

MINUTES OF THE 273<sup>RD</sup> MEETING OF ENVIRONMENT CANTERBURY HELD IN THE  
COUNCIL CHAMBER, 58 KILMORE STREET, CHRISTCHURCH ON THURSDAY,  
2 FEBRUARY 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 (from 10.15 a.m.), N J Wagner (to 11.15 a.m.), J M Waters (to 12.30 p.m.) and W E Woods.

## **MANAGEMENT AND OFFICERS PRESENT**

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

W Falconer (Director External Relations), E Walker (Acting Director Regulation), 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 some report authors were in attendance to present their reports.

### **1. APOLOGIES**

Cr J F Slee for lateness, Crs N J Wagner and J M Waters for early departure.

### **2. MINUTES OF MEETING – 8 DECEMBER 2005**

Moved Cr McKay, seconded Cr Budd.

*That the minutes of the 272<sup>nd</sup> meeting held on 8 December 2005, be confirmed as a true and accurate record.*

CARRIED

### **3. MATTERS ARISING**

#### **ITEM 7 – TRIAL CLEAN HEAT/WARM HOMES INITIATIVE IN TIMARU**

At the 8 December 2005 Council meeting the Council decided not to provide funding towards the Trial Clean Heat Warm Homes Initiative in Timaru from the source that was recommended to the Council at that meeting. Ken Lawn (Director Operations) advised that an alternative source of funding of \$20,000 towards the initiative (the Regional Strategy project code) was available, which would be sourced from general rates. This additional funding would lift the total Trial Initiative to \$70,000, and increase the number of conversions from 20 to 30.

Moved Cr Burke, seconded Cr Oldfield.

*That \$20,000 be sourced from the Regional Strategy Project Code to add to the trial Clean Heat Warm Homes initiative in Timaru.*

CARRIED

### **4. DEPUTATIONS AND PETITIONS**

Nil.

### **5. LONG TERM COUNCIL COMMUNITY PLAN (LTCCP) UPDATE**

Wayne Thomas (Director Finance and Corporate Services) updated Councillors on the Draft Long Term Council Community Plan process. He advised that along with approving a change in submission hearing dates and confirming the proposed communication and consultation plan, Council was being requested to confirm the

inclusion of information on Uniform Annual General Charges and the equalisation system of estimating projected valuations in the Draft LTCCP.

Wilma Falconer (Director External Relations) presented the proposed communication and consultation plan aimed at meeting Local Government Act requirements. She advised that it is proposed to commence the process and engage with communities in March 2006. Ms Falconer advised that staff would support Councillors in their engagement with constituents.

There was discussion on whether there was a conflict of interest for Councillors who make a submission to the LTCCP process and whether this would exclude such Councillors from the LTCCP Council decision-making process. The Chairman's view was Councillors who made a submission would be excluded from taking part in the decision-making. He advised this was a formal process and different from Councillors expressing a view in the general course of their representation role.

There was also discussion on Council needing to have sufficient time to consider the LTCCP prior to its final adoption. The Chairman advised that Council could schedule additional time if this was required.

Cr Slee arrived at 10.15 a.m.

Moved Cr McKay, seconded Cr Budd.

- (a) *That the consultation process be approved.*
- (b) *That the Council notes the information provided on Uniform Annual General Charges.*
- (c) *That the inclusion of information on the purpose and use of UAGC in the 2006/16 Long Term Council Community Plan is endorsed.*
- (d) *That Council confirms that UAGC will not be adopted as an alternative to a general rate in the 2006/07 financial year.*
- (e) *That the equalisation system of estimating projected valuations be proposed for reintroduction for the 2006/07 rating year and be included in the 2006/16 LTCCP for consultation as a proposal.*
- (f) *That submission hearings be moved to 30 and 31 May and the morning of 1 June, and adopting the LTCCP to the afternoon of 1 June.*

CARRIED

## **6. TIMARU BUS SERVICES FINANCIAL PERFORMANCE REPORT**

Matthew Noon (Passenger Services Strategic Planner) presented the results of a Timaru Fare Review. He advised that cost recovery had fallen below acceptable levels, cost increases were affecting the viability of the service, and that the last fare increase was 1991. He commented that the fare increase proposal would increase the cost recovery and still reflect the greater social needs the services meet.

