

MINUTES OF THE 270TH MEETING OF ENVIRONMENT CANTERBURY HELD IN THE
COUNCIL CHAMBER, 58 KILMORE STREET, CHRISTCHURCH ON THURSDAY,
27 OCTOBER 2005 AT 9.30 A.M.

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PRESENT

Councillors T K Burke (Chairman), R A Budd, A S Carroll, E H Cunningham, R H M Johnston, R M Kirk, R I R Little, A R McKay, A G Neill, M E Oldfield, J F Slee, N J Wagner, J M Waters and W E Woods.

MANAGEMENT AND OFFICERS PRESENT

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

J Atkinson (Acting Director Operations), W Falconer (Director External Relations), M C Freeman (Director Regulation), J D Talbot (Director Policy and Planning), 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.

The Chairman, Cr Burke welcomed elected members, staff and visitors to the meeting. Cr Wagner advised that over the Christmas holidays she will be considering her responsibilities as both a Member of Parliament and as a Regional Councillor and will make a decision on her future early in the New Year. She said she would welcome any comments from Councillors.

1. APOLOGIES

Nil.

2. MINUTES OF THE MEETING ON 29 SEPTEMBER 2005

Moved Cr Neill, seconded Cr Budd.

That the minutes of the 269th meeting held on 29 September 2005 be confirmed as a true and accurate record.

CARRIED

3. MATTERS ARISING

Item 4 – Deputations. Cr Burke advised that Cr Kirk and himself have had further discussions with the Halswell Residents Association relating to the Halswell to Christchurch Hospital bus service.

Item 14 – Report of the Representation Review Committee. Cr Johnston advised that consultation was being undertaken with District Councils relating to the review of representation arrangements.

Item 13 – Report of the Portfolio Committees. Council agreed to amend the entry of the Living Streams work identified under “Funding Options to be Investigated” to the “must do sooner” category.

4. DEPUTATIONS AND PETITIONS

Nil.

Item 20 was taken at this time.

20. MEETING WITH PUBLIC EXCLUDED

The meeting then moved into Public Excluded.

Moved Cr Burke, seconded Cr Wagner.

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

- 20.1 *Public Excluded Minutes – 29 September 2005*
- 20.2 *Target Pest Enterprises Limited - Report on Review and other Matters*

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

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
20.1 <i>Confirmation of Minutes</i>	<i>That good reason exists for not discussing the matter with the public present and is not outweighed by the public interest.</i>	Section 48(1)(a)
20.2 <i>Target Pest Enterprises Limited – Report on Review and other Matters</i>	<i>That good reason exists for not discussing the matter with the public present and is not outweighed by the public interest.</i>	Section 48(1)(a)

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:

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

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

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

Enable the council-controlled organisation holding the information to carry out, without prejudice or disadvantage, commercial activities - section 7(2)(h).

*It was further **resolved** that Target Pest Enterprises Limited representatives Martin Hadlee, Chairman, Paul Ash, General Manager, and Ian Fullerton, Business Analyst, be permitted to remain in the meeting following the exclusion of the public to allow them to brief the Council on Target Pest Enterprises Limited.*

CARRIED

The meeting moved into Public Excluded from 10.00 a.m. to 12.30 p.m.

IN OPEN MEETING

Moved Cr Burke, seconded Cr Budd.

That the meeting move into Open Meeting.

CARRIED

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

The meeting resumed after lunch with discussion on item 9.

9. REPORT OF THE REGIONAL PLANNING COMMITTEE

Cr Budd, the Regional Planning Committee Chairman presented the report of the 14 September and 12 October meetings of the Regional Planning Committee.

PROPOSAL FOR NRRP VARIATION 3: GROUNDWATER RECHARGE ZONE 1

Cr Budd advised that the Regional Planning Committee had received the following four reports:

- Managing Leaching of Contaminants to Groundwater in Zone 1
- Proposed Boundary Changes to Zone 1 of the Christchurch Groundwater Recharge Zone
- Intensification of Residential, Commercial or Industrial Land Uses in Zone 1 of the Christchurch Groundwater Recharge Zone
- Management of Activities/Land Use in Sub-zones and Designations

He said that the Committee requested further technical work be carried out and that this request was reflected in recommendation 1.3 (d) (ii). John Talbot advised that staff were hoping to be able to report back to the 9 November meeting of the Regional Planning Committee.

Moved Cr Budd, seconded Cr Waters.

