

**339<sup>th</sup> MEETING OF THE  
CANTERBURY REGIONAL COUNCIL**

**COUNCIL MEETING**

**TO THE CHAIRMAN AND COUNCILLORS OF THE  
CANTERBURY REGIONAL COUNCIL**

**MEMBERSHIP OF THE COUNCIL**

Cr T K Burke (Chairman)

Cr J T Demeter	Cr B S Murray
Cr C J Evans	Cr A G Neill
Cr P C R Harrow	Cr M E Oldfield
Cr J M Kane	Cr E M Sage
Cr R M Kirk	Cr D P Sutherland
Cr R I R Little	Cr R M G Tindall
Cr A R McKay	

A meeting of the Council will be held on

**Thursday, 28 May 2009 at 8.30 a.m.**

**VENUE:** Council Chamber  
First Floor  
Environment Canterbury  
58 Kilmore Street  
Christchurch

**BUSINESS:** As per Order Paper attached.  
Agendas are available on our website three days prior to the date of the meeting -  
<http://www.ecan.govt.nz/About+Us/Council+Info/Committee+Agendas.htm>

Dr Bryan Jenkins  
**CHIEF EXECUTIVE**

**RECOMMENDATIONS IN REPORTS ARE NOT TO BE TAKEN AS COUNCIL  
POLICY UNTIL ADOPTED BY THE COUNCIL**

## COMPLIANCE WITH LOCAL GOVERNMENT ACT 2002 DECISION-MAKING REQUIREMENTS

Except as below, a statement of compliance and a completed decision checklist is required for any agenda item on a council committee or the council recommending that a decision be made. This will be the responsibility of the person signing off the agenda item.

### The compliance statement and checklist will not be used for:

- Recommendations that information be received or that the Council make a decision.
- Decisions taken under the Resource Management Act 1991 or the Biosecurity Act 1993 in relation to resource consents, decisions required when following the procedures set out in Schedule 1 of the Resource Management Act 1991, other permissions, submissions on plans, or references to the Environment Court.
- Decisions taken to proceed with enforcement procedures under various primary or secondary legislation or regulations, including procedures under the Resource Management Act 1991, the Biosecurity Act 1993, the Local Government Act 2002, and Environment Canterbury Bylaws.
- Administrative and personnel decisions that are entirely internal to Environment Canterbury.
- Other decisions where the procedures to be followed are set out in Legislation.

### COMPLIANCE STATEMENT

The council committee (or the council) must formally certify that:

- It is satisfied that it has sufficient information about the options and their benefits and costs, in terms of the region's social, economic, environmental and cultural well-being and the effects on community outcomes, bearing in mind the significance of the decisions.
- It is satisfied that it knows enough about and has given adequate consideration to the views and preferences of affected and interested parties bearing in mind the significance of the decision.

### INFORMATION CHECKLIST

(a)	A Statement of the Proposed Decision
(b)	A Statement of the Objective of the Proposed Decision and the Issue or Problem being addressed
(c)	A list of all reasonably practicable options, (including doing nothing).
(d)	For each option in (c): An evaluation of the Benefits and Costs, in terms of the region's social, economic, environmental and cultural well-being.
(e)	For each option in (c): A statement of the extent to which community outcomes would be promoted or achieved in an integrated and efficient manner.
(f)	For each option in (c): A statement of the Impact, if any, on Environment Canterbury's capacity to undertake its statutory responsibilities
(g)	If the Proposed Decision is a significant decision in relation to land or a body of water, a statement of how Maori values have been taken into account
(h)	A Statement of significant inconsistencies, if any, with any Existing Policy, Plan or Legislation arising from the Proposed Decision.
(i)	A statement how the views and preferences of affected or interested persons have been given adequate consideration during the definition of the problem or issue, the objective, the assessment of options and the development of the proposed decision, including the particular contribution of Maori to the decision-making process.

#### Notes:

The significance of proposals and decisions determines how much time, money and effort is put into exploring and evaluating options and obtaining the views of affected and interested parties. The significance of proposals and decisions is determined through reference to criteria contained in the policy on significance.

The policy on significance together with Section 76 of the Local Government Act 2002 set out the Council's requirements in relation to decisions. Some decisions can only be made through the Long-Term Council Community Plan, or after the Special Consultative Procedures set out in the Act have been used, (refer to the policy on significance and the Act).

All decisions of Environment Canterbury are subject to the decision-making requirements of section 76 of the Act unless inconsistent with specific requirements of other legislation.

**CANTERBURY REGIONAL COUNCIL  
COUNCIL MEETING**

**ORDER PAPER**

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**MINUTES OF 338<sup>TH</sup> MEETING OF ENVIRONMENT CANTERBURY HELD IN THE  
COUNCIL CHAMBER, ENVIRONMENT CANTERBURY, 28 KILMORE STREET,  
CHRISTCHURCH ON THURSDAY, 29 APRIL 2009 AT 1.55 P.M.**

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19. CLOSURE

**PRESENT**

Crs T K Burke (Chairperson), J T Demeter, C J Evans, J M Kane, R M Kirk, R I R Little, A R McKay, B S Murray, A G Neill, M E Oldfield, E M Sage, D P Sutherland and R M G Tindall.

## **MANAGEMENT AND OFFICERS PRESENT**

B R Jenkins (Chief Executive) and J C Pani (Manager Secretariat). J L Atkinson (Director Regional Programmes), K L Drummond (Director Regulation), D J Rule (Director Resource Planning and Consents), 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 P C R Harrow.

### **2. CONFLICTS OF INTEREST**

There were no declarations of conflicts of interest.

### **3. MINUTES OF MEETING**

The minutes were confirmed subject to two minor editing corrections.

Cr Tindall arrived at 1.58 p.m.

#### ***Resolved***

***That the minutes of 25 March, 31 March, 1 April and 15 April 2009, be confirmed as true and correct records, and be adopted.***

Cr Burke/Cr Kirk

### **4. MATTERS ARISING**

Cr Burke advised that the Chairman, Chief Executive and a technical support officer were to present Environment Canterbury's submission on the Resource Management Amendment Bill to the Select Committee in Christchurch on 30 April.

### **5. DEPUTATIONS AND PETITIONS**

There were no deputations and petitions.

### **5. POLICIES FOR THE MANAGEMENT OF ENVIRONMENT CANTERBURY LANDS**

Greg Byrnes (Parks and Reserves Officer) presented this report seeking the adoption of the Policies for the Management of Environment Canterbury Lands (draft document attached to the agenda) as the overarching policy framework for the management of Council lands. Mr Byrnes advised that the policy document would establish a governance framework for Council officers and provide stakeholders with a document which clearly outlines Council's land management objectives.

The following change of wording was made to the draft policy document: Section 3.2(d) to read "*Management plans will be reviewed every ten years of operations*".

Cr McKay moved (seconded Cr Little) the officer recommendations (a) and (b) on page 30 of the Council agenda with the word "*plan*" in recommendation (b) amended to read "*policies*".

An amendment was moved by Cr Sage, seconded by Cr Demeter that the following wording being added as part of Policy 7.1(e): "*... this includes ensuring stock do not access waterways or wetlands and there is no clearance of areas of indigenous vegetation without the consent of Environment Canterbury.*"

The Amendment was put and declared CARRIED. This became part of the substantive Motion which was then put and declared CARRIED.

***Resolved***

***That the Council:***

***(a) Adopts the Policies for the Management of Environment Canterbury Lands, as amended, and***

***(b) Makes the policies available to stakeholders.***

Cr McKay/Cr Little

Cr Little requested that his vote against the motion be recorded.

**7. WASTE MINIMISATION**

Brodie Young (Environmental Quality and Hazards Manager) presented for approval a draft submission on a discussion document from the Ministry for the Environment on waste minimisation. A draft submission document that was circulated prior to the meeting was tabled.

***Resolved***

***That the Council approves the submission on the Ministry for the Environment discussion document 'Waste Minimisation in New Zealand':***

Cr Little/Cr Kane

**8. MEMBERSHIP OF CANTERBURY REGIONAL TRANSPORT COMMITTEE**

Cr Kane, Chairperson of the Canterbury Regional Transport Committee, presented this report to endorse a nomination for a NZ Transport Agency alternate member of the Canterbury Regional Transport Committee.

***Resolved***

***That the Council endorses the nomination of Mr Dennis Robertson, Regional Manager Access and Use, as the NZ Transport Agency's alternate member of the Canterbury Regional Transport Committee.***

Cr Kane/Cr Burke

## 9. COMMITTEE REPORTS

### 9.1 MAORI ADVISORY COMMITTEE

Cr Burke, Chairperson of the Maori Advisory Committee presented the report of the Committee meeting held on 27 March 2009.

#### **Resolved**

***That the Council receives the report of the Maori Advisory Committee held on 27 March 2009.***

Cr Burke/Cr Tindall

### 9.2 FINANCE AND AUDIT COMMITTEE

Cr Kirk, Chairperson of the Finance and Audit Committee presented the report of the Finance and Audit Committee meeting held on 14 April 2009. Cr Kirk moved, seconded by Cr Sage, that the report be received and the Committee recommendations be approved.

It was requested that the recommendations be put separately. A Division was called for recommendation d(i). The motion was declared CARRIED 8 votes to 5, the voting being as follows:

<b>For (8)</b>	<b>Against (5)</b>	<b>Absent (1)</b>
Cr Burke	Cr Little	Cr Harrow
Cr Kirk	Cr Neill	
Cr Kane	Cr McKay	
Cr Tindall	Cr Oldfield	
Cr Evans	Cr Murray	
Cr Sutherland		
Cr Sage		
Cr Demeter		

#### **Resolved**

***That the Council:***

- (a) Receives the report of the Finance and Audit Committee held on 14 April 2009.***
- (b) Notes the progress made on project levels of service detailed in the "Tri-annual Report, Progress on Levels of Service 2008/09 November-February.***
- (c) Approves the following changes to the levels of service for the projects:***
  - 0476 Aids to Navigation - Harbours***
  - 0459 Stock Effluent Disposal Sites***
  - 0483 Cycleway Development***
  - 0264 Hazardous Waste Working Party & Canterbury Waste Joint committee***
  - 0611 Regional Hazardous Waste Management Strategy Implementation***
  - 0624 Industrial Pollution Prevention***
  - 0599 Regional Agrichemical Collection***
  - 0261 G/Water Investigations, Drilling and Testing***
  - 0631 Canterbury Strategic Water Study (as amended)***

(d) Approves the following budget adjustment:

Name	From	\$	To	\$
(i) Building & Consent Authority Regulation	General Reserves	(109,000)	068304	109,000
(ii) Biosecurity Act s100 – Chilean Needle Grass	General Reserves	(40,000)	075103	40,000
	<b>Total</b>	<b>(149,000)</b>		<b>149,000</b>

Cr Kirk/Cr Sage

### 9.3 REGIONAL PLANNING COMMITTEE

Cr Kirk, Chairperson of the Regional Planning Committee presented the report of the Regional Planning Committee meeting held on 14 April 2009. Cr Kirk moved, seconded by Cr Sage, that the report be received and the Committee recommendations be approved.

Following debate on the view expressed regarding the impractical aspects of not focussing the inventory on wetland sites of significance, it was moved by Cr Little, seconded by Cr Kane, that the wording of recommendation (c) read: *Include provision for the preparation of a significant wetlands inventory as a method in the Canterbury Regional Policy Statement.* The Amendment was put and declared CARRIED.

**Resolved**

**That the Council:**

(a) **Receives the report of the Regional Planning Committee held on 14 April 2009.**

**Canterbury Regional Policy Statement**

(b) **Approves the drafting on an “Ecosystems and Indigenous Biodiversity” chapter of the Canterbury Regional Policy Statement following the directions outlined in the report to the Committee, and as amended by the Committee.**

(c) **Includes provision for the preparation of a significant wetlands inventory as a method in the Canterbury Regional Policy Statement.**

(d) **Includes more details on methods recognising the contribution of private landowners in the “Ecosystems and Indigenous Biodiversity” chapter of the Canterbury Regional Policy Statement.**

**Natural Resources Regional Plan**

(e) **Progressively pursues the short and long term options identified in the report presented to the Committee that will provide for future community water supplies within the Natural Resources Regional Plan.**

- (f) **Authorises staff to commence preparation of a variation to give effect to the first three short term options identified in the report presented to the Committee:**
- (i) **Notify a variation to Policy WQN14(9)(f) to amend the last two lines to read something like: "... that the take will not cause adverse effects on instream values, or localised groundwater interference effects, or adversely affect the availability of water for existing community drinking-water/stockwater supplies, or availability for an individual's existing domestic/stockwater.**
  - (ii) **Amend the relevant groundwater take rule so that a community drinking water/stockwater take from groundwater is a controlled activity, except in the Waipara Groundwater Zone where it should be restricted discretionary, as even small rates of take can have a significant drawdown.**
  - (iii) **Amend the relevant surface water rule take so that a community drinking water/stock take from surface water is a restricted discretionary activity with provision that an application may not be notified.**

Cr Kirk/Cr Sage

The meeting adjourned for afternoon tea from 3.15 until 3.37 p.m.

#### **9.4 REGIONAL TRANSPORT COMMITTEE**

Cr Kane, Chairperson of the Regional Transport Committee presented the report of the Regional Transport Committee meeting held on 20 April 2009.

**Resolved**

**That the Council receives the report of the Regional Transport Committee held on 20 April 2009.**

Cr Kane/Cr Burke

#### **10. CHAIRMAN'S REPORT**

Cr Burke presented the Chairman's Report which had been previously circulated by email. He advised that he had put in an appeal on behalf of the Canterbury Regional Council to the Christchurch City Council final Proposal for Representation Arrangements for the 2010 Local Elections. He commented that he believed it was important for the Council to stay in the process with the appeal point being the desirability of the Christchurch City Council and the Canterbury Regional Council having boundary alignment for their respective constituencies and wards within Christchurch City.

**Resolved**

**That the Council receives the Chairman's report and confirms the lodgement of the appeal to the Christchurch City Council final Proposal for Representation Arrangements for the 2010 Local Elections.**

Cr Burke/Cr Kirk

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

Mark Smith (Financial Accountant) presented the financial summary of the Council's activities for the nine months ended 31 March 2009.

There was discussion on some of the budget variances and questions relating to the Canterbury Strategic Water Study (\$244k unfavourable) and clarification sought on the alignment of this non-statutory process with the statutory processes.

Dr Jenkins advised that the statutory process of the NRRP provides an environmental baseline for water management in Canterbury, whereas the Canterbury Water Management Strategy (CWMS) provides a sustainable development approach for water management in Canterbury. The intention is that the relevant aspects of the CWMS that need statutory backing would be taken through the Regional Policy Statement. He said that it follows a similar model to that used for the Greater Christchurch Urban Development Strategy, both in terms of the consultation process and the non-statutory plan.

Dr Jenkins advised that the approximate cost of producing the brochure was \$70,000 for printing and distribution to all Canterbury households. He explained the budget allocation which has been balanced over a four-year period and the \$195,000 funding is additional to accelerate the programme and bring on additional resources to achieve the timeframes.

Council was advised that the unfavourable budget relating to RMA Enforcement was a result of increased activity with an expectation that activity in this area will continue to increase by the year-end.

***Resolved***

***That the Council receives information on the financial reports for the period ending 31 March 2009 be received.***

Cr Burke/Cr McKay

**12. CHIEF EXECUTIVE'S ITEMS**

Dr Jenkins presented the Chief Executives Items including introducing a presentation from Jon Mitchell (Regional Emergency Management Office Manager) on the Pandemic Influenza Response Plan in light of the new Influenza A outbreak. Dr Jenkins advised that the Civil Defence and Emergency Management team is working in liaison with DHB Pandemic Management team with an Environment Canterbury officer seconded to assist with updating Avian influenza educational material to generic flu. There is regular communication with the National CDEM Controller and a teleconference booked to look at potential response in the event of an escalation. He advised that Environment Canterbury has an organisational pandemic response plan.

Mr Mitchell then provided information relating to the NZ/Canterbury context, national response strategy and the Environment Canterbury context. A copy of the presentation was tabled.

***Resolved***

***That the Chief Executive's items be received.***

Cr Kane/Cr Evans

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

Cr Burke reported on his recent attendance at the Auckland Governance conference. He advised during the trip to Auckland he, along with the Manager Secretariat, met with Mayor John Banks and Mike Lee, Chairman of the Auckland Regional Council.

Cr Sage advised that there was a lot of activity at the Canterbury Regional Tb-free Committee which would be reflected by submission to LTCCP processes.

Cr Tindall commented that in the absence of Cr Kane he had attended the Council of Social Services meeting. He suggested that Council formally resolve this appointment issue.

**Local Government New Zealand Conference**

There was discussion on attendance at the Local Government New Zealand (LGNZ) Conference to be held in Christchurch from 26–29 July 2009. Concern was expressed at the current practice of paying for partners' costs for attending the LGNZ Conference. Some Councillors were keen to attend for part of the Conference. Confirming a number of registrations without naming Councillors was considered the way to proceed at this stage. Councillors interested in attending were to advise the Chairman. Cr Tindall expressed an interest in attending. Cr Little offered to be available to be on standby and make up the numbers if needed.

**LGNZ Zones 5/6 Combined Meeting – Remits**

A report on remits for LGNZ Zones 5/6 Combined Meeting was tabled. This item was presented as extraordinary and urgent business. It was moved by Cr Burke, seconded by Cr McKay that this topic be received as extraordinary and urgent business. The reason why the item was 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 its position prior to the 7/8 May meeting. The motion was put and CARRIED.

There was discussion and the remits and agreement to support the position presented by the officers.

***Resolved***

***That the Council:***

- (a) Receives the Councillor Reports and receives the LGNZ Zones 5/6 Combined meeting remit consideration as urgent business.***
- (b) Accepts the resignation of Cr Kane as the Council appointment to the Council of Social Services.***
- (c) Appoints Cr Tindall as the Council appointment to the Council of Social Services.***

Cr Kane/Cr Burke

**(d) Appoints the Chairman and three Councillors to attend the LGNZ Conference and does not approve payment of partners' costs.**

Cr Evans/Cr Murray

**(e) Supports the positions presented by officers on the remits for the LGNZ Zones 5/6 Combined meeting.**

Cr Evans/Cr Murray

Cr Neill requested that his vote against recommendation (d) be recorded.