Moved Cr Wagner, seconded Cr Oldfield.

*That the following changes to the Timaru urban service maximum fare schedule be adopted:*

	<i>Adult</i>	<i>Child</i>
<i>Cash</i>	<i>\$1.50</i>	<i>\$1.00</i>
<i>Multi-trip ticket (12 rides)</i>	<i>\$15.00</i>	<i>\$10.00</i>
<i>Monthly Pass</i>	<i>\$50.00</i>	<i>\$30.00</i>

CARRIED

Morning tea was taken from 10.35 a.m. to 11.00 a.m.

## **7. REVISED CLEAN HEAT PROJECT POLICY**

Ken Lawn presented the revised Clean Heat Project Policy (Policy) and advised that it now included the Clean Heat Loan, which will be commencing from 1 February 2006.

Cr Wagner left the meeting at 11.15 a.m.

Mr Lawn worked through the Key Principles included in the revised policy document 2006 and highlighted changes. He said that amendments suggested will be incorporated into the final version of the Policy.

In response to a question on alignment of this Policy with broader strategic issues relating to energy, the Chief Executive, Bryan Jenkins, advised that staff would provide a Council briefing on the broader issues of energy management throughout the region.

Moved Cr Budd, seconded Cr Johnston.

*That the revised Clean Heat Project Policy Document 2006 as amended be adopted by the Council.*

CARRIED

## **8. HEARING ARRANGEMENTS FOR VARIATION 1 NRRP CHAPTERS 4 – 8**

John Talbot (Director Policy and Planning) presented this item and advised that staff had received a large number of submissions to Variation 1 of the Proposed Natural Regional Resources Plan (NRRP) Chapters 4-8. He advised that the number of submissions requiring a decision could amount to 50,000 when all submissions have been processed. Mr Talbot talked about consequences on resources to manage the tasks and timeframes in supporting the Hearings process. He advised of the lengthy time commitments that would be placed on Hearing Panel members and presented options of one and two panels and talked through the advantages and disadvantages associated with each option.

There was lengthy discussion on the one and two panel options and consideration of whether submissions could be grouped into water quality heard by one panel and water quantity heard by the second panel. Mr Talbot advised that even though it was not a straightforward split between quality and quantity, staff would facilitate Council's decision on both the panel and submission theme split.

Moved Cr Waters, seconded Cr Budd.

- (a) *That the Council resolves for hearings into submissions on Variation 1 of the Proposed NRRP Chapters 4-8 and appoints 2 panels with each panel comprising of one external commissioner and Councillors.*
- (b) *That one panel hear water quantity and one panel hear water quality submissions.*
- (c) *That Councillors be invited to express their availability as panel members and that Council appoints Councillor Panel members at the 2 March 2006 Council meeting.*
- (d) *That the Chief Executive undertakes discussions with potential Commissioners and makes recommendations to the next Council meeting.*

CARRIED

Cr Oldfield requested that his vote against this resolution be recorded because he was uncomfortable with separating water quantity and water quality submissions.  
Cr McKay requested that his vote against this resolution be recorded.

Crs Waters and Budd left the meeting at 12.30 p.m.

Lunch was taken from 12.30 p.m. to 1.15 p.m.

## **PRESENTATION ON DIDYMO IN THE WAITAKI RIVER**

Immediately following lunch and prior to the Council reconvening at 1.55 p.m., Rob Phillips (Portfolio Manager Pest Management) and Shirley Hayward (Surface Water Quality Scientist) presented a PowerPoint update on Didymo in the Waitaki River. Cr Slee, as the local elected member, also presented an up-to-date report based on information provided to her that morning by the Fish and Game Ranger based at Kurow.