That the report of the Regional Planning Committee be received and the recommendations for Council decision be approved.

There was discussion on the placement of the Zone 1 / Zone 2 boundary at Yaldhurst Masham. It was commented that Councillors would make decisions based on science and not administrative convenience.

Cr Little moved by way of amendment, seconded by Cr Oldfield.

That in recommendation 1.1(a) the word "prohibit" be deleted and substituted with the words "non-complying activities in"

LOST

The amendment was lost on division by 6 votes to 8, the voting being as follows:

Ayes

Cr Johnston
Cr Little
Cr McKay
Cr Oldfield
Cr Slee
Cr Woods

Noes

Cr Budd
Cr Burke
Cr Carroll
Cr Cunningham
Cr Kirk
Cr Neill
Cr Wagner
Cr Waters

The meeting went on to discuss the impacts of contamination in the Christchurch aquifer and possibilities of the aquifer recleansing itself. Bryan Jenkins commented that evidence he had seen indicated there was contamination already occurring in the Christchurch aquifer and he was not aware of any aquifer system that had demonstrated cleansing from past contamination.

Cr Kirk commented that the matter was a very clear conjunction of expressed needs by the Christchurch Community (as seen in Future Path Canterbury and the submissions on the Urban Development Strategy etc) and the statutory obligations of the Council to manage resources in a sustainable way. He said that he did not share others concerns about the science. He said that while the science in most environmental matters was never perfect in this case he did not believe that the science put before Council by staff and Chris Barber the Perth Consultant was selective and that it was sufficiently clear to make a decision about protecting the groundwater.

The Chairman then requested the meeting vote on the original motion moved by Cr Budd and seconded by Cr Waters.

That the report of the Regional Planning Committee meetings held on 14 September and 12 October 2005 be received.

1.1 Intensification of residential, commercial, or industrial land uses in Zone 1 of the Christchurch Groundwater Recharge Zone.

That the Council:

- (a) *adopt Option 2 to include a new regional rule to prohibit new residential, industrial or commercial land uses in Zone 1 of the Christchurch Groundwater Recharge Zones;*
- (b) *amend the wording of Policy WQL 12(2)(b)(i)(2) to reflect Environment Canterbury's statutory functions;*
- (c) *amend the wording of Method WQL 12(k)(d)(i), to meet the concerns of the two territorial authorities, but also to ensure that there is a consistent approach with Policy WQL 12;*

- (d) *examine feasibility of legal remedies available to protect groundwater quality including, but not limited to; voluntary land covenants, compulsory land use covenants, purchase of land, or acquiring development rights over private land in Zone 1 of the Christchurch Groundwater Recharge Zone.*

1.2 Managing leaching of contaminants to groundwater in Zone 1

That the Council:

- (a) *Reword Policy WQL12(b)(ii) by deleting the clause and rewording it to read as follows:
“not granting water permits to take and use water for irrigation where the annual volume authorised would exceed the annual volume allocated to that property at 3 July 2004”.*
- (b) *Reword Policy WGL12(b)(iii) by deleting the clause and rewording it to read as follows:
“Minimise the leaching of nutrients, chemical and microbiological contaminants to groundwater by requiring the use of best management practices for the use of agrichemicals, animal wastes, fertiliser or irrigation water in Zone 1.*
- (c) *Introduce a new draft regional rule WQL19(a), to control the use of land that may result in the discharge of contaminants to the groundwater in the Christchurch Groundwater Recharge Zone 1 – discretionary activity.*
- (d) *Make consequential changes to the provisions of the PNRRP.*

1.3 Proposed boundary changes to Zone 1 of the Christchurch Groundwater Recharge Zone

- (a) *That the northern boundary of the Christchurch Groundwater Recharge Zone be moved from the centre line of the Waimakariri River to follow physical features such as the primary stopbank and roads, on the south bank of the Waimakariri River.*
- (b) *That Coutts Island be retained in Zone 1 of the Christchurch Groundwater Recharge Zone and that further investigations be carried out to determine the extent of the confining layer and the direction of the local groundwater flow.*
- (c) *That the boundary between Zone 1/Zone 2 between the Waimakariri River and the Groynes be moved to follow the terrace along the old South branch of the Waimakariri River and the proposed secondary stopbank, and then to follow a road and city plan zone to join Johns Road.*

