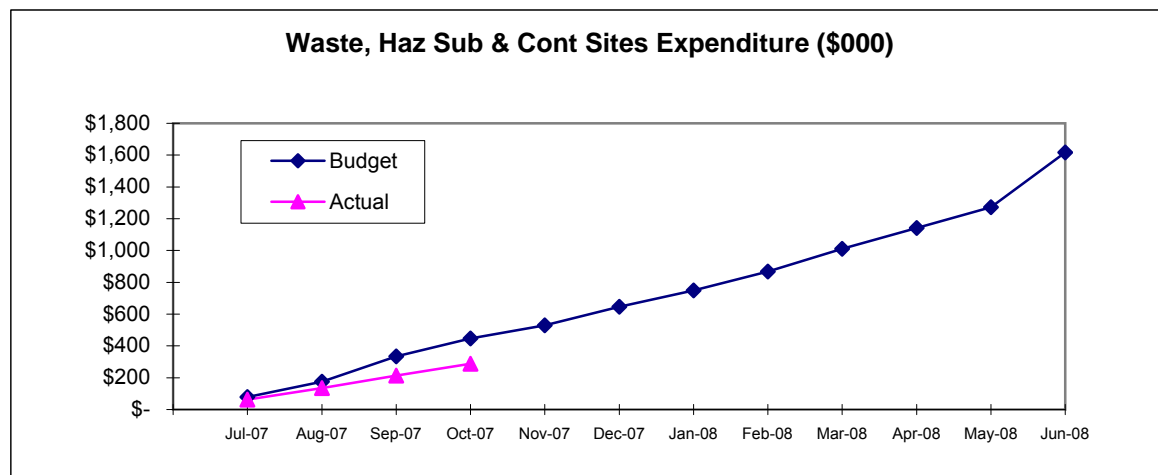
Variance commentary

Industrial Pollution Prevention (\$33k favourable)

Expenditure is lower than budget due to vacant positions.



Regional Hazardous Waste Management Strategy Implementation (\$24k favourable)

Expenditure is lower than budget due to vacant positions.



Water Quality, Quantity and Ecosystems

Financial highlights

- Overall  Surplus 496k over budget.
- Revenue  Over budget by 8k
- Expenditure  Under budget by 488k

Variance commentary

Natural Resources RP – Water (\$185k favourable)

The level of consultancy works has been lower than anticipated. It is expected that expenditure will even out during the year.

Investigating Flow Regimes (\$104k favourable)

A scientist vacancy may exacerbate the ability to achieve outputs. The section is looking at ways of sharing workloads to mitigate impact.

Canterbury Strategic Water Study (\$58k unfavourable)

Expenditure paid to an external consultant has been higher than anticipated in the first four months of the year.

Waimakariri river & Catchment RP (\$38k favourable)

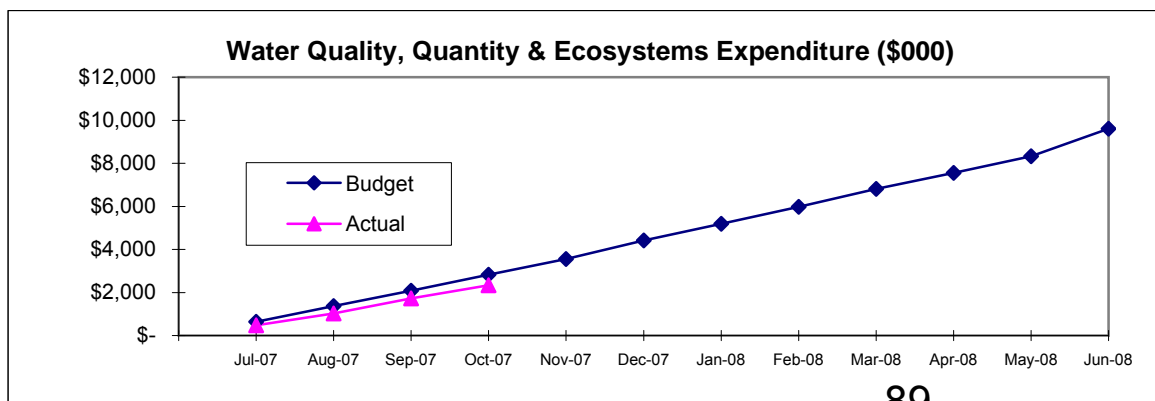
Many activities of this project will occur in the last 6 months of the financial year.

Water Care (\$46k favourable)

This is due to the River Guardians Project. This is awaiting a meeting between Ecan and CCC senior staff before the project can be proceeded.

Surface Water Resource Monitoring (\$41k favourable)

Expenditure is under budget due to two staff vacancies.