Council was advised that following sampling of algae at several sites along the Waitaki River on 26 and 27 January 2006, thick growths of Didymo were found in the lower Waitaki River at Otiake and Otekaieke with small growths found 30 km downstream. Hygiene protocols are being developed for Council staff working in rivers and staff will continue ongoing monitoring. It was further stated that Environment Canterbury is working closely with Biosecurity New Zealand on public awareness.

Cr Budd returned at 1.35 p.m.

## **9. REGIONAL GRAVEL MANAGEMENT REPORT**

John Talbot presented this report and advised that the Regional Gravel Management Report had been amended following the presentation to the 1 February 2006 Council Workshop. He advised that the key components of the report are the methods of gravel management rather than numbers of gravel extractions and Council will be seeking feedback on options most favourable to manage the resource into the future. Following the public consultation a report will be presented to Council with recommendations on how to proceed to manage the gravel resource.

Moved Cr McKay, seconded Cr Slee.

*That the Regional Gravel Management Report be released for public consultation.*

CARRIED

## 10. REPORT OF THE REGULATION OVERVIEW COMMITTEE

The Report of the Regulation Overview Committee meeting held on Tuesday 31 January 2006 was tabled.

Moved Cr Neill, seconded Cr McKay.

*That the Council receive the report of the Regulation Overview Committee held on 31 January 2006 and the following recommendations be approved:*

### **Review Report on Regulation Overview Committee**

*That the Council approves the continuation of the Regulation Overview Committee during the current term of Council and a review on the continuation of the Committee be carried out at the commencement of the new term of Council.*

### **RMA Compliance and Enforcement Policy**

*That the Council approves the RMA Compliance and Enforcement Policy, as amended, as operational policy for RMA Compliance and Enforcement staff.*

### **Delegations**

*That Council approve the following changes to the Canterbury Regional Council Statutory Delegations under the Resource Management Act 1991.*

- (a) *Add the position of Principal Consents Investigating Officer to the delegations with the authority to:*
  - (i) *Section 36(3) - Power to require payment of additional charges to those fixed to enable the recovery of actual and reasonable costs*
  - (ii) *Section 36(3)A - Power to provide an estimate of any additional charges likely to be imposed where requested by a person liable to pay an additional charge under Section 36(3)*
  - (iii) *Section 37(1) – Power to extend or refuse an application for extension of the time limits within which the Council or any person must do something in relation to the Council’s function and to waive compliance with any requirement*
  - (iv) *Section 37A(2)(b) – Authority under Section 37(2)(b) to (at the request of or with the consent of the applicant) extend the period within which any person must do something in connection with an application for a resource consent*
  - (v) *Section 42A – Authority to require an officer of a local authority or a consultant or any other person to prepare a report for a hearing*
  - (vi) *Section 88(3) – Power to determine that an application for a resource consent is incomplete and the reasons for that determination*

- (vii) *Section 91 – Authority to defer the notification or hearing of an application for a resource consent if it considered other consents are also required*
  - (viii) *Section 92 – Authority to require an applicant to provide further information and to commission a report on any matters raised in relation to an application or to postpone the notification or hearing of an application pending receipt of the further information*
  - (ix) *Section 93(1)(b) – Authority to determine whether the adverse effects of an activity will be minor*
  - (x) *Section 94 – Authority to determine whether to dispense with notification in an application provided it falls within the criteria specified for non-notification*
  - (xi) *Section 94B – Power to form an opinion for the purposes of Section 94(1) as to who may be adversely affected by a consent application activity*
  - (xii) *Section 130 – Authority to determine whether to dispense with notification of a notice of review of the conditions of a resource consent*
- (b) *Amend the position of Consents Operations Manager to Consents Manager.*
- CARRIED

## 11. **REPORT OF THE REPRESENTATION REVIEW COMMITTEE**

The Council Chairman, Cr Burke, advised that a sub-committee of the Regional Affairs Committee (RAC) had been established to endeavour to establish an agreed basis for recommending an exception to the +/-10% population representation requirements. At present there is no guarantee that the Local Government Commission would approve a proposal that is inconsistent with the +/-10% representation requirements. The RAC sub-committee has identified a process commencing with identification of regional communities of interest and the numbers of councillors that would provide effective representation. That information would then be compared with constituency boundaries that comply with the +/-10% requirement. Any lack of representation would form the basis for seeking a variation.

