

**MINUTES OF THE 235<sup>TH</sup> MEETING OF ENVIRONMENT CANTERBURY HELD IN THE  
COUNCIL CHAMBER, 58 KILMORE STREET, CHRISTCHURCH ON THURSDAY, 5  
FEBRUARY 2004 AT 9.30 A.M.**

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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, 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), S D Hill (Director External Relations), J D Talbot (Director Policy and Planning), I W Thomas (Director Services and Portfolio Management) and P C Berry (Manager Secretariat).

### **1. APOLOGIES**

Cr Budd for lateness.

### **2. MINUTES**

Moved Cr Penno, seconded Cr Little.

*That the minutes of the 233<sup>rd</sup> meeting held on 11 December 2003, and the Extraordinary Meeting (234<sup>th</sup>) held on 29 January 2004, be confirmed as true and accurate records.*

CARRIED

### **3. MATTERS ARISING**

Nil.

Cr Oldfield arrived at 9.40 a.m.

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

Nil.

**5. SUSTAINABLE ENERGY INITIATIVE**

George Hooper, Director, Centre Advanced Engineering presented details of a proposal to develop a sustainable energy technology cluster and provide for the business analysis and feasibility assessment giving the opportunity to combine local capabilities in the manufacture of low emission wood heating technology.

Moved Cr Shand, seconded Cr Waters.

(a) *That the Council support the CAE proposal for a sustainable energy technologies initiative and contributes funding of \$10,000 towards the establishment of an industry cluster.*

(b) *That the Council works with CAE and other participating agencies to develop an appropriate framework for accreditation of technologies and performance-based criteria for meeting desired environmental outcomes.*

CARRIED

**6. ACVM STANDARD FOR VERTEBRATE TOXIC AGENTS**

Agreed that the concept of free training for farmers doing their own pest control should be included in the submission.

Moved Cr Penno, seconded Cr Campbell.

*That Environment Canterbury approves the submission, as amended, to the Agricultural Compounds and Veterinary Medicines Advisory Council.*

CARRIED

**7. SUPPORT FUNDING FOR THE WAIHORA ELLESMERE TRUST**

Moved Cr Campbell, seconded Cr Penno.

*That Environment Canterbury approves the transfer \$5,000 of Goods and Services expenditure within Project PLA 034002 from summarising submissions to supporting the establishment of a co-ordinator for the Waihora Ellesmere Charitable Trust for the 2003/04 financial year.*

CARRIED

**8. RELEASE OF GRASS CARP INTO LAKE HOOD**

Cr Budd arrived at 10.15 a.m.

Moved Cr McKay, seconded Cr Shand.

*That Environment Canterbury approves the submission opposing an application by the Ashburton Aquatic Park Charitable Trust to the Minister of Conservation for permission to introduce grass carp (*Ctenopharyngodon idella*) to Lake Hood.*

CARRIED

Cr Wagner declaring an interest in this matter and took no part in the discussion or voting on this matter.

Morning tea was taken 10.30 a.m. – 10.45 a.m.

**9. JOINT ENVIRONMENT CANTERBURY/CHRISTCHURCH CITY COUNCIL PLANNING AND CONSENTS PROTOCOL**

Moved Cr Shand, seconded Cr Waters.

*That Council work jointly with the Christchurch City Council on the preparation of a Planning and Consents Protocol for dealing with Surface Water Management in Christchurch and its integration with urban development, subdivision and resource consent processes, the achievement of City Plan and NRRP objectives and policies and the priority for where work should be carried out.*

CARRIED

**10. GOVERNMENT TRANSPORT SECTOR REVIEW**

Agreed to incorporate into the submission the issue to consider whether transport planning policies were robust enough.

Moved Cr Waters, seconded Cr Penno.

*That the Council approve the submission, as amended.*

CARRIED

**11. REPRESENTATION ON THE REGIONAL ACTION PLAN COMMITTEE FOR THE DAIRYING AND CLEAN STREAMS ACCORD**

Moved Cr Penno, seconded Cr McKay.

*That Cr Oldfield be appointed as Environment Canterbury representative on the Regional Action Plan Committee for the Dairying and Clean Streams Accord.*

CARRIED

**12. 2004 LOCAL BODY ELECTIONS**

Moved Cr Waters, seconded Cr Campbell.

*That the candidates names to be listed on the Environment Canterbury voting documents be in pseudo-random order.*

An amendment was moved Cr McKay, seconded Cr Johnston.

*That the candidates names to be listed on the Environment Canterbury voting documents be alphabetical order by surname.*

PUT and LOST 5 – 7

The motion moved Cr Waters, seconded Cr Campbell was PUT and LOST.

Council then considered a process to obtain a fair system to vote on the three options detailed in the report. It was agreed to use a division type vote with each member indicating their choice of how candidate names should be listed on the voting documents for the 2004 triennial election.

