

MINUTES OF THE 256TH MEETING OF ENVIRONMENT CANTERBURY HELD IN THE
COUNCIL CHAMBER, 58 KILMORE STREET, CHRISTCHURCH ON THURSDAY,
31 MARCH 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, R H M Johnston, R M Kirk, R I R Little, A R McKay, A G Neill, M E Oldfield, J F Slee, N J Wagner, J M Waters and W E Woods.

MANAGEMENT AND OFFICERS PRESENT

Dr B R Jenkins (Chief Executive) and J C Pani (Manager Secretariat). W Falconer (Director External Relations), Dr M C Freeman (Director Regulation), Dr G A Griffiths (Director Investigations and Monitoring), K Lawn (Director Operations), J D Talbot (Director Policy and Planning) and I W Thomas (Director Finance and Corporate Services) were in attendance for part of the meeting and report authors were in attendance to present their reports.

1. APOLOGIES

Nil.

2. MINUTES OF MEETING

Moved Cr Wagner, seconded Cr Cunningham.

That the minutes of the 255th meeting held on 3 March 2005 be confirmed as a true and accurate record.

CARRIED

3. MATTERS ARISING

ITEM 5 FUNCTIONAL RELATIONSHIPS OF REGIONAL AND TERRITORIAL AUTHORITIES

Cr McKay asked for an update on progress with this project and in particular budget costs. The Manager Secretariat advised the Council that she had had discussions with David Collins, a draft consultants brief had been prepared and sent out to the Canterbury Region's Mayors (under cover of a letter from the Chair) for comment and support for the process. A meeting has been arranged with David Collins and a report will be provided to the Council's May meeting.

4. DEPUTATIONS AND PETITIONS

Nil.

5. CANTERBURY MAYORAL FORUM MINUTES

Cr Woods advised that the Chair of the Canterbury Mayoral Forum (CMF), Mayor McEvedy, had issued a press release relating to the CMF position on the Aidanfield prosecution. He noted that this press release on the CMF position was not reflected in the minutes.

Moved Cr McKay, seconded Cr Wagner.

That the minutes of the 18 February 2005 Canterbury Mayoral Forum be received.

CARRIED

6. ELECTED MEMBERS REMUNERATION 2005/2006

Moved Cr Woods, seconded Cr Johnston.

That the Council approves the following recommendations on Councillor salary payments to the Remuneration Authority and notes in its response to the Remuneration Authority that in making this decision Council reconfirms its desire to retain the four levels of remuneration hierarchy:

<i>Deputy Chair</i>	<i>50,474</i>
<i>Chair, Planning</i>	<i>50,474</i>
<i>Chair, Regulation Hearing (2)</i>	<i>50,474</i>
<i>Chair, Regional Land Transport</i>	<i>50,474</i>
<i>Chair, Portfolio (3)</i>	<i>46,473</i>
<i>Chair, Finance and Audit</i>	<i>46,473</i>
<i>Chair, Area Committee</i>	<i>43,474</i>
<i>Ordinary Members (3)</i>	<i>41,474</i>

CARRIED

7. RE-ESTABLISHMENT OF ENVIRONMENT CANTERBURY AND CHRISTCHURCH CITY COUNCIL JOINT COMMITTEE

The Chair tabled a summary of agenda items dealt with by the former Christchurch City Council/Environment Canterbury Council Joint Committee meetings from March 1996 to September 2001.

Moved Cr Wagner, seconded Cr Waters.

- (a) That the Council supports the re-establishment of the Joint Committee with Christchurch City Council;*
- (b) That the Environment Canterbury membership of the Joint Committee shall be all Councillors;*
- (c) That the Joint Committee should meet bi-monthly to share information and proactively pursue the best outcomes for Christchurch;*
- (d) That the agenda for the first meeting be the development of a Joint Committee Terms of Reference;*

- (e) *That the meeting venue and support alternate between the Christchurch City Council and Environment Canterbury; and*
- (f) *That the Joint Committee reports directly to both Councils on any recommendations or conclusions agreed, or on any issues discussed.*

CARRIED

8. REPORT OF THE CIVIL DEFENCE AND EMERGENCY MANAGEMENT GROUP

Moved Cr McKay, seconded Cr Cunningham.