RMA Regulatory

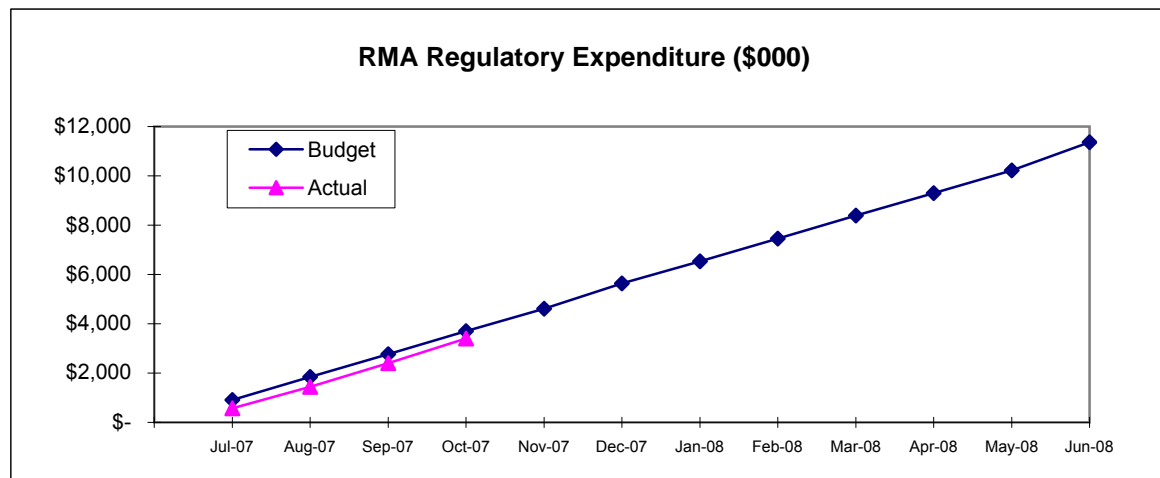
Financial highlights

- Overall ↑ Surplus 225k over budget.
- Revenue ↓ Under budget by 71k
- Expenditure ↓ Under budget by 296k

Variance commentary

Environment Court Consent Objections and Appeals – Land (\$53k favourable)
 Objections and appeals have not reached budgeted levels during the first four months of the year.

RMA Enforcement (\$96k favourable)
 Legal costs have not reached the level anticipated.



Democratic Process

Financial highlights

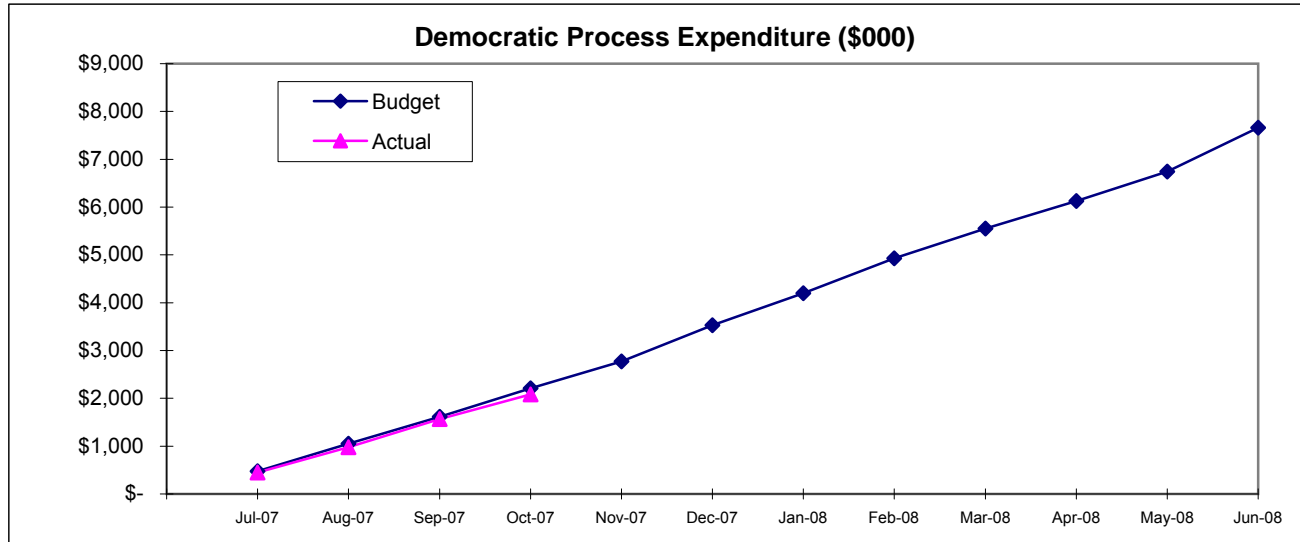
- Overall ↑ Surplus 400k over budget.
- Revenue ↑ Over budget by 275k
- Expenditure ↓ Under budget by 125k

