

**MINUTES OF THE 240TH MEETING OF ENVIRONMENT CANTERBURY HELD IN THE
COUNCIL CHAMBER, 58 KILMORE STREET, CHRISTCHURCH ON WEDNESDAY,
1 APRIL 2004 AT 9.30 A.M.**

CONTENTS

1. APOLOGIES
2. MINUTES OF MEETINGS – 3 MARCH 2004, 18 MARCH 2004 AND 25 MARCH 2004
3. MATTERS ARISING
4. DEPUTATIONS AND PETITIONS
5. URBAN DEVELOPMENT STRATEGY
6. WARRANTING ENFORCEMENT OFFICERS
7. PROPOSAL FOR ABOLITION OF BANKS PENINSULA DISTRICT
8. LGNZ: ANNUAL CONFERENCE
9. FINANCIAL REPORTS ON COUNCIL PORTFOLIO ACTIVITIES
10. INFORMATION ITEMS
11. REPORT OF THE REGIONAL PLANNING COMMITTEE – 4 MARCH 2004
12. REPORT OF THE REGIONAL LAND TRANSPORT COMMITTEE
13. REPORT OF THE REGIONAL PLANNING COMMITTEE – 18 MARCH 2004
14. CANTERBURY MAYORAL FORUM
15. MINUTES OF CIVIL DEFENCE EMERGENCY MANAGEMENT GROUP
16. REPORT OF THE REGIONAL PLANNING COMMITTEE – 24 MARCH 2004
17. REPORT OF THE AUDIT COMMITTEE
18. REPORT OF PROJECTS OVERVIEW COMMITTEE
19. REPORT OF REGULATION OVERVIEW COMMITTEE
20. COUNCILLOR REPORTS OTHER COMMITTEES/CONFERENCES/SEMINARS
21. NOTICES OF MOTION
22. QUESTIONS
23. EXTRAORDINARY AND URGENT BUSINESS
24. MEETING WITH PUBLIC EXCLUDED
25. NEXT MEETING – 29 APRIL 2004
26. CLOSURE

PRESENT

Crs R B Johnson (Chairman), R A Budd, T K Burke, V M Campbell, R H M Johnston, R I R Little, A R McKay, A G Neill, M E Oldfield, W S Penno, I A Robertson, D R Shand, N J Wagner and J M Waters.

MANAGEMENT AND STAFF PRESENT

Dr B R Jenkins (Chief Executive), Dr M C Freeman (Director Regulation), J D Talbot (Director Policy and Planning), I W Thomas (Director Services and Portfolio Management) and P C Berry (Manager Secretariat).

1. APOLOGIES

Nil.

2. MINUTES

Moved Cr Budd, seconded Cr Campbell.

That the minutes of the 237th meeting held on 3 March and the 238th meeting held on 18 March 2004, be confirmed as true and accurate records.

CARRIED

3. MATTERS ARISING

Nil.

4. DEPUTATIONS AND PETITIONS

Nil.

The meeting agreed to consider Item 23 at this stage.

23. EXTRAORDINARY AND URGENT BUSINESS

WATER ALLOCATION STRATEGY FOR WAITAKI CATCHMENT

The Chief Executive tabled a paper detailing options available for water allocation in the Waitaki catchment resulting from the withdrawal of the Project Aqua resource consent applications by Meridian Energy Limited.

Moved Cr Johnson, seconded Cr Penno.

That this matter, which has only arisen this week, be considered as extraordinary and urgent business because of the need to resolve the issue urgently.

CARRIED

Moved Cr Shand, seconded Cr Penno.

That Environment Canterbury:

- (i) proposes to undertake an assessment of water use in the Waitaki catchment in order to develop a water allocation strategy within a sustainability framework.*
- (ii) makes provision for \$250,000 funding in the Community Plan to undertake this assessment.*

Main points to arise from the discussion on this item were:

- Need for a national energy strategy.
- Importance of expediting applications being held as soon as possible.
- Need for amendments to the Resource Management Act to incorporate water allocation planning approaches.
- Concentration should be on ends and results not means.
- People want certainty.
- Water allocation plan should cover the whole region.

An amendment was moved Cr Little, seconded Cr Oldfield.

That Environment Canterbury in consultation with the Ministry for the Environment in this process request government to make the necessary amendments to the Resource Management Act.

CARRIED

Cr Oldfield suggested that the words “with full consultation with the Waitaki Community”, be added to motion (i). The mover and seconder of the motion agreed for the additional wording to be incorporated.