## **14. PUBLIC EXCLUDED**

### **Resolved**

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

- 14.1 Minutes of 25 March,**
- 14.2 Minutes of 1 April and**
- 14.3 Minutes of 15 April 2009 Council meetings**
- 14.4 Report of the CEO 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:**

<b>General subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Ground(s) under section 48(1) for the passing of this resolution</b>
<b>Minutes of 25 March Minutes</b>	<b>The exclusion of the public from the meeting is necessary to enable the Council to deliberate in private on its decision in proceedings which are before the Council and which will be proceeding to the Environment Court.</b>	<b>Section 48(1)(d)</b>
<b>Minutes of 25 March, 1 April and 15 April 2009 Report of the CEO Performance Review Committee</b>	<b>That good reason exists for not discussing the matter with the public present and is not outweighed by the public interest.</b>	<b>Section 48(1)(a)</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:**

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

**14.1, 14.2, 14.3**

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

**14.4 Protect the privacy of natural persons – Section 7(a).**

Cr Burke/Cr Little

The meeting moved into public excluded session from 5.15 until 5.28 p.m.

**15. NOTICES OF MOTION**

There were no notices of motion.

**16. QUESTIONS**

There were no questions.

**17. EXTRAORDINARY AND URGENT BUSINESS**

An item of extraordinary and urgent business was taken as item 13.

**18. NEXT MEETING – 28 MAY 2009**

**19. CLOSURE**

The Chairman declared the meeting closed at 5.30 p.m.

CONFIRMED

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

<b>AGENDA ITEM NO: 6</b>	<b>SUBJECT MATTER: TO APPOINT A COUNCIL SUB-COMMITTEE TO OVERSEE AND CONSIDER A PRIVATE PLAN CHANGE REQUEST TO THE REGIONAL COASTAL ENVIRONMENT PLAN</b>
<b>REPORT:</b> Council	<b>DATE OF MEETING:</b> 28 May 2008
<b>FILE REFERENCES:</b>	<b>PORTFOLIO:</b> Coasts <b>PROJECT:</b> Regional Coastal Environment Plan - Changes <b>OUTPUT:</b>
<b>REPORT BY:</b> David Gregory Principal Planner-Coastal and Meredith Whitmore Resource Management Planner (Graduate).	<b>ENDORSED BY:</b> Don Rule Director Resource Planning and Consents

## PURPOSE

To appoint a Council sub-committee to oversee and consider a Private Plan Change (PPC) request to the Regional Coastal Environment Plan (RCEP).

## ATTACHMENT

A chart is attached to inform Councillors of the PPC process.

## BACKGROUND

Kaikoura District Council has informed Environment Canterbury (Territorial Liaison Authority and Coast Section) that they intend to request a Change to the RCEP. It is the first PPC request for Environment Canterbury (ECan).

The process for a PPC to the RCEP is outlined in the First Schedule, Part 2 of the Resource Management Act (RMA). This process specifies statutory timeframes to which ECan (the recipient of the PPC) has to abide by upon receiving the request (clause 25).

This states that, *"A local authority shall, within 30 working days of-...whichever is the latest, decide under which of subclauses (2), (3) and (4), or a combination of subclauses (2) and (4), the request shall be dealt with"* (Clause 25 (1), First Schedule, RMA).

The statutory timeframes set out are very tight and will not be able to be accommodated within the normal Council and Committee Meeting Schedule. It is considered that a Sub-Committee with delegated powers will be necessary to undertake consideration of the PPC when it is received.

## THE PROPOSAL

To appointment a Council sub-committee to oversee and consider a PPC request to the RCEP.

## CONSIDERATION OF OPTIONS

### (a) **Options available**

- (1) Do nothing - this option is not available. Environment Canterbury is bound by the statutory process outlined under Part 2, Schedule 1 of the First Schedule (see attached document); or
- (2) Accommodate within the existing Councillor meeting schedule - the following activities will need to occur within, potentially, 30 working days from receipt:
  - i. Review the request,
  - ii. asking for more information (if needed),
  - iii. provide a workshop for councillors to understand the situation,
  - iv. provide a full report to council, within the minimum 30 days plus a possible extra 30-60 days (if more information is required).
  - v. Due to the complexities of this process and the requirement to make decisions the prescribed statutory timeframe will not be met; or
- (3) Appoint a sub-committee - The sub-committee can be formed and engaged so that the appropriate decisions and guidance to staff can be provided within the prescribed statutory timeframes.

### (b) **Benefits and Costs**

When a request is received, ECan is obligated to go through the PPC process, identified in Part 2, Schedule 1 of the RMA. The benefit of a sub-committee is to ensure all four of the regions well-beings (economic, social, environmental and cultural) are considered appropriately and consistently with the PPC process, particularly to the Kaikoura district. Costs will be dealt with through the PPC process.

### (c) **Community Outcomes**

The LTCCP requires ECan to look after the environmental, economic, social, and cultural wellbeing of Canterbury communities. If a sub-committee is appointed, it is considered they will achieve the relevant community outcomes outlined in the LTCCP (2009-2019) while also achieving the statutory timelines more efficiently than the regular council agenda would be able to achieve.

The following outlines some of the possible community outcomes relevant to the forthcoming PPC request:

#### Environmental Wellbeing

- Water is in a healthy condition, clean and plentiful enough to support life.
- Air, beaches and ocean and land are all in a healthy condition
- Business and farming activities do not harm the environment
- Environment, in general is to be looked after

#### Economic Wellbeing

- Incomes provide good standard of living
- People in work
- A strong economy
- Alternatives for moving people and freight

#### Social Wellbeing

- People feel safe at all times
- Community services that meet peoples needs
- Transport and travel needs are met

#### Cultural Wellbeing

- A good place to live for all cultures
- Access to open spaces and wilderness areas
- Recreational needs are met

(d) **Statutory Responsibilities**

Environment Canterbury is bound by the statutory process outlined under Part 2, Schedule 1 (see attached document).

(e) **Effects on Maori**

These will be dealt with through the private plan process.

### **CONSISTENCY WITH EXISTING POLICY, PLANS OR LEGISLATION**

There are no inconsistencies with existing policies, plans or legislation in relation to requesting a sub-committee to be appointed by council.

Inconsistencies with the RCEP or any other relevant documents to the PPC request will be dealt with during the RMA process.

### **VIEWS OF AFFECTED AND INTERESTED PARTIES**

Full consultation with affected parties will commence when the Plan Change request is received in accordance with the First Schedule, Part 2 of the RMA.

### **FINANCIAL**

Kaikoura District Council will bear the costs of requesting a plan change. Once Environment Canterbury has made a decision of whether the requested PPC is to be adopted, accepted, changed to a resource consent or rejected (Clause 25, Part 2, Schedule 1), will determine where the costs will lie for future expenditure.

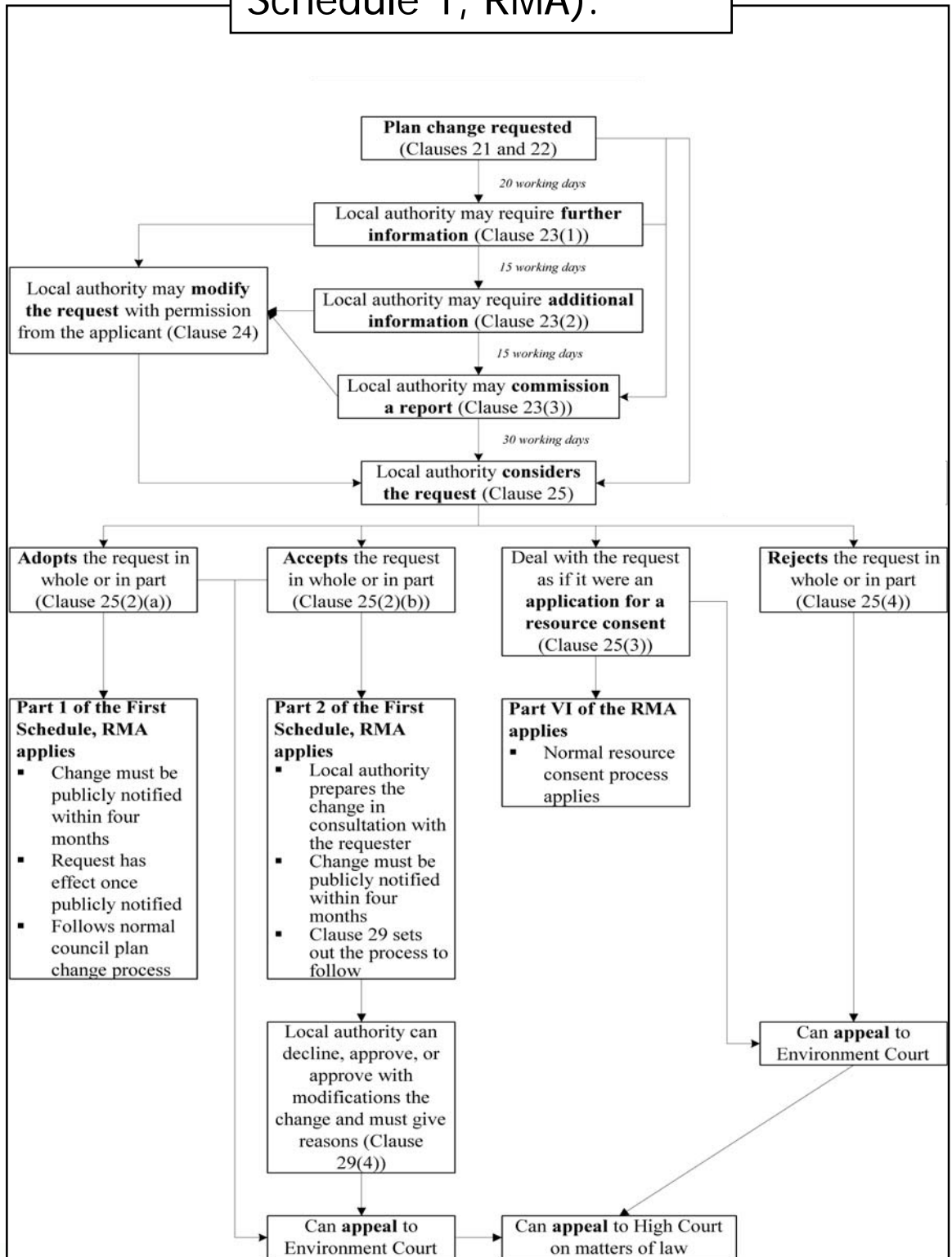
### **CONCLUSIONS**

To achieve the statutory requirements of Clause 25, Part 2, of the First Schedule the appointment of a sub-committee to over see the requested PPC from Kaikoura District Council is necessary.

### **RECOMMENDATION**

*That the Council appoint a sub-committee to oversee and consider a PPC request on the RCEP.*

# The Requested Plan Change Process (Part 2, Schedule 1, RMA).



<b>AGENDA ITEM NO: 7</b>	<b>SUBJECT MATTER: REVIEW OF THE CANTERBURY REGIONAL LAND TRANSPORT STRATEGY 2008-18</b>
<b>REPORT:</b> Council	<b>DATE OF MEETING:</b> 28 May 2009
<b>FILE REFERENCES:</b>	<b>PORTFOLIO:</b> RLT <b>PROJECT:</b> <b>OUTPUT:</b>
<b>REPORT BY:</b> Robert Woods Programme Manager Transport	<b>ENDORSED BY:</b> Jill Atkinson Director Regional Programmes

## PURPOSE

- (i) To advise the Council of the need to commence a comprehensive review of the Canterbury Regional Land Transport Strategy, and
- (ii) To seek that a request is made to the Canterbury Regional Transport Committee to prepare a new strategy, for approval by the Council.

## ATTACHMENTS

An outline project schedule will be tabled on the day of the meeting.

## BACKGROUND

The Land Transport Act 1998 and the Land Transport Management Act 2003 (as amended), require that a Regional Council must have a Regional Land Transport Strategy (RLTS) that provides guidance on the land transport outcomes sought by the region. A RLTS must be prepared every six financial years and have a thirty financial year outlook. The RLTS is prepared by the Regional Transport Committee (RTC) on behalf of the Regional Council, for its approval.

The 2008 amendment to the Land Transport Management Act 2003 also requires that RTC's prepare Regional Land Transport Programmes (RLTP'S), for approval by Regional Councils. This is currently underway. RLTP's represent an agreed recommendation for funding from the local authorities and the NZTA (state highway branch) within the region to the Crown, for activities in the following three year period that will contribute to achieving the region's land transport outcomes set out in the RLTS.

In light of the above, and because the current RLTS was first developed in 1998, it is proposed to undertake a comprehensive review of the RLTS by 2011, by when planning for the next round of LTCCP's and the next RLTP will commence. This timeline for an RLTS review will ensure up to date guidance is available to the local authorities and the NZTA in the region on the land transport outcomes desired, which can then be used to inform project planning and budgeting.

## **PROCESS**

The process of preparing a new RLTS is lengthy and it has been estimated that it will take up to two financial years to complete. It involves the identification of issues facing the land transport system in Canterbury over the next thirty financial years, the identification of options to address the issues, the assessment of the options and refinement of a preferred option, and the formal strategy adoption process. Within these activities are a number of tasks that can be categorised as sitting within a technical work stream, an approvals work stream and a public engagement work stream.

The technical work stream involves all the technical work that goes into issue identification, option development and assessment, option modelling and refinement that is recommended to the RTC. This stream will be resourced and project managed by the Transport Planning staff of Environment Canterbury; however the Regional Land Transport Officers Group (known as TOG), which comprises senior transport officials from all Canterbury's TLA's and the New Zealand Transport Agency (NZTA), will act as the steering group for the project. This will ensure all technical work is suitably peer reviewed and has regional officer buy in before being taken forward as advice and recommendations to the RTC.

The approvals work stream involves all activities within the process associated with reporting to the Regional Council, the RTC, the TLA's and where appropriate the NZTA. Reporting will be undertaken at regular intervals in the process to ensure a high level of engagement, understanding and buy-in at key stages during the strategy development. There will also be key stages, or hold points in the process, where the RTC will be asked to approve certain outputs before proceeding to the next stage of strategy development. An example of this is the proposed adoption of an issues report that documents the transport trends and future issues facing Canterbury. The main approval stages will be at the end of the process, where approvals by the RTC will be sought to go to public consultation on a draft strategy, and thereafter for adoption of the final strategy by the Regional Council.

The public engagement work stream involves consultation with communities likely to be interested and / or affected by the strategy. Three formal stages of public consultation are planned and these will be at the issue identification stage, the option development stage and at the adoption stage, where consultation will take place on a draft of the proposed strategy.

It is recognised that implementation of past RLTS documents has not always been effective (a formal RLTS effectiveness assessment is planned for the issue identification stage) so considerable importance is being placed on effective community and decision maker engagement throughout the process to achieve and maintain a good level of awareness and understanding of the issues facing the region, and the nature of the responses that are possible. A communication and consultation plan will be prepared before any engagement activities commences.

## **TIMING AND COST**

As outlined in the introduction above, it will be important to complete the strategy by June 2011 at the latest, so that transport providers (the councils of the region and the NZTA) have a clear appreciation of the strategic direction in which the region wishes to move and can structure their LTCCP's and the RLTP accordingly. Non-public stakeholders in the transport system will also use the RLTS to guide their decision making going forward.

It is planned to commence early technical work in July 2009, once the project has been formally initiated by the RTC in June.

The strategy review is planned work and is allowed for within the budgets set as part of the development of the draft LTCCP 2009-19. The estimated total expenditure for 2009/10 is \$658,000; and for 2010/11 \$788,000. Different aspects of the work will attract different financial assistance rates from the NZTA, however the average grant level will be between 50% - 75% of the total project expenditure.

## **RECOMMENDATION**

*That the Council:*

- (a) Requests the Chair of the Canterbury Regional Transport Committee to initiate with the Committee a comprehensive review of the Canterbury Regional Land Transport Strategy 2008-18, and*
- (b) that the Regional Transport Committee prepares a draft Canterbury Regional Land Transport Strategy 2011-41 for approval by the Regional Council, and*
- (c) that the Regional Transport Committee undertakes these activities with regard to the requirements of relevant legislation and in a manner consistent with the outline project schedule, and*
- (d) that the Regional Transport Committee completes the activities in a), b) and c) by no later than June 2011.*

<b>AGENDA ITEM NO: 8</b>	<b>SUBJECT MATTER: SUBMISSION ON THE CANTERBURY WATER MANAGEMENT STRATEGY</b>
<b>REPORT:</b> Council	<b>DATE OF MEETING:</b> 28 May 2008
<b>FILE REFERENCES:</b>	<b>PORTFOLIO:</b> Water <b>PROJECT:</b> <b>OUTPUT:</b>
<b>REPORT BY:</b> Christina Robb Programme Manager Water and Land	<b>ENDORSED BY:</b> Jackie Curtis Director External Relations

## PURPOSE

To approve a submission from Environment Canterbury to the Steering group of the Canterbury Water Management Strategy

## ATTACHMENTS

The submission will be forwarded separately.

## BACKGROUND

In 2008, the Canterbury Mayoral Forum initiated the Canterbury Water Management Strategy. A Steering group is preparing a draft strategy with substantial stakeholder and public input. Mayor Bede O'Malley chairs the steering group. Cr Sage, Cr McKay and Bryan Jenkins are on the steering group.

In late April, a public discussion document was sent to all households in Canterbury seeking submissions on four options. Cr Sage and Cr McKay presented to the options to Council at a workshop on 28 April. Public meetings were held from 18 to 22 May. Mayor O'Malley has encouraged all the territorial authorities and Environment Canterbury to make a submission.

This paper seeks Council's approval of a submission by Environment Canterbury. Direction for the submission was provided in a council workshop on 14 May 2009.

## RECOMMENDATION

*That the attached submission be provided to the steering group of Canterbury Water Management Strategy.*

<b>AGENDA ITEM NO: 9</b>	<b>SUBJECT MATTER: PRESENTATION TO THE BOARD OF INQUIRY ON THE PROPOSED NATIONAL POLICY STATEMENT ON FRESHWATER MANAGEMENT</b>
<b>REPORT:</b> Council	<b>DATE OF MEETING:</b> 28 May 2008
<b>FILE REFERENCES:</b>	<b>PORTFOLIO:</b> Water <b>PROJECT:</b> <b>OUTPUT:</b>
<b>REPORT BY:</b> Christina Robb Programme Manager Water and Land	<b>ENDORSED BY:</b> Jill Atkinson Director Regional Programmes

## **PURPOSE**

To seek a Council decision on who presents Environment Canterbury's submission to the Board of Inquiry on the Proposed National Policy Statement on Freshwater Management.

## **BACKGROUND**

On 20 September 2008 a Board of Inquiry publicly notified the proposed National Policy Statement for Freshwater Management and called for submissions. Environment Canterbury made a submission and a further submission.

