

**MINUTES OF THE 249TH MEETING OF ENVIRONMENT CANTERBURY HELD IN THE
COUNCIL CHAMBER, 58 KILMORE STREET, CHRISTCHURCH ON THURSDAY,
26 AUGUST 2004 AT 9.30 A.M.**

ORDER PAPER

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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, I A Robertson, D R Shand, N J Wagner and J M Waters.

MANAGEMENT AND STAFF PRESENT

Dr B R Jenkins (Chief Executive), W Falconer (Director External Relations), K Lawn (Director Operations), J D Talbot (Director Policy and Planning), I W Thomas (Director Finance and Corporate Services) and P C Berry (Manager Secretariat).

1. APOLOGIES

Cr Penno.

2. MINUTES

Moved Cr Oldfield, seconded Cr Johnston.

That the minutes of the 247th meeting held on 29 July 2004 and 248th meeting held on 19 August 2004, be confirmed as true and accurate records.

CARRIED

3. MATTERS ARISING

Nil.

4. DEPUTATIONS AND PETITIONS

Noted a petition signed by 415 people to keep the Orbiter bus on Centaurus Road and not to change the route had been received.

5. ORBITER AND NORTHEAST SERVICE REVIEW

Moved Cr Shand, seconded Cr Waters.

- (a) *That the Orbiter, 40 Wainoni, 60 Parklands and 70 Queenspark be designated primary core services.*
- (b) *That tendering of the 40 Wainoni, 42 Avondale and 43 New Brighton via Burwood, 49 Northshore, as outlined in this report, be delayed until November 2005 to allow proposals to through-route with southwest services to be developed.*
- (c) *That the Orbiter, 46 Shirley, 60 Parklands and 70 Queenspark, as outlined in this report, be tendered now.*
- (d) *That the 41 Horseshoe Lake service be discontinued.*
- (e) *That the tendering of the Lyttelton to Avonside Girls High School contract be included within the school services tender.*

CARRIED

6. TIMARU PASSENGER TRANSPORT STRATEGY

Moved Cr Oldfield, seconded Cr Wagner.

That the report form the basis for the development of the Timaru Passenger Transport Strategy as consulted upon and the improvements and investigations be brought forward where applicable and appropriate.

CARRIED

Cr Oldfield acknowledged Cr Penno's work as Chair of the working party.

OUTSTANDING CONTRIBUTION AWARD

An Outstanding Contribution Award in recognition of outstanding advocacy and her work for clean air and environmental education in the Canterbury Region was awarded to Janet Holm. The citation read as follows:

"Janet has long been an outstanding advocate for clean air. She joined the Christchurch branch of the Clean Air Society in 1969 and has worked in this field continuously ever since then.

She became the secretary of the society in 1972 and was appointed by the government to the New Zealand Clean Air Council in 1986. Three years later she became President of the New Zealand Clean Air Society. Her focus was wide-ranging including domestic burning, cigarette smoking, and electromagnetic radiation of cellphone towers. From 1982 she organised a campaign on the dangers of lead in petrol that led to the 1986 changes.

She organised conferences, she presented papers to meetings in New Zealand and Australia, and she wrote and distributed pamphlets.

She was awarded the MBE in 1988 for her efforts.

When Environment Canterbury began to tackle the air quality issue they found that Janet had already prepared the ground.

Even before the term "environmental education" was coined, Janet was out there doing it. Off her own bat she was talking in schools about the environment. After attending the first UN Conference on the Environment in Stockholm as one of only 10 New Zealand NGO's, she became one of the key figures behind the first Environment Centre in New Zealand – that centre is now housed in our own building and last year celebrated 30 years of service to Christchurch. She initiated and organised the pivotal 1977 Environment Conference in Christchurch and promoted the repeat conference a decade later.

Twenty years before Environment Canterbury proved the link between wood burners and air pollution, Janet was saying that home heating was the biggest problem. At a time when electricity was cheap she was advocating turning off lights and heaters when you leave the room and she was pushing for the use of thermostats.

She was even reported by a local newspaper in 1974 as saying that "If women with families could do all their baking in one afternoon to keep their biscuit tins full then this would also be a saving of power".

She has been an energetic and passionate advocate for the environment for many years.

To quote the Christchurch Star of February 1986 – “Dignified, elegant and articulate, Mrs Holm is an old hand at presenting submissions to quangos and parliamentary commissions”.

Dignified, elegant, articulate, informed and effective – then, and now! Canterbury has a valued member of the community to acknowledge.”

Morning tea was taken 10.30 a.m. – 10.55 a.m.

7. RANGITATA WCO DECISION FROM ENVIRONMENT COURT

The Chief Executive advised that the Environment Court had acknowledged the matters raised by the Council on the Rangitata Diversion Race. The Judge had not said the Council was incorrect, but acknowledged the distinction between Part 9 of the Resource Management Act and the sustainable management aspects in Part 2.

Part 9 did not allow all effects of sustainable management requirements to be addressed, including those that were outstanding.

It was noted that the Court’s invitation to make further submissions was not to reiterate aspects of the interim decision.

Moved Cr McKay, seconded Cr Campbell.

