

ENVIRONMENT CANTERBURY

MINUTES OF THE 281ST MEETING OF ENVIRONMENT CANTERBURY HELD IN THE COUNCIL CHAMBER, 58 KILMORE STREET, CHRISTCHURCH ON THURSDAY, 29 JUNE 2006 AT 9.30 A.M.

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PRESENT

Councillors 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, J M Waters, N J Wagner and W E Woods.

MANAGEMENT AND OFFICERS PRESENT

B R Jenkins (Chief Executive) and J C Pani (Manager Secretariat).

W M Falconer (Director External Relations), M C Freeman (Director Regulation), G A Griffiths (Director Investigations and Monitoring), K Lawn (Director Operations), N Pilbrow (Acting Director Finance and Corporate Services) and J D Talbot (Director Policy and Planning) were in attendance for part of the meeting and some report authors were in attendance to present their reports.

1. APOLOGIES

There were no apologies.

2. MINUTES OF MEETING OF 25 MAY 2006

Resolved

That the Council minutes of 25 May 2006 as circulated, be confirmed as a true and correct record, be adopted.

Cr McKay/Cr Waters

3. MATTERS ARISING

It was confirmed that tsunami-warning systems was the responsibility of the territorial authority and any changes to the current warning system should be addressed by the Christchurch City Council.

4. DEPUTATIONS AND PETITIONS

The Chairman briefed Council on two requests for deputations that he had refused and the action that he had recommended.

The request from a gravel extractor relating to gravel extraction was to be the subject of a briefing for those councillors who were not in attendance for the Council Workshop briefing from this gravel extractor. The request from a Selwyn District Councillor was referred to an upcoming meeting of Environment Canterbury with Selwyn District Council.

Selwyn District Council Councillor Jens Christensen (previously refused a deputation by the Chairman) was present and interrupted the meeting to voice concerns regarding the timing of the consent process relating to the Selwyn District Council resource consent application to discharge stormwater to ground from a proposed industrial subdivision at Izone Drive, Rolleston.

Cr Neill advised that the Regulation Hearing Committee (RHC) was in the process of hearing this consent application and Cr Neill advised he would meet with Cr Christensen following the RHC meeting to be held at 12.30 p.m. during the Council meeting lunch break. The Chairman commented that the wider issue could be discussed at a meeting of Environment Canterbury with Selwyn District Council.

5. BIODIVERSITY STRATEGY ADVISORY GROUP

Andrew Willis, Policy Analyst, introduced this item seeking approval to establish a Biodiversity Strategy Advisory Group and Councillor representatives on this Advisory Group. The Advisory Group will comprise key stakeholders and potential “partner” agencies in order to obtain buy-in, structured input and feedback on the draft regional Biodiversity Strategy, which was a non-statutory document.

Mr Willis commented that this region-wide Biodiversity Strategy addresses the complex and wide-ranging nature of biodiversity crossing multiple boundaries, both physically and in terms of governance and agency responsibilities. He also said that action is required on both private and public land that will require effort at all levels in the community and in a variety of different forms.

There was discussion on the appropriate Council membership of the Advisory Group and clarification was sought on budget related matters. In response to a request for wider Council membership, Mr Willis commented that it was anticipated the Advisory Group membership would be 20 with that number considered appropriate for an effective working facilitated group. Council was also advised that budget available for implementation of the Biodiversity Strategy would be used to fund the Advisory Group process.

The Chairman called for nominations for Councillor membership of the Biodiversity Strategy Advisory Group. The following Councillors were nominated:

Councillor
Cr Little
Cr Waters
Cr Slee

Nominated/seconded
Cr Johnston/Cr McKay
Cr Johnston/Cr Cunningham
Cr Little/Cr Oldfield

Resolved

- (a) ***That the Council approves the proposed establishment of a Biodiversity Strategy Advisory Group to provide input and feedback on key parts of the draft Regional Biodiversity Strategy.***
- (b) ***That the Council nominates Crs Little, Slee and Waters as representatives on the proposed Biodiversity Strategy Advisory Group.***
Cr Little/Cr McKay

Morning tea was taken from 10.30 a.m. – 10.55 a.m.