That the draft Civil Defence and Emergency Management Group budget 2005/2006, as amended, be approved for inclusion in the Environment Canterbury draft Annual Plan.

CARRIED

9. REPORT OF THE FINANCE AND AUDIT COMMITTEE MEETINGS – 18 MARCH AND 30 MARCH 2005

Moved Cr Wagner, seconded Cr Johnston.

- (a) *That the reports of the Finance and Audit Committee meetings held on 18 and 30 March 2005 be received.*
- (b) *That the Council adopts the Tri-Annual Report of Progress on Internal and External Project Outputs 1 November 2004 – 24 February 2005.*

CARRIED

10. ACTION PLAN FOR POLLUTION RESPONSE IN CHRISTCHURCH RIVERS

Evan Walker, RMA Compliance and Enforcement Manager provided Council with a summary of progress on this issue. Internal review and feedback from a community meeting held on 8 March 2005 after the diesel spill in the Heathcote River on 11 February 2005, identified areas for improvement in Environment Canterbury's pollution response capability especially in the Avon and Heathcote Rivers.

Several initiatives have been undertaken following the Heathcote spill, which include identifying additional training for key staff, considering expansion of the pollution prevention guideline project, identifying additional equipment needed, and discussion and clarification with the Christchurch City Council on their structures and response procedures.

The next stage is to enhance Environment Canterbury's response by updating the Response Manual, particularly with the Christchurch City Council links and clarification of roles, reviewing the Pollution Hotline contracts, and broaden co-ordination with other councils. The Council is assessing costs in developing Memoranda of Understanding with wildlife response groups. At present funding comes through Maritime Safety Authority and is paid for by the oil industry and is not intended for use in fresh water incidents. Further discussion with other agencies involved with wildlife is to be held.

There are financial implications from both the Heathcote incident and enhancing response procedures. In-house response costs for the Heathcote incident and for some of the improvements in response capability can be covered within existing budgets. Dr Freeman advised that external costs of responding to the Heathcote diesel spill and duck rehabilitation including purchase of equipment needed on the day, total approximately \$45,000. However, increases to budget for 2005/06 are recommended for inclusion as a stop press in the 2005/2006 Annual Plan.

The Council discussed the role of the Canterbury Regional Council in such an incident. Views varied over whether duck rehabilitation was a core function of a regional council and whether additional funding was needed when the overall response to the Heathcote diesel spill was satisfactory. Dr Freeman advised the Council that unless additional money is provided staff will have to continue to focus on the day-to-day demands of the job without addressing any of the "top of the cliff" work. He said that to make headway on the issues raised by the staff in this briefing to Council, additional resources were needed.

Morning tea was taken at 10.45 – 11.00 a.m.

Item 13 was taken at this time.

The Chair welcomed Martin Hadlee, Chair; Simon Gooding, Assistant Manager and David Soal, Accountant, Target Pest Enterprises Limited who were in attendance for this item.

13. TARGET PEST ENTERPRISES LIMITED – HALF-YEARLY REPORT

Mr Martin Hadlee, Chair of Target Pest Enterprises Limited presented the company's first six months of operation for 2004/2005.

Moved Cr McKay, seconded Cr Wagner.

That the report on the operation of Target Pest Enterprises Limited during the first six months of the 2004/2005 financial year be received.

CARRIED

The meeting then moved into Public Excluded.

28. MEETING WITH PUBLIC EXCLUDED

Moved Cr Burke, seconded Cr Little.