The Board of Inquiry will conduct hearings from 29 June to 30 September in ten locations, of which three are in the South Island – Nelson, Christchurch and Dunedin.

## **RECOMMENDATION**

*That the Council Chair and Chief Executive Officer present Environment Canterbury's submission to the Board of Inquiry on the proposed National Policy Statement on Freshwater Management.*

<b>AGENDA ITEM NO: 10</b>	<b>SUBJECT MATTER: COMMUNICATIONS AND ENFORCEMENT OF DOMESTIC AIR PLAN RULES FOR KAIAPOI – VARIATION 12</b>
<b>REPORT:</b> Council	<b>DATE OF MEETING:</b> 28 May 2009
<b>FILE REFERENCES:</b>	<b>PORTFOLIO:</b> Air Quality <b>PROJECT:</b> <b>OUTPUT:</b>
<b>REPORT BY:</b> Linda Kirk, Programme Manager Air and Energy, Marty Mortiaux, Team Leader Regulatory, Advisory & Implementation Mick O'Donnell, Team Leader Community Relations	<b>ENDORSED BY:</b> Kim Drummond Director Regulation, and Jackie Curtis Director External Relations

## PURPOSE

To obtain council approval on the communications and enforcement implementation of the Air Plan once it becomes operative, in particular, the domestic provisions, that is, the small scale solid fuel burner provisions for Variation 12 - Kaiapoi.

## ATTACHMENTS

Attachment 1 - Summary of Domestic Rules for Rangiora and Kaiapoi (Variations 11 and 12 respectively)

Attachment 2 – Evaluation of Enforcement Approaches for Operative Rules

## BACKGROUND

Variation 12, Changes to Chapter 3: air quality relating to Kaiapoi (Kaiapoi Air Plan), is expected to be operative by the end of 2009. The Kaiapoi Air Plan small scale solid fuel burner rules will become operative on 1 May 2010, or sooner if the house is sold. Council needs to have an enforcement strategy to implement these rules, with a communications strategy developed in association with the enforcement strategy.

The summary of the domestic rules for Kaiapoi are outlined in Attachment 1, but essentially, the use of open fires and older non-complying burners (15-years and older) are prohibited from 1 May 2010 or earlier if the house is sold once the variation becomes operative. Staff expect to apply to the Environment Court for Variation 12 to be made operative in June/July 2008, with an allowance for a three-month process, it is expected that Variation 12 will be operative September/October 2009.

Council needs to be ready about how it will respond to the non-compliance with the rules, in particular Rules AQL89, AQL90, and AQL91 (the banning of the use of open fires and prohibited small scale solid fuel burners from 1 May 2010 or earlier if the house is sold).

There is concern about the ability of existing industries to be able to cope with demand of replacing the open fires and prohibited solid fuel burners with complying devices to meet the 1 May 2010 timeframe (whether it be a heatpump, complying small scale solid fuel burner, pellet fire or flued gas device), and whether or not this is real, it is a perception that must be considered. In addition, there has been a much limited time period of communications of the

rules (with the Variation being notified on 27 October 2007 and decisions released on the 13 December 2008 (with no appeals making Variation 12 beyond challenge). There was a specific winter 2007 communications strategy as part of the information/education campaign for Kaiapoi and Rangiora that arose out of the Community Advisory Group of the Joint Environment Canterbury/Waimakariri District Council "Clean Air Warm Homes" Project. The objective of the promotional campaign was to raise awareness of the problems associated with winter air quality in Kaiapoi and Rangiora, and the reasons for these. This communications programme was not continued in 2008 due to the Clean Heat Project for Waimakariri beginning 1 July 2008. Any communications plan in 2009 and beyond, will be derived from the decision of this report.

A prominent communications plan to advise the Kaiapoi public of the 1 May 2010 timeframe (or sooner if the house is sold) is required. It is expected that the communications plan would follow a similar three-step approach as drafted for Christchurch:

- Awareness and Education
- Countdown to Enforcement
- Enforcement

However, the timing and the tone of the messages within the communications is dependent on how and when Council will begin enforcement of the Kaiapoi Air Plan.

Therefore, the winter of 2009 is the last winter whereby people will not be infringing on the Kaiapoi Air Plan rules with respect to use of open fires and prohibited small scale solid fuel burners, but it is the enforcement of these rules which needs to be clarified so that an appropriate communications plan can be developed for Kaiapoi.

## **ENFORCEMENT OPTIONS**

### Current Enforcement Approach

Environment Canterbury is currently limited with its enforcement options due to the rules having a proposed status. Therefore, existing use of the burners is allowed to continue until the rules are made operative.

The current enforcement action is as follows:

- Respond to complaints only
  - Smoke letter advising of upcoming rules which now include advising that Rules AQL89, AQL90 and AQL91 are now beyond challenge and that households should make provision to change to a complying form of heating
  - Visit after complaint received (try to do this on the first occasion)
  - Advise of rules, explain and point to Clean Heat Project
  - Enforcement likely 1 May 2010 as rules are beyond challenge and awaiting rules to be made operative

### Enforcement Approach Once Rules are Made Operative

Attachment 2 provides a summary table of the evaluation of the various enforcement approaches available. Below is a brief overview of the options.

Under Section 84 of the Resource Management Act 1991, Environment Canterbury has a duty to enforce operative rules. Section 84(1) of the RMA says the following:

“s84(1) While a policy statement or a plan is operative, the regional council or territorial authority concerned, and every consent authority, shall observe and, to the extent of its authority, enforce the observance of the policy statement or plan.”

Thus, not enforcing the rules once they are made operative (Option 1 in Attachment 2) is not an option that should be pursued as Environment Canterbury would be in breach of the law.

Therefore, section 84 implies that open fires and 15-year old plus non-complying solid fuel burners should not be allowed to be used (or discharged into air) from 1 May 2010, or earlier if the house is sold, as this would be a prohibited activity (once they have been made operative).

In general, the enforcement options available to Environment Canterbury once the rules have an operative status are:

- Warning (formal in a letter)
- Infringement fine (\$300)
- Abatement Notice
  - Breach of Abatement Notice (\$750)
- Combination of an infringement fine and an abatement notice
  - For example, infringement fine and a breach of an abatement notice is: \$300 + \$750 = \$1,050
- Prosecution (up to \$200,000; 2 years imprisonment)
- Enforcement Order (issued by Court)

Discretion is provided for in the enforcement regime to take into account specific circumstances to the individual case.

In accordance with section 84 of the RMA, a firm enforcement approach from 1 May 2010, (Option 2a in Attachment 2) to households who use their open fire or 15-year old prohibited solid fuel burner (i.e. a discharge into air occurs from 1 May 2010); or sooner if the house is sold once the plan is made operative, would be:

- First visit and found to be discharging = infringement notice of \$300
- Second visit and discharging = \$300 plus issue Abatement Notice
- Third and subsequent visit and discharging: \$300 + \$750 = \$1050 for each occasion
- Continued breaches = prosecution

The firm approach means that section 84 of the RMA is met, and this would meet the implied community expectation that Environment Canterbury will enforce its rules once they are made operative, acknowledges that Environment Canterbury through its Clean Heat Project is providing the ways and means to encourage change to cleaner forms of heating, and allows for greater certainty of cleaner air and achieving the intent of the Proposed Canterbury Natural Resources Regional Plan - Chapter 3: Air quality (Air Plan). There would also be communications and advice of the rules becoming operative from mid-2009 onwards if this option was adopted, which would allow for at least 10 months communications.

For the open fire or non-complying burner to stop being used at the time the house is sold, a firm approach is appropriate and should be enforced as soon as the Kaiapoi Air Plan is made operative.

However, the fairness of this approach to affected parties is a significant issue that must be considered in this decision. There is a relatively short “lead-in” time for the rules to become operative (in comparison to the Christchurch provisions which were notified in June 2002 and Environment Court decisions in December 2008) and that the Waimakariri Clean Heat Project has only been available to Kaiapoi homeowners since 1 July 2008 with only a 10-

year interest-free loan option available. (In Christchurch, Clean heat Project as full assistance for Community Service Card holders, subsidies for homeowners and landlords, and the 10-year interest-free loan programmes and has been running since February 2003). The Environment Court may take this into consideration if any legal proceedings were brought before it.

A soft option to the firm approach just outlined (Option 2b in Attachment 2) would be to begin with a formal written warning on the first visit from 1 May 2010 but then issue infringement fines etc for further discharges.

The softest approach (Options 2c and 3c in Attachment 2) would be to provide a formal written warning stating that the rules must be complied with by 1 May 2011; and until that time, the non-complying fire can continue to be used. However, from 1 May 2011, the firm approach of 2a will apply, and fire must stop being used and infringement fine will be given etc.

The softest approach provides less certainty that Environment Canterbury is meeting its statutory obligations as it is allowing a continued breach of law, but a written warning with the date of compliance may be an acceptable argument that this is an appropriate enforcement action to the Environment Court. This approach is also less effective in meeting intent of Air Plan achieving its air quality objectives but allows for a greater “lead-in” time for the communication of the rules and allows a further year for compliance. It is noted that there are homeowners who have already converted their open fires or non-complying burners.

For those households that can demonstrate that they have purchased an alternative heating device but are awaiting installation of such device (Option 3 in Attachment 2), a soft enforcement approach post 1 May 2010 can occur with no infringement fine for the first offence. However, the enforcement options for such exceptions are to:

- 3a. Stop using fire (aligns with s84 of RMA – firm approach);
- 3b. Continue using fire until new appliance installed (allowing continued breach of law – softer approach)

Option 3a of requiring the household to stop using their fire is in accordance with section 84 of the RMA. To discharge from an open fire or prohibited solid fuel burner would be a prohibited activity and the householder should use an alternative form of heating from 1 May 2010. The reasoning for this firm approach is that the rules have to be enforced, and there would be communications and advice of the rules becoming operative from mid-2009 onwards if this option was adopted. The community expectation is that Environment Canterbury will enforce its rules once they are made operative, and Environment Canterbury through its Clean Heat Project is providing the ways and means to encourage change to cleaner forms of heating. However, this may be deemed too firm an approach as the installation of the alternative device is beyond the control of the household and relies on the ability of the heating industry to keep up with demand.

The fairness of this approach to affected parties is also a significant issue that must be considered in this decision. There is a relatively short “lead-in” time for the rules to become operative (in comparison to the Christchurch provisions which were notified in June 2002 and Environment Court decisions in December 2008) and that the Waimakariri Clean Heat Project has only been available to Kaiapoi homeowners since 1 July 2008 with only a 10-year interest-free loan option available. (In Christchurch, Clean heat Project as full assistance for Community Service Card holders, subsidies for homeowners and landlords, and the 10-year interest-free loan programmes and has been running since February 2003). The Environment Court may take this into consideration if any legal proceedings were brought before it.

Option 3b for households that can demonstrate they have purchased an alternative heating device and are awaiting installation of such device, is that they can continue to use the open fire or prohibited solid fuel burner until the alternative device is installed. This is in breach of section 84 of the RMA, and will allow for Environment Canterbury to be taken to the Environment Court for not meeting its statutory responsibilities by any party. This is likely to be a low risk but of a high impact in nature if it occurs, due to the expense of the legal proceedings of going to the Environment Court.

## RECOMMENDATION

*That Council resolves to approve either:*

(a) *the enforcement approach of Rules AQL89, AQL90 and AQL91 to be broadly applied as follows:*

(i) *Discharging from open fire or prohibited small scale solid fuel burner from 1 May 2010 without purchasing an alternative – firm approach:*

- *2009 proactive communications and advice of rules becoming operative*
- *First visit and found to be discharging = infringement notice of \$300*
- *Second visit and discharging = \$300 plus issue Abatement Notice*
- *Third and subsequent visit and discharging: \$300 + \$750 = \$1050 for each occasion*
- *Continued breaches = prosecution*

*Note: Discretion allowed to enforcement regime to take into account the householder's specific circumstances*

(ii) *Discharging from open fire or prohibited small scale solid fuel burner from 1 May 2010 with proof of purchasing an alternative – firm approach in accordance with complying with section 84 of the RMA and must stop discharging from said device:*

- *First visit and found to be discharging - written warning*
- *Second visit and discharging = infringement notice of \$300*
- *Third visit and discharging = \$300 plus issue Abatement Notice*
- *Fourth and subsequent visit and discharging: \$300 + \$750 = \$1050 for each occasion*
- *Continued breaches = prosecution*
- *Note: Discretion allowed to enforcement regime to take into account the householder's specific circumstances*

## OR

(b) *the enforcement approach of Rules AQL89, AQL90 and AQL91 to be broadly applied as follows:*

(i) *Discharging from open fire or prohibited small scale solid fuel burner from 1 May 2010 with or without purchasing an alternative – softest approach:*

- *Formal written warning stating that must comply by 1 May 2011 and can continue to use fire until 1 May 2011*
- *From 1 May 2011, the firm approach of 2a to apply:*
  - *First visit and found to be discharging = infringement notice of \$300*
  - *Second visit and discharging = \$300 plus issue Abatement Notice*
  - *Third and subsequent visit and discharging: \$300 + \$750 = \$1050 for each occasion*
  - *Continued breaches = prosecution*

*Note: Discretion allowed to enforcement regime to take into account the householder's specific circumstances*

- (c) *during the second half of 2009 and all of 2010, there will be communications and advice of rules becoming operative for either option (a) or (b) above;*
- (d) *the enforcement approach of Rules AQL 89, AQL90 and AQL91 at the date the house is sold, to be broadly applied as follows:*

*Discharging from open fire or prohibited small scale solid fuel burner from the date upon which there is a registered transfer of ownership of the site on which the open fire or enclosed burner is located – firm approach in accordance with complying with section 84 of the RMA and must stop discharging from said device:*

- *First visit and found to be discharging - written warning*
- *Second visit and discharging = infringement notice of \$300*
- *Third visit and discharging = \$300 plus issue Abatement Notice*
- *Fourth and subsequent visit and discharging: \$300 + \$750 = \$1050 for each occasion*
- *Continued breaches = prosecution*

*Note: Discretion allowed to enforcement regime to take into account the householder's specific circumstances*

## Attachment 1 – Summary of Domestic Rules for Rangiora and Kaiapoi (Variations 11 and 12 respectively)

Appliance Type	Existing Appliances	New Appliances
	<b>Kaiapoi/Rangiora CAZ1</b>	<b>Kaiapoi/Rangiora CAZ1</b>
<b>Open Fires</b>	Prohibited to be used by 1 May 2010 or house sale	Non-complying activity
<b>Complying Burners (or post June 2002)</b>	15-year compliance check (can be extended – restricted discretionary activity)	Permitted only if replacing solid fuel burner  Non-complying activity in new house/non-solid fuel burning houses
<b>Pellet Fires</b>	15-year compliance check (can be extended – restricted discretionary activity)	Permitted in all situations (including new houses)
<b>Pre 2001 Non-complying Burners</b>	Prohibited to be used by 1 May 2010 or house sale	Non-complying activity
<b>Post 2001 Non-complying Burners</b>	Prohibited to be used by 31 August 2013 or house sale – Kaiapoi only  15-year compliance check (can be extended – restricted discretionary activity) – Rangiora only	Non-complying activity

**Note:** Greater than 2 hectares, not in CAZ: Anything allowed – permitted

## Attachment 2 - Evaluation of Enforcement Approaches for Operative Rules

	1 - No Enforcement	2 - Use of prohibited fire with no action underway to comply with rules			3 - Use of prohibited fire with action underway to comply with rules - Exemptions		
		<b>2a – Firm Approach</b>	<b>2b – Soft Approach</b>	<b>2c – Softest Approach</b>	<b>3a – Stop Using Fire</b>	<b>3b – Continue to Use Fire Until New Appliance Installed</b>	<b>3c – Softest Approach</b>
		<ul style="list-style-type: none"> <li>• Infringement fine (\$300)</li> <li>• Abatement Notice - Breach of Abatement Notice (\$750)</li> <li>• Combination of an infringement fine and an abatement notice - For example, infringement fine and a breach of an abatement notice is: \$300 + \$750 = \$1,050</li> <li>• Prosecution (up to \$200,000; 2 years imprisonment)</li> <li>• Enforcement Order (issued by Court)</li> </ul> <p>Discretion is provided for in the enforcement regime to take into account specific circumstances to the individual case.</p>	<ul style="list-style-type: none"> <li>• Formal written warning</li> <li>• Infringement fine (\$300)</li> <li>• Abatement Notice - Breach of Abatement Notice (\$750)</li> <li>• Combination of an infringement fine and an abatement notice - For example, infringement fine and a breach of an abatement notice is: \$300 + \$750 = \$1,050</li> <li>• Prosecution (up to \$200,000; 2 years imprisonment)</li> <li>• Enforcement Order (issued by Court)</li> </ul> <p>Discretion is provided for in the enforcement regime to take into account specific circumstances to the individual case.</p>	<ul style="list-style-type: none"> <li>• Formal written warning stating that must comply by 1 May 2011</li> <li>• Can continue to use fire until 1 May 2011</li> <li>• From 1 May 2011, the firm approach of 2a will apply, fire must stop being used and infringement fine will be given etc.</li> </ul>			<ul style="list-style-type: none"> <li>• Formal written warning stating that must comply by 1 May 2011</li> <li>• Can continue to use fire until 1 May 2011</li> <li>• From 1 May 2011, the firm approach of 2a will apply, fire must stop being used and infringement fine will be given etc.</li> </ul>
<b>Section 84 of the Resource Management Act 1991</b>	In breach of meeting its statutory obligations to enforce its own plan.	Provides certainty that Environment Canterbury is meeting its statutory obligations.	Provides certainty that Environment Canterbury is meeting its statutory obligations.	Provides less certainty that Environment Canterbury is meeting its statutory obligations as allowing continued breach of law, but written warning with date of compliance may be acceptable.	Provides certainty that Environment Canterbury is meeting its statutory obligations.	Provides less certainty that Environment Canterbury is meeting its statutory obligations as allowing continued breach of law.	Provides less certainty that Environment Canterbury is meeting its statutory obligations as allowing continued breach of law, but written warning with date of compliance may be acceptable.