Wayne Thomas advised that the motion needed to be more precise in terms of the funding provision to be published in the Community Plan.

An amendment was moved Cr Neill, seconded Cr Oldfield.

That motion (ii) be amended to read “makes provision for \$250,000 funding in the Community Plan to undertake this assessment, \$150,000 to be added to the general rate requirement for 2004/05 and \$100,000 from an existing budgetary provision.

CARRIED

The following motion was PUT and CARRIED as the substantive motion.

That Environment Canterbury:

- (i) proposes to undertake an assessment of water use in the Waitaki catchment in order to develop a water allocation strategy within a sustainability framework and with full consultation with the Waitaki catchment community,*
- (ii) makes provision for \$250,000 funding in the Community Plan to undertake this assessment, \$150,000 to be added to the general rate requirement for 2004/05 and \$100,000 from an existing budgetary provision,*
- (iii) in consultation with the Ministry for the Environment in this process, request government to make the necessary amendments to the Resource Management Act,*

Crs Burke and McKay stood aside from voting on this matter.

Morning tea was taken 10.40 a.m. to 11.00 a.m.

Moved Cr Shand, seconded Cr Waters.

That Environment Canterbury makes a request to government to urgently prepare a national energy strategy to promote integrated sustainable development.

CARRIED

5. URBAN DEVELOPMENT STRATEGY

Moved Cr Campbell, seconded Cr Shand.

- (a) *That Council adopt the "Urban Development Strategy Brief and Terms of Reference" (dated 12 March 2004).*
- (b) *That Council confirm Crs Neill and Shand with Cr Little as the alternate as its Elected Members on the Urban Development Strategy project*

Cr Neill advised he would be reporting back to the Council if progress on this strategy was not being maintained.

The motion was PUT and CARRIED.

6. WARRANTING ENFORCEMENT OFFICERS

Moved Cr Wagner, seconded Cr Penno.

That under Section 650B of the Local Government Act 1974 (not repealed by the Local Government Act 2002), the Council appoint Justin Robert Waddell as an honorary enforcement officer with those powers listed below, as specified in section 650C (1), (3) (a) and 650E (1) (a) and (b) of the Local Government Act 1974

- *To enter and remain on any ship within waters of the Canterbury region for the purpose of carrying out his duty;*
- *To give directions to regulate within waters of the Canterbury region:*
 - (a) *the time and manner in which any ship may enter into, depart from, lie or navigate; and*
 - (b) *the position, mooring, unmooring, placing, removing, securing or unsecuring of any ship.*
- *On the instruction of the Regional Harbourmaster:*
 - (a) *to require the person appearing to be in charge of any ship or seaplane to stop, and to give his or her name and address; and*
 - (b) *to require any person found committing an offence against the Council's navigation bylaws to give his or her name and address.*

CARRIED

7. PROPOSAL FOR ABOLITION OF BANKS PENINSULA DISTRICT

Moved Cr Johnston, seconded Cr Penno.

That the Council accepts the invitation of the Local Government Commission to make a submission on the proposal to abolish the Banks Peninsula District and that the whole of the District be included in the Christchurch City Council.

CARRIED

A copy of the draft submission would be put before the Council on 15 April 2004.

8. LGNZ: ANNUAL CONFERENCE

Cr Shand advised that the conference would include the subject of sustainable development and she was a member of the LGNZ Working Party dealing with this matter.

Moved Cr Johnston, seconded Cr Neill.

(a) *That the Council be represented at the LGNZ Conference 2004 by the Chairman, Chief Executive and two Councillors.*

(b) *That the two Councillors be Cr Penno and Cr Campbell.*

An amendment was moved Cr McKay, seconded Cr Oldfield.

(b) *That the two Councillors be Cr Penno and Budd, with Cr Campbell as the alternate.*

Cr Campbell said she would decline the nomination of the alternate member in favour of Cr Shand. This was agreed by the Council.

It was noted in the past it had been the policy that newly elected members would be considered for attendance at the LGNZ Conference.

The amended motion was PUT and CARRIED on a show-of-hands vote 6 – 2.

An amendment was moved Cr Waters, seconded Cr Campbell.

That the Council be represented at the LGNZ Conference by three Councillors with Cr Shand as the third member.

LOST on a show-of-hands vote 6 – 7.

The motion

(a) *That the Council be represented at the LGNZ Conference 2004 by the Chairman, Chief Executive and two Councillors.*

(b) *That the two Councillors be Cr Penno and Cr Budd, with Cr Shand as the alternate.*

was put as the substantive motion and CARRIED.