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

- (a) Regional Pest Control Management Capability*
- (b) Public Excluded Minutes, 3 March 2005*

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
(a) <i>Regional Pest Control Management Capability</i>	<i>That good reason exists for not discussing the matter with the public present and is not outweighed by the public interest.</i>	<i>Section 48(1)(a)</i>
(b) <i>Confirmation of Minutes</i>	<i>That good reason exists for not discussing the matter with the public present and is not outweighed by the public interest.</i>	<i>Section 48(1)(a)</i>

This resolution is made in reliance on Section 48(1) of the Local Government Official Information and Meetings Act 1987 and the particular interests protected by Section 7 of that Act which would be prejudiced by the holding of the relevant part of the proceedings of the meeting in public are as follows:

- (a) *Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) – section 7(2)(j).*
- (b) *Maintain legal professional privilege – section 7(2)(h).*

That Martin Hadlee, Chairman, Simon Gooding, Assistant Manager and David Soal, Accountant Target Pest Enterprises Limited be permitted to remain in the meeting to provide information on the Regional Pest Control Management Capability discussion.

CARRIED

Lunch was taken during the public excluded meeting from 12.40 to 1.25 p.m.

IN OPEN MEETING

Moved Cr Woods, seconded Cr Budd.

That Council move back into Open Meeting.

CARRIED

Moved Cr Johnson, seconded Cr Little.

That the recommendations made in Public Excluded relating to the Target Pest Enterprises Limited capability discussion be made available to the public.

CARRIED

REGIONAL PEST CONTROL MANAGEMENT CAPABILITY

It was agreed to make the following recommendations, resolved in the Public Excluded section of the meeting, available to the public:

Moved Cr Kirk, seconded Cr Little.

That the Council reconfirms its policy of ensuring appropriate capability, infrastructure and staffing are maintained throughout the region for the purposes of pest management and control.

CARRIED

Moved Cr McKay, seconded Cr Budd.

That the stop press from page 32 of the draft Annual Plan be included in the updated draft Annual Plan along with an appropriately edited version of the Chief Executive's PowerPoint presentation to be included as an appendix.

CARRIED

Stop Press from page 32 of the Draft Annual Plan

"Maintaining an adequate long term capability for animal pest management in Canterbury is a key consideration for Environment Canterbury. Discussions have been held with Pest Liaison Committee Chairmen to explore options on how this could be achieved. Further consultation is planned with the Committees and the public and a submission made to the final 2005/2006 Annual Plan".

The meeting then returned to item 10.

10. ACTION PLAN FOR POLLUTION RESPONSE IN CHRISTCHURCH RIVERS (CONTINUED)

Moved Cr Kirk, seconded Cr Budd.

- (a) *That the report "Action plan for pollution response in Christchurch rivers" be received.*
- (b) *That the Council endorses the Chief Executive implementing measures to enhance the pollution response system as he considers necessary while staying within the overall Council operating expenditure budget for the 2004/05 financial year.*
- (c) *That a report on the long-term resources needed to enhance pollution prevention initiatives and to enhance pollution incident and wildlife management response capabilities be provided at the Council meeting scheduled for 26 May 2005.*
- (d) *That a "stop press" item be included in the draft Annual Plan, requesting feedback on whether additional annual expenditure of approximately \$100,000 should be provided to enhance pollution prevention initiatives and to enhance pollution incident and wildlife management response capabilities.*

CARRIED

Cr Oldfield requested that his vote against this motion be recorded.

Cr McKay left the meeting at 3 p.m. and returned briefly during the discussion of Item 11.

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

In addition to the memorandum dated 23 March 2005 circulated to Councillors the "Draft Project Outputs and Funding for 2005/2006 and the draft Environment Canterbury Annual Plan 2005/2006 Statement of Proposal", Neil Pilbrow tabled additional information to be discussed by Council when considering this item.

