

**MINUTES OF 302<sup>ND</sup> MEETING OF ENVIRONMENT CANTERBURY HELD IN THE PUKAKI ROOM, ENVIRONMENT CANTERBURY, 75 CHURCH STREET, TIMARU ON THURSDAY, 30 AUGUST 2007 AT 9.00 A.M.**

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**PRESENT**

Crs T K Burke (Chairperson), 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, and W E Woods.

## **MANAGEMENT AND OFFICERS PRESENT**

B R Jenkins (Chief Executive) and J C Pani (Manager Secretariat). Frank Stewart (Regional Policy Analyst) was in attendance for part of the meeting.

### **1. APOLOGIES**

Crs R A Budd, A S Carroll and N J Wagner.

### **2. MINUTES OF MEETING – 26 JULY 2007**

#### ***Resolved***

***That the Council minutes of 26 July 2007, as circulated, be confirmed as a true and correct record, and be adopted.***

Cr McKay/Cr Woods

### **3. MATTERS ARISING**

Item 6 – Proposed NRRP Chapter 4 Water Quality – Christchurch Groundwater System – It was requested that the minutes indicate that there had been no votes against the recommendations.

The Chairman led discussion later in the meeting, and prior to the public excluded session, about the release of records of public excluded minutes. At that stage Council discussed Standing Orders, in particular the process for receiving items of urgent business.

Item 12 – Southern Committee – There was discussion on the engagement process for the proposal to enhance the effectiveness of Environment Canterbury's functions in the southern area. Views were expressed on whether a new structure with apparent additional reporting layers would improve communications and local decision-making. There was also discussion on the timing of the engagement process with a comment made about the need to move at a speed to ensure appropriate engagement. Newspaper articles relating to this item were tabled by Cr Oldfield.

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

There were no deputations or petitions.

### **5. AMENDMENTS 2 (A) TO (M) TO THE ENVIRONMENT CANTERBURY NAVIGATION SAFETY BYLAWS 2005**

Frank Stewart (Regional Policy Analyst) introduced this item and tabled additional information requesting approval for proposed Amendments (n) and (o) in addition to those Amendments (a) to (m) circulated with the agenda. Mr Stewart spoke to the amendments and clarified details including the background to extending the hours that motor boating is allowed on Lake Middleton. He undertook to provide financial information relating to swing moorings.

**Resolved**

**That the Council:**

- (a) Agrees that the proposed Amendments 2 (a) to (o), as presented, 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 2 (a) to (o) 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 proceeds with the Special Consultative process to make Amendments 2 (a) to (o) to the Environment Canterbury Navigation Safety Bylaws 2005.**
- (d) At its meeting on 25 October 2007 appoint three Councillors who will hear submissions and make recommendations to Council.**

Cr Kirk/Cr Waters

## **6. REGULATORY DELEGATIONS**

Cr Neill, Chairman of the Regulation Hearing Committee, introduced this item. There was lengthy discussion on recommendation (c) and clarification sought on accountability for decisions back to a Council Committee. A minor addition was suggested to recommendation (c), which was accepted by the mover and seconder of the motion, to ensure appropriate reporting of this delegated authority to the Regulation Hearing Committee.

**Resolved**

**That Council approves the following changes and additions to the Regulatory Delegations to the Regulation Hearing Committee, Chief Executive and staff under the Resource Management Act**

- (a) Add the Regulatory Hearing Committee with the authority to hear and decide resource consent applications under Section 104 Resource Management Act and to hear and decide objections lodged under Section 357 Resource Management Act, including the determination of any preliminary matters with the full powers of the Council as a consent authority.**
- (b) Add the position of Team Leader, Regulation Advisory and Implementation, with the authority to extend cancellation of resource consents under Section 126; refuse partial surrender of a resource consent under Section 138, and to cancel or change abatement notices under Section 325A(2) and (5).**
- (c) Add the positions of Chief Executive, Director Regulation, Consents Manager and Principal Consents Advisor with the authority to decide resource consent applications subject to limited notification and to which there are no parties to be heard, and that these decisions be reported to the Regulation Hearing Committee.**

Cr Neill/Cr McKay

## **7. COMMITTEE REPORTS**

### **7.1 REPORT OF THE COMBINED PORTFOLIOS COMMITTEE**

Cr Burke, Chairman of the Combined Portfolios Committee presented the report of the Committee meeting held on 31 July 2007.

#### ***Resolved***

- (a) *That the report of the Combined Portfolios' Committee held on 31 July 2007 be received, and***
- (b) *That the portfolio information, as amended, be adopted as the basis for preparing the portfolio sections of the 2006/07 Annual Report.***

Cr Burke/Cr Little

### **7.2 REPORT OF THE FINANCE AND AUDIT COMMITTEE**

Cr Kirk, Chairman of the Finance and Audit Committee presented the report of the Committee meeting held on 15 August 2007. Bryan Jenkins confirmed that relating to the Target Pest Enterprises Limited (TPE) information item, a liquidator had been appointed following the receivership process and this item was reporting on a parallel process of the Council's treatment of the value of TPE shares and the loan advance to TPE in the draft Annual Report.

#### ***Resolved***

- (a) *That the report of the Finance and Audit Committee held on 15 August 2007 be received.***
- (b) *That the report "Tri-annual Report of Progress on Project Levels of Service for 1 July 2006 to 30 June 2007" be received, and***
- (c) *That the recommendations in the Tri-annual Report be approved.***

Cr Kirk/Cr Johnston

### **7.3 REPORT OF THE REGIONAL PLANNING COMMITTEE**

Cr McKay presented the report of the Regional Planning Committee meeting held on 15 August 2007. Thanks were extended to staff and all involved in the Rangiora and Kaiapoi air quality project.

