

MINUTES OF THE 257TH MEETING OF ENVIRONMENT CANTERBURY HELD IN THE
COUNCIL CHAMBER, 58 KILMORE STREET, CHRISTCHURCH ON THURSDAY,
7 APRIL 2005 AT 9.30 A.M.

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PRESENT

Crs T K Burke (Chairman), R A Budd, A S Carroll, E H Cunningham (until 3.30 p.m.), R M Kirk, R I R Little, A R McKay, A G Neill (until 12.30 p.m.), M E Oldfield, J F Slee, N J Wagner, and J M Waters.

MANAGEMENT AND OFFICERS PRESENT

Dr B R Jenkins (Chief Executive) and J C Pani (Manager Secretariat). W Falconer (Director External Relations), Dr G A Griffiths (Director Investigations and Monitoring), K Lawn (Director Operations) and J D Talbot (Director Policy and Planning) were in attendance for part of the meeting. Report authors and supporting staff were in attendance to present reports.

1. APOLOGIES

Cr R H M Johnston and Cr W E Woods.
Cr A G Neill and Cr E H Cunningham for early departure.

Moved Cr Budd, seconded Cr Wagner.

That the apologies be received.

CARRIED

2. DEPUTATIONS AND PETITIONS

The Chair advised that he had received requests and granted speaking rights for two deputations relating to item 4 – NRRP Variation Christchurch Groundwater. One deputation was from the Yaldhurst Branch of Federated Farmers. The second was from Pru Steven of Goodman, Steven, Tavendale and Reid on behalf of clients directly affected by the variation.

1. Ali Undorf-Lay, (North Canterbury Branch of Federated Farmers) presented a paper on behalf of the Yaldhurst Branch of Federated Farmers of NZ (FF). Ms Undorf-Lay advised that the submission had the support of FF City Branch. FF submitted that the proposed land use controls were unreasonable and unfair and that too little attention was given to voluntary co-operative approaches. FF made several recommendations, including suggesting that Council uses the consultation process to identify with submitters and others in the community what the local issues are relating to the sustainable management of the water resource. The deputation suggested that the Council should remove the offending Issue, Objective, Policy and Rules from the plan and until FF's recommendations are completed, accept that the PNRRP is silent.
2. Pru Steven of Goodman Steven Tavendale & Reid, tabled a note for councillors and advised that she was representing parties with an interest in land located in recharge Zone 1 of the Council's NRRP. Ms Steven said that her clients were strongly opposed to the introduction of the NRRP variation to introduce prohibited activity status for urban development of land in that zone. Included in Ms Steven's presentation was the point that her clients were concerned that the onerous level of regulatory intervention indicated in this variation had not previously been suggested by Council.

Ms Steven requested that before resolving to follow the Variation 3 NRRP route, Council considers whether it is satisfied that the evidence is so targeted in respect of all land in this zone and in respect of all urban activities on it.

She advised her opinion was that a landowner may well have grounds to invoke section 85 of the Act and challenge the proposed provisions on the grounds that the plan renders their interest in land incapable of reasonable use.

Tom Cain of Applefields Limited addressed Council and spoke of the history of the land that Applefields Ltd is involved with and advised Council that he considered the plan to be technically flawed and that consultation had been inadequate. He also considered that the variation required further analysis.

Barbara George a resident of 300 Buchanans Road, Yaldhurst, spoke briefly to a document that she tabled. Ms George advised that her family owns a property in Zone 1 of the Christchurch Groundwater Recharge Plan, and that she was presenting to Council on behalf of her family and neighbours in Buchanans Road, Jim Burrows and Lynley Green. Ms George asked Council to produce a great deal more evidence that the "controls" contained within this Variation were factually necessary.

The Chair thanked the visitors for taking the time to meet with Council and present their submissions.

The meeting agreed to take item 4, NRRP Variation Christchurch Groundwater, after morning tea to enable those making deputations to listen to the Council decision.

Morning tea was taken from 10.35 a.m. to 10.50 a.m.