Mr Pilbrow advised that the three items discussed at this Council meeting (Pollution Response, Pest Control in Banks Peninsula and Pest Capability) were not provided

for in the budget as it currently stands. He said that public input would be sought and discussion on funding would be dealt with through the submission process.

Moved Cr Budd, seconded Cr Waters.

(a) *That the Council refers the Statement of Proposal to adopt the 2005/2006 Annual Plan, including:*

- *A draft of the 2005/2006 Annual Plan*
- *Group of activity information relating to 2005/2006*
- *Reasons for variations in 2005/2006 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*

as amended, for adoption at the Council meeting on 7 April 2005.

(b) *That the Summary of the Statement of Proposal, in a form similar to the summary for the 2004–2014 Community Plan, be included in the April edition of Living Here for distribution to all households in Canterbury.*

CARRIED

Afternoon tea was taken from 3.15 - 3.30 p.m.

12. CONSIDERATION OF RULES WQL8 & WQL9 IN THE PROPOSED NRRP FOR NON-ENFORCEMENT

Dr Mike Freeman presented information relating to the following rules:

WQL8 – discharge of contaminants onto or into land from an individual on-site sewage and wastewater treatment and land application system – permitted activity.

WQL9 – discharge of contaminants onto or into land from an individual on-site sewage and waste water treatment and land application system that does not meet certain conditions of regulation rule WQL8 – restricted discretionary activity.

Cr McKay returned to the meeting at 3.35 p.m.

Moved Cr McKay, seconded Cr Waters.

(a) *That Council is satisfied that any issues associated with rules WQL8 or WQL9 in the Proposed Natural Resources Regional Plan are most appropriately considered through the submission and hearing process for the Proposed Natural Resources Regional Plan.*

(b) *That Council declines to take a non-enforcement approach to rules WQL8 or WQL9 in the Proposed Natural Resources Regional Plan.*

CARRIED

Cr Oldfield, Cr Johnston and Cr Slee requested that their votes against this motion be recorded.

14. NRRP VARIATION CHRISTCHURCH GROUNDWATER

Barry Loe, Consultant, provided a presentation to the Council and circulated a map additional to the papers distributed with the agenda. Staff were seeking approval from Council to prepare a draft variation to introduce controls on new residential, commercial or industrial development in the Christchurch Groundwater Recharge Zone so as to protect the quality of Christchurch's water supplies. The suggested process was consultation April/May, preparation of Draft Variation 32 report, Council workshop June, approval from Council end of June and notification July 2005.

There was considerable debate on whether Council was yet in a position to make a decision on this matter and some Councillors felt they needed further opportunity to workshop the issues with staff.

Councillors were keen to receive a briefing at the scheduled 6 April workshop to enable a decision to be made at a Council meeting to be held on 7 April.

Moved Cr McKay, seconded Cr Oldfield.

That the Council workshops the issues raised in Variation 3; Proposed Natural Resources Regional Plan – Control of land use in the Christchurch Groundwater Recharge Zone – and considers the issues further at a later date.

A division vote was called for, which resulted as follows:

AYES

Cr Neill
Cr Little
Cr Cunningham
Cr Oldfield
Cr Wagner
Cr Johnston
Cr Woods
Cr McKay
Cr Slee

NOES

Cr Budd
Cr Waters
Cr Burke
Cr Kirk
Cr Carroll

CARRIED 9 – 5

15. EVALUATION OF 2003 METRO TICKETING AND FARE CHANGES

It was decided to receive this item at a future meeting.

22. NZ URBAN DESIGN PROTOCOL

The Chair welcomed Lindsay Gow, Deputy Chief Executive, Ministry for the Environment (MfE).

Mr Gow spoke to the Council about the New Zealand Urban Design Protocol (UDP) and advised that the UDP is a formal undertaking between signatories, but is not regulatory. Signatories develop actions to give effect to the commitment, appoint a design champion who is then the core of a learning network. He said that the key target groups were: local government, central government, developers/investors,

professional bodies and educational institutes. The Vision is "Making New Zealand towns and cities more successful through quality urban design". Mr Gow talked about what contributes to successful towns and cities: the key urban design qualities (context, connections, character, custodianship, choice, collaboration and creativity) and what supporting resources are available.