6. COUNCIL SUBMISSION TO THE WALKING ACCESS CONSULTATION PANEL ON THE CONSULTATION DOCUMENT *OUTDOOR WALKING ACCESS*

Tamsin Page, Resource Management Planner, introduced this item, seeking approval of a Council submission to the Walking Access Consultation Panel on the document *Outdoor Walking Access*.

Following lengthy discussion and feedback to Ms Page on changes and additional points to be included in the Council submission, this item was adjourned until later in the meeting. Council was advised when this item was further considered later in the meeting, an updated document would be presented for approval incorporating the feedback from Councillors.

As well as points of clarification and wording interpretation, discussion points included public access to private property, liability to persons exercising access, signposting, code of responsible conduct, and access to sites such as wahi tapu and the importance of consultation with Tangata Whenua.

This item was considered further following item 17.

7. REGIONAL GRAVEL MANAGEMENT OPTIONS

Natasha Sitarz, Resource Management Planner, and Ross Vesey, Regional Engineer, talked to this item by way of a powerpoint presentation.

It was commented that six management options had been presented to stakeholders as part of a consultation process with feedback results presented to Council on a workshop on 8 June. Favoured options were global consents (with permits), global consents (with permits) combined with individual consents, and individual consents with a memorandum of understanding.

Mr Vesey commented that the Regional Gravel Management Report and feedback from stakeholders recognise the need to sustainably manage the gravel resource. He said that better understanding and information on the gravel resource was the key to improving allocation of the resource. Activities necessary to manage the resource were presented. There was discussion on charging, rating issues and budgetary constraints.

Lunch was taken from 12.30 p.m. to 1.17 p.m.

Discussion continued on gravel management issues including funding for any investigation of activities and costs of managing the gravel resource and consideration of a cost recovery process.

Cr Wagner returned at 1.30 p.m.

Cr Budd expressed a view that the consultation feedback supported the staff preference for moving to a global consent with permits system as they felt it would enable Council to manage the resource more effectively.

Moved Cr Budd, seconded Cr Waters.

- (a) That the Council
 - (i) Adopts in principle the option of global consents with permits for the allocation and extraction of gravel from Canterbury Rivers; and
 - (ii) Receives a report that investigates the transition to a global consent system for permits and investigates any management system that the Council needs to consider. The report is to include identification of priority areas.
- (b) That the Council
 - (i) Agrees to investigate in the 2006/07 financial year, the information activities in point 2. ii. "Information" of the report attached to the agenda, identify priority projects, associated costs and appropriate cost recovery charges, in preparation for considering a cost recovery process; and
 - (ii) Considers carrying out priority information projects within the 2006/07 financial year where existing projects can be re-prioritised or costs deferred; and
 - (iii) Agrees that (b)(i) be funded from the strategic fund up to \$30,000.
- (c) That Council notes that
 - (i) The RMA Compliance and Enforcement Section will consider gravel management issues and environmental concerns when prioritising monitoring of consents. Any non-compliance is actioned in accordance with the Council endorsed protocol; and
 - (ii) The Consents Section will consider the technical information and recommendations in the RGMR when advice is provided, or decisions are made on gravel extraction consent applications.

Discussion continued with views expressed both for and against recommendation (a) above which moved immediately to a global consent with permit system.

Cr Neill returned at 1.52 p.m.

A division was called for and the motion was LOST, the voting being as follows:

For (5)	Against (9)
Cr Burke	Cr Cunningham
Cr Kirk	Cr Wagner
Cr Budd	Cr Woods
Cr Waters	Cr Slee
Cr Johnston	Cr Neill
	Cr Little
	Cr Carroll
	Cr Oldfield
	Cr McKay

The discussion continued on whether moving to a global consent with permits system was staff's preference even though the report recommendation was for a more flexible management approach. John Talbot, Director Policy and Planning, responded by advising that as stakeholders supported a variety of options a consistent regional approach was not considered by staff to be the most suitable approach at this stage. He commented that staff considered the global consent with permit system was the easiest to operate. However, the consultation highlighted the different views around the region and the recommendation in the report for a flexible management approach to allow for a combination of management options for gravel allocation was staff reflecting back to Councillors the different perspectives of the region's stakeholders. It was stressed the importance of incorporating relationships into gravel management and the need to maintain and build relationships between Council and stakeholders around gravel management and allocation.

There was a general view that the global consent with permits system would ultimately deliver the best outcome for the region. It was suggested that the words "possibility of" be changed to "transition to" in the staff recommendation (a) (iii) attached to the agenda to provide a stronger statement.