- (d) *That:*
- (i) *Further technical work be carried out to define the former Waimakariri River flood channels in Zone 2 as subzones and included on the PNRRP planning maps.*
 - (ii) *Further technical work be carried out to refine the Zone 1/Zone 2 boundary at Yaldhurst Masham and where appropriate adjust the boundary to reflect the outcomes of that work.*
 - (iii) *A new Method be added to the Chapter 4 Policy WQL 12 that Environment Canterbury will work with Christchurch City Council to reduce the risk of groundwater contamination from land use activities in the Zone 2 subzones.*
- (e) *That the Zone 1 boundary between Intake Road and Kirk Road follow the edge of the terrace (Terrace 2) to Newtons Road, and then along Newtons Road to join the boundary line at Kirks Road.*

1.4 Management of Activities/land use in subzones and designations

That the Council adopt the recommended changes (as detailed in Table 2 of the working paper) to the existing provisions of the NRRP, as amended (including definition of stormwater treatment), to ensure that there is a consistent approach to the management of discharges of stormwater, and the use of land for hazardous substances, mineral extraction, and industrial and commercial activities in Zone 1 of the Christchurch Groundwater Recharge Zone.

CARRIED

On being put to the meeting the motion was carried on division by 11 votes to 3, the voting being as follows:

Ayes

Cr Budd
Cr Burke
Cr Carroll
Cr Cunningham
Cr Kirk
Cr Little
Cr McKay
Cr Neill
Cr Slee
Cr Wagner
Cr Waters

Noes

Cr Johnston
Cr Oldfield
Cr Woods

WAITAKI CATCHMENT WATER ALLOCATION PLAN

John Talbot tabled a document relating to the Waitaki Catchment Water Allocation Plan item on the Report of the Regional Planning Committee informing Council of appeals lodged by other parties on the allocation plan and to obtain approval to lodge notice of being a party to the proceedings in the High Court.

Moved Cr McKay, seconded Cr Slee.

- (a) *That the Council does not seek to appeal, on points of law, the Waitaki Catchment Allocation Plan.*
- (b) *That Council lodges Notices of Intention to be Heard in relation to the appeals filed by Mackenzie Irrigation Limited/Meridian Energy Limited and by Bevan Wilkie, on the Waitaki Catchment Allocation Board decisions.*

CARRIED

Item 5 was taken at this time.

5. REGIONAL COASTAL ENVIRONMENT PLAN

David Gregory (Senior Resource Management Planner) presented this item requesting that Council approve Chapter 9 of the Regional Coastal Environment Plan. He advised that the date indicated in the proposal section of the report as 1 October 2005 should read 30 November 2005.

Moved Cr Waters, seconded Cr Kirk.

- (a) *That Council approve Chapter 9 of the Regional Coastal Environment Plan; and*
- (b) *That Council makes the Regional Coastal Environment Plan operative from 30 November 2005.*

CARRIED

6. GRAVEL STUDY SURVEY AND CONSULTATION

John Talbot presented this report seeking additional funding for consultation and survey costs to support the preparation of the Regional Gravel Management Report.

It was commented that it was appropriate for Council to consider this item alongside the earlier agenda item, the Regional Coastal Environmental Plan, as extraction of gravel affects coastal erosion severely. It was also commented that Council needed to get survey information across a number of cross-sections to enable information for a gravel plan that will meet dual objectives. Bryan Jenkins explained that there were two approaches for Council, one being a longer-term strategy and the second an interim situation until Council reaches agreement on its strategy. He noted the need for transitional arrangements.

Dr Jenkins said that one of the key issues is having historical information and cross-sectional records going back a period of time available to develop comprehensive information in terms of a natural system.

Moved Cr Oldfield, seconded Cr Slee.

That to complete the Regional Gravel Management Report, as requested by the stakeholders, the Council approve additional funding up to \$20,000 for the consultation and surveying described in the report.

CARRIED

Afternoon tea was taken from 3.20 to 3.35 p.m.

Item 15 was taken at this time.

15. INFORMATION ITEMS

15.1 Documents Sealed

15.2 Canterbury CDEM National Plan Submission

15.3 Functional Relationships Study

David Collins (Consultant) was in attendance to present his final report, "Functional Relationships between the Canterbury Regional Council and the Territorial Authorities". Mr Collins received suggested minor amendments and advised that he would forward an updated version of the document to the Manager Secretariat for distribution.