The vote resulted as follows:

	<b>Option (i) Alphabetical Order</b>	<b>Option (ii) Pseudo-Random</b>	<b>Option (iii) Random</b>
Cr Budd	✓		
Cr Burke	✓		
Cr Campbell			✓
Cr Johnson			✓
Cr Johnston	✓		
Cr Little	✓		
Cr McKay	✓		
Cr Neill			✓
Cr Oldfield			✓
Cr Penno			✓
Cr Robertson			✓
Cr Shand			✓
Cr Wagner			✓
Cr Waters	✓		
	<b>6</b>	<b>0</b>	<b>8</b>

*The motion that the candidates names to be listed on the Environment Canterbury voting document for the 2004 triennial election be in random order was PUT as the substantive motion and carried.*

### **13. ELECTED MEMBERS CODE OF CONDUCT**

Moved Cr Oldfield, seconded Cr Budd.

- (a) *That the information on the process issues identified arising from adoption of the Elected Members' Code of Conduct, be received.*
- (b) *That Council progress the issues at a Council Workshop.*

CARRIED

With the agreement of the meeting Item 15 was taken at this time.

### **15. APPOINTMENT OF HEARING COMMITTEE FOR PROPOSED NRRP CHAPTERS 1,2,3**

Moved Cr Johnson, seconded Cr Little.

- (a) *That the Council appoint a five member Hearing Committee comprising two Councillors and 3 non-councillors.*

- (b) *That the Council decide Councillor and non-councillor members of the Hearing Committee at the next Council meeting and Councillors wishing to be considered apply in writing with supporting reasons to the Chief Executive by 23 February 2004.*
- (c) *That the Chief Executive supply a report on candidates to the Council meeting of 3 March 2004.*

Discussions on this item mainly centred on the question of whether there should be three or two Councillors on the Hearing Committee.

An amendment was moved Cr Budd, seconded Cr Waters.

- (a) *That the Council appoint a five member Hearing Committee comprising three Councillors and two non-councillors.*

CARRIED

The motion was PUT as the substantive motion and CARRIED.

Cr Budd left at 12.15 p.m.

## 27. MEETING WITH PUBLIC EXCLUDED

Moved Cr Johnson, seconded Cr Penno.

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

- (a) *Waitaki River: High Court Declaration*
- (b) *Pegasus Bay Issues*
- (c) *Public Excluded Minutes, 11 December 2003*
- (d) *Appointment of Director, Target Pest Enterprises Limited*

*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>
(a) <i>Consideration of Declarations</i>	<i>That good reason exists for not discussing the matter with the public present and is not outweighed by the public interest.</i>	
(b) <i>Consideration of issues arising from Pegasus Bay decision</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)

- (c) *Adoption of Minutes*      *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)
- (d) *Consider Recommendation*      *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)

*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) *Maintain legal professional privilege. (7)(2)(g)*
- (d) *Maintain the effective conduct of public affairs through the protection of such members, officers, employees, and persons from improper pressure or harassment (7)(2)(f).*

*The Chairperson also moved.*

*That Margo Perpick, Solicitor be permitted to remain at this meeting, item (b), after the public has been excluded, because of her knowledge of the legal situation. This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant to that matter because of Ms Perpick's expertise in this matter.*

CARRIED

Moved Cr Johnson, seconded Cr Waters.

*That the public excluded business not completed be adjourned until later in the meeting.*

CARRIED

Lunch was taken 12.50 p.m. to 1.30 p.m.

Crs Neill, Oldfield and Robertson were absent from 1.30 p.m.

#### **14. APPOINTMENT OF HEARING PANEL FOR PROPOSED REGIONAL PEST MANAGEMENT STRATEGY (2003)**

Cr Johnston supported making a decision on the membership of the Hearing Committee that day.

Cr Johnston considered his position of Director, Target Pest Enterprises Limited was not a conflict of interest precluding him from appointment to the Proposed RPMS Hearing Committee.

Moved Cr McKay, seconded Cr Burke.

- (a) *That five Councillors be appointed to the Hearings Committee to subject the Proposed Regional Pest Management Strategy (2003) to an Inquiry, and to report back to the Council with its recommendations for decisions, in accordance with the Biosecurity Act.*
- (b) *That the Council decide members of the Hearing Committee at the next Council meeting and Councillors wishing to be considered apply with supporting reasons to the Chief Executive by 23 February 2004.*
- (c) *That the Chief Executive supply a report on candidates to the Council meeting of 3 March 2004.*

Cr Oldfield returned at 1.42 p.m.

Crs Neill and Robertson returned at 1.45 p.m.

The motion was PUT and CARRIED.