Resolved

- (a) That the Council adopts a flexible management approach to allow for a combination of management options for gravel allocation as described under "Recommended management approach" in the report attached to the agenda, which will provide for:**
- (i) Retaining an individual consenting approach as the primary allocation method; and**
 - (ii) Agreeing in principle with the use of a Memorandum of Understanding approach, including the Agreement in South Canterbury, in areas where there is support for such an approach; and**
 - (iii) Investigating the transition to a global consent with permit system in areas where there is support for such an approach; and**
 - (iv) Agreeing to, within the 2006/07 financial year, scope the use of Memorandum of Understanding and Global Consent approaches to identify what is needed to establish and maintain the approaches.**

(b) That the Council

- (i) Agrees to investigate in the 2006/07 financial year, the information activities in point 2. ii. "Information" of the report attached to the agenda, identify priority projects, associated costs and appropriate cost recovery charges, in preparation for considering a cost recovery process; and**
- (ii) Considers carrying out priority information projects within the 2006/07 financial year where existing projects can be re-prioritised or costs deferred; and**
- (iii) Agrees that (a)(i) be funded from the strategic fund up to \$30,000.**

(c) That Council note that

- (i) The RMA Compliance and Enforcement Section will consider gravel management issues and environmental concerns when prioritising monitoring of consents. Any non-compliance is actioned in accordance with the Council endorsed protocol; and**
- (ii) The Consents Section will consider the technical information and recommendations in the RGMR when advice is provided, or decisions are made on gravel extraction consent applications.**

Cr McKay/Cr Woods

Item 16 was taken at this time.

16. REPORT OF THE REPRESENTATION REVIEW COMMITTEE

The report of the Representation Review Committee meeting held on 21 June 2006 was tabled.

Peter Berry, Consultant introduced this item and advised that the Representation Review Committee had worked through a range of options. He commented that the 6 July Council workshop documents would include options received by the Committee on 21 June and also new options considered at that meeting. Following the workshop for further consideration of options, Council will need to adopt a draft proposal to meet the statutory timeframe. Mr Berry advised that Council must identify clear boundaries with any draft proposal and therefore would need to give consideration to constituency boundaries, including those within Christchurch and around North Canterbury.

Resolved

That the report of the Representation Review Committee be received.

Cr Johnston/Cr Woods

8. AMENDMENTS 1 – 10 TO THE ENVIRONMENT CANTERBURY NAVIGATION SAFETY BYLAWS 2005, (INCLUDING PROVISIONS FOR LAKE RUATANIWHA AND LAKE ROTO KOHATU)

Frank Stewart, Regional Policy Analyst introduced this item and advised that the amendment numbering should read 1 (a-j) and not 1 – 10. Mr Stewart said the

Special Consultative process would enable Amendments 1 (a–j) to the Navigation Safety Bylaws 2005 and would involve amended provisions for rowing and other activities on Lake Ruataniwha, new rules covering Lake Roto Kohatu and some other amendments.

It was commented that part of the success of the earlier consultation process on the navigation safety rules was having constituency councillors facilitating the public meetings.

Resolved

That the Council

- (a) **Agrees that the proposed Amendments 1 (a–j) to the Environment Canterbury Navigation Safety Bylaws 2005 are the most appropriate means of addressing the navigation safety issues identified.**
- (b) **Determines that the proposed Amendments 1 (a–j) to the Environment Canterbury Navigation Safety Bylaws 2005 do not give rise to any implications under the New Zealand Bill of Rights Act 1990.**
- (c) **Adopts the formal Statement of Proposal and proceed with the Special Consultative process to make Amendments 1 (a–j) to the Environment Canterbury Navigation Safety Bylaws 2005.**

Cr Kirk/Cr Oldfield

- (d) **Appoints Crs Kirk (Chairman), Oldfield and Slee to hear submissions and make recommendations to Council.**

Cr McKay/Cr Budd

9. PAYMENT TO COUNCILLORS APPOINTED TO NRRP HEARING COMMITTEES

This item was presented requesting approval on the level of payment to Councillors appointed as members of the Hearing Committees for Variation 1 of the Proposed Natural Regional Resources Plan Chapters 4–8.