The Chairman thanked Mr Collins for preparing this document and advised that copies would be provided for Councillors and sent to the District Councils. He further commented that there have been several changes in local government in Canterbury since the first document was prepared and that this updated document would be useful for Councils and the wider community.

Moved Cr Budd, seconded Cr Waters.

That the information be received.

CARRIED

Item 7 was taken at this time.

7. STAFF RESOURCING – AIR QUALITY INVESTIGATIONS

John Talbot presented this report prepared by Ken Taylor (Environmental Quality Manager) seeking Council approval for funding to employ an additional staff member in the current financial year to work on air quality investigations associated with NRRP – Chapter 3 and the implementation of the National Environmental Standard for Air Quality. He commented that this funding is an advance of the recommended staff increase in the draft LTCCP 2006/07 – 2015/16.

Moved Cr Budd, seconded Cr Cunningham.

That the Council approves funding the appointment of one additional staff member in the current financial year to work on technical investigations of air quality.

CARRIED

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

8. MEMBERSHIP OF REGIONAL LAND TRANSPORT COMMITTEE

John Talbot presented this item requesting approval to changes to the membership of the Canterbury Regional Land Transport Committee.

Moved Cr Waters, seconded Cr Little.

That the Council approve:

- (a) *The appointment of Dr Lynley Cook to represent public health interests on the Regional Land Transport Committee.*
- (b) *The appointment of Mr Mark Yaxley as an alternate member for Land Transport New Zealand on the Regional Land Transport Committee.*

CARRIED

Item 10 was taken at this time.

10. REPORT OF THE REGIONAL LAND TRANSPORT ADVISORY COMMITTEE

The report of the Regional Land Transport Advisory Subcommittee meeting held on Wednesday, 26 October 2005 was tabled.

Moved Cr Waters, seconded Cr Little.

That the report of the Regional Land Transport Advisory Committee held on 26 October 2005 be received and the matter for Council decision be approved.

- (a) *That the Canterbury Regional Land Transport Advisory Subcommittee receives the report "Recommendations on allocation of regional funds".*
- (b) *That the attached letter, incorporating amendments made by the Canterbury Regional Land Transport Advisory Subcommittee, be recommended to Environment Canterbury for approval and forwarding on to Land Transport New Zealand.*

CARRIED

EXTENSION OF TIME BEYOND THE SIX-HOUR LIMIT

Moved Cr Budd, seconded Cr Johnston.

That the Council allow the meeting to continue beyond the six-hour limit.

CARRIED

11. FINANCIAL REPORTS ON COUNCIL PORTFOLIO ACTIVITIES

Wayne Thomas presented the financial summary of Council's activities for the month ending 30 September 2005.

Moved Cr Wagner, seconded Cr Little.

That the information on the financial reports for the period ending 30 September 2005 be received.

CARRIED

12. GREATER CHRISTCHURCH METRO FARES (UPDATED REPORT)

Jill Atkinson (Acting Director Operations) presented proposed changes to the fare schedule for the greater Christchurch metro system. She advised that this report was updated following the September Council meeting and discussion at a recent Council Workshop.

Moved Cr Wagner, seconded Cr Waters.

That changes to the maximum fare schedule as per option B be adopted effective from Monday, 30 January 2006.

Option B: Fare Schedule- Greater Christchurch

	Cash		Metrocard		Daily Maximum Metrocard Fare	
	Adult	Child	Adult	Child	Adult	Child
Zone 1	\$2.50	\$1.30	\$1.90	\$0.95	\$3.80	\$1.90
Zone 2	\$3.50	\$1.80	\$2.60	\$1.30	\$5.20	\$2.60
Zone 3	\$5.00	\$2.50	\$3.75	\$1.90	\$7.50	\$3.80
Zone 4	\$6.50	\$3.30	\$4.90	\$2.45	\$9.80	\$4.90

There was discussion on the most appropriate date of introduction and possible consequences on companies if there was a delay to the introduction of the new fare schedule.

An amendment was moved by Cr Neill and seconded by Cr Little that the effective date be Monday, 28 November 2005. Cr Wagner as mover of the original motion accepted this amendment, which then became the substantive motion. Cr Waters as seconder was not in agreement with changing the date of implementation from January 2006 to November 2005.

Moved Cr Wagner, seconded Cr Waters.

That changes to the maximum fare schedule as per option B be adopted effective from Monday, 28 November 2005.