9. FINANCIAL REPORTS ON COUNCIL PORTFOLIO ACTIVITIES

Considered later in the meeting.

10. INFORMATION ITEMS

Moved Cr Johnston, seconded Cr McKay.

That the information items be received.

CARRIED

11. REPORT OF THE REGIONAL PLANNING COMMITTEE

Moved Cr Campbell, seconded Cr Budd.

That the reports of the Regional Planning Committee held on 4 March and 18 March 2004 be received and that the matters for Council decision be approved.

4 MARCH 2004

MATTERS FOR COUNCIL DECISION

11.1 CHAPTER 4 WATER QUALITY – LIST OF RIVERS RE STOCK ACCESS

Resolved

That the schedule of water bodies to be affected by Policy WQL4(1)(b) excluding (iv) and associated regional rules be approved in principle.

11.2 GLOSSARY OF TERMS CHAPTERS 4 TO 8 INCLUSIVE

Resolved

That the definition of terms for Chapters 4 to 8 inclusive of the Natural Resources Regional Plan be approved in principle.

18 MARCH 2004

11.3 CHAPTER 4 WATER QUALITY – NUTRIENT NITRATE RULE WQL17

Resolved

That Chapter 4 Water Quality – Nutrient Nitrate Rule WQL17 be approved in principal subject to the Rule Table note (b) reading a cover crop means a crop sown in the ground by the 1st of April.

12. REPORT OF REGIONAL LAND TRANSPORT COMMITTEE

Moved Cr Waters, seconded Cr Burke.

That the report of the Regional Land Transport Committee held on 10 March 2004 be received and that the matters for Council decision be approved.

CARRIED

MATTERS FOR COUNCIL DECISION

12.1 STATE HIGHWAY PROGRAMME PRIORITISATION

Resolved

That the Regional Land Transport Committee:

- (a) Receives the report "State Highway Programme Prioritisation".*
- (b) Recommends that Environment Canterbury approves the priority lists for Transit's projects, as amended.*
- (c) Recommends that Environment Canterbury provides written comment to Transit incorporating the views of other submissions at the meeting.*

12.2 REGIONAL LAND TRANSPORT COMMITTEE MEMBERSHIP AND TERMS OF REFERENCE UPDATE

Resolved

That the Regional Land Transport Committee receives the report "RLTC Membership and Terms of Reference Update", and endorses the process and nominations for Environment Canterbury to re-establish the RLTC as outlined in the proposal.

12.3 CLANDEBOYE ATR INVESTIGATION

Resolved

That the Regional Land Transport Committee receives the report "Clandeboye ATR Investigation" and recommends that Environment Canterbury sends a letter to the Minister of Transport seeking clarification of rail network provision as outlined in the proposal.

MATTERS RESOLVED BY THE COMMITTEE

12.4 TRANSPORT MANAGERS' TECHNICAL ADVISORY GROUP

Resolved

That the Regional Land Transport Committee receives the report "Transport Manager Technical Advisory Group" and endorses the establishment of a RLT Technical Advisory Group as outlined in the proposal.

12.5 FREIGHT WORKING GROUP UPDATE

Resolved

That the Regional Land Transport Committee receives the report "Freight Working Group Update March 2004" and endorses the submission to the Christchurch City Council regarding Whiteleigh Avenue.

12.6 RLTS RENEWAL 2005

Resolved

That the Regional Land Transport Committee receives the report "RLTS Renewal 2005" and approves the Table of Contents in principle and the process for consultation.

12.7 FORMATION OF A RURAL TRANSPORT SUB GROUP

Resolved

(a) *That the Regional Land Transport Committee receives the report "Formation of a Rural Transport Sub-Group and endorses the establishment of a rural working group of the RLTC as proposed.*

(b) *That the rural working group be convened by Cr Murray.*

13. REPORT OF REGIONAL PLANNING COMMITTEE

Considered with Item 11.

14. REPORT OF CANTERBURY MAYORAL FORUM

Moved Cr McKay, seconded Cr Oldfield.

That the report of the Canterbury Mayoral Forum be received.

CARRIED

Lunch was taken 12.40 p.m. to 1.25 p.m.

Cr Robertson left at 1.25 p.m.

MINUTES: MEETING 25 MARCH 204

Moved Cr Johnston, seconded Cr McKay.

That the minutes of the 239th meeting held on 25 March 2004 be confirmed as a true and accurate record.