- (a) *That the Council not appeal the decision of the Environment Court of the Rangitata River WCO to the High Court.*
- (b) *That Environment Canterbury meet with some stakeholders to work through a submission if necessary.*

With agreement of the mover and seconder the word “substantive” was included in recommendation (a).

Recommendation (a) was PUT and CARRIED.

Cr Budd expressed disappointment of the Court’s outcome. The Council did not have the ability to drive the process to achieve what it required and this would cause future problems. Flow sharing now included would be difficult to enforce. The order was preventing sustainability of the river and this should be brought to central government’s attention.

Cr Little said he didn’t read the decision as not allowing enhancement and Part 9 of the Act did allow this.

With the agreement of the Council recommendation (b) was substituted with the following motion moved by Cr McKay, seconded Cr Campbell.

- (b) *That consistent with the opportunity to respond to the opportunity provided by the Environment court that staff bring a draft submission to the next Council meeting on the detailed wording of the Water Conservation Order. In preparing the draft submission staff shall consult with other stakeholders.*

CARRIED

8. REGIONAL LAND TRANSPORT COMMITTEE MEMBERSHIP FOR CULTURAL INTERESTS

Moved Cr Waters, seconded Cr Neill.

That the Council endorse Lisa Tumahai as a new member of the Regional Land Transport Committee to represent cultural interests.

CARRIED

9. BIODIVERSITY

A number of minor changes were suggested for incorporation into the submission to the Christchurch City Council.

Moved Cr Campbell, seconded Cr Waters.

That the Council approve the attached submission on "Christchurch Naturally: The Biodiversity Strategy".

CARRIED

10. WARRANTING OF CHRISTCHURCH CITY COUNCIL RANGERS FOR RESERVE 4060

Moved Cr Budd, seconded Cr Campbell.

That in terms of Section 8(9) Reserves Act 1977 Council appoint CCC Rangers:

*Ian Surgenor
Steve Leiataua
Jon Read
Rodney Chambers
Paul Devlin*

to be rangers for the purposes of the Reserves Act 1977 to exercise their duties in Reserve 4060 from 28 August to 30 November 2004 inclusive.

CARRIED

11. SUBDIVISION AND DEVELOPMENT OF LAND AT JOHNS ROAD

Details of the proposal were presented by Brian Dimbleby, Regional Reserves Officer, Dougal Smith on valuation and economic benefits, and Vin Smith, Senior Resource Management Planner.

Cr Neill questioned whether an amendment could be made to f(iii) by adding the words "unless the parties otherwise mutually agree." Officers preferred that this not be included, but if there were a change of circumstance, the lessee could ask Council to reconsider.

Moved Cr Wagner, seconded Cr Budd.

(a) *That the Council approve the subdivision of the land let to Amherst Properties Limited, King House Removals (Southland) Limited and the University of Canterbury and that land be dedicated as road as required to provide access within the subdivision.*

- (b) *That the Council agree to incorporate into Amherst's leases of Lots 5(2) and 6 Johns Road reserves part of the former railway strip.*
- (c) *That the Council agree to the transfer of parts of the lease of Lot 6 Johns Road reserves from Amherst to King House Removals to achieve a rationalisation of boundaries of the land let to King House Removals.*
- (d) *That the Council accept the surrender by Amherst and King House Removals of their respective leases and the partial surrender of the lease of the University of Canterbury.*
- (e) *That the Council grant leases as follows:*

Amherst

5.8 hectares

Term: 11 years and 9 months from 1 October 2004; annual rent \$70,000 reviewable at 1 February 2009

2.6 hectares

Term: 11 years and 9 months from 1 October 2004; annual rent \$31,500 reviewable at 1 February 2009

King House Removals

1.0325 hectares

Term: 3 years and 4 months from 1 October 2004; annual rent \$18,600

The new leases to preserve the lessees' right to future leases containing perpetual rights of renewal and to be subject to the terms and conditions of the Council's recently-revised standard commercial/industrial lease.

- (f) *That the Council's approval of the subdivision and development proposal be given subject to the following conditions:*
 - (i) *Amherst shall obtain all consents required to implement the subdivision and development proposal and shall at its cost do all things required to comply with consent conditions.*
 - (ii) *Amherst shall meet all survey, legal, land title and other costs associated with the proposal including the costs of documents required to effect the transfer and surrender of leases and granting new leases.*
 - (iii) *Amherst shall surrender the easement to Nathan Place within four years from
1 October 2004.*

CARRIED

Lunch was taken 12.35 p.m. – 1.25 p.m.

12. INFORMATION ITEMS

COURT OF APPEAL DECISION – T J AND M A MUSSON

Moved Cr Budd, seconded Cr McKay.

That Council accepts the decision of the Court of Appeal.

CARRIED

PRE AND POST ELECTION MEETING DATES

The following meeting dates were agreed.

- Council Workshop (Council Performance Review) – 15 September
- CEO Performance Review Subcommittee – 16 September
- Council Meeting – 30 September (subject to confirmation)

PLAUDIT

Cr McKay advised that Phillippa Aitchison-Earl had represented the Council very well at the hearing in Ashburton on red zones, despite the published comments in the press article.