4. NRRP VARIATION CHRISTCHURCH GROUNDWATER

It was commented that Council's role at this stage was about determining matters of process and methods relating to Variation 3: Proposed Natural Resources Regional

Plan – Control of land use in the Christchurch Groundwater Recharge Zone. It was stated that water is coming under stress in both quality and quantity and that Council supported protecting the water supply. It was also commented that during the consultation period Council needed to make intelligent decisions that balanced the private and public good.

Moved Cr Budd, seconded Cr Cunningham.

1. That the Council proceeds in the preparation of a variation to amend the Proposed Natural Resources Regional Plan to provide for:
 - (a) Deletion of Proposed Natural Resources Regional Plan Chapter 4 Method WQL12(k)(d);
 - (b) Regional rules: prohibiting residential, commercial or industrial development in Zone 1; and, controlling the use of nitrogen in Zone 1;
 - (c) The amendment of policies; and
 - (d) The amendment of the zone boundary of the Christchurch Groundwater Recharge Zone.

Cr Burke moved by way of amendment the following addition, as recommendation 2:

2. That the Council:
 - (a) Consults with the public and stakeholders over the period to mid May;
 - (b) Undertakes additional technical work as and if required;
 - (c) Prepares the draft variation and Section 32 report;
 - (d) Reports progress on a, b and c to the Council on 28 April and 26 May; Workshops the draft variation and Section 32 report in early June;
 - (e) Decides whether or not to notify the variation at the 30 June Council meeting; and, if the Council approves it,
 - (f) Publicly notifies the variation in July 2005.

The amendment was accepted by Cr Budd and Cr Cunningham and became the substantive motion which was then put:

1. *That the Council proceeds in the preparation of a variation to amend the Proposed Natural Resources Regional Plan to provide for:*
 - (a) *Deletion of Proposed Natural Resources Regional Plan Chapter 4 Method WQL12(k)(d);*
 - (b) *Regional rules: prohibiting residential, commercial or industrial development in Zone 1; and, controlling the use of nitrogen in Zone 1;*
 - (c) *The amendment of policies; and*
 - (d) *The amendment of the zone boundary of the Christchurch Groundwater Recharge Zone.*
2. *That the Council:*
 - (a) *Consults with the public and stakeholders over the period to mid May;*
 - (b) *Undertakes additional technical work as and if required;*

- (c) *Prepares the draft variation and Section 32 report;*
- (d) *Reports progress on a, b and c to the Council on 28 April and 26 May;*
- (e) *Workshops the draft variation and Section 32 report in early June;*
- (f) *Decides whether or not to notify the variation at the 30 June Council meeting; and, if the Council approves it,*
- (g) *Publicly notifies the variation in July 2005.*

CARRIED

Moved Cr Little, Seconded Cr McKay

That in considering b, c and d of resolution 1 the Council is mindful of all considerations.

CARRIED

Item 3 was taken at this time.

3. STATEMENT OF PROPOSAL TO ADOPT THE 2005/06 ANNUAL PLAN

Neil Pilbrow briefed Council on the changes to the draft Annual Plan following the 31 March Council meeting. Council worked through the document by Portfolio area and identified some minor changes which were to be incorporated into the document to be released for public consultation.

Moved Cr Neill, Seconded Cr Budd

- (a) *That the Council adopts the Statement of Proposal to Adopt the 2005/06 Annual Plan, including:*
 - *A draft of the 2005/06 Annual Plan,*
 - *Group of Activities information relating to 2005/06,*
 - *Reasons for variations in 2005/06 to the levels of service provision and targets in the 2004 - 2014 Environment Canterbury Community Plan (Community Plan),*
 - *Proposed fees and charges under the Local Government Act 2002 and Resource Management Act 1991,*
 - *Proposed amendment to the Revenue and Financing Policy,**and the companion booklet: Project Outputs and Funding 2005 - 2006.*
- (b) *That the Council releases the Statement of Proposal to Adopt the 2005/06 Annual Plan and the companion booklet: Project Outputs and Funding 2005 – 2006, for public consultation on 30 April 2005, with close of submissions on 30 May 2005.*
- (c) *That the Resource Management Charges under the Local Government Act 2002 and the Resource Management Act 1991 be adopted, for inclusion in the Statement of Proposal to Adopt the 2005/06 Annual Plan.*

CARRIED

Neil Pilbrow displayed a colour version of the Plan pointing out that restricting the colours to two had generated a cost saving.