Resolved

That the Council approves payment of an allowance for 1 July 2006 to 30 June 2007 of \$7,000 to Councillors appointed to deal with NRRP Chapters 4 and 5, and \$1,000 to Councillors appointed to deal with NRRP Chapters 6, 7, and 8.

Cr Budd/Cr Burke

10. CHRISTCHURCH PASSENGER TRANSPORT STRATEGY 2006 (METRO STRATEGY) – APPOINTMENT OF COUNCILLORS TO HEARING PANEL

This item was presented and Council advised that two Environment Canterbury Councillors would form a hearing panel, along with Councillors Buck and Shearing from the Christchurch City Council, to consider submissions to the Metro Strategy.

Resolved

That the Council appoints Crs Wagner and Carroll (Council's political representatives on the Passenger Transport Advisory Group), to hear

submissions on the Draft Christchurch Passenger Transport Strategy 2006 (Metro Strategy).

Cr McKay/Cr Burke

11. REGULATORY DELEGATIONS

This item was presented for Council to update the Regulatory Delegations.

Resolved

That the Council approves the Regulatory Delegations amended as follows:

- (a) *Change the position of Environmental Quality Manager to Surface Water Resources and Ecosystems Manager;***
- (b) *Add the position of Environmental Quality and Hazards Manager to Resource Management Officers Group (RMOG);***
- (c) *Amend Section 325A(2) and 325A(5) delegation to Chief Executive and other Council staff to Section 325A(2), 325A(5) and 325A(7);***
- (d) *Delegate to Director Regulation and Regional Harbourmaster the authority to reserve or regulate or prohibit activities in specified waters under Section 7.2 Environment Canterbury Navigation Safety Bylaws 2005.***

Cr Neill/Cr McKay

12. STRIKING RATES FOR 2006/07

Helen Sellwood, Finance Manager, presented this item to enable the Council to strike the rates for 2006–2007. Council was advised of the additional wording “*and in Part B of the LTCCP 2006-16*” to be included in the first paragraph of Appendix 1 of the agenda report.

The paragraph to now read as follows: “*That in accordance with the provisions of the Local Government (Rating) Act 2002 and the Environment Canterbury Long Term Council Community Plan 2006-16, the Canterbury Regional Council (Environment Canterbury) sets the rates as set out in the schedules hereto and in Part B of the LTCCP 2006/16 for the period commencing on the 1st day of July 2006 and ending on the 30th day of June 2007 on all rateable land within the Canterbury Region.*”

Resolved

- (a) *That the report be received.***
- (b) *That Appendix 1 of the agenda report, as amended, to set the rates for 2006/2007 be adopted.***

Cr Budd/Cr Waters

Crs McKay, Neill, Oldfield, Slee and Woods requested that their votes against this motion be recorded.

13. FINANCIAL REPORTS ON COUNCIL PORTFOLIO ACTIVITIES

Helen Sellwood, Finance Manager presented the financial summary of the Council's activities for the eleven months ending 31 May 2006.

Resolved

That the information on the financial reports for the period ending 31 May 2006 be received.

Cr Wagner/Cr Budd

14. REPORT OF THE REGIONAL LAND TRANSPORT/PUBLIC PASSENGER TRANSPORT COMMITTEE

Cr Wagner, Committee Chairperson, presented the report of the Regional Land Transport/Public Passenger Transport Committee meeting held on 19 June 2006.

Resolved

That the report of the Regional Land Transport/Public Passenger Transport Committee be received

Cr Wagner/Cr Waters

15. REPORT OF THE REGIONAL LAND TRANSPORT COMMITTEE

Cr Waters, Committee Chairperson, presented the tabled report of the Regional Land Transport Committee meeting held on 21 June 2006.

Resolved

That the report of the Regional Land Transport Committee be received.

Cr Waters/Cr Little

Afternoon tea was taken from 3.00 p.m. – 3.20 p.m.

Item 21 was taken at this time.

21. EXTRAORDINARY AND URGENT BUSINESS

The items Report of the Finance and Audit Committee and Report of the Chief Executive Performance Review Committee were presented as extraordinary and urgent business for consideration in the public excluded section of the meeting. It was explained that the reason why the items were not on the agenda was that the information became available after the agenda was prepared and could not be delayed until a subsequent meeting as Council needed to consider the recommendations from these Committees as soon as possible.