Mr Gow said that 80 organisations have signed the UDP. He advised that MfE is identifying other signatories through consultation and is supporting the development of action plans, and monitoring and reporting at a national level.

The meeting indicated no negative aspects in terms of what the MfE was trying to achieve in both spirit and intent. It was commented that Environment Canterbury's role was more an indirect role and, in committing to a performance where they were not directly able to influence the outcome, they would be promoting projects where the Council could only encourage rather than manage a project.

Dr Jenkins advised that the reservation being expressed by both staff and Councillors was, if Council took on the Urban Design Protocol commitment, Council would have to make sure they had sufficient authority and the ability to meet any commitment.

Mr Gow advised that the MfE understood Environment Canterbury's role and a project or idea put forward, for example in the transport area, would be reasonable. The expectation was not that Environment Canterbury would put forward a large project, but that it could be more of a discrete project that others could learn from. Mr Gow said that he understood that Environment Canterbury was keen and committed and if at some stage they felt they could be drawn more tightly into the UDP the MfE would be very pleased.

The Chair thanked Mr Gow for coming to Christchurch to meet with Council and discuss the UDP.

Moved Cr Waters, seconded Cr Budd.

- (a) *That the Council receives the report.*
- (b) *That the Council becomes a signatory to the New Zealand Urban Design Protocol.*

CARRIED

EXTENSION OF TIME BEYOND THE SIX-HOUR LIMIT

Moved Cr Neill, seconded Cr Waters.

That the Council suspend clause 3.3.7 of the Standing Orders to allow the meeting to continue beyond the six-hour limit.

CARRIED

Item 16 was taken at this time.

16. FINANCIAL REPORTS ON COUNCIL PORTFOLIO ACTIVITIES

Moved Cr Waters, seconded Cr Burke.

That the information on the financial reports for the period ending 28 February 2005 be received.

CARRIED

17. REPORT OF THE SOUTHERN AREA COMMITTEE

Moved Cr Oldfield, seconded Cr Slee.

- (a) *That the report of the Southern Area Committee held on 10 March 2005 be received.*
- (b) *That consideration be given to holding workshops on the following topics:*
- *Strategic Water Study update*
 - *Representation Review Group update*
 - *Timaru Air Quality*
- (c) *That a letter be written to the Minister for the Environment, Hon. Marion Hobbs on behalf of the Southern Area Committee with the following motion included:*
- (d) *That the Southern Area Committee seek urgent agreement from the Minister for the Environment to provide information and clarification on the factual basis of numerical values of flow regimes and any other points (other than points of law) as they arise and prior to submissions closing on 20 April 2005 in relation to the Waitaki Water Allocation Board's Draft Plan.*
- (e) *That the number of appointees to the Southern Area Committee be altered from four to five to ensure a proper geographical spread of appointees is achieved.*

CARRIED

18. REPORT OF THE CENTRAL AREA COMMITTEE

Moved Cr Woods, seconded Cr Budd.

- (a) *That the report of the Central Area Committee held on 15 March 2005 be received, and the calendar of events be approved.*
- (b) *That the Central Area Committee arrange four stakeholder meetings on the following topics:*
- (i) *Transport, including the gridlock at the southern entrance to Christchurch.*
 - (ii) *Presentation on Environment Canterbury's Annual Plan.*
 - (iii) *Catchment management for Lake Ellesmere and Lake Forsyth.*
 - (iv) *Water quality issues, the Chairman to meet with territorial authority representatives to finalise the issues to be discussed.*

CARRIED

19. REPORT OF THE CHRISTCHURCH AREA COMMITTEE

Moved Cr Wagner, seconded Cr Cunningham.