<b>Effectiveness in meeting NRRP – Chapter 3: Air quality</b>	Ineffective in achieving the intent of the Air Plan to achieve its objectives.	Meets intent of Air Plan in achieving its objectives.	Meets intent of Air Plan in achieving its objectives.	Less effective in meeting intent of Air Plan achieving its objectives.	Meets intent of Air Plan in achieving its objectives.	Meets intent of Air Plan in achieving its objectives, albeit at a slower rate.	Less effective in meeting intent of Air Plan achieving its objectives.
<b>Cost</b>	Potentially the most expensive.  Low risk of being taken to Environment Court but high impact if the Environment Court considers any party is not meeting its statutory obligations to enforce operative rules.	Expense for Options 2a, 2b, 3a and 3b are approximately similar.  Staff consider that as Council would have a clear strategy of implementation it would be at lower risk of losing a case if taken to the Environment Court on enforcement action taken.	Expense for Options 2a, 2b, 3a and 3b are approximately similar.  Staff consider that as Council would have a clear strategy of implementation it would be at lower risk of losing a case if taken to the Environment Court on enforcement action taken.	Potentially may be the least expensive as no enforcement action will be taken further after the written warning.  While there may be low risk of being taken to Environment Court, it could be high impact if the Environment Court considers that the written warning with a 1 May 2011 compliance date is not meeting its statutory obligations appropriately.	Expense for Options 2a, 2b, 3a and 3b are approximately similar.  Staff consider that as Council would have a clear strategy of implementation it would be at lower risk of losing a case if taken to the Environment Court on enforcement action taken.	Expense for Options 2a, 2b, 3a and 3b are approximately similar.  Staff consider that as Council would have a clear strategy of implementation it would be at lower risk of losing a case if taken to the Environment Court on enforcement action taken.	Potentially may be the least expensive as no enforcement action will be taken further after the written warning.  While there may be low risk of being taken to Environment Court, it could be high impact if the Environment Court considers that the written warning with a 1 May 2011 compliance date is not meeting its statutory obligations appropriately.
<b>Fairness to Affected Parties</b>	Unfair to all parties that have taken steps to convert to cleaner heating and would discredit Environment Canterbury in the eyes of the community's expectations of enforcing its own plan.  Could be seen as a fair approach as there has been a relatively short "lead-in" time for the rules to become operative	One of the major issues with all options (1, 2 and 3) is the amount of time the public will have to adjust their home heating and the approach of the Kaiapoi Air Quality Communications Plan will be critical to the decision of how and when enforcement of the rules will occur.  Could be seen as an unfair approach as there has been a relatively short "lead-in" time for the rules to	One of the major issues with all options (1, 2 and 3) is the amount of time the public will have to adjust their home heating and the approach of the Kaiapoi Air Quality Communications Plan will be critical to the decision of how and when enforcement of the rules will occur.  A slightly fairer approach than option 2a due to the formal written warning	One of the major issues with all options (1, 2 and 3) is the amount of time the public will have to adjust their home heating and the approach of the Kaiapoi Air Quality Communications Plan will be critical to the decision of how and when enforcement of the rules will occur.  A very fair approach as there has been a relatively short "lead-in" time for communication of the	One of the major issues with all options (1, 2 and 3) is the amount of time the public will have to adjust their home heating and the approach of the Kaiapoi Air Quality Communications Plan will be critical to the decision of how and when enforcement of the rules will occur.  May be seen to be an unfair approach to those homeowners if they	One of the major issues with all options (1, 2 and 3) is the amount of time the public will have to adjust their home heating and the approach of the Kaiapoi Air Quality Communications Plan will be critical to the decision of how and when enforcement of the rules will occur.  May be seen to be very fair approach to those homeowners who are waiting for their replacement to	One of the major issues with all options (1, 2 and 3) is the amount of time the public will have to adjust their home heating and the approach of the Kaiapoi Air Quality Communications Plan will be critical to the decision of how and when enforcement of the rules will occur.  A very fair approach as there has been a relatively short "lead-in" time for communication of the rules and allows

	<p>(in comparison to the Christchurch provisions which were notified in June 2002 and Environment Court decisions in December 2008) and that the Waimakariri Clean Heat Project has only been available to Kaiapoi homeowners since 1 July 2008 with only a 10-year interest-free loan option available. (In Christchurch, Clean Heat Project has full assistance for Community Service Card holders, subsidies for homeowners and landlords, and the 10-year interest-free loan programmes and has been running since February 2003).</p>	<p>become operative (in comparison to the Christchurch provisions which were notified in June 2002 and Environment Court decisions in December 2008) and that the Waimakariri Clean Heat Project has only been available to Kaiapoi homeowners since 1 July 2008 with only a 10-year interest-free loan option available. (In Christchurch, Clean Heat Project has full assistance for Community Service Card holders, subsidies for homeowners and landlords, and the 10-year interest-free loan programmes and has been running since February 2003).</p> <p>Discretion is provided for in the enforcement regime to take into account specific circumstances to the individual case.</p>	<p>Could be seen as an unfair approach as there has been a relatively short "lead-in" time for the rules to become operative (in comparison to the Christchurch provisions which were notified in June 2002 and Environment Court decisions in December 2008) and that the Waimakariri Clean Heat Project has only been available to Kaiapoi homeowners since 1 July 2008 with only a 10-year interest-free loan option available. (In Christchurch, Clean Heat Project has full assistance for Community Service Card holders, subsidies for homeowners and landlords, and the 10-year interest-free loan programmes and has been running since February 2003).</p> <p>Discretion is provided for in the enforcement regime to take into account specific circumstances to the individual case.</p>	<p>rules and allows a further year for compliance.</p> <p>(In comparison, the Christchurch provisions were notified in June 2002 and Environment Court decisions in December 2008) and the Waimakariri Clean Heat Project has only been available to Kaiapoi homeowners since 1 July 2008 with only a 10-year interest-free loan option available. (In Christchurch, the Clean Heat Project has full assistance for Community Service Card holders, subsidies for homeowners and landlords, and the 10-year interest-free loan programmes and has been running since February 2003).</p> <p>Could be seen to be unfair to those that have already replaced with cleaner appliances.</p>	<p>need to find an alternative heating device while waiting for replacement to be installed, either through the Clean Heat Project or other voluntary initiative.</p> <p>Could be seen to be unfair to those that have already replaced with cleaner appliances.</p> <p>Could be seen as an unfair approach as there has been a relatively short "lead-in" time for the rules to become operative (in comparison to the Christchurch provisions which were notified in June 2002 and Environment Court decisions in December 2008) and that the Waimakariri Clean Heat Project has only been available to Kaiapoi homeowners since 1 July 2008 with only a 10-year interest-free loan option available. (In Christchurch, Clean Heat Project has full assistance for Community Service Card holders, subsidies for homeowners and landlords, and the 10-year interest-free</p>	<p>be installed, either through the Clean Heat Project or other voluntary initiative.</p> <p>Could be seen to be unfair to those that have already replaced with cleaner appliances.</p> <p>Could be seen as an unfair approach as there has been a relatively short "lead-in" time for the rules to become operative (in comparison to the Christchurch provisions which were notified in June 2002 and Environment Court decisions in December 2008) and that the Waimakariri Clean Heat Project has only been available to Kaiapoi homeowners since 1 July 2008 with only a 10-year interest-free loan option available. (In Christchurch, Clean Heat Project has full assistance for Community Service Card holders, subsidies for homeowners and landlords, and the 10-year interest-free loan programmes and has been running since February 2003).</p> <p>Discretion is provided for in the enforcement regime to take into account specific circumstances to the</p>	<p>a further year for compliance.</p> <p>(In comparison, the Christchurch provisions were notified in June 2002 and Environment Court decisions in December 2008) and the Waimakariri Clean Heat Project has only been available to Kaiapoi homeowners since 1 July 2008 with only a 10-year interest-free loan option available. (In Christchurch, the Clean Heat Project has full assistance for Community Service Card holders, subsidies for homeowners and landlords, and the 10-year interest-free loan programmes and has been running since February 2003).</p> <p>Could be seen to be unfair to those that have already replaced with cleaner appliances.</p>
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					<p>loan programmes and has been running since February 2003).</p> <p>Discretion is provided for in the enforcement regime to take into account specific circumstances to the individual case.</p>	individual case.	
<b>Community Expectations</b>	Not met – community expects Council to enforce its own plans.	Certainty to be met – community expects Council to enforce its own plans.	Most likely to be met – community expects Council to enforce its own plans, and allows for a warning.	Most likely to be met – community expects Council to enforce its own plans, and allows for a warning.	Certainty to be met – community expects Council to enforce its own plans.	Likely to be met – community expects Council to enforce its own plans, with leeway for those that have taken action but prohibited appliance has not yet been replaced.	Most likely to be met – community expects Council to enforce its own plans, and allows for a warning.

<b>AGENDA ITEM NO:</b> 11	<b>SUBJECT MATTER: COUNCILLORS ALLOWANCES AND REIMBURSEMENTS</b>
<b>REPORT:</b> Council	<b>DATE OF MEETING:</b> 28 May 2009
<b>FILE REFERENCES:</b>	<b>PORTFOLIO:</b> Democratic Process <b>PROJECT:</b> 0204 & 0201 <b>OUTPUT:</b> Ratepayer Services & Council/Committees
<b>REPORT BY:</b> Jude Pani Manager Secretariat	<b>ENDORSED BY:</b>

## PURPOSE

The purpose of this report is to enable the Council to:

- Approve changes to the Councillors' Allowances and Reimbursements Policy (Policy) to be submitted for approval to the Remuneration Authority, and
- Consider whether a submission is made on the Remuneration Authority Discussion Paper – Mileage Allowance

## ATTACHMENTS OR PREVIOUSLY CIRCULATED

1. Councillors' Allowances and Reimbursements Policy (Updated to reflect discussion at 14 May workshop)
2. Remuneration Authority Discussion Paper – Mileage Allowance (Previously circulated)

## BACKGROUND

### Councillors' Allowances and Reimbursements Policy

The Remuneration Authority (Authority) approves Councils' policies for reimbursements and allowances as part of the annual cycle of remuneration determinations. Council approved the Councillors' Allowances and Reimbursements Policy (Policy) for reimbursements and allowances in March 2008.

Council considered its Policy in March 2009 as part of the remuneration determinations with no changes made to the Policy. Following discussion at the 14 May governance workshop, it is now appropriate for Council to consider changes to the Policy and seek approval from the Authority to amend the expense rules for determination for the 2009/2010 financial year.

An updated copy of the Policy is attached with changes highlighted in red type.

Councillors' attention is drawn to sections (7.1 and 9.1) that officers have received feedback about previously, but have not been changed in the draft document. Council may wish at this meeting to consider changes to these sections. As there did not appear to be direction given at the workshop, there are no changes made to the LGNZ Conference section 9.1 which provides for Council meeting the costs of registration, meals and accommodation for Councillors and partner/spouses for attendance at the LGNZ Annual Conference. There are also no changes made to section 7.1 which provides for an annual function for Councillors and their partners.

## Remuneration Authority Discussion Paper – Mileage Allowance

Councillors have been made aware of the recently released Authority discussion document “Local Government Elected Members – Mileage Allowance” recommending changes for implementation following the 2010 local authority elections. The Authority is seeking feedback by 1 July 2009 on a proposal to cease the current method of paying mileage allowance and that it be replaced with reimbursement of travelling time and actual travel costs, in limited circumstances. The Authority is concerned with the potential for councillors to claim through the Council processes and also as part of taxation returns in their self-employed status.

The Authority points out that the current provisions of the determination concerning the mileage allowance are permissive rather than mandatory.

The discussion paper has been circulated to Councillors and some informal responses indicate opposition to the changes suggested by the Authority. There is no employment relationship between Councillors and the Council and it may not be unfair to pay a mileage allowance to a Councillor who is “self-employed” and who can separately claim the costs of using their vehicle as a business expense.

Council may want to include in any submission to the Authority reference to relevant parts of the national Transport Strategy and Government policies which promote a modal shift to public transport and support active transport to encourage the Remuneration Authority to align any allowance policies with these strategies.

### FINANCIAL

Budget provision to support the Allowances and Reimbursement Policy is made within projects 0201 and 0204 of the Democratic Process budget.

### PROPOSAL

#### ALLOWANCE AND REIMBURSEMENT POLICY

That the Council considers the suggested changes, and any further alterations, and adopts an amended Councillors’ Allowances and Reimbursements Policy to be submitted for approval to the Remuneration Authority.

#### REMUNERATION AUTHORITY DISCUSSION PAPER – MILEAGE ALLOWANCE

That a submission opposing the proposal to replace the payment of mileage allowance with the introduction of payment for travel time be forwarded to the Remuneration Authority.

### RECOMMENDATIONS

*That the Council:*

- (a) **Adopts** an amended Councillors’ Allowances and Reimbursements Policy for recommendation to the Remuneration Authority.
- (b) **Approves** a submission to the Remuneration Authority opposing the proposal to replace the payment of mileage allowance with the introduction of payment for travel time.

# **Councillors' Allowances and Reimbursements Policy**

## **Canterbury Regional Council**

Jude Pani  
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Canterbury Regional Council  
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27 February 2008 – Approved  
Draft for consideration at 28 May 2009 Council

# 1. Introduction

Section 6 of the Local Government Act 2002 requires the Remuneration Authority to determine the “remuneration, allowances and expenses” payable to Councillors of local authorities. Section 6 further states that the Remuneration Authority may approve the rules under which expenses are reimbursed to Councillors.

Remuneration, allowances and expense reimbursements not determined by the Remuneration Authority cannot be paid.

The Remuneration Authority advised in March 2007 that they had reviewed their approach to the approval of expense rules and reimbursing allowances in the light of their experience over the last three years. In doing so the Remuneration Authority advise the following:

1. *The Remuneration Authority is required to satisfy itself that its determinations on the remuneration of members are not distorted by the payments of expense reimbursements or allowances.*
2. *Local authority members carry out their responsibilities on a diverse basis and in accordance with local conditions. A “one size fits all” approach would be inappropriate and thus approvals on a local authority by local authority basis should continue.*
3. *There are, however, some common principles and guidelines which, as public entities, all local authorities need to follow when reimbursing expenses or paying allowances, including those set out in the Auditor-General’s 2007 publication “Controlling Sensitive Expenditure: Guidelines for Public Entities” (available at [www.oag.govt.nz](http://www.oag.govt.nz)). If those principles and guidelines are followed the risk of distortion (paragraph 1) is significantly reduced.*
4. *The Remuneration Authority approval should be based on sufficiently detailed information to enable the Authority to have satisfied itself that no distortion is occurring. Accordingly, that information needs to be provided by the local authority in a standard format determined by the Remuneration Authority.*
5. *A member of the public exercising their right to inspect the approved expense reimbursement rules (including the payment of reimbursing allowances) should be able to reach an informed view of the local authority’s policies and practices.*
6. *The local authority, the Remuneration Authority, and the public should have access at any time to one, up to date, approval document.*

Applications following changes to expense rules or reimbursing allowances can be made at any time by submitting a new application form fully completed and with the changes highlighted.

Subject to (d), the Remuneration Authority intends that approvals will be part of the annual cycle of determinations. The Remuneration Authority will provide application forms each year for that purpose.

In developing this policy, a key factor has been administrative efficiency. Therefore, where it is possible to do so, an effort has been made to provide standard allowances based on a fair and reasonable rate for the costs incurred, rather than requiring a claim to be made.

## 2. **Related Guidelines and Policy Documents**

- Office of the Auditor-General publication – “Controlling sensitive expenditure: Guidelines for public entities” is available at [www.oag.govt.nz](http://www.oag.govt.nz)
- Rules for Reimbursing Expenses of Elected Members of Local Authorities – Amended Approval Process and Application Form. (Remuneration Authority, 14 March 2007)
- Council Fraud Policy and Procedures (April 2007 Council)

## 3. **Council Process for Payment of Allowances and Reimbursements**

Payment for allowances and reimbursements require a claim form to be signed and submitted.

Councillor claims are processed and paid monthly.

- Claim forms are to be submitted to the Manager Secretariat who will vet, approve and arrange payment into members' bank accounts.
- Claim forms for each month are to be received within 7 days following the end of the month.
- Claims submitted after three months will not be entertained except in extraordinary circumstances.
- All reimbursement claims are to be supported with a detailed receipted tax invoice. It is not sufficient for payments made by credit card or EFTPOS docket to be supported by only the credit card/EFTPOS receipt.
- Payment will be made monthly by direct credit.

## 4. **Vehicles**

### 4.1 **Chairperson's car**

The Chairperson of the Council will be provided with a vehicle. If a Chairperson elects to have the vehicle available for private use, a deduction will be made from their salary as determined by the Remuneration Authority.

## **4.2 Vehicle Provision**

Generally, the Council does not provide Council vehicles for members attending Council/Standing Committee meetings, except for the Chairperson of the Council.

# **5. Mileage Allowances**

## **5.1 Mileage Rate**

The Remuneration Authority determines the maximum mileage rate payable and reflects both cost recovery and an element of remuneration of travelling time. Currently, a mileage allowance of 70 cents per kilometre for all mileage incurred on "Council business" is paid and this is the maximum amount allowable.

Councillors are to include on the monthly claim form details of all meetings (including Council/Committee) for which a mileage allowance is being claimed. Reimbursement will only be made for mileage listed on the claim form. Sufficient details relating to "Council Business" meetings are to be included.

## **5.2 Mileage for "Council Business"**

Subject to the interpretation and exceptions listed below, Councillors are entitled to a mileage allowance when using their own vehicle for "council business".

### **Interpretation**

With respect to mileage allowances, the term "council business" includes attendance at the following:

- Official meetings of the Council and any committees and subcommittees
- Council/Committee workshops/briefings
- Statutory hearings
- An external event or meeting where there has been:
  - a resolution of Council or a Committee or
  - authorisation by the Council Chairperson/relevant Committee
- Formal meetings/visits within the Councillor's constituency (details to be provided)
- Seminars and training courses where the Councillor's attendance has been authorised
- Formal meetings with Mayors, territorial authority committee Chairs or elected members
- Official Councillor briefings

At no time does “council business” include events where the primary focus is on social activities, political meetings or electioneering.

### **Exceptions**

- If the Council is providing transport, and a Councillor chooses – for personal reasons – to travel independently, they may not be entitled to a vehicle allowance.
- Where a Councillor chooses – for personal reasons – to travel by private motor vehicle to a conference or seminar outside of the Canterbury Region they will be entitled to reimbursement of the mileage travelled, up to the value of equivalent airfares.

## **6. Travel and Accommodation**

### **6.1 Taxis and other transport**

Other than for agreed conference/meeting attendance, there may be occasions when a Councillor requires a taxi service. Pre-approval by the Manager Secretariat ~~(including the Taxi Company to be used)~~ is required. ~~Actual costs associated with approved use will be reimbursed upon production of an official receipt.~~ **Taxi vouchers which will indicate the Taxi Company to be used can be obtained from the Manager Secretariat.**

**Councillors are entitled to reimbursement of costs for the use of public transport for “council business”. Use of Metrocards may be appropriate for Councillors where public transport is their usual travel mode.**

### **6.2 Car parks**

Car parks are available for use by Councillors in the vicinity of the Kilmore Street building.