Council agreed by a show of hands that the Birdlings Flat scene be used on the cover of the Draft Annual Plan.

Item 6 was taken at this time

6. EVALUATION OF 2003 METRO TICKETING AND FARE CHANGES

Matthew Noon, Strategic Planner (Operations), presented a report back to Council on the evaluation of the 2003 Metro ticketing and fare changes. Matthew advised that any changes to the system should be addressed through the Regional Passenger Transport Plan review to be conducted in 2005/06.

There was discussion on the appropriate wording referring to people with disabilities and equity of access issues.

Moved Cr Wagner, seconded Cr Waters.

That the information on the Evaluation of the 2003 Metro ticketing and fare changes be received. CARRIED

The meeting adjourned for lunch from 12.30 p.m. to 1.20 p.m.

Councillor Neill left the meeting at 12.30 p.m.

The meeting returned to Item 3 to receive additional information from the Chief Executive.

3. STATEMENT OF PROPOSAL TO ADOPT THE 2005/06 ANNUAL PLAN (CONT'D)

Dr Bryan Jenkins tabled a proposed Annual Plan Appendix "Animal Pest Control Expertise and Infrastructure in Canterbury". Council at its 31 March meeting had requested Dr Jenkins prepare this document to be appended to the Stop Press on Regional Pest Management Capability. The document was accepted by Council subject to some minor amendments.

Moved Cr McKay, Seconded Cr Little

That the document, "Animal Pest Control Expertise and Infrastructure in Canterbury", as amended be included as an Appendix to the 2005/2006 Annual Plan for public consultation.

CARRIED

Item 5 was taken at this time.

5. SUBMISSION ON THE DRAFT WAITAKI WATER ALLOCATION REGIONAL PLAN

John Glennie, Natural Resources Policy Manager, Malcolm Miller, Natural Resources Planner (Natural Resources) and John Talbot (Director Policy and Planning) presented to Council a draft Submission on the Waitaki Water Allocation Plan. Council were advised that a briefing from NIWA was to be received at 3.15p.m.

Council worked through the draft submission document point by point with the Policy and Planning Team noting each agreed change.

It was commented that a statement of principles should be included in the document. Such a statement of principles could include both matters and process principles.

Cr Budd was absent during discussion on item 5 from 2.05 p.m. to 2.30 p.m.

Council completed a review of the draft document to Submission Point: 45, Page 30.

Afternoon tea was taken from 3.00 p.m. to 3.15 p.m.

A presentation was received at 3.15 p.m. from Barry Biggs, NIWA.

Barry introduced his NIWA and Meridian colleagues who were in attendance and advised Council that NIWA was engaged by Meridian to prepare submissions for the Allocation Board. The material being presented to Council was courtesy of Meridian.

The Chair thanked Barry for attending and thanked Meridian for their generosity in sharing the learning from the study undertaken by Barry and NIWA and the wider team.

Barry advised that the information being presented to Council focused on material from a study carried out on the Lower Waitaki over a period of approximately 30 years with intensive work in 2000 to contribute towards the Project Aqua proposal. The team was currently embroiled in the developments from that proposal.

The study objective was to identify what flows needed to be left in the river to maintain present values and then what might be available for out of stream use.

Barry said that when consents were lodged for Project Aqua, he presented to six South Island stakeholder groups (including Environment Canterbury). He advised that this Council presentation was a summary of these stakeholder meetings which consisted of a 3-hour presentation and a 3-hour discussion.

Barry said the study team brought together many organisations and that a considerable amount of science had gone into the study to try and understand what drives the river and what makes it what it is today.