CARRIED

15. MINUTES OF CIVIL DEFENCE EMERGENCY MANAGEMENT GROUP

Moved Cr McKay, seconded Cr Waters.

That the minutes of the Civil Defence Emergency Management Group meeting held on 15 March 2004 be received.

CARRIED

16. REPORT OF THE REGIONAL PLANNING COMMITTEE

Moved Cr Campbell, seconded Cr Waters.

That the report of the Regional Planning Committee held on 24 March 2004 be received and the matters for Council decision be approved.

CARRIED

MATTERS FOR COUNCIL DECISION

16.1 CHAPTER 4 WATER QUALITY SECTION 32 REPORT *Resolved*

That the Council approve in principle Chapter 4 Water Quality Section 32 report.

16.2 CHAPTER 8 SOIL CONSERVATION SECTION 32 REPORT *Resolved*

That the Council approve in principle Chapter 8 Soil Conservation Section 32 report.

16.3 PLANNING MAPS – VOLUME FOR RRP CHAPTERS 4 – 8 INCLUSIVE *Resolved*

That the Council receive the planning maps for Chapters 4 – 8 inclusive of the NRRP.

16.4 CHAPTER 5 WATER QUANTITY (HIGH NATURALNESS WATER BODIES, GROUNDWATER ALLOCATION AND OTHER PROVISIONS) *Resolved*

That the Council approve in principle the amended Policy and rules references Policy WQN14, new rule WQN22(a), modified rule WQN9 and modified rule WQN40 respectively.

16.5 NRRP CHAPTER 4 WATER QUALITY *Resolved*

That the Council approve in principle:

- (a) *Rule Table WQL16 with the following changes.*

<i>Less than 2 degrees</i>	<i>5 metres for uncalibrated</i>
<i>3 to 10 degrees</i>	<i>5 metres for calibrated equipment</i>
	<i>10 metres for uncalibrated</i>

(Note for land greater than 10 degrees the set back distance remains at 30 metres for calibrated and uncalibrated equipment.)
- (b) *The schedule of amendments.*

Queries were raised on the meaning of the term “uncalibrated” and it was agreed this matter be referred to the next Regional Planning Committee for comment.

16.6 PRESENTATION OF TANGATA WHENUA VALUES ON THE ASHLEY RIVER RAKAHURI BY RAKIIHIA TAU

Resolved

That the report on Tangata Whenua values for the Ashley River Rakahuri be received.

9. FINANCIAL REPORTS ON COUNCIL PORTFOLIO ACTIVITIES

Moved Cr Wagner, seconded Cr Penno.

That the information on the financial reports for the period ending 29 February 2004 be received.

CARRIED

17. REPORT OF THE AUDIT COMMITTEE

Moved Cr Wagner, seconded Cr Johnston.

That the report of the Audit Committee held on 25 March 2004 be received.

CARRIED

18. REPORT OF PROJECTS OVERVIEW COMMITTEE

Moved Cr Johnston, seconded Cr Penno.

That the report of the Projects Overview Committee held on 30 March 2004 be received and that the matter for Council decision be approved.

CARRIED

MATTER RECOMMENDED TO COUNCIL

18.1 TRI-ANNUAL REPORT TO THE COUNCIL - PROGRESS ON PROJECT OUTPUTS 1 NOVEMBER 2003 TO 29 FEBRUARY 2004

Resolved

That the Council approves the Tri-Annual Report to the Council: Progress on Project Outputs 1 November 2003 – 29 November 2004 and the Council recommendations contained in the report.

19. REPORT OF REGULATION OVERVIEW COMMITTEE

Moved Cr Burke, seconded Cr Waters.

That the report of the Regulation Overview Committee held on 30 March 2004 be received and that the matters for Council decision be approved.

CARRIED

MATTERS FOR COUNCIL DECISION

19.1 DELEGATIONS

Resolved

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

- (a) Replace the term CM (Consents Manager) with COM (Consents Operations Manager) and PCIO (Principal Consents Investigating Officer).*
- (b) Amend the Section 100 delegation by removing the word “not”.*
- (c) Add the following clauses to the delegation relating to Environment Court references (First Schedule Clause 14 or 6): “Where an Environment Court hearing is required subsequent to Consent Order negotiations on planning references, staff are to report back to the Council for decision on further action.”*