### **6.3 Use of Rental Cars**

There may be occasions when rental cars are required for use by Councillors. Approval by the Manager Secretariat (including the Company to be used) is required.

### **6.4 Air Travel – Domestic**

It is current practice that no one airline is favoured – the cheapest possible flight is booked to meet requirements. All travel bookings are made through the travel agency appointed by the Chief Executive.

Members requiring booking of approved air travel should arrange this with the Councillors’ Executive Assistant on the Fifth Floor.

### **6.5 Air Travel – International**

It is current practice that all international air travel will be by economy class except where exceptional circumstances arise.

It is also current practice that no one airline is favoured – the cheapest possible flight is booked to meet requirements. All travel bookings are made through the travel agency appointed by the Chief Executive.

Members requiring booking of approved international air travel should arrange this with the Councillors' Executive Assistant on the Fifth Floor.

## **6.6 Airline Clubs/Airpoints/Airdollars**

The Council Chairman will have paid membership of one airline club.

Airpoints or Airdollars earned on travel, accommodation, etc, paid for by the council are not available for the private use of Councillors.

## **6.7 Accommodation costs**

Councillors attending any Council, Standing Committee, Subcommittee or Council Workshop meetings are entitled to any expenses incurred in attending the meeting. Such expenses could include accommodation.

Actual and reasonable accommodation costs will be paid/refunded (upon production of receipts) where appropriate. Such costs are appropriate when a member is required to travel long distances (in excess of 100 kms one-way) to a meeting, or it is not practicable to return home on the same day, or in exceptional circumstances.

The Council has negotiated corporate rates with hotels and unless extraordinary circumstances arise members are to use these venues where appropriate. Bookings are to be made in consultation with the Councillors' Executive Assistant.

Members who choose to stay privately may claim an amount of \$50 per night.

For accommodation at approved conferences/seminars, see Section 9.

## **6.8 Meals and sustenance, incidental expenses**

It is policy to provide a lunch for members attending meetings when the meeting or meetings extend past the lunch period.

Any reimbursement/payment of the cost of an evening meal (including alcohol) will not exceed \$45.

Costs of telephone/toll calls necessary while staying away from home may be refunded. It should be noted that some hotels add a surcharge to calls made through their system.

- Cost of one call home per night can be claimed.
- Costs of calls in contacting constituents may be refunded provided the call is for the business of the Council.

## 7. Entertainment and Hospitality

### 7.1 Annual Councillor function

The Council will make budgetary provision for one Councillor Function per year. The purpose of the function is to provide:

- A forum for building relationships between Councillors and senior staff, and
- An opportunity to give recognition to the supporting role that spouses/partners give to Councillors and senior staff.

Attendance is generally limited to Councillors and senior management staff, accompanied by spouses/partners.

If appropriate, costs of accommodation and associated meals will be paid for Councillors and partners attending the annual function.

The Chief Executive or Chairperson when deemed appropriate for the function may invite special guests.

## 8. Communications and Technology

### 8.1 Equipment and technology provided to Councillors

Councillors will be supplied with a laptop, printer and Internet connection, as appropriate, for their period of office. The Council will also supply any necessary sundry consumables. The equipment remains the property of the Council and must be returned when the Councillor leaves office.

Sundry consumables should be arranged through the Councillors' Executive Assistant. IT support will be available as appropriate.

#### Exceptions

- Will be considered by the Manager Secretariat in consultation with the IT Manager on a case by case basis where the effectiveness of a councillor will be improved by alternative arrangements.
- NB – There will be no IT support for non-Council equipment.
- NB – Access to the network resources from within the Council building is only available from Council supplied computer equipment.

### 8.2 Home telephone rental costs and telephone calls (including mobiles)

#### 8.2.1 Mobile Telephones

The Council will provide a mobile phone for the Chairperson and cover all expenses associated with the use of that phone. The phone remains the property of the Council. The Chairperson will not receive the mobile phone allowance paid to other members.

All other Councillors who can be contacted on their own mobile telephone are entitled to an allowance of \$20 per month. This allowance is based on half the cost of the monthly rental.

The Council will not pay the purchase cost of a mobile phone for Councillors, except for the Council Chairperson.

**Exceptions** will be considered on a case-by-case basis by resolution of the Council and forwarded to the Remuneration Authority for approval.

### **8.2.2 Residential Telephone Connections**

Councillors are entitled to reimbursement of the cost of a residential telephone connection or broadband connection.

If the installation of a second telephone line is necessary for council business, the Council will pay the costs of installing the second line and the Councillor will be entitled to an allowance covering the monthly rental cost. The decision about whether a second line is necessary will be made by the Chairperson of the Council in consultation with the Manager Secretariat. Councillors who have a second line installed will not be entitled to reimbursement of the cost of their first telephone line/broadband connection.

**Exceptions** will be considered on a case-by-case basis by resolution of the Council and forwarded to the Remuneration Authority for approval.

### **8.2.3 Reimbursement of call costs**

The Council will reimburse costs of calls incurred in the business of the Council upon the provision of appropriate detailed accounts.

All personal calls are a cost to be borne by the Councillor.

### **8.2.4 Reimbursing Allowance**

Councillors who do not claim recovery of costs under 8.2.2 and 8.2.3 may claim a reimbursing allowance of \$50.00 per month.

## **9. Professional Development, Clubs and Associations**

### **9.1 Conferences, courses, seminars etc.**

An annual budget will be set aside for Councillor attendance at conferences/courses/seminars. (Annual LGNZ Conference not included – See below).

When considered appropriate for a Councillor to attend a conference/course/seminar at the cost of the Council, approval shall only be given for the purpose of acquiring knowledge, including new developments, or transacting business that is appropriate to that Councillor. Costs of attendance must be able to be met within the approved budgets.

Attendance will generally be authorised by resolution in a public session of a Council or Committee meeting, but may also be authorised in writing by the Council Chairperson.

Councillors who have been authorised to attend a conference, course, seminar etc. will have attendance fees, travel, accommodation and meals paid for. Unless otherwise agreed by the Manager Secretariat, all travel and accommodation will be booked through the Councillors' Executive Assistant.

Generally, the Council will not meet costs of partners/spouses attending conferences/courses/seminars.

Councillors, after attendance at an approved conference/course/seminar should report to an appropriate meeting on relevant matters including course content, matters of interest to other members and staff and an assessment of the value of the attendance.

### **LGNZ Conference**

Attendance at the LGNZ Annual Conference will be considered and resolved by the Council.

The Council will meet the costs of registration, meals and accommodation for Councillors and partners/spouses.

## **10. Other Expense Reimbursements & Allowances**

### **10.1 Councillors travelling overseas (other than courses/conferences)**

The Council may support the costs of Councillors travelling overseas on fact-finding visits after consideration of the following factors:

- The information to be gained is necessary to the achievement of the performance measures of a relevant Council project in the Annual Plan/LTCCP.
- A personal visit is required and the nature of the visit is such that a Councillor is appropriate for the task.
- The visit is an effective means of obtaining the information.
- The Councillor applying for support is an appropriate member to undertake the proposed visit.
- Any special circumstances, which are seen to justify support.

All applications for support shall be in writing and will require support from the relevant principal Committee prior to consideration by the Council.

When a Councillor will be travelling overseas on a personal visit and is asked by the Council to undertake some work which can be conveniently included in their itinerary, then the Council may approve any extra expense incurred as it sees fit.

### **10.2 Personal Accident Insurance**

The Council has an accidental death policy that covers Councillors in the case of an accidental death by any cause while on Council business.

The policy will pay out \$100,000 on death.

- The cover applies from the time of leaving home to returning home.
- Proceeds of any claim will be used to meet the costs of any by-election required.

## 11. **Taxation of Allowances**

Taxation on allowances shall be deducted at the prevailing taxation rates as determined by the Inland Revenue Department.

<b>AGENDA ITEM NO: 12.1</b>	<b>SUBJECT MATTER: REPORT OF THE CHRISTCHURCH AREA COMMITTEE</b>
<b>REPORT TO:</b> Council	<b>DATE OF MEETING:</b> 28 May 2009
<b>FILE REFERENCES:</b>	<b>PORTFOLIO:</b> <b>PROJECT:</b> <b>OUTPUT:</b>
<b>REPORT BY:</b> Louise McDonald Administration Officer	<b>ENDORSED BY:</b>

**This report will be presented by the Chairperson of the Christchurch Area Committee.**

***Recommended to Council by the Christchurch Area Committee:***

- (a) *That the report of the Christchurch Area Committee meeting held on 4 May 2009 be received and,*
- (b) *That the matter for Council decision (Regional Pest Management Strategy) be approved.*

**MATTER RECOMMENDED TO THE COUNCIL**

**REGIONAL PEST MANAGEMENT STRATEGY**

The Committee received a briefing on current pest management activities and the review of the Regional Pest Management Strategy.

Noting the pest management issues on the Christchurch Port Hills, and that much of Banks Peninsula is rural, there was support of the establishment of a pest liaison committee for the Christchurch Area.

**Recommended to the Council**

*That the establishment of a Christchurch Area Pest Liaison Committee be considered as part of the review of the Canterbury Regional Pest Management Strategy.*

**MATTER RESOLVED BY THE COMMITTEE**

**PUBLIC PASSENGER TRANSPORT**

The Committee discussed the implementation of bus priority lanes and expressed concern that any compromises, that would result in buses having to re-enter the traffic flow, would jeopardise the success of the priority lanes.

The issue of cyclists sharing lanes with buses was also discussed. There was support for smarter design and the provision of a variety of safe and appropriate passage for cyclists.

To assist in getting some action on these issues it was suggested that a late submission be made to the Regional Land Transport Programme.

**Resolved**

*That a submission be made to the Regional Land Transport Programme 2009-19 from the Christchurch Area Committee supporting the provision of cycleways, public passenger transport, bus priority lanes and other efficiency measures.*

**NEXT MEETING DATE**

As Monday meetings were proving difficult for some members to attend it was agreed to trial a Friday meeting. The next meeting of the Committee will be held on Friday 7 August at 9.30 am.

<b>AGENDA ITEM NO: 12.2</b>	<b>SUBJECT MATTER: REPORT OF THE REGIONAL PLANNING COMMITTEE</b>
<b>REPORT TO:</b> Council	<b>DATE OF MEETING:</b> 28 May 2009
<b>FILE REFERENCES:</b>	<b>PORTFOLIO:</b> <b>PROJECT:</b> <b>OUTPUT:</b>
<b>REPORT BY:</b> Louise McDonald Administration Officer	<b>ENDORSED BY:</b>

**This report will be presented by the Chairperson of the Regional Planning Committee.**

***Recommended to Council by the Regional Planning Committee***

- (a) *That the report of the Regional Planning Committee meeting held on 13 May 2009 be received, and*
- (b) *That the matter for Council decision (review of the Canterbury Regional Policy Statement) be approved.*

**MATTER FOR COUNCIL DECISION**

**REVIEW OF THE CANTERBURY REGIONAL POLICY STATEMENT**

At the workshop held prior to this meeting the Committee had received a presentation on the review of the 1993 Regional Landscape Assessment. (Workshop outline and powerpoint notes were tabled).

The Committee considered the report attached to the agenda and the following list of recommendations listed in the outline presented at the workshop:

- The review of the landscape study is incorporated into the CRPS to give it statutory weight.
- Consideration of a range of policies to be included in the CRPS (detail in the report)
- Identify criteria to assess landscape value
- Note that Outstanding Natural Landscape values are not “hard” boundaries, and that further detailed local assessment might result in redefinition of boundaries.
- District plans and regional plans develop management framework to maintain identified values of Outstanding Natural Landscape and Outstanding Natural Features.
- Cultural and heritage landscapes identified through district plans.

The issue of directing or guiding Territorial Authorities was raised, with some Committee members expressing the view that a lot of work had already been undertaken by the Territorial Authorities and that the Regional Council had fully participated in that work.

Others expressed the view that the Council had a statutory responsibility to review the Policy Statement and that the review would provide a good opportunity to work with the Territorial Authorities. The preparation of a draft Landscape chapter was the start of a process that would involve working collaboratively with the Territorial Authorities.

### **Recommended to the Council**

- (a) *That the Regional Planning Committee recommend to Council that approval is given to drafting a "Landscape" chapter of the proposed Canterbury Regional Policy Statement following the directions outlined in the report "Landscape – Directions for Drafting" as presented to the Committee.*
- (b) *That the Canterbury Landscape Study Review is reported back to the Regional Planning Committee prior to the workshop to discuss the draft Regional Policy Statement Landscape chapter.*
- (c) *That criteria for the identification of cultural and heritage landscapes are investigated as part of the drafting of the landscape chapter.*

### **MATTER RESOLVED BY THE COMMITTEE**

#### **WAIMAKARIRI RIVER REGIONAL PLAN REVIEW**

An update was presented on the review of the Waimakariri River Regional Plan and the consultation currently underway.

A request was made that staff work with the constituency Councillors to arrange the dates for meetings with consent holders and known interest groups.

#### **Resolved**

*That the report on the review of the Waimakariri River Regional Plan be received; and that the technical work include clarification that the technical assessment methods and flow regime reflects best practice.*

<b>AGENDA ITEM NO: 13</b>	<b>SUBJECT MATTER: CHAIRMAN'S REPORT</b>
<b>REPORT:</b> Council	<b>DATE OF MEETING:</b> 28 May 2009
<b>FILE REFERENCES:</b>	<b>PORTFOLIO:</b> <b>PROJECT:</b> <b>OUTPUT:</b>
<b>REPORT BY:</b> Cr Burke Chairman	<b>ENDORSED BY:</b>

## AUCKLAND'S GOVERNANCE

As reported to the April Council Meeting, I attended a conference on Auckland's Governance hosted by the Auckland University of Technology. Regional Council Chairs from Northland, Waikato and Bay of Plenty also attended

I also took the opportunity to have bi-lateral discussions with John Banks and Mike Lee, Auckland's Mayor and Regional Chair respectively, on the issue and any potential "knock on" effects on other regions. Key points at the conference included those outlined below.

Royal Commission Chair, Peter Salmon QC, Made the following points:

- the Commission had learnt from visits to other cities such as Vancouver that cities, more than nations, were the modern drivers of economic change and that they were/are in competition to attract what he called the "creative class."
- Auckland's CBD was very important to its future. Its built environment is poor however, diminishing its fine natural harbour location.
- the disconnect between Auckland and the rest of New Zealand needs to be dealt with.
- Auckland should contribute more to New Zealand's economy.
- Auckland needed to have clear roles for the new Council and the community boards and be responsive to different groups and communities. (The current situation was described as one characterised by weak regional governance and a disconnect with its communities,)
- the Commission wanted the new Council to take a regional approach, hence its recommendation for some "At Large" elected membership, believing that wards would sidetrack the Council onto local issues.
- the urban areas needed clearly defined limits.
- The waterfront area needed special attention.
- A mayoralty with stronger powers would attract visionary people, but majority backing would be desirable, such as if the Mayor was elected by STV.
- the second tier was more difficult, with a need to clearly define regional and local functions.
- the second tier had the ability to "place shape" and deliver on a local level, with a ward system providing for local engagement.
- there needed to be strong communications between the first and second tiers, with a triennial agreement and with the second tier being sufficiently large to be "true partners" with the new Council.
- a special Minister for Auckland and an Auckland Cabinet Committee should be established to consolidate the partnership between Auckland and the Government.
- there should be one district plan. And

- there is potential for other regions to be affected but the Commission only considered Auckland.

Professor Robin Hambleton from Britain offered an international perspective. He described the orientation of events at the moment as being a restructuring of localities, a recession, social dynamism in multi-cultural cities, climate change and threats to democratic accountability. He said society had to anticipate future events to avoid a disaster scenario.

- The options facing Auckland were to do nothing or to establish a 2-tier local government arrangement, which needed to work together through collaborative partnerships. This would enhance civic leadership. There were still lots of details to be worked out.
- Even though the elected mayor would be visibly accountable and legitimately entitled to lead, Professor Hambleton said that he/she may not have the “authority to decide” issues. The mayor could be a lightweight or the council could be deadlocked, frustrating decisive action.
- Innovative change management would be needed because there were strong feelings about the proposals. People in the new bodies needed to be encouraged to take risks which, he said, would lead to adventuresome and outstanding leadership.
- Leadership would be dispersed between the three inter-connected circles of political, management and community and the region needed to achieve in all three sectors.
- He urged that communities be empowered to take control of “what matters in our neighbourhood” to enhance representation and participatory democracy and budgeting.
- He also thought more time should be allowed, say till March or April 2011. Peter Salmon also thought that the public service could be demoralised if change was too quick or uncaring.

Matthew Cockram gave a “Business Perspective” on the reform proposal and local government under the following headings:

#### Business Attitude to Local Government.

- He said that business was wary (and weary), suspicious and apprehensive with regard to local government, that it needed to provide core, essential services with consistency and cost effectiveness. It should not be where the private sector can do the job.
- He was critical of RMA requirements for consultation when action was needed and said that central government must share responsibility in these matters.

#### Local Government as part of NZ Inc.

- It needed the vision and courage to lead.
- Our relative prosperity would decline if incremental decisions favoured special interests as against bold decisions favouring the majority.
- Business NZ and the NZ Council for Infrastructure Development were both proponents for change in Auckland. For New Zealand to have a vibrant, growing economy change was needed in Auckland.
- Recent experience had left business exhausted and bewildered because of local government’s departure from its key functions. The Auckland proposals clarified and identified these key functions. Mr Cockram saw local government involvement in economic development as being akin to socialism or communism.
- All that business needed was certainty, consistency and cost effectiveness and, while there were social issues, *“let’s get Auckland working and bring everybody up.”*

- Change is necessary even though apprehension is understandable.

Professor Peter McKinlay, Director, Local Government Centre, AUT

- Status Quo is not an option.
- Both the Royal Commission and the Government agree on the need for change to deliver and implement effective decisions at the regional level.
- An inclusive leadership is required, with wide vision and wide experience.
- The mayoral role in New Zealand is often not greatly influential unless backed by a council majority. Mayors elsewhere are important – they do things! Need to ensure in Auckland that the mayoral role can deliver from a position of strength.
- Leadership must accommodate parochialism (local patriotism). Manage it and contain it effectively. The Royal Commission didn't adequately address parochial needs.
- The Government has accepted a "weak mayor" model, with the Council in control. A "strong mayor" model such as in London should have been considered, with checks and balances.
- Accountability and transparency: elected members will need quality information. Will need to drill down for this.
- Local Boards: toothless wonders? Not according to the Government which wants the Boards to be decision makers.
- Fiscal savings from strong and effective local networks.