Variance commentary

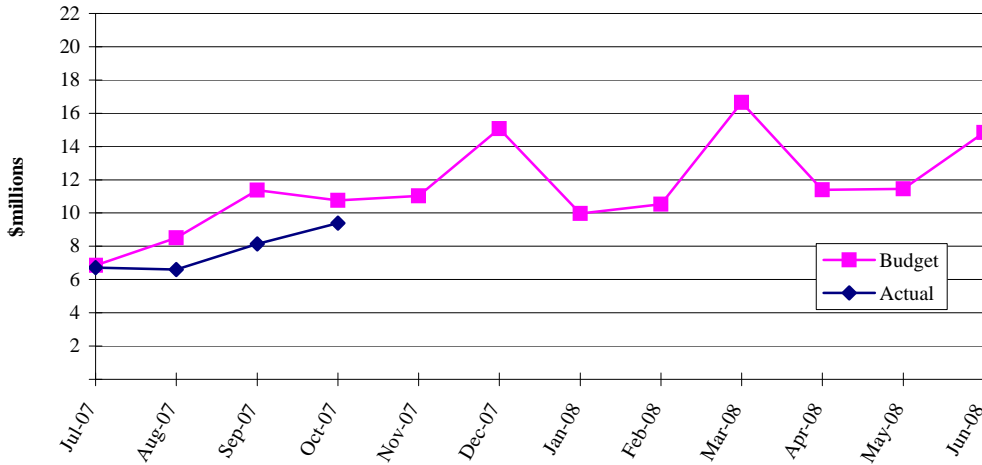
Chatham Islands Council Services (\$280k favourable)
Revenue of \$274k was carried over from the 2006/07 year.

Public Information – Corporate (\$47k favourable)
Labour and attached overheads are \$43k lower than budget due to staff vacancies

Advisory Services – Corporate (\$43k favourable)
Expenditure is under budget due to two staff vacancies. These vacancies have now been filled with start dates in October.

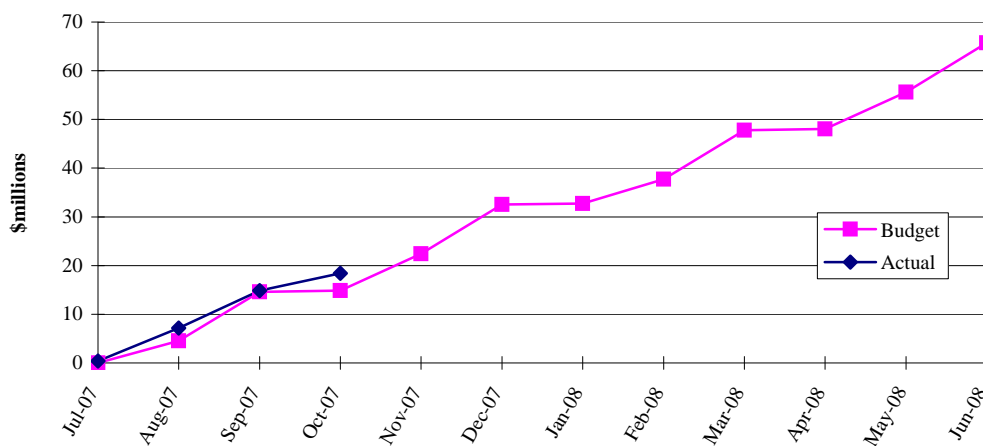


CASH POSITION



The cash position during the period ending 31 Oct 2007 fluctuated between \$6.2m and \$11.3m with an actual cash position at the end of the month of \$9.4m, \$1.3m below budget. Larger than budgeted creditor payments in July & Clean Heat Loans \$780k YTD resulting in shortfall. Note: Budget assumes \$2.0m in borrowing for Clean Heat Loans - no amount borrowed to date.

RATES CASHFLOW



Actual rates cashflow to 31 October 2007 is showing a favourable variance compared to budgeted rates cashflow of \$3.539m or 24% due to early receipt of Timaru & Ashburton rates

AGENDA ITEM NO: 18	SUBJECT MATTER: CHIEF EXECUTIVE'S ITEMS
REPORT: Council	DATE OF MEETING: 13 December 2007
FILE REFERENCES:	PORTFOLIO: PROJECT: OUTPUT:
REPORT BY: Jude Pani Manager Secretariat	ENDORSED BY:

18.1 DOCUMENTS SEALED

The following documents have been sealed under delegated authority.