The presentation was detailed and covered at length:

- Introduction (including possible flow regime)
- Hydrology/Geomorphology
- Benthic Community
 - Periphyton
 - Macrophytes
 - Invertebrates
- Native fish
- Salmonids

Cr Cunningham left the meeting at 3.35 p.m.

Barry advised the following values needed to be maintained:

- Trout and Salmon populations (all aspects of life history)
- Fishing Conditions
- Jet boating
- Eels
- Other Native fish
- Braided river birds

Barry advised that the recommended minimum flows, while still maintaining the values, should not go under 100 m³/s for a couple of months in winter and peaking to 135 m³/s in February/April. He said that the flow regime was a summary of assessments across all studies and the recommended flows were not optimum for all studies.

Four aerial photos of the Lower Waitaki under four different flows were displayed to provide a physical context for Council. The flows were: 350 m³/s, 150 m³/s, 115 m³/s, and 92 m³/s.

Councillors and staff found the presentation added much additional information and was of great value. In response to a request for a copy of the material, Barry advised that he would need to get clearance from the NIWA legal team.

8. CLOSURE

The meeting adjourned at 5.00 p.m. and agreed to reconvene on Tuesday 12 April 2005, at a time to be confirmed, following the Finance and Audit Committee meeting.

THE 257TH MEETING OF ENVIRONMENT CANTERBURY HELD IN THE COUNCIL
CHAMBER, 58 KILMORE STREET, CHRISTCHURCH
RECONVENED TUESDAY 12 APRIL 2005, 10.45A.M.

CONTENTS

PRESENT

Crs T K Burke (Chairman), A S Carroll, (from 11.40 a.m.), R M Kirk, R I R Little, A R McKay, A G Neill (until 12.35 p.m.), M E Oldfield (until 2.00 p.m.), J F Slee, J M Waters, and W E Woods.

MANAGEMENT AND OFFICERS PRESENT

Dr B R Jenkins (Chief Executive), J D Talbot (Director Policy and Planning), John Glennie (Natural Resources Policy Manager), Malcolm Miller (Natural Resources Planner), A Veltman, (Resource Management Planner), J C Pani (Manager Secretariat) and C Blake (Secretary).

1. APOLOGIES

Crs R A Budd, E H Cunningham, R H M Johnston, and N J Wagner.
Crs A G Neill and M E Oldfield for early departure and Cr A S Carroll for lateness.

Moved Cr Little, seconded Cr Slee.

That the apologies be received.

CARRIED

Council returned to Item 5 of the 7 April agenda.

5. SUBMISSION ON THE DRAFT WAITAKI WATER ALLOCATION REGIONAL PLAN (CONT'D)

A revised draft Canterbury Regional Council Submissions on the draft Waitaki Catchment Water Allocation Regional Plan (Plan), updated to reflect the changes requested by Council at its 7 April meeting was circulated.

John Glennie, Natural Resources Policy Manager and Malcolm Miller, Natural Resources Planner (Natural Resources) continued a presentation to Council on the revised draft Submission. John Talbot, Director Policy and Planning, and Anna Veltman, Resource Management Planner (Natural Resources) supported the presenters.

Council worked through the draft submission document point by point from submission point 49 with the Policy and Planning Team noting each agreed change.

A copy of the Canterbury Regional Council submission on the Plan is attached to these minutes. Also attached to the minutes is a summary of key Canterbury Regional Council submission points on the Plan.

Cr Slee thanked all the staff for the work they had done in preparing the draft submission and presenting it to Council.

Cr Neill left the meeting at 12.35 p.m.

Lunch was taken from 12.35 p.m. to 1.15 p.m.

Cr Oldfield left the meeting at 2.10 p.m.

Moved Cr Burke, seconded Cr Kirk.

That the draft submission as amended be approved for presenting as the Canterbury Regional Council submission on the Waitaki Catchment Water Allocation Regional Plan.

CARRIED

7. NEXT MEETING

The next meeting will be held on 28 April 2005.

8. CLOSURE

The meeting concluded at 3.15 p.m.

CONFIRMED

DATE _____ CHAIRPERSON _____