Christine Cheyne, Massey University: Enhancing the local in Auckland's Governance.

- The purposes of the 2002 LGA remain unchanged.
- Need to recognise the existence of diversity in our communities and their interests to ensure effective participation in local government.
- Consensus on the regional unitary model.
- Must now focus on the local boards. Engagement must reach the right people.
- Will require agility. Not about more but better and being smarter.
- Maori participation needs to be guaranteed "at this point in time," an interim solution.
- Local boards should focus on sustainability, not just dogs and alcohol. They should have a "place shaping" role.

Manuka Henare

- Governance and Maori as a constitutional issue
- Maori Advisory Committee a repeat of the Foreshore and Seabed issue.
- Need for safeguarded Maori seats.
- Urbanisation in Auckland from the 16<sup>th</sup> Century.
- The centre will still be in control.
- Subsidiarity should have driven the Royal Commission's work, not from the Crown down.

Eugene Bowen, LGNZ

- Community engagement emerging as a key issue.
- Systemic funding issues.
- One spatial plan.
- Specified functions for Boards, not the powers of general competence.
- Unitaries currently not environmentally focussed.
- Implications for other regions "if we want them."

- May be used as a driver for change elsewhere but it is for councils to initiate. The Government won't.
- The rest of NZ should just wait and see.

Elizabeth Rowe, Social Development.

- Can achieve social outcomes without the Social Issues Board.
- The new Council must provide leadership, vision and values to inspire the region.
- More than voluntary processes will be needed to engage and serve the disenfranchised.
- Alignment between regional and central government boundaries.

Professor Phil McDermott, AUT

Auckland has a dependent economy:

- consumption driven
- insurance and finance focus
- slowing import substitution, and
- reliance on hinterland exports.

Auckland has to be commercially and environmentally sustainable. The Government's decisions provide the platform for change.

## **CO-MANAGEMENT OF NATURAL RESOURCES?**

The terms of the Waikato-Tainui Treaty Settlement claims included an agreement for the principle of co-management of natural resources, in particular the Waikato River. However, the term "co-management" is not defined.

Schedule 1 of the Implementing Bill describes the principle of co-management as including:

- (a) The highest level of good faith engagement; and
- (b) Consensus decision-making as a general rule;

while having regard to statutory frameworks and the mana whakahaere of Waikato-Tainui and other Waikato River iwi.

It seems clear that what is required of local government is early and effective input rather than simply an obligation to consult Waikato-Tainui.

Settlements have moved from financial redress to cultural redress.

The questions of how this will affect the constitutional role of local government in the management and use of natural and physical resources and how co-management settlements can be integrated with the RMA and LGA are major issues that now need to be addressed.

In this process it will be important to ensure that co-management mechanisms do not compromise the decision-making powers of local government, its democratic foundations and the integrity of its legislation. Any ambiguities will need to be removed. Co-management mustn't affect local government's statutory duties.

While co-management is unlikely to mean co-decision making, the term does need legal definition so that its meaning is beyond dispute.

I asked the Minister of Local Government about this matter at the recent Zones 5/6 Meeting in Christchurch, as it is clear that the matter has the potential to affect local government in general and regional councils in particular.

Rodney Hide confirmed that this is under discussion by the Government. He also said that the question of co-management would be “bigger than Auckland” as an issue.

## **MOUNTAINS TO SEA CYCLEWAY**

The Prime Minister has succeeded in securing \$50 million for cycleway development, in particular for tourism-related projects. He is seeking suggestions from regions, hence my proposal to him of a Mountains to Sea cycleway across Canterbury.

This would link with the network proposed for development in the Waimakariri Regional Park, from the Gorge to the coast, which would be our Council’s contribution as I see it.

The concept, contained in the media release issued by me on 19 May, is included here for colleagues’ consideration.

### **“From the Mountains to the Sea: A Canterbury Cycleway**

*Statement from: Hon. Sir Kerry Burke, Chairman, Canterbury Regional Council (Environment Canterbury)*

Canterbury has an opportunity to tap into the Prime Minister’s request for responses from the regions for potential “great ride” cycleway developments.

Canterbury Regional Council chairman, Sir Kerry Burke, is suggesting to colleagues and to the Prime Minister a collaborative effort from interested parties to develop a “Mountains to Sea” cycleway, from Arthur’s Pass to the Waimakariri River mouth.

“Travellers could take their bikes on the train from Addington to Arthur’s Pass and then cycle back to Christchurch. This could be the greatest of the “great rides” being sought by the Prime Minister,” said Sir Kerry.

“I think that the most attractive route would be to broadly follow the Midland railway line, with some obvious detours for tunnels and river crossings.

“It would have all of the fantastic upper Waimakariri scenery that has made the Tranz Alpine one of the world’s great rail journeys and would link up with our Regional Park at the Waimakariri Gorge. Cycle trails would then run through the 15,000 hectare park beside the river, including atop stopbanks, to finish near the coast.

“Plainly we’re not talking about something that would be done in a short time frame, but if we start now with the vision and then work with the stakeholders, including the Crown, Kiwirail, the University of Canterbury and its lessees and private landowners, we can build a wonderful asset for future generations.

“Tourists returning from the West Coast could also alight at Arthurs Pass and cycle back along the Waimakariri River. Either way, the spectacular scenery of the Waimakariri gorge,

the inland basins and the river's passage across the Plains, could easily make this a world-famous journey," said Sir Kerry.

"The route could also potentially link with the other routes such as the Motukarara end of the Little River Rail Trail, or to proposed cycle routes to the north of the Waimakariri or back into the city.

"The existing Midland line rail corridor is wider than simply the line itself, but understandably Kiwirail would want to ensure that any cycle route near the rail line is not creating any potential safety issues for trains, cyclists or cars at level crossings. These are matters to discuss," said Sir Kerry.

The University of Canterbury has a field station at Cass and leases in perpetuity high country stations such as Grasmere, Craigieburn and Flock Hill. Some other areas of land may also be freehold or part of the DOC estate and investigations would have to be made with those land managers to advance a safe cycle route which did not compromise their own aims.

"Considerable tourism activities occur over this inland basin area already, but a mountains-to-sea cycleway would be a wonderful new development, which would also provide further business opportunities for neighbouring towns and for Kiwirail.

"This project could be rolled out in sections, with parts of it opened to cyclists as they become available. That way, cyclists who are prepared to cycle along the state highway could combine the two. But the aim would be to ultimately have a cycleway for walkers and cyclists separate from the state highway to attract family groups and as wide a range of cycling abilities as possible.

"The Prime Minister, having secured new funding for cycleway development, needs to have genuine possibilities presented to him, projects that will make a difference and gain world reputations. There can be few more dramatic routes available for development than this suggestion.

"One thing is very clear, in my opinion: Canterbury needs to front foot the national cycleway network and this proposal is designed to encourage some creative and entrepreneurial thinking which would bring more people in touch with a spectacular part of our region and benefit local businesses at the same time," said Sir Kerry."

## **RECOMMENDATION**

- (a) That the report be received and the contents noted;**
- (b) That support in principle for the concept of a "Mountains to Sea" cycleway be indicated, with the Regional Council's financial contribution being made by the completion of its proposed cycleways in the Waimakariri Regional Park; and**
- (c) That the Council offer to help facilitate discussions between the interested and affected parties involved to help develop a collaboratively-based proposal, which might qualify for assistance from the funding package secured by the Prime Minister for the "great rides" concept .**

<b>AGENDA ITEM NO: 14</b>	<b>SUBJECT MATTER: FINANCIAL REPORTS ON COUNCIL PORTFOLIO ACTIVITIES</b>
<b>REPORT:</b> Council	<b>DATE OF MEETING:</b> 28 May 2009
<b>FILE REFERENCES:</b>	<b>PORTFOLIO:</b> <b>PROJECT:</b> <b>OUTPUT:</b>
<b>REPORT BY:</b> Mark Smith Financial Accountant	<b>ENDORSED BY:</b> Wayne Thomas Director Finance and Corporate Services

Attached is the financial summary of the Council's activities for the ten months ended 30 April 2009.

### **RECOMMENDATION**

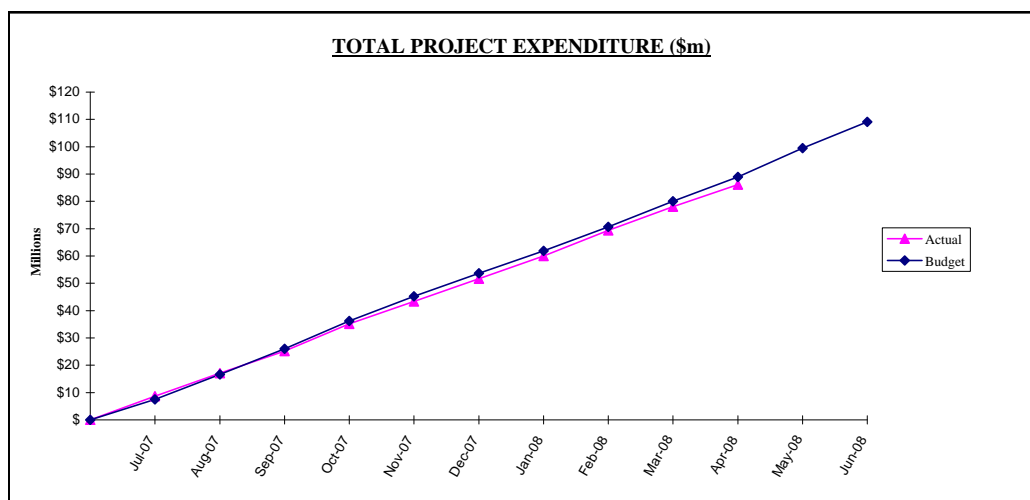
*That the information on the financial reports for the period ending 30 April 2009 be received.*

**Environment Canterbury Financial Summary for the ten months ended 30 April 2009.**

	Revenue YTD			Expenditure YTD			Surplus/(Deficit) YTD		
	Actual	Budget	Variance f/(u)	Actual	Budget	Variance f/(u)	Actual	Budget	Variance f/(u)
<b>Summary</b>									
Total Projects	\$ 88,119,017	\$ 85,462,457	\$ 2,656,560	\$ 86,090,945	\$ 88,902,831	\$ 2,811,886	\$ 2,028,072	\$ (3,440,374)	\$ 5,468,446
<b>By Portfolio</b>									
Air Quality	8,348,656	7,333,485	1,015,171	6,791,852	9,159,942	2,368,090	1,556,804	(1,826,457)	3,383,261
Emergency Management	1,169,249	1,113,447	55,802	990,031	1,113,446	123,415	179,218	1	179,217
Coastal Environment	1,244,532	1,460,279	(215,747)	1,149,550	1,491,261	341,711	94,982	(30,982)	125,964
Energy	244,155	298,720	(54,565)	151,930	298,719	146,789	92,225	1	92,224
Land	3,908,655	3,770,931	137,724	3,676,940	3,718,671	41,731	231,715	52,260	179,455
Hazards	9,551,616	9,776,921	(225,305)	9,749,548	9,200,188	(549,360)	(197,932)	576,733	(774,665)
Navigation Safety	548,018	595,004	(46,986)	490,700	595,004	104,304	57,318	0	57,318
Pests and Biosecurity	3,607,526	3,978,213	(370,687)	3,318,931	4,308,616	989,685	288,595	(330,403)	618,998
Public Passenger Transport	32,654,538	30,927,339	1,727,199	33,488,489	32,017,477	(1,471,012)	(833,951)	(1,090,138)	256,187
Regional Land Transport	915,233	989,528	(74,295)	801,933	1,059,859	257,926	113,300	(70,331)	183,631
Waste, Haz Sub & Cont Sites	1,390,224	1,316,567	73,657	1,263,503	1,340,748	77,245	126,721	(24,181)	150,902
Water Quality, Quantity and Ecosystems	8,481,423	8,472,424	8,999	8,152,084	8,861,659	709,575	329,339	(389,235)	718,574
Consents - All Portfolios	10,411,709	9,772,155	639,554	10,761,372	9,771,146	(990,226)	(349,663)	1,009	(350,672)
Democratic Process	5,643,483	5,657,444	(13,961)	5,304,082	5,966,095	662,013	339,401	(308,651)	648,052
	\$ 88,119,017	\$ 85,462,457	\$ 2,656,560	\$ 86,090,945	\$ 88,902,831	\$ 2,811,886	\$ 2,028,072	\$ (3,440,374)	\$ 5,468,446

**Surplus to budget (\$'000's):**

General Rate Funded	3,154
Separate Rate Funded	2,415
User Pays Funded	(101)



## Air Quality

### Financial highlights

- Overall ↑ Surplus over budget \$3,383k
- Revenue ↑ Over budget by \$1,015k
- Expenditure ↓ Under budget by \$2,368k

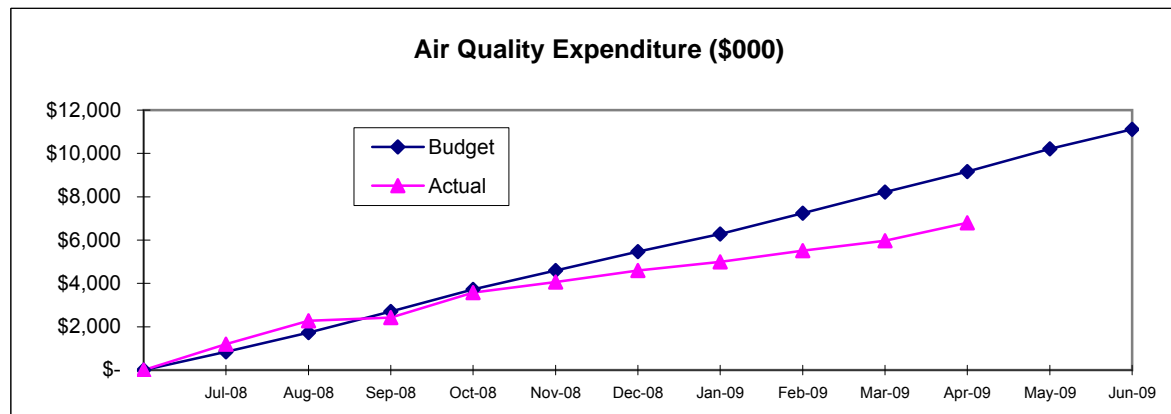
### Variance commentary

Public Information - Air Quality (\$143k favourable)

The wintertime pollution project has yet to start, labour and G&S will be required from March onwards and the expectation is that funds will be spent between March and June.

Clean Air Programme (\$3,241k favourable)

Grants of \$1,588k received from EECA were not budgeted and YTD conversions are behind forecast conversions in all districts.



## Emergency Management

### Financial highlights

- Overall ↑ Surplus over budget \$179k
- Revenue ↑ Over budget by \$56k
- Expenditure ↓ Under budget by \$123k

### Variance commentary

CDEM Group Contract (\$36k favourable)

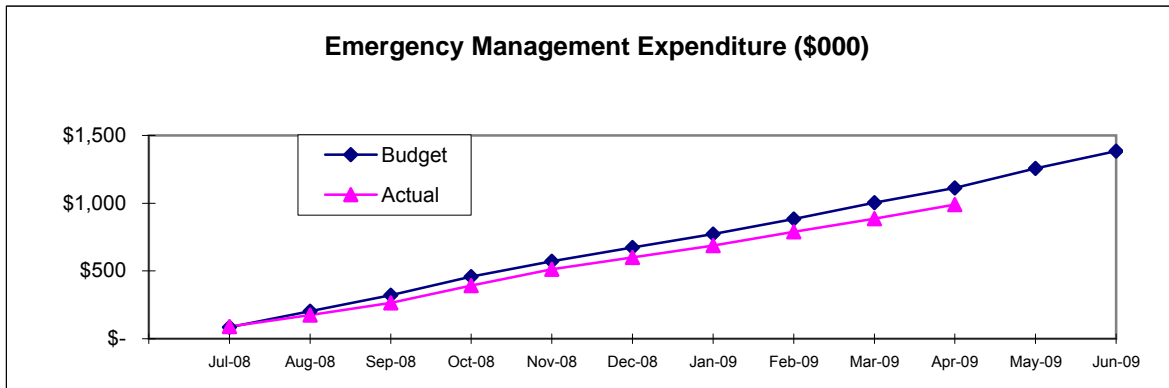
Actual revenue is \$20k lower than budget due to reduced training activity under the contract with CCC. Expenditure is under budget by \$56k due to phasing.

Hazard Reduction (\$26k favourable)

\$22k underspending is due to phasing.

Engineering Lifelines (in Eqs & Other Haz Events) (\$62k favourable)

The variance in this project is due to phasing and will reduce in the coming months.



## Coastal Environment

### Financial highlights

- Overall ↑ Surplus over budget \$126k
- Revenue ↓ Under budget by \$216k
- Expenditure ↓ Under budget by \$342k

### Variance commentary

Regional Coastal Environment Plan (\$83k favourable)

The contractor is unable to commence review of Hazard Lines methodology as anticipated. Goods & services are likely to be under budget this financial year.

Non Statutory Plan Implementation (\$100k favourable)

The underspending is due to phasing.

Coastal Water Quality Investigations (\$55k favourable)

Variance is due to phasing.

Marine Pollution Enforcement (\$44k unfavourable)

Expenditure is \$98k under budget as there have not been many spills this year. Revenue is \$143k less than budget due to ongoing costs not yet recovered.

There have been some unavoidable costs this year to improve dispersant storage which will not be able to be recovered.

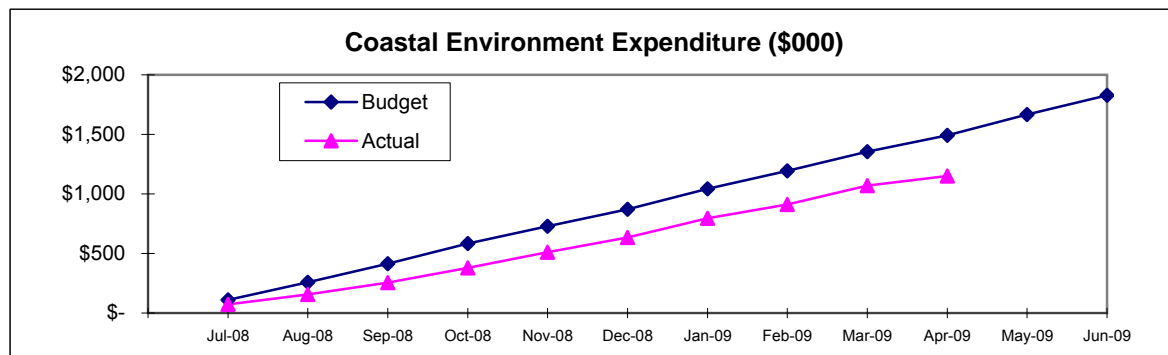
Coastal Strategy Development (\$49k unfavourable)

Both revenue and expenditure are under budget. The project has been delayed due to the project leader working on other tasks but is scheduled to be completed by 30 June 2009. Most of the budgeted goods and services are for report production and will be spent in June 09. MFE will be billed once completed.