- (a) *That the report of the Christchurch Area Committee held on 16 March 2005 be received.*
- (b) *That the calendar of events for the Committee be approved.*
- (c) *That the Christchurch Area Committee arrange the following workshops:*
 - (i) *12 July 2005 – on groundwater, stormwater, drinking water, and Heathcote and Avon Rivers water quality issues.*
 - (ii) *23 November 2005 – topic to be decided at the July workshop.*
- (d) *That the Terms of Reference for the Christchurch Area Committee be endorsed and the membership amended to:*

The Christchurch Area Committee shall be a Standing Committee of the Council and comprise the eight Christchurch constituency councillors, two Christchurch City Council councillors, one representative from each of the Community Boards in the city, at least one representative of Tangata Whenua and appointees from key stakeholder groups, and individual opinion leaders.

CARRIED

20. REPORT OF THE NORTHERN AREA COMMITTEE

Moved Cr Little, seconded Cr Johnston.

- (a) *That the report of the Northern Area Committee held on 22 March 2005 be received.*
- (b) *That the Northern Area Committee support a meeting between Environment Canterbury, Kaikoura District Council and Te Runanga O Kaikoura to discuss issues relevant to the Kaikoura community.*
- (c) *That the Terms of Reference for the Northern Area Committee be amended to provide for the committee to meet only if a particular issue arises that is of particular interest to all members of the Committee.*

CARRIED

21. REPORT OF THE REGIONAL LAND TRANSPORT COMMITTEE

Moved Cr Waters, seconded Cr Little.

- (a) *That the report of the Regional Land Transport Committee held on 23 March 2005 be received.*
- (b) *That the issue of off-road vehicles in areas of ecological sensitivity be raised with all Canterbury territorial authorities.*

(c) *That the Regional Land Transport Committee receives the report “Regional Land Transport Strategy 2005-2015 Hearing Subcommittee Recommendations”, and recommends the hearing subcommittee’s recommendations regarding changes to the Draft Canterbury Regional Land Transport Strategy 2005-2015 and attachments to Environment Canterbury for adoption.*

CARRIED

Moved Cr Waters, seconded Cr Little.

That the report of the Canterbury Regional Land Transport Advisory Subcommittee held on 23 March 2005 be received.

CARRIED

23. INFORMATION ITEMS

Moved Cr Burke, seconded Cr Kirk.

That the information on documents sealed under delegated authority be received.

CARRIED

Moved Cr Burke, seconded Cr Oldfield.

That leave of absence be granted for Cr Woods, 6 – 12 April, Cr Waters 16 – 23 April, Cr Neill 5 – 9 May and Cr Johnston at various times during the month of May.

CARRIED

Moved Cr Burke, seconded Cr Slee.

That the Council approves a meeting to be held at 9.30 a.m. on 7 April 2005 to enable the Council to prepare a submission on the Waitaki Catchment Water Allocation Board draft plan. Other agenda items to include NRRP Variation Christchurch Groundwater, Statement of Proposal to Adopt the 2005 – 2006 Annual Plan, and Evaluation of 2003 Metro Ticketing and Fare Changes.

CARRIED

Moved Cr Burke, seconded Cr Budd.

That the Council appoints Crs Johnston, Waters and Woods as its representatives on the Waimakariri-Eyre-Cust Rating District Liaison Committee.

CARRIED

24. COUNCILLOR REPORTS EXTERNAL APPOINTMENTS/CONFERENCES/ SEMINARS

Moved Cr Burke, seconded Woods.

That the information on Councillor reports be received.

CARRIED

25. NOTICES OF MOTION

Nil.

26. QUESTIONS

Nil.

27. EXTRAORDINARY AND URGENT BUSINESS

Nil.

29. NEXT MEETINGS

7 April and 28 April 2005.

30. CLOSURE

The meeting concluded at 6.20 p.m.

CONFIRMED

DATE _____ CHAIRPERSON