Option B: Fare Schedule- Greater Christchurch

	Cash		Metrocard		Daily Maximum Metrocard Fare	
	Adult	Child	Adult	Child	Adult	Child
Zone 1	\$2.50	\$1.30	\$1.90	\$0.95	\$3.80	\$1.90
Zone 2	\$3.50	\$1.80	\$2.60	\$1.30	\$5.20	\$2.60
Zone 3	\$5.00	\$2.50	\$3.75	\$1.90	\$7.50	\$3.80
Zone 4	\$6.50	\$3.30	\$4.90	\$2.45	\$9.80	\$4.90

CARRIED

Cr Waters requested that her vote against this motion be recorded.

Cr Neill left the meeting at 4.45 p.m.

13. ELECTED MEMBERS CODE OF CONDUCT

Jude Pani (Manager Secretariat) presented the updated Elected Members Code of Conduct. She advised that it included amendments following a review of the document at the 5 October 2005 Council workshop and further advised that Item 2.59 had been updated to include a reference to the 2002 report of the Controller and Auditor-General "Managing the Relationship Between a Local Authority's Elected Members and its Chief Executive" to reflect the performance review framework set out in that document.

Moved Cr Johnston, seconded Cr Budd.

That the Council adopts the Elected Members Code of Conduct as reviewed and amended at the 5 October 2005 Council Workshop.

CARRIED

Cr Oldfield abstained from voting.

14. CANTERBURY MAYORAL FORUM MINUTES

Moved Cr Waters, seconded Cr Wagner.

That the information be received.

CARRIED

Cr Slee left the meeting at 4.55 p.m.

16. COUNCILLOR REPORTS EXTERNAL APPOINTMENTS/CONFERENCES/ SEMINARS

Cr Little spoke to the tabled report on his attendance at the Biodiversity under Plantation Forests Seminar.

Crs Kirk (Chair), Cunningham and Little heard four submissions to the Navigation and Safety Bylaws on Tuesday 25 October. Cr Kirk advised that even though North Canterbury Fish and Game did not make a submission, the Committee invited them to present a Fish and Game perspective on Didymo, which included comments about the need for groups to work together.

Cr McKay advised that Lake Pukaki Levels were below average, but above 1992 levels.

Cr Burke said that Council practice has been for the Chairman, Vice Chairman, Cr Budd and the Chief Executive to attend LGNZ Zone 5 meetings and requested Council consider appropriate elected member attendance at the 2 November meeting to be held in the Chatham Islands.

Cr Cunningham, as Council's representative on the Avon Heathcote Estuary Ihutai Trust advised of her recent participation in Hīkoi Whakakāhau held at marae in Canterbury over the period 19 – 22 October 2005.

Moved Cr Waters, seconded Cr Carroll.

That the information be received and that Council approves the attendance of the Chair, Vice Chair and Cr Budd at the LGNZ Zone 5 meeting being held in the Chatham Islands on 2 November 2005.

CARRIED

17. NOTICES OF MOTION

Nil.

18. QUESTIONS

Cr McKay asked:

1. What is Council's view on water trading?
Have we developed a policy on this yet?
Have we a view on water charges and does our policy differ to that which is in the 2005/2006 Annual Plan?
- 1a. What will be done to correct the community perception?
2. What is Council's policy on the seasonal demand of water in urban-zoned areas of Canterbury?

Response from Dr Jenkins.

Council has not formulated a policy position but this item is on a future Council agenda to formulate a position.

19. EXTRAORDINARY AND URGENT BUSINESS – REPORT OF THE CHIEF EXECUTIVE PERFORMANCE REVIEW COMMITTEE

The meeting agreed to receive a report from the Chief Executive Performance Review Committee. Cr Burke, Chairman of the Committee advised that the Chief Executive Performance Review Committee met earlier that day with Bryan Jenkins to review the performance of Dr Jenkins as Chief Executive.

Moved Cr Burke, seconded Cr Johnston.

- (a) *That the Committee receives the comments of the Chief Executive on his performance over the last year.*
- (b) *That the Committee commends the Chief Executive on his performance and in particular his management of the complex and unexpected issues that arise in the course of the business of Environment Canterbury.*
- (c) *Recommends that the Council approves the Committee's decisions.*

CARRIED

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

21. NEXT MEETING – 24 NOVEMBER 2005

The meeting closed at 5.10 p.m.

CONFIRMED

DATE _____ CHAIRPERSON _____

UNCONFIRMED