Planning Advisory - Coastal Environment (\$54k unfavourable)

Additional work has been required on a submission on renewable electricity generation and presentations on freshwater management and RMA reforms.

Expenditure on labour will be higher than budget by year end.



# Energy

## Financial highlight

- Overall ↑ Surplus over budget \$92k
- Revenue ↓ Under budget by \$55k
- Expenditure ↓ Under budget by \$147k

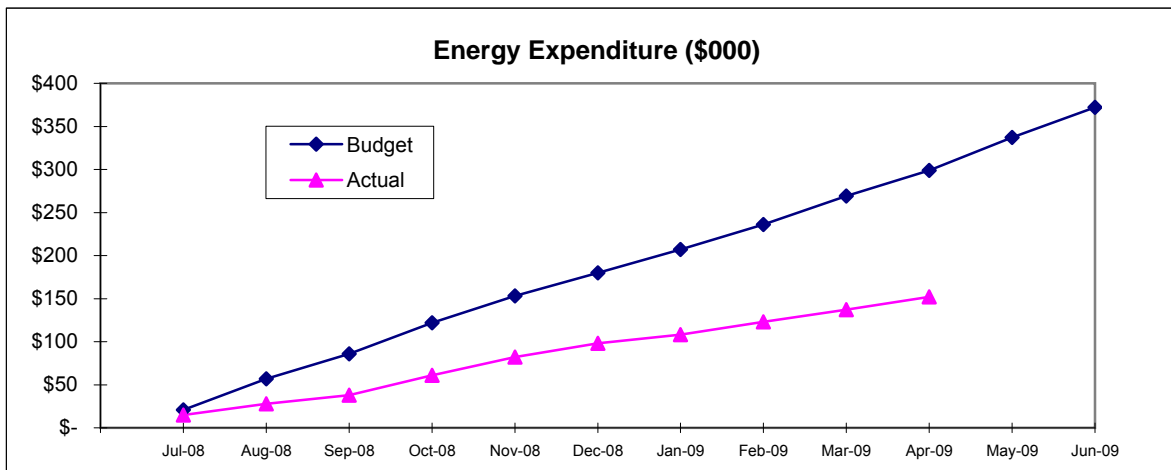
## Variance commentary

Energy Resource Monitoring (\$34k favourable)

\$21k expenditure will not be spent by the end of the year and will be required in the next financial year.

Regional Energy Strategy (\$35k favourable)

EECA have provided a \$30k grant for development of the Canterbury Regional Energy strategy (invoiced March 2009). One stakeholder workshop has been held on 1 May with the second due on 3 June. The Regional Statement of Energy Opportunities has been completed.



## Land

### Financial highlights

- Overall  Surplus over budget \$179k
- Revenue  Over budget by \$138k
- Expenditure  Under budget by \$41k

### Variance commentary

Biodiversity Strategy (\$210k favourable)

Lack of staff and restructuring has resulted in budgets being underspent. There is also a phasing problem for wetland grants. Staff are now on board and grants will be made to high priority sites before the end of June 09.

Sustainable Land Use Practices Promotion (\$72k favourable)

Property / Riparian Plans project has a \$47k favourable variance. Three staff have been on extended leave during the year and resources have been put into other projects.

Land Resource Investigations (\$70k favourable)

All outputs are on track and the underspending in this project is mainly phasing.

Soil Resources Monitoring (\$52k favourable) and Land Use and Land Cover Monitoring (\$47k favourable)

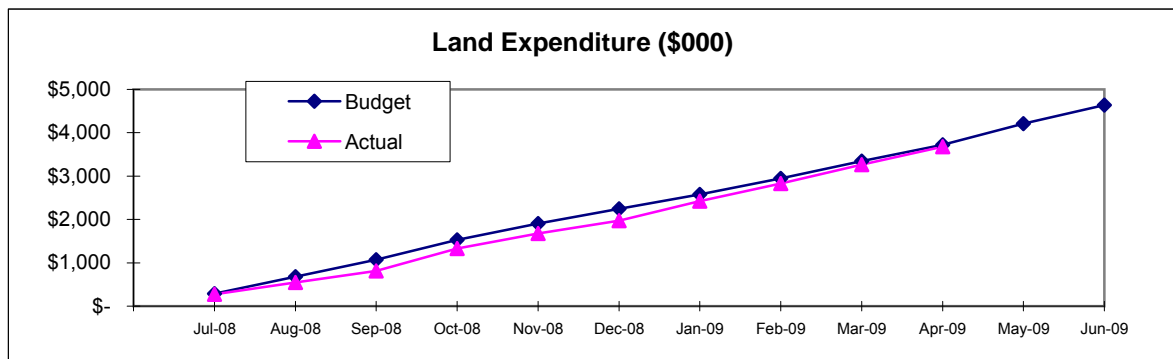
Underspending in these projects is due to phasing.

Riparian Management Strategy (\$35k favourable)

The contract commenced in December 2008 and the final report and payment are not due till 30 June 09.

Urban Development Strategy (\$349k unfavourable)

The project was underbudgeted for the objectives now sought to be achieved. Costs not allowed for include those related to the Judicial Review and the Declaratory Judgment - both labour and legal expenses for the work involved in selecting and appointing Commissioners and the use of consultants related to the Litigation Strategy and the expanded Officer Report.



## Hazards

### Financial highlights

- Overall ↑ Deficit over budget \$775k
- Revenue ↓ Under budget by \$225k
- Expenditure ↑ Over budget by \$550k

### Variance commentary

Catchment Works In Rating Districts (\$1,071k unfavourable)

Approximately \$567k capital works are included in this project and will be capitalised at year end. Some river rating districts are higher than originally budgeted and these increases have been revised with Catchment committees.

IFRS Depreciation of around \$324k was not budgeted.

Fluvial Monitoring (\$129k favourable); Gravel Resource Management (\$86k unfavourable)

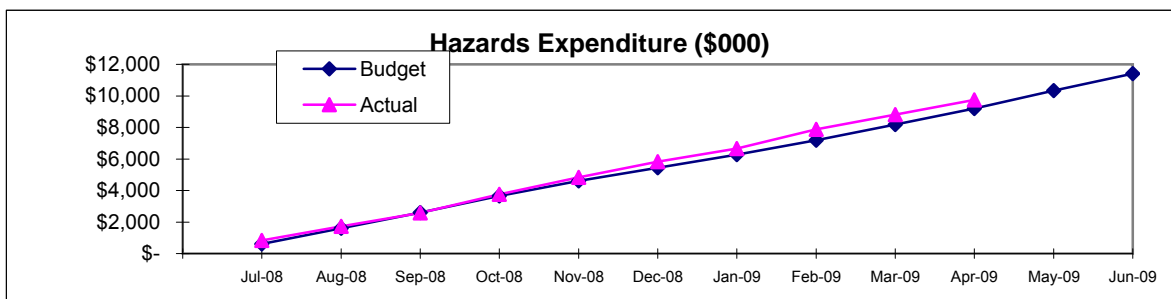
The majority of works for Fluvial Monitoring is being undertaken in conjunction with Gravel Resource Management. All expenditure is going against the gravel project and revenue will be matched at year end.

Ecan Land Management (\$362k favourable)

Higher rentals overall than budget. Contingency expenditure likely to remain unspent so overall expenditure will be below budget.

Advisory - River Engineering (\$69k unfavourable)

Additional work has been required due to flooding in North Canterbury and consent hearings in South Canterbury.



## Navigation Safety

### Financial highlights

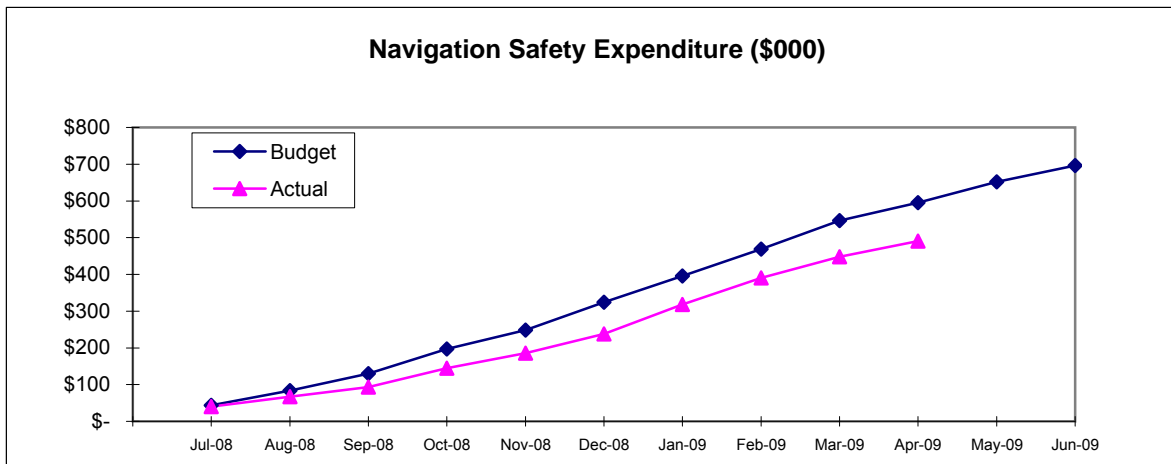
- Overall  Surplus over budget \$57k
- Revenue  Under budget by \$47k
- Expenditure  Under budget by \$104k

### Variance commentary

Navigation Safety – Harbours (\$36k favourable)

The project is under budget due to reduced expenditure on contracted patrols, no requirement for legal support, a late start to work on moorings, delayed finalising of Lyttelton Risk Assessment and lower than expected costs on brochure reprints and clothing.

Other income is running under budget due to the budgeted annual charge for moorings supervision and administration under bylaws not being invoiced.



## Pests and Biosecurity

### Financial highlights

- Overall ↑ Surplus over budget \$619k
- Revenue ↓ Under budget by \$371k
- Expenditure ↓ Under budget by \$990k

### Variance commentary

Bovine TB Operations (\$178k favourable)

Underspending is due to lower than budgeted local share rate. The actual local share rate is 8.13%, 33% lower than budgeted rate.

Animal and Plant Pests Threats to Biodiversity (\$111k favourable);

The under spend is due to budget phasing.

Community Initiated Programmes (\$60k favourable)

Banks Peninsula possum control is not due to start until April 2009. 07/08 work paid for from 08/09 programme is resulting in a shortfall in operations income.

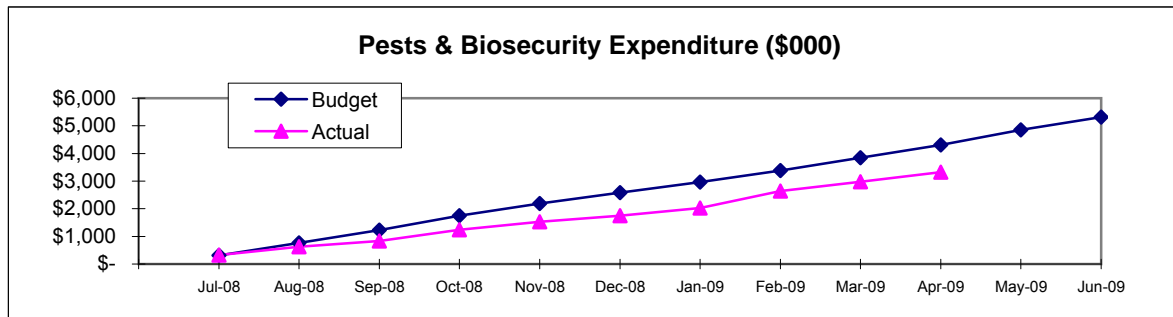
Reserves will need to be used for the 2008/09 programme.

Regional Pest Management Strategies (\$67k favourable)

Overall budget will be underspent because a staff position has been vacant for several months. There is also a phasing problem with G&S.

Maintaining Pest Control Capability (\$33k favourable)

Level of activity in Rabbit co-ordination and 1080 consent are lower than budgeted for.



## Public Passenger Transport

### Financial highlights

- Overall ↓ Deficit under budget \$256k
- Revenue ↑ Over budget by \$1,727k
- Expenditure ↑ Over budget by \$1,471k

### Variance commentary

Passenger Service Contract Payments (\$533k unfavourable)

Expenditure is higher than expected due to impact of NZTA indexation as a result of high fuel prices. The high fuel price has been offset in part by the fare clawback from the July 2008 fare rise but the expected reduction in contract cost from NZTA indexation for the December quarter has not occurred to the degree expected. Stats NZ has now confirmed that reduction in indexation was not as expected because of an unusual set of circumstances that they had not encountered previously. It is expected by Stats NZ that there will be benefit of lower diesel prices in particular in the March quarter indices. Level of service is on target.

Advisory Services - Passenger Transport (\$84k favourable)

The variance is mainly due to budget phasing.

Passenger Service Marketing (\$91k favourable)

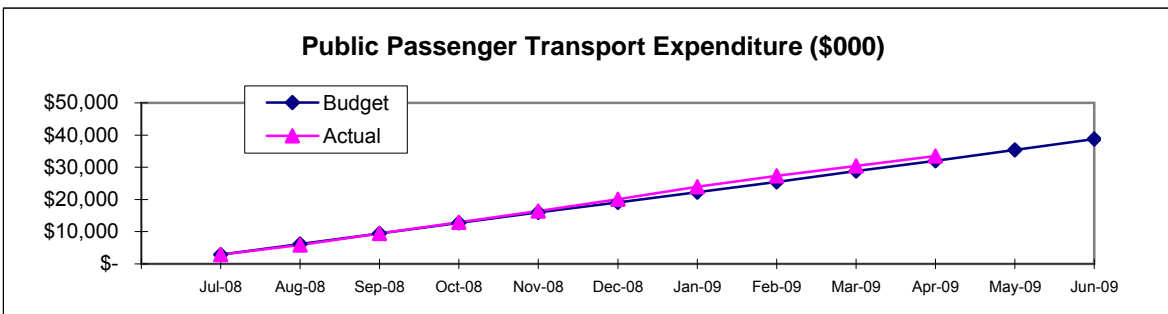
The project is underspent due to a reduced emphasis on targeted campaigns until a marketing strategy is completed.

Clearing House (\$150k favourable)

Sundry revenue of \$109k was received from the Bus Exchange for metrocard replacement, miscellaneous sales and interest on metrocard bank account. This was not budgeted for. The project is also underspent due to the timing of the purchase of new metrocards.

Passenger Service Contract Management (\$342k favourable)

The project is under spent due to the timing of ticketing project. This project has now been delayed and it is unlikely that expenditure will occur in relation to implementation in the current year.



## Regional Land Transport

### Financial highlights

- Overall ↑ Surplus over budget \$184k
- Revenue ↓ Under budget by \$74k
- Expenditure ↓ Under budget by \$258k

### Variance commentary

Regional Land Transport Monitoring (\$53k favourable)

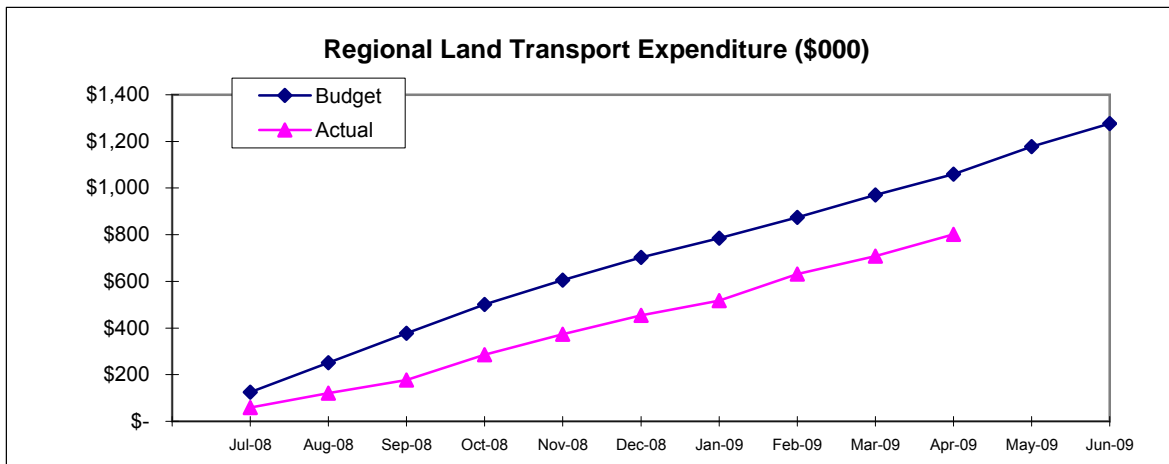
Further significant G&S expenditure is coming in May/June.

Regional Land Transport Strategy Implementation (\$36k favourable)

Remaining budget for labour and goods and services will be spent in the last quarter of the year.

Cycleway Development (\$59k favourable)

Construction has been postponed while investigation of an alternative route proposed by a community group is completed. Budget is required to be carried over.