#### ***Resolved***

- (a) *That the report of the Regional Planning Committee held on 15 August 2007 be received, and***
- (b) *That the Council approves Variations 11 (Rangiora) and 12 (Kaiapoi) to Chapter 3 Air Quality of the Proposed Natural***

**Resources Regional Plan for public notification in accordance with the Resource Management Act 1991, subject to the following:**

- 1. The Council awaiting its decisions on the Commissioners' recommendations on submissions to Chapters 1 and 3 of the Proposed Natural Resources Regional Plan, and making any necessary changes to the variations arising from those decisions.**
  - 2. The maps for the Clean Air Zones being amended so that the boundaries of the zones more closely coincide with cadastral boundaries.**
- (c) **That, subject the changes outlined in (b) above, the Council adopt the Section 32 Reports for Variations 11 and 12.**
- (d) **That recommendations (b) and (c) above are moved in anticipation of a range of funding sources, including from Central Government, being provided to implement the air quality proposals for Rangiora and Kaiapoi.**
- (e) **That the Rangiora and Kaiapoi communities be advised of the Council's role in the discussions being held between the Regional Affairs Committee of Local Government New Zealand and the Ministry for the Environment with regard to the timeframe difficulties, and the burden of costs for small communities to meet the National Environmental Standards unless financial assistance is available from Central Government.**

Cr McKay/Cr Burke

Morning tea was taken from 10.40 – 11.00 a.m.

## **8. MINUTES OF MEETING FOR INFORMATION**

Cr Burke presented the minutes of the Canterbury Mayoral Forum meeting held on 6 August 2007.

**Resolved**

**That the minutes of the Canterbury Mayoral Forum be received.**

Cr Burke/Cr Johnston

Item 10 was taken at this time.

## **10. COUNCILLOR REPORTS EXTERNAL APPOINTMENTS/CONFERENCES/ SEMINARS**

Cr Slee briefed the meeting on her role on the Regional Animal Health Advisory Committee (RAHAC) and advised that post the October 2007 elections she would continue to be a member of RAHAC at their request to represent Waitaki. She commented that rabbits were back with a vengeance.

There was discussion on the current situation relating to the increase in rabbit numbers. Brent Glentworth, Biosecurity Team Leader, Timaru, commented on the success of two recent 1080 carrot operations in Waitaki resulting in an excellent knock down in rabbit numbers. An exception was a small area in Otekaieke not covered in the initial operation where rabbit numbers remained high. Further, he said that with preliminary trend monitoring results, at this stage, there was a 20% increase in rabbit numbers in the Mackenzie Basin and that without secondary control, by February numbers will be quite high. Mr Glentworth commented on the 1080 global consent and confirmed that it was for wallaby, rabbit and possum. He also provided details of bi-kill and advised that with rabbit 1080 carrot operations there would be a small bi-kill on possums where habitat overlapped. He reported that RHD immunity which is also impacting on rabbit numbers, and he expected the rate of Notices of Direction will increase this season.

There was discussion on the current situation relating to rabbit numbers, the Council's role in pest management, and the importance of keeping this issue as a priority for the Council.

Crs Burke, Cunningham and Johnston gave an overview of their attendance at the July Local Government New Zealand Conference held in Dunedin, and the pre-conference tour.

Cr Oldfield commented on his recent attendance at the Northern Lights: Ecologic Conference held in Wellington on 21 August.

Cr Woods advised of his attendance at the Zero Waste Seminar, held in Ashburton on 24 August.

***Resolved***

***That the Councillor reports be received.***

Cr Burke/Cr Cunningham

**9. CHIEF EXECUTIVE'S ITEMS**

Bryan Jenkins (Chief Executive) presented the Chief Executive's items.

***Resolved***

***(a) That the Chief Executive's items be received, and***

***(b) That the Chief Executive's request for leave from 14-26 September be approved, and that the Director of Finance and Corporate Services be appointed as Acting Chief Executive during this absence.***

Cr Burke/Cr Slee

**13. NOTICES OF MOTION**

There were no notices of motion.

## 14. QUESTIONS

**Questions:** "Two questions from Cr Slee for Cr Robert Johnston:

1. In relation to the loss of the Waitaki Constituency in the 2006 Representation Review. On what evidence do you base your statement (as attested at a public meeting in Timaru 22 August 2007) that: "The plus or minus 10% ruling is the law. We have to follow that. It is the only ruling."
2. In relation to the 2006 Representation Review when do you intend to produce the document that you said several of your colleagues had signed to assure you that they would support the retention of a separate Waitaki constituency? And if Waitaki was not retained, you told me you would produce that letter?"

**Response:** The Council Chairman referred the questions to the Chairman of the Representation Review Committee, Cr Johnston, for response back to Cr Slee.

## 15. EXTRAORDINARY AND URGENT BUSINESS

There was no extraordinary and urgent business.

The meeting moved into public excluded session from 12.08 p.m.

## 16. MEETING WITH PUBLIC EXCLUDED

**Resolved**

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

***Decision on application for Costs: Malvern Hills Protection Society Inc (Verbal report)***

***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>
<b><i>Decision on application for Costs: Malvern Hills Protection Society Inc</i></b>	<b><i>That good reason exists for not discussing the matter with the public present and is not outweighed by the public interest.</i></b>	<b><i>Section 48(1)(a)</i></b>

***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 7(2)(g).***

Cr Burke/Cr Johnston

The meeting resumed in Open Meeting at 1.27 p.m.

**17. NEXT MEETING – 19 SEPTEMBER (11.00 AM) AND 27 SEPTEMBER 2007 (8.30 AM)**

**18. CLOSURE**

The meeting closed at 1.28 p.m.

CONFIRMED

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