

**MINUTES OF 335<sup>TH</sup> MEETING OF ENVIRONMENT CANTERBURY HELD IN THE  
COUNCIL CHAMBER, ENVIRONMENT CANTERBURY, 28 KILMORE STREET,  
CHRISTCHURCH ON TUESDAY, 31 MARCH 2009 AT 9.05 A.M.**

**CONTENTS**

1. APOLOGIES
2. SUBMISSION ON THE RESOURCE MANAGEMENT (SIMPLIFYING AND STREAMLINING) AMENDMENT BILL
3. EXTRAORDINARY AND URGENT BUSINESS
4. NEXT MEETINGS – 1 APRIL AND 29 APRIL 2009
5. CLOSURE

**PRESENT**

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

**MANAGEMENT AND OFFICERS PRESENT**

B R Jenkins (Chief Executive), J L Atkinson (Director Regional Programmes), K L Drummond (Director Regulation), M Langman (Senior Resource Management Planner), A Willis (Manager Regional Policy and Effectiveness) and J C Pani (Manager Secretariat).

**1. APOLOGIES**

Crs Kane and Murray.

Cr Demeter arrived at 9.07 a.m.

**2. SUBMISSION ON THE RESOURCE MANAGEMENT (SIMPLIFYING AND STREAMLINING) AMENDMENT BILL**

The following document, presented to the 26 March Workshop and updated to include points raised at the workshop, was tabled:

*Environment Canterbury Submission to the Local Government and Environment Committee Regarding the Resource Management (Simplifying and Streamlining) Amendment Bill 2009.*

The Chairman suggested that the meeting adjourn for 10 minutes to allow Councillors time to read the tabled document. It was commented that Councillors needed further time to read through the submission document and it was requested that the item be deferred until the 1 April Council meeting.

Prior to the adjournment, Andrew Willis (Manager Regional Policy and Effectiveness) commented on the submission timeline and process of gaining input from both Councillors and officers. Mr Willis confirmed that the submission needed to be lodged by Friday 3 April 2009.

The meeting adjourned at 9.10 a.m. and reconvened at 9.20 a.m.

During the adjournment Crs Little, Tindall and Neill joined the meeting.

Following the adjournment, it was moved by Cr Harrow, seconded by Cr Oldfield, that consideration of the Council Submission to the Local Government and Environment Committee Regarding the Resource Management (Simplifying and Streamlining) Amendment Bill 2009 be deferred until the 1 April Council meeting. A division was called for and the motion was declared LOST, 7 votes to 5, the voting being as follows:

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

The Chairman considered it appropriate for Council to receive from officers the draft submission. The meeting can then adjourn and reconvene on 1 April for endorsement of a Council submission updated to reflect the changes made during the 31 March discussion.

Andrew Willis introduced the report to seek the Council's endorsement of the proposed submission to the Local Government and Environment Committee on the Resource Management (Simplifying and Streamlining) Amendment Bill 2009.

Marcus Langman (Senior Resource Management Planner) presented the tabled draft submission document section by section. Mr Langman highlighted the changes made to the draft following the 26 March Council Workshop. The updates were highlighted by tracked wording and red type.

The following was noted to be incorporated into a further draft document to be presented to Council on 1 April:

Section 1, Page 2, Barhill Chertsey and Rangitata South  
Wording to be expanded to indicate this consultation work was done before the application was made to Environment Canterbury.  
Opuha should be used as an example of a collaborative process.

Section 2, Page 3, Volume of consents  
Figure of 98% being modified from original application to be included to indicate the level of working with applicants.

Section 3, Page 3, final paragraph: Request for statement to indicate wider than "resource users"  
"... for resource users **and other parties**, who will....."

Section 3, Page 4, 2<sup>nd</sup> tracked change paragraph  
Officers to consider use of an alternative word to "proper" to avoid ambiguity

Page 7, Appropriate timeframes before introducing timeframe penalty regime,  
Para 2 – additional wording “..no applications **of this amended** type being declined. **It helps meet the intent of development proceeding with the effects being avoided, remedied or mitigated which is the purpose of the Act.**”

Stronger wording to indicate that the timeframe penalty regime has consequences for both the Council and the applicant.

Relevant Appendix examples to be cross-referenced in the submission document.

Para 4 – restraint to read **constraint**.

Section 4, Page 9, Last paragraph to be strengthened by a stronger statement about denying accountability because decisions are being made by an appointed Board, referring to the likelihood of ad hoc changes to a plan that might not align with other elements of the plans. The recent example of the UDS process could be included.

Use the phrase “external commissioners” rather than “independent commissioners”.

Page 12 – Fourth criteria point  
Waitaki groundwater takes to read Waitaki water takes

Regulatory Impact Statement – Comment on the lack of reference to the cultural outcomes.

During the discussion on the review of appropriate timeframes before introducing timeframe penalty regime, it was requested that the Chief Executive provide information to the next meeting of the Regulation Overview Committee relating to the number of declined, amended and approved consents.

The meeting adjourned at 10.45 a.m.