- 2007/2008 Christchurch Total Mobility Wheelchair Accessible Vehicle Grant - Matthew John Saywell
- Cab Care Taxis Limited
- Memorandum of Agreement for the Provision of Clean Heat Services Rembrandt Builders Limited

18.2 ACTING CHIEF EXECUTIVE

Bryan Jenkins, Chief Executive, will be absent from 24 December 2007 to 30 December 2007, 29 January 2008 to 4 February 2008, and 15 February 2008 to 20 February 2008 inclusive. It is proposed that during Dr Jenkins' absence Wayne Thomas, Director Finance and Corporate Services, assumes the role of Acting Chief Executive.

RECOMMENDATIONS

- (a) *That the Chief Executive's items be received, and*
- (b) *That Wayne Thomas, Director Finance and Corporate Services, be appointed Acting Chief Executive from midday 24 December 2007 to 30 December 2007; 29 January 2008 to 4 February 2008; and 15 February 2008 to 20 February 2008 inclusive during the absence of the Chief Executive.*

AGENDA ITEM NO: 19	SUBJECT MATTER: COUNCILLOR REPORTS EXTERNAL APPOINTMENTS/ CONFERENCES/SEMINARS
REPORT: Council	DATE OF MEETING: 13 December 2007
FILE REFERENCES:	PORTFOLIO: Democratic Process PROJECT: 020400 OUTPUT: Ratepayer Services
REPORT BY: Jude Pani Manager Secretariat	ENDORSED BY:

19.1 CONFERENCE ATTENDANCE APPROVED BY THE CHAIRMAN/COUNCIL – NOVEMBER 2007

<i>Conference</i>	<i>Attendees</i>	<i>Estimated Cost</i>
8-9 November 2007, LGNZ New Members Training	Cr Demeter, Cr Murray, Cr Sage, Cr Sutherland, Cr Tindall	\$2725.00
26-27 November 2007, SOLGM LTCCP Seminar	Cr Demeter	\$649.78
4-5 December 2007, RMA – Good Decisions Training	Cr Murray, Cr Sutherland	\$3104.00
18-19 February 2008, RMA – Good Decisions Training, Nelson	Cr Sage, Cr Tindall, Cr Demeter	\$5256.00

ATTACHMENTS

- 2007/2008 monitoring report relating to Conference budget allocations
- 2007 LGNZ Conference Budget monitoring report.

19.2 COUNCILLOR REPORTS

Councillors are invited to provide reports to Council on attendance at recent Conferences/Seminars and external appointments.

RECOMMENDATION

That the reports be received.

2007/2008 – Monitoring Reports

CONFERENCE BUDGET – 020400 – RATEPAYER SERVICES (\$28,000)

Date	Conference/ Training	Attendees	Cost	Budget Available
27-28 August 2007	SOLGM Conference, Wellington	Cr Burke	\$1,033	\$26,967
21 August 2007	Northern Lights: Ecologic Conference, Wellington	Cr Oldfield	\$500.00	\$26,467
24 August 2007	Zero Waste seminar, Ashburton	Cr Woods	\$67.50	\$26,399.50
13-14 September 2007	Zone 5 Meeting, Blenheim	Cr Budd, Cr Johnston	\$400.00	\$25,999.50
8-9 November 2007	LGNZ New Members Training	Cr Demeter, Cr Murray, Cr Sage, Cr Sutherland, Cr Tindall	\$2725.00	\$23,274.50
26-27 November 2007	SOLGM LTCCP Seminar	Cr Demeter	\$649.78	\$22,624.72
4-5 December 2007	RMA – Good Decisions Training	Cr Murray, Cr Sutherland	\$3104.00	\$19,520.72
18-19 February 2008	RMA – Good Decisions Training, Nelson	Cr Sage, Cr Tindall, Cr Demeter	\$5256.00	\$14,264.72

2007 LGNZ CONFERENCE BUDGET – 020400 – RATEPAYER SERVICES (\$8,415)

Date	Conference	Attendees	Cost	Budget Available
12-18 July 2007	LGNZ Conference	Cr Burke Cr Johnston Cr Cunningham	\$9,804	-\$1,389

AGENDA ITEM NO: 23	SUBJECT MATTER: PUBLIC EXCLUDED
REPORT: Council	DATE OF MEETING: 13 December 2007
FILE REFERENCES:	PORTFOLIO: PROJECT: OUTPUT:
REPORT BY: Jude Pani Manager Secretariat	ENDORSED BY:

MEETING WITH PUBLIC EXCLUDED

The Chairman will move:

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

- 23.1 Minutes of 29 November 2007 Meeting and Matters Arising
- 23.2 Christchurch City Council, Banks Peninsula Landscape 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
23.1 Minutes of the 29 November 2007 Meeting and Matters Arising	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)
23.2 Christchurch City Council, Banks Peninsula Landscape Appeals		

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:

- 23.1 Protect the privacy of natural persons - Section 7(2)(a)
- 23.2 Maintain legal professional privilege 7(2)(g)