Resolved

That the Council receives the items—Report of the Finance and Audit Committee (22.4) and Report of the Chief Executive Performance Review Committee (22.5) – to be taken as items 22.4 and 22.5 in the Public Excluded section of the meeting.

Cr Neill/Cr Budd

The meeting moved into public excluded at 3.23 p.m.

22. MEETING WITH PUBLIC EXCLUDED

Resolved

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

- 22.1 Minutes of 25 May Meeting and Matters Arising***
- 22.2 Minutes of 7 June Meeting and Matters Arising***
- 22.3 Christchurch City Council Variation 48 (Management of the Flood Hazard in Christchurch) Appeal and an Existing Appeal on the Proposed Christchurch District Plan***
- 22.4 Report of the Finance and Audit Committee***
- 22.5 Report of the Chief Executive Performance Review Committee***

The general subject of the matter to be considered while the public is excluded, the reason for passing this resolution, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

<i>General subject of each matter to be considered</i>	<i>Reason for passing this resolution in relation to each matter</i>	<i>Ground(s) under section 48(1) for the passing of this resolution</i>
<i>22.1 Minutes of 25 May Meeting and Matters Arising</i>	<i>That good reason exists for not discussing the matter with the public present and is not outweighed by the public interest.</i>	<i>Section 48(1)(a)</i>
<i>22.2 Minutes of 7 June Meeting and Matters Arising</i>		
<i>22.3 Christchurch City Council Variation 48 (Management of the Flood Hazard in Christchurch) Appeal and an Existing Appeal on the Proposed Christchurch District Plan</i>		
<i>22.4 Report of the Finance and Audit Committee</i>		
<i>22.5 Report of the Chief Executive Performance Review Committee</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:

22.1 & 22.2 *Protect the privacy of natural persons, including that of deceased natural persons – Section 7(2)(a).*

Protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information – Section 7(2)(b)(ii).

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

Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) Section 7(2)(i).

22.4 *Protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the council-controlled organisation which supplied or which is the subject of the information - section 7(2)(b)(ii).*

22.5 *Maintain the effective conduct of public affairs through the protection of such members, officers, employees, and persons from improper pressure or harassment (Section 7(2)(f)(ii)).*

The meeting further resolved that Martin Hadlee and Paul Ash (Target Pest Enterprises Limited) remain for item 22.4 to brief the Council on Target Pest Enterprises Limited related matters.

Cr Burke/Cr Johnston

During the public excluded session the Council suspended clause 3.3.7 of the Standing Orders to allow the meeting to continue beyond the six-hour limit.

The meeting resumed in open meeting at 4.48 p.m.

Item 17 was taken at this time.

17. CHIEF EXECUTIVE'S ITEMS

The Chief Executive's items were presented and Council was advised that the September Finance and Audit Committee meeting to adopt the Annual Report and receive the summary needed to change from 12 to 20 September. An additional information item on the Waitaki Catchment Water Allocation Regional Plan becoming operative on Friday 30 June was provided.

Resolved

That the Chief Executive's items be received.

Cr Burke/Cr Budd

Item 6 was returned to at this time.

6. COUNCIL SUBMISSION TO THE WALKING ACCESS CONSULTATION PANEL ON THE CONSULTATION DOCUMENT *OUTDOOR WALKING ACCESS*

Tamsin Page, Resource Management Planner, tabled an updated submission document for approval incorporating the feedback from Councillors provided earlier in the meeting. There was discussion on the updated document.

Resolved

That the Council approves the amended and tabled submission of the Canterbury Regional Council on the consultation document Outdoor Walking Access to the Walking Access Consultation Panel.

Cr Budd/Cr McKay

18. COUNCILLOR REPORTS EXTERNAL APPOINTMENTS/CONFERENCES/ SEMINARS

Councillors advised of leave of absence as follows:

Cr Burke – 28/31 July 2006

Cr Woods – 8 July/20 August 2006

Cr Slee – Afternoon 6 July/11 July 2006

Cr McKay circulated information indicating that Pukaki Lake levels were holding fairly steady and the situation looks satisfactory for the rest of the winter period.

19. NOTICES OF MOTION

There were no notices of motion.

20. QUESTIONS

There were no questions.

23. NEXT MEETING – 27 JULY 2006

24. CLOSURE

The meeting closed at 5.30 p.m.

CONFIRMED

DATE _____ CHAIRPERSON