**THE RECONVENED 335<sup>TH</sup> MEETING OF ENVIRONMENT CANTERBURY HELD  
IN THE COUNCIL CHAMBER, 58 KILMORE STREET, CHRISTCHURCH  
ON WEDNESDAY, 1 APRIL 2009 AT 10.47 A.M.**

**PRESENT**

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

**MANAGEMENT AND OFFICERS PRESENT**

B R Jenkins (Chief Executive), J L Atkinson (Director Regional Programmes), D J Rule (Director Regulation), M Langman (Senior Resource Management Planner), J Palmer (Senior Business Analyst), A Willis (Manager Regional Policy and Effectiveness), and J C Pani (Manager Secretariat).

**1. APOLOGIES**

Cr Murray.

Cr Kirk arrived at 10.57 a.m.

**2. SUBMISSION ON THE RESOURCE MANAGEMENT (SIMPLIFYING AND STREAMLINING) AMENDMENT BILL (CONTINUED)**

A draft submission document, updated to include changes suggested at the 31 March Council session, was circulated by email on 31 March. Copies were tabled.

Andrew Willis (Manager Regional Policy and Effectiveness) introduced this session and advised that officers would include the Council's policy on use of external commissioners as an appendix to the submission document.

Marcus Langman (Senior Resource Management Planner) spoke to the changes highlighted in yellow in the tabled submission document. The meeting worked through the document page by page with changes considered by Councillors as they worked through the draft submissions document.

Page 4 –

Changes to wording in Section 2 – Canterbury policy context

**Resolved**

***Of the 4.2 million hectares of land in Canterbury approximately 3,150,000 hectares of Canterbury land is used for farming, held in roughly 10,000 farms. Approximately 500,000 is currently consented for irrigation and the Canterbury Strategic Water Study Stage 1 identifies that up to a total of 1 million hectares have potential for irrigation. 70% of all land irrigated in New Zealand is within Canterbury. 58% of all water allocated in New Zealand is allocated within Canterbury.***

Cr Oldfield/Cr Little

Page 4 –

It was moved by Cr Harrow, seconded Cr Evans that the sentence “This contrasts with the Central Plains Water application, where little consultation was undertaken” be deleted.

Cr Kane left the meeting at 11.04 a.m.

A division was called for and the motion was declared LOST, 7 votes to 5, the voting being as follows:

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

Page 6 –

It was moved by Cr Harrow, seconded Cr Evans (pro forma) that Council withdraws the submission point opposing the non-complying activities.

Cr Kane returned at 11.15 a.m.

The motion was put and declared LOST. Cr Kane requested that her abstention from voting be recorded.

Page 6 –

Cr Little distributed a paper requesting changes to the wording on pages 6 and 7 relating to property rights. It was moved by Cr Little, seconded Cr Oldfield that the words in the tabled paper be included in the submission document under the heading “Widening the scope of appeals regarding policy matters”.

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

<b>For (6)</b>	<b>Against (7)</b>	<b>Absent (1)</b>
Cr Evans	Cr Sutherland	Cr Murray
Cr Little	Cr Kane	
Cr Neill	Cr Burke	
Cr Oldfield	Cr Sage	
Cr Harrow	Cr Tindall	
Cr McKay	Cr Kirk	
	Cr Demeter	

Page 9

For clarity an explanation of the submission statement (excluding basic water bore applications) be included as a footnote.

Page 12

**Resolved**

***That the wording read "...requires a limited plan change such as spot zoning resource consent"... in the last line of paragraph 2.***

Cr Sage/Cr Demeter

Page 14

**Resolved**

***That a footnote referring to the Council policy on the use of "external" commissioners be included and the Select Committee be requested to consider changing the wording of "independent" commissioners to "external" commissioners.***

Cr Neill/Cr Kirk

## **Clauses**

Section 131

**Resolved**

***Delete comments column wording and replace with "no comment", and the word "neutral" to be inserted in the second column.***

Cr Sage/Cr Demeter

Section 52

**Resolved**

***Delete last sentence in comments column.***

Cr Demeter/Cr Sage

It was moved Cr Burke, seconded Cr Sage, that the Council endorses the proposed submission, as amended, on the Resource Management (Simplifying and Streamlining) Amendment Bill.

A division was called for and the motion was declared CARRIED, 8 votes to 4, the voting being as follows:

<b>For (8)</b>	<b>Against (4)</b>	<b>Abstention (1)</b>	<b>Absent (1)</b>
Cr Sage	Cr Harrow	Cr Kane	Cr Murray
Cr Evans	Cr McKay		
Cr Demeter	Cr Oldfield		
Cr Neill	Cr Little		
Cr Kirk			
Cr Tindall			
Cr Sutherland			
Cr Burke			

**Resolved**

***That the Council endorses the proposed submission, as amended, on the Resource Management (Simplifying and Streamlining) Amendment Bill.***

Cr Burke/Cr Sage

It was moved by Cr Harrow, seconded Cr Little, that the results of the Division voting be forwarded to the Select Committee with the Council's submission document.

The motion was put and declared LOST.

Presentation to the Select Committee was discussed. It was considered appropriate that the Council Chairman and Chief Executive, along with officer technical support, should present the Council Submission to the Selection Committee.

**3. EXTRAORDINARY AND URGENT BUSINESS**

There was no extraordinary and urgent business.

**4. NEXT MEETING – 1 AND 29 APRIL 2009**

**5. CLOSURE**

The Chairman declared the meeting closed at 11.57 a.m.

CONFIRMED

DATE \_\_\_\_\_ CHAIRPERSON