19.2 INTERIM ENFORCEMENT OF RULES IN THE PROPOSED CANTERBURY NATURAL RESOURCES REGIONAL PLAN – CHAPTER 3: AIR QUALITY

Resolved

- (a) That Council approves the non-enforcement of the following Proposed Canterbury Natural Resources Regional Plan – Chapter 3: Air Quality, Rules AQL1, AQL2 and AQL3 conditions where the emission stack or cowl design or operation is not contributing to an offensive or objectionable effect:*
 - (i) Conditions 1 and 2 of Rules AQL1 (existing enclosed burners or open fires) and AQL3 (oil or gas burning heating devices), conditions 4 and 5 of Rule AQL2 in relation to pellet fires only;*
 - (ii) Condition 5 of Rule AQL2 in relation to all enclosed burners*
until the final form of the rules becomes operative.
- (b) That Canterbury Regional Council staff continue to consult with the home heating industry to identify possible acceptable cowl designs that maximise the upwards efflux velocity of the discharges from an emission stack to minimise potential nuisance effects.*

19.3 INTERIM ENFORCEMENT OF RULE AQL2 CRITERIA IN THE PROPOSED CANTERBURY NATURAL RESOURCES REGIONAL PLAN – CHAPTER 3: AIR CHAPTER

Resolved

- (a) That Council approves the non-enforcement of Rule AQL2 in the Council’s Proposed Canterbury Natural Resources Regional Plan – Chapter 3: Air Quality as follows:*

(i) *an amendment to the delegation to Resource Management Officers Group to authorise under Section 369(11)(b) Resource Management Act 1991, the installation or use in a Clean Air Zone of fuel burning equipment that meets the following criteria:*

(1) *1 g/kg and 65% thermal efficiency; or*

(2) *76 mg/MJ out*

provided that it is satisfied that the appliance cannot be readily altered or tampered with by a householder to materially change its emission characteristics to a degree that it would fail to meet the above criteria;

(ii) *appliances that meet the 76 mg/MJ out criteria are to be treated as compliant with Rule AQL2 of the Proposed Canterbury Natural Resources Regional Plan – Chapter 3: Air Quality*

until the final form of Rule AQL2 becomes operative.

(b) *Request staff to investigate the appropriateness of staff advising the Hearing Panel for the Proposed Natural Resources Regional Plan Chapter 3 Air Quality on any interim policy on enforcement of rules in that Proposed Plan.*

Cr Robertson returned at 2.10 p.m.

20. COUNCILLOR REPORTS OTHER COMMITTEES/CONFERENCES/SEMINARS

Cr Waters reported briefly on her attendance at a recent Council of Social Services meeting.

21. NOTICES OF MOTION

Cr Shand advised that she wished to alter the wording of her notice of motion by replacing the words “from a policy” to “investigates protocols”.

Moved Cr Waters, seconded Cr Campbell.

That the wording alteration be accepted.

CARRIED

Moved Cr Shand, seconded Cr Campbell.

That Environment Canterbury investigates protocols to ensure the appropriate notification of public interest groups in cases of Limited Notification of Resource Consents.

Staff expressed concerns relating to changes altering the intention of the Resource Management Act and the emphasis of the motion.

The mover and seconder of the motion agreed to its withdrawal which was agreed by the Council.

Moved Cr Shand, seconded Cr Campbell.

That the matter of protocols for notification to public interest groups in case of Limited Notification be referred to a Council workshop.

CARRIED

24. QUESTIONS

Nil.

23. EXTRAORDINARY AND URGENT BUSINESS

Considered earlier in the meeting.

24. MEETING WITH PUBLIC EXCLUDED

Moved Cr Johnson, seconded Cr Budd.

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

1. *Public Excluded Minutes, 3 March and 18 March 2004*
2. *Land Use Zoning: References to Environment Court*

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
1. <i>Adoption 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)
2. <i>Update on Appeal</i>	<i>That good reason exists for not discussing the matter with the public present and is not outweighed by the public interest.</i>	

This resolution is made in reliance on Section 48(1) of the Local Government Official Information and Meetings Act 1987 and the particular interests protected by Section 7 of that Act which would be prejudiced by the holding of the relevant part of the proceedings of the meeting in public are as follows:

- (a) *A right of appeal lies to any Court or tribunal against the final decision of the local authority.*
- (b) *Maintain legal professional privilege (7)(2)(g).*
- (c) *Protect the privacy of natural persons ((7)(2)(a)).*

CARRIED

IN OPEN MEETING

Moved Cr Budd, seconded Cr Wagner.

That the meeting resume in Open Meeting.

CARRIED

25. NEXT MEETING – 29 APRIL 2004

26. CLOSURE

The meeting closed at 3.05 p.m.

CONFIRMED

DATE _____ CHAIRPERSON _____