## Waste, Haz Sub & Cont Sites

### Financial highlights

- Overall  Surplus over budget \$151k
- Revenue  Over budget by \$74k
- Expenditure  Under budget by \$77k

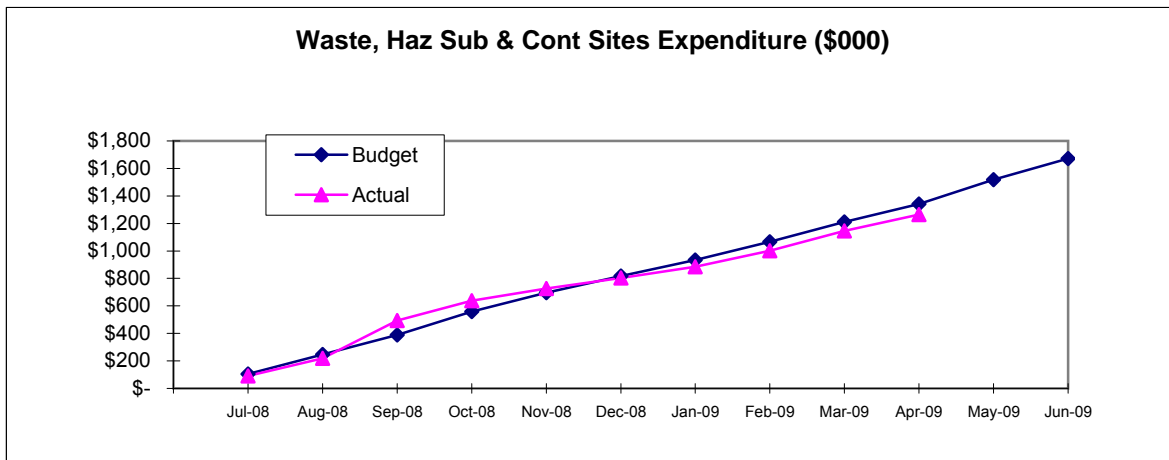
### Variance commentary

Contaminated Site Investigations (\$35k favourable); Regional Agrichemical Collection (\$52k favourable)

The under spend is due to budget phasing.

Industrial Pollution Prevention (\$55k favourable)

A new Pollution Prevention Officer was appointed in January rather than July saving six months of labour costs.



## Water Quality, Quantity and Ecosystems

### Financial highlights

- Overall  Surplus over budget \$719k
- Revenue  Over budget by \$9k
- Expenditure  Under budget by \$710k

### Variance commentary

NRRP – Water (\$185k favourable)

Some significant consultant costs are yet to come in towards the end of the year. Fewer hearing and deliberation days have been required for hearing committees. There have been insufficient staff resources to progress all river catchments projects and it is likely that the project will be under spent.

Water Metering (\$110k favourable)

Labour and overhead costs are lower than budget due to the Water Project Manager position not being filled as expected.

Canterbury Strategic Water Study (\$286k unfavourable)

Expenditure will be greater than budget following a directive from the Mayoral Forum to accelerate the public engagement programme and a directive from Central Government to provide a Strategy report by June 09. A detailed budget for the next 3 years has been prepared and endorsed by the steering group.

Surface Water Quality Investigations - Regional Issues (\$76k favourable)

Underspent due to phasing. Most investigations on track but some delays in starting because of NRRP prioritisation. Anticipate all outputs still to be achieved.

Waimakariri River & Catchment RP (\$61k favourable)

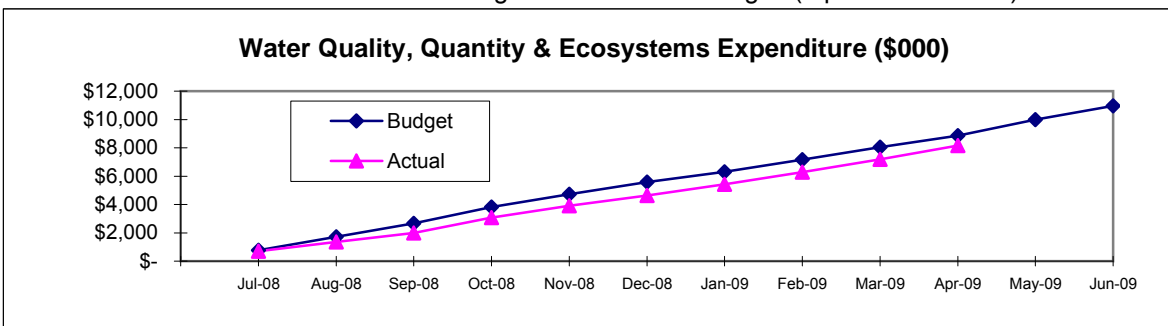
Underspending on goods and services is mainly due to phasing.

Water Care (\$164k favourable)

Significant programmed expenditure from external goods and services yet to come from several major contracts that were late in letting.

Investigating Flow Regimes (\$191k favourable)

Labour cost and overheads are below budget due to staff shortages (2 positions vacant) and other staff time spent on consent applications.



## Consents - All Portfolios

### Financial highlights

- Overall ↑ Deficit over budget \$350k
- Revenue ↑ Over budget by \$640k
- Expenditure ↑ Over budget by \$990k

### Variance commentary

Resource Consent Processing (\$343k unfavourable)

Expenditure has been over budget, arising from heavy expenditure on post consent maintenance work, process improvement project management, additional training courses, and unanticipated legal advice requirements. These have all added to costs without any additional revenue to match. In addition margins have been eroded by steadily increased wage costs since most current charge out rates were set in 2004. A part of this increased expenditure is due to timing and will smooth out over time.

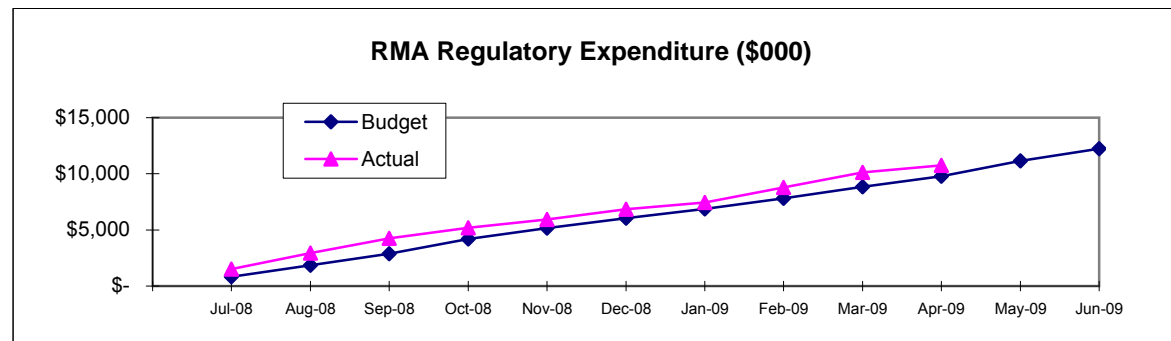
Revenue is below budget, as staff hours to chargeable consent projects are below budget. This is partially due to phasing of consents maintenance tasks and also to a diversion of time to section overhead projects and a reduction in the amount of directly chargeable notification work.

Environment Court Consent Objections and Appeals (\$136k favourable)

Expenditure is tracking below budget due to minimal appeals and objections work occurring to date. It is likely this project will be in surplus at year end by at least \$100k.

RMA Enforcement - All Portfolios (\$99k unfavourable)

The land portfolio has been the focus of activity in 2008/09 year and most of the deficit is due to number of serious environmental breaches in Land which are being prosecuted. There is a significant time lag between expenditure on investigations & prosecutions and the receipt of any fines. The Air portfolio has \$55k surplus mainly due to increased revenue from infringement fees for outside burning during the winter air pollution ban and other air related offences.



## Democratic Process

### Financial highlights

- Overall  Surplus over budget \$648k
- Revenue  Under budget by \$14k
- Expenditure  Under budget by \$662k

### Variance commentary

Chatham Islands Council Services (\$291k favourable)

Revenue of \$230k was carried over from the 2007/08 year and will be used to provide services in the current year.

Long Term Council Community Plan (\$360k unfavourable)

Unbudgeted Programme managers & convenors time is coded here and is significantly higher than budget due to the work undertaken by Regional Programmes. The overspend is due to strategy meeting expenses, market research for UAGC, employment of an analyst & costs for a report on Community Outcome Progress.

Plan Implementation and Effectiveness Monitoring Systems (\$242k favourable)

The underspending is due to the assigned staff being diverted to work on the LTCCP preparation. It is anticipated that the budget will be transferred to cover the cost of the LTCCP work.

Regional Policy Statement Review (\$118k favourable)

Underspending in G&S is mainly due to phasing and slower progress on the project because of staff vacancies.

Council Elections (\$92k favourable)

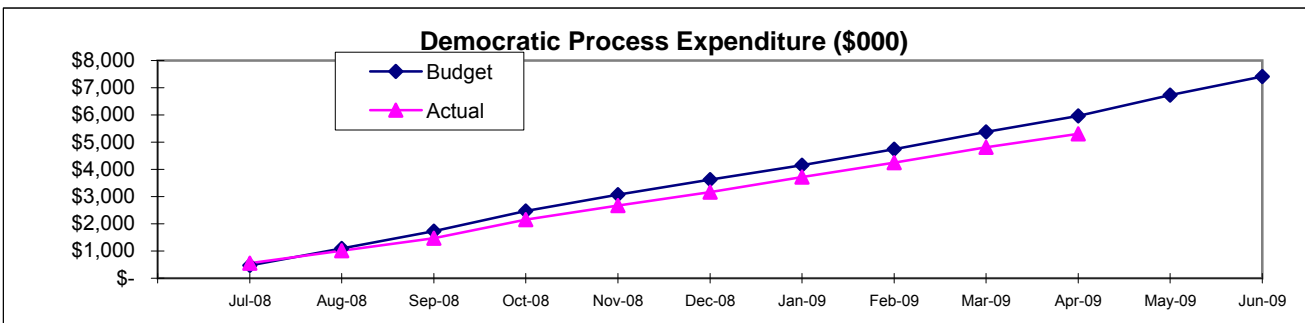
Due to 2008-09 not being an election year, expenditure will not be incurred but will be taken to reserves for use in election year.

Ratepayer Servicing (\$107k favourable)

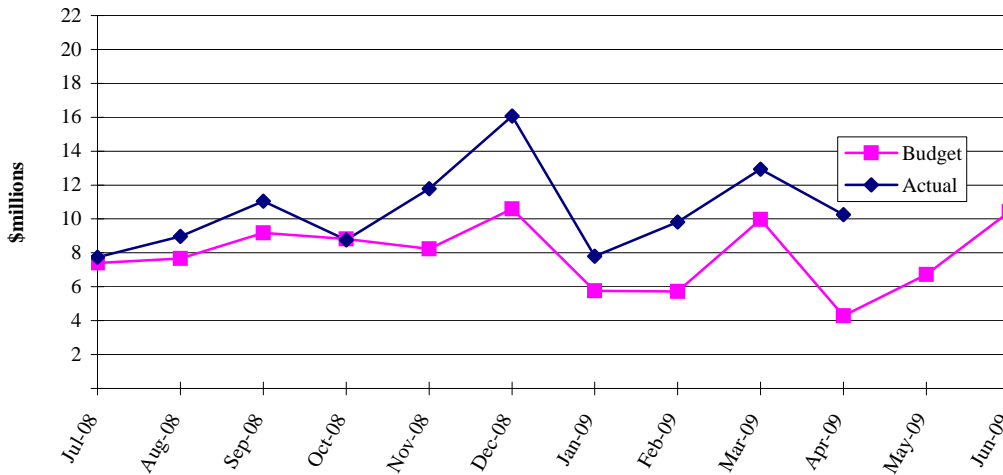
Labour and overheads costs are significantly under budget by \$65k.

Annual Report (\$136k favourable)

Audit fees for the 2008/09 year have yet to be billed. Labour will increase in the last quarter of the year as preparation of the 2008-09 annual report commences.

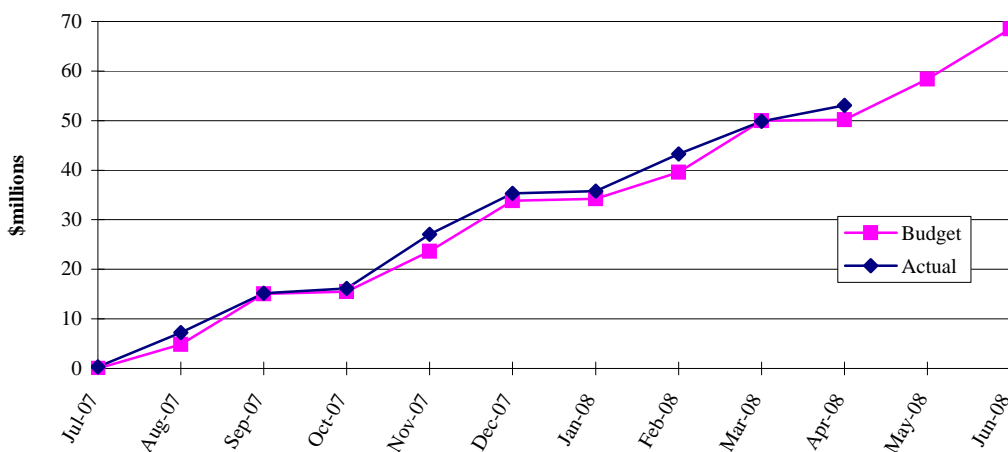


### CASH POSITION



The cash position during the period ending 30 April 2009 fluctuated between \$10.2m and \$13.7m with an actual cash position at the end of the month of \$10.2m. \$5.9m over budget.

### RATES CASH FLOW



Actual rates cash flow to 30 April 2009 is ahead of budget by 5.8% or \$2.9m due to early payments received from Timaru & Ashburton Districts.

<b>AGENDA ITEM NO:</b> 15	<b>SUBJECT MATTER:</b> CHIEF EXECUTIVE'S ITEMS
<b>REPORT:</b> Council	<b>DATE OF MEETING:</b> 28 May 2009
<b>FILE REFERENCES:</b>	<b>PORTFOLIO:</b> <b>PROJECT:</b> <b>OUTPUT:</b>
<b>REPORT BY:</b> Jude Pani Manager Secretariat	<b>ENDORSED BY:</b>

## DOCUMENTS SEALED

The following documents have been sealed under delegated authority:

- Approved Total Mobility Transport Timaru Taxis Limited (5 year contract)  
Operators 2008/09
- Waimate Total Mobility Agency Waimate Day Care recreational Centre for the Elderly  
Contract and Disabled
- 2008/09 Christchurch Total First Direct Limited  
Mobility Wheelchair Accessible  
Vehicle Grant
- Tenancy Agreement House No. 025, 1280 Main North Road  
T F J Gough
- Land Improvement Agreement Caberfeidh Farms Limited
- Lease Agreement
  - D J & L J Clarke, Lot 13, Waimakariri Reserves
  - New Zealand Vintage Machinery Club  
Incorporated

## RECOMMENDATION

*That the Chief Executive's items be received.*

<b>AGENDA ITEM NO: 16</b>	<b>SUBJECT MATTER: COUNCILLOR REPORTS EXTERNAL APPOINTMENTS/ CONFERENCES/SEMINARS</b>
<b>REPORT:</b> Council	<b>DATE OF MEETING:</b> 28 May 2009
<b>FILE REFERENCES:</b>	<b>PORTFOLIO:</b> Democratic Process <b>PROJECT:</b> 020400 <b>OUTPUT:</b> Ratepayer Services
<b>REPORT BY:</b> Jude Pani Manager Secretariat	<b>ENDORSED BY:</b>

**16.1 CONFERENCE ATTENDANCE APPROVED BY THE CHAIRMAN/COUNCIL SINCE LAST COUNCIL MEETING**

8-9 June 2009	EDS Conference, Auckland	Cr Sage	\$75.00
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The 2008/2009 monitoring report is attached.

**16.2 COUNCILLOR REPORTS**

Councillors are invited to provide reports to Council on attendance at recent Conferences/Seminars and external appointments.

**RECOMMENDATION**

*That the Council receives the Councillor reports.*

## 2008/2009 – Monitoring Reports

### CONFERENCE BUDGET – 020401 – RATEPAYER SERVICES (\$28,000)

<b>Date</b>	<b>Conference/ Training</b>	<b>Attendees</b>	<b>Cost</b>	<b>Budget Available</b>
5-6 August 2008	Launch of Regional Transport Strategy, Wellington	Cr Kane	\$146.00	\$27,854
10-11 September 2008	Zone 5 Nelson	Cr Kane	\$537.00	\$27,317
14-15 October 2008	Irrigation NZ, Christchurch	Cr Oldfield	\$400.00	\$26,917
14 October	Irrigation NZ, Christchurch	Cr Sage	\$200.00	\$26,717
14 October	Irrigation NZ, Christchurch	Cr Demeter	\$200.00	\$26,517
28 October	Air meeting with EECA, Wellington	Cr Kane	\$403.00	\$26,114
3-4 November	Financial Governance training	Cr Burke, Cr Murray, Cr Demeter, Cr Tindall, Cr Harrow	\$585.00	\$25,529
14 November	SOLGM Representation Review Forum	Cr Burke	\$663.00	\$24,866
6 April 2009	RMA Re-certification	Cr Kirk	\$1160.00	\$23,706
6 April 2009	RMA Re-certification	Cr Little	\$1160.00	\$22,546
6 April	RMA Re-certification	Cr Oldfield	\$1160.00	\$21,386
6 April 2009	RMA Re-certification – Did not attend. Course fee refunded by Cr Oldfield	Cr Oldfield	\$1160.00CR	\$22,546
19-21 March 2009	Community Boards Conference	Cr Evans, Cr Burke	\$1496.00	\$21,050
19 March	Sustainable Business Network	Cr Sage	\$35.00	\$21,015
28 April	Governance for Auckland	Cr Burke	\$777.00	\$20,238
8-9 June 2009	EDS Conference	Cr Sage	\$75.00	\$20,163

<b>AGENDA ITEM NO: 17</b>	<b>SUBJECT MATTER: PUBLIC EXCLUDED</b>
<b>REPORT:</b> Council	<b>DATE OF MEETING:</b> 28 May 2009
<b>FILE REFERENCES:</b>	<b>PORTFOLIO:</b> <b>PROJECT:</b> <b>OUTPUT:</b>
<b>REPORT BY:</b> Jude Pani Manager Secretariat	<b>ENDORSED BY:</b>

### MEETING WITH PUBLIC EXCLUDED

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

- 17.1 Minutes of 29 April 2009 Meeting
- 17.2 Consent to proceed to a hearing at the Environment Court on appeals on Variation 11 (Rangiora) to Chapter 3 of Natural Resources Regional Plan

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>General subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Ground(s) under section 48(1) for the passing of this resolution</b>
17.1 Minutes of 29 April 2009 Meeting	That good reason exists for not discussing the matter with the public present and is not outweighed by the public interest.	Section 48(1)(a)
17.2 Consent to proceed to a hearing at the Environment Court on appeals on Variation 11 (Rangiora) to Chapter 3 of Natural Resources Regional Plan	The exclusion of the public from the meeting is necessary to enable the Council to deliberate in private on its decision in proceedings which are before the Council and which will be proceeding to the Environment Court.	Section 48(1)(d)

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:

- 17.1 Maintain legal professional privilege – Section 7(g).  
Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) – Section 7(i).
- 17.2 Maintain legal professional privilege – Section 7(g).