He said the sub-committee was reporting back to the RAC on 10 February and then would meet with the Local Government Commission to present an agreed process.

Cr Johnston as Chair of the Representation Review Committee provided an update on progress with the pre-review consultation phase of the Representation Review. He advised that several meetings have taken place and that following a meeting with the Christchurch City Council on 7 February the pre-review phase of the Representation Review process was complete. Mr Berry, Consultant, was working on defining the regional communities of interest.

Moved Cr Burke, seconded Cr Johnston.

*That the reports from the Council Chairman and the Chairman of the Representation Review Committee be received.*

CARRIED

**12. CHIEF EXECUTIVE'S ITEMS**

**12.1 Documents Sealed**

**12.2 Annie Denton Memorial Scholarship Trust**

Moved Cr Neill, seconded Cr Burke.

(a) *That the information be received.*

(b) *That the Council nominates the Chief Executive, Dr Bryan Jenkins, as trustee for the Annie Denton Memorial Scholarship Trust.*

CARRIED

**13. FINANCIAL REPORTS ON COUNCIL PORTFOLIO ACTIVITIES**

Wayne Thomas presented the financial summary of the Council's activities for the six months ending 31 December 2005. He worked through the variance commentary on the December results and responded to questions.

Moved Cr Cunningham, seconded Cr Johnston.

*That the information on the financial reports for the period ending 31 December 2005 be received.*

CARRIED

**14. COUNCILLOR REPORTS EXTERNAL APPOINTMENTS/CONFERENCES/ SEMINARS**

Cr McKay advised that the Lake Pukaki levels were trending below 1992 Lake level lows.

Further to an invitation Cr Slee extended at the November Council meeting on behalf of the community for Councillors to visit the Wainono Lagoon and Waihao River area, she advised that Council staff were travelling to the area on 21 February for a 7.30 p.m. meeting.

Cr Burke advised that a report from the Water sub-committee of the Regional Affairs Committee (RAC) was recommending a formal relationship be developed between the Minister and the Regional Affairs Committee. Cr Burke said he hoped to have an agreed position at the RAC meeting on 10 February 2006.

Moved Cr Burke, seconded Cr Budd.

*That the verbal reports be received.*

CARRIED

**15. NOTICES OF MOTION**

Nil.

**16. QUESTIONS**

Dr Jenkins advised, in response to a question from Cr Cunningham, that he would provide information on a recent community newspaper article that Moa Cave in Redcliffs was not able to be used and is to be sealed.

**17. EXTRAORDINARY AND URGENT BUSINESS**

Nil.

The meeting moved into public excluded from 3.00 p.m. to 3.05 p.m.

**18. MEETING WITH PUBLIC EXCLUDED**

Moved Cr Burke, seconded Cr Johnston.

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

*Public Excluded Minutes – 8 December 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:*

<b><i>General subject of each matter to be considered</i></b>	<b><i>Reason for passing this resolution in relation to each matter</i></b>	<b><i>Ground(s) under section 48(1) for the passing of this resolution</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:*

*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:*

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

*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).*

*Enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities - section 7(2)(h).*

CARRIED

Moved Cr McKay, seconded Cr Kirk

*That the minutes of the 272<sup>nd</sup> public excluded meeting held on 8 December 2005, be confirmed as a true and accurate record.*

CARRIED

**IN OPEN MEETING**

Moved Cr Burke, seconded Cr Woods

*That the meeting move into Open Meeting.*

CARRIED

**19. NEXT MEETING – 2 MARCH 2006**

**20. CLOSURE**

The meeting closed at 3.06 p.m.

CONFIRMED

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