Moved Cr Burke, seconded Cr Johnston.

That the information items be received.

CARRIED

13. FINANCIAL REPORTS ON COUNCIL PORTFOLIO ACTIVITIES

Moved Cr Wagner, seconded Cr McKay.

That the information on the financial reports for the period ending 31 July 2004 be received.

CARRIED

14. REPORT OF JOINT PORTFOLIO COMMITTEE

Moved Cr Budd, seconded Cr McKay.

That the report of the Combined Portfolio Committees Meeting held on 19 August 2004 be received and the matter for Council decision be approved.

CARRIED

MATTER RECOMMENDED TO THE COUNCIL

14.1 ANNUAL REPORT ON 2003/2004 ANNUAL PLAN OUTPUTS AND OUTCOMES

Resolved

That the Council adopts the report: Annual report on 2003/04 Annual Plan Outputs and Outcomes, as the basis for the 2003/04 Annual Report.

15. REPORT OF AUDIT COMMITTEE

Cr Wagner made a verbal report of the Audit Committee meeting held earlier that day.

Matters discussed included consideration of the 2003/2004 Financial Statements to be included in the 2003/2004 Annual Report.

It was noted that the next quarterly report relating to the Grant Thornton report would be considered by the Audit Committee prior to presentation to the Council.

16. MINUTES OF CDEM GROUP MEETING

Moved Cr McKay, seconded Cr Waters.

That the minutes of the Canterbury Civil Defence Emergency Management Group meeting held on 16 August 2004 be received.

CARRIED

17. NOTICE OF MOTION

Moved Cr Robertson, seconded Cr Oldfield.

That the Canterbury Regional Council, in conjunction with the Otago Regional Council, actively seek a great deal of further knowledge on and actively debate the relative costs and values of water usage and of energy production in and for the East Coast of the South Island of New Zealand. These now and in 2005 being urgent matters needing measured debate in public at meetings and at workshops:

- (a) *The advice of some leading Greenpeace experts that a green future is a nuclear future.*
- (b) *That the only likely source of the huge quantities of hydrogen gas to power vehicles in the future is from nuclear powered electricity.*
- (c) *The relative values of water, e.g. Lake Tekapo and Waitaki River water in terms of conservation, recreation and tourism versus for electricity generation which in turn is also a stark trade off between hot city air conditioning and irrigation for the parched hinterland of Timaru and Oamaru.*
- (d) *The growing awareness of our huge reserves of coal, our renewable forests and of the capacity of coal and wood to provide the only huge stockpile of ready energy to provide on-call heat and electricity production in the coming brave new world of expensive gas and oil.*

Explanatory notes:

- (i) *The New Zealand Parliament will not lead in this debate before 2006 and even then will sway in the wind of public opinion.*
- (ii) *Wind and tidal electricity generation are a long way from major capacity and like hydro electricity cannot be stockpiled.*

The Chairman called for comments or debate. There being none, the vote was taken and was declared LOST.

A division vote was called for, which resulted as follows:

AYES

Cr Budd
Cr Burke
Cr Johnson
Cr Johnston
Cr Little
Cr Neill
Cr Oldfield
Cr Robertson

NOES

Cr Campbell
Cr McKay
Cr Shand
Cr Wagner
Cr Waters

CARRIED 8 – 5.

18. QUESTIONS

Cr McKay asked the following question.

“How is the priority of application decided for applicants applying for consent to take water from underground water in a red zone?”.

Advice was given the answer would be given at the next Council meeting.

19. EXTRAORDINARY AND URGENT BUSINESS

Cr Little advised he wished to raise the matter of the protest march proposed by WEcan political party on Saturday, 28 August 2004.

A number of members advised it was not appropriate for the Council to be engaging with a political party during a political campaign.

Some others suggested that there should be a member to meet the march. The general consensus was that the Council should not be taking part, but the Chief Executive would arrange for a staff member to receive a petition from the group.

20. MEETING WITH PUBLIC EXCLUDED

Moved Cr Johnson, seconded Cr Johnston.

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

20.1 Confirmation of In Committee minutes 29 July 2004.

20.2 Minutes of CDEM Group Subcommittee meeting, 16 August 2004.

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 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>Appointment of CDEM Group Controller</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.

- 20.1 *Enable any local authority holding the information to carry on without prejudice or disadvantage, negotiations (Section 7(2)(b)(i)).*

Protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information. (Section 7(2)(b)(ii))

Enable any local authority holding the information to carry on without prejudice or disadvantage commercial activities. (Section 7(2)(h))

- 20.2 *Enable any local authority holding the information to carry on without prejudice or disadvantage negotiations. (Section 7(2)(b)(i))*

IN OPEN MEETING

Moved Cr Budd, seconded Cr McKay.

That the meeting resume in Open Meeting and the resolution relating to appointment of CDEM Group Controller discussed with the public excluded be made public when negotiations have been completed and appointment confirmed.

CARRIED

21. NEXT MEETING – 7 OCTOBER 2004

22. CLOSURE

The meeting closed at 2.45 p.m.

CONFIRMED

DATE _____ CHAIRPERSON _____