## **16. INFORMATION ITEMS**

### **STATE OF WATER RESOURCES**

Graeme Horrell, Water Resources Scientist presented details of the current surface water situation. Rainfall over January resulted

Alpine Rivers	above average
Kaikoura	average
North and Mid Canterbury Foothills	70% - 80% of average
South Canterbury	80% - 120% of average

River flows over the last month increased but because of low flows prior to the rainfalls some river flows did not come up much.

Current soil moisture conditions were generally average for this time of the year.

Russel Sanders, Hydrogeologist presented details of the current groundwater levels. Many sites were showing record low levels, particularly in the deep aquifers subject to high demand. Levels were still low but there had been stabilisation with the recent rains. This was not due to groundwater recharge but because demand had gone down.

### **RECENT FLOODING**

George Griffiths, Director Investigations and Monitoring advised of significant flooding that occurred in the Rakaia, Waimakariri and Rangitata rivers on 9 January 2004. No damage had occurred. There had been very good liaison between Environment Canterbury staff, MAF, Federated Farmers and farmers.

## **CLEAN HEAT**

Wayne Thomas, Director Services and Portfolio Management gave an up-date of the Clean Heat project, which showed a trend of applicants shifting from solid fuel burners.

While a good deal of interest had been made in the partial assistance programme, many of these applicants had not yet committed themselves to a decision on getting an installation underway. That influenced to a degree the numbers going through the scheme and largely contributed to not being quite as well advanced on the installation side as very early predictions indicated. A consultant had been engaged to do some focus work to identify the obstacles to the applicants making a purchase decision.

Talks had commenced with the banking industry as to how people could be able to capitalise or lever against their homes to assist financing.

## **MFE AIR STANDARDS**

The Chief Executive advised details of a meeting held on 4 February between Environment Canterbury, Christchurch City Council and the Ministry for the Environment trying to work out some common ground in relation to what should happen with the standards. The three major items discussed were:

- ambient air quality standards and particles
- wood burner emission standards
- implementation plan

In terms of the ambient air quality standards the concern that Canterbury raised was that the standard being proposed nationally was not as stringent as the standard proposed in the NRRP and we were seeking an air quality goal that was consistent with the approach being taken. MfE were happy to commit to review their package, but not within the next five years.

MfE also had support for the approach being put forward for our wood burner emission standards. The critical issue for Christchurch air quality was the amount of particulates coming out in the night-time cycle.

There was support for the logic of what we were proposing of having a real lifetime operating standard.

There was some interest on how to define rural v cities and application of a more stringent requirement to the wood heater technical requirements in areas when you had compromised air quality.

The issue of implementation was particularly important.

The approach taken by MfE was really focusing on industry and trying to deal with the issue through resource consents – 90% of emissions in Christchurch were coming from wood heaters. Putting constraints on industry would not work.

Another issue was how to deal with accelerating compliance with the standards. Other mechanisms were being looked at, such as funding opportunities with funding from central government to try and accelerate that achievement.

Moved Cr Burke, seconded Cr Waters.

*That the information items be received.*

CARRIED

**17. REPORT OF THE AUDIT COMMITTEE**

Moved Cr Wagner, seconded Cr Johnston.

*That the report of the Audit Committee meeting held on 19 December 2003 be received.*

CARRIED

**18. REPORT OF REGIONAL PLANNING COMMITTEE**

Moved Cr Campbell, seconded Cr Penno.

*That the report of the Regional Planning Committee meeting held on 5 February 2004 be received and that the matters for Council decision be approved.*

CARRIED

**MATTERS FOR COUNCIL DECISION**

**18.1 WATER QUANTITY – WETLANDS CRITERIA**

***Resolved***

*That the Committee recommend to Council that:*

- (a) the criteria as amended be adopted for inclusion in Appendix WTLA of the Wetlands Chapter of the Proposed Canterbury Natural Resources Regional Plan; and*
- (b) the working party continue to work on the criteria and related matters;*
- (c) staff continue discussion regarding a protocol for the conduct of wetland assessment, but this not be included in the NRRP;*
- (d) the framework include recognition of Clause 27 of the Council's property rights policy.*

CARRIED

**18.2 WETLANDS SECTION 32 REPORT**

***Resolved***

*That the Chapter 7 (Wetland) Section 32 report be approved in principle.*

CARRIED

Cr Neill was absent for items 17 and 18.

**19. ENVIRONMENT CANTERBURY POLICY SCORE CARD: SUSTAINABILITY**

Moved Cr McKay, seconded Cr Campbell.

*That the Council adopts the Sustainability Policy Score Card.*

CARRIED

Afternoon tea was taken 3.00 p.m. – 3.15 p.m.

**21. GRANT THORNTON REPORT: IMPLEMENTATION REVIEW**

Council considered the Chief Executive's report on the implementation of enhancements to the financial management of the consents processing functions.

Moved Cr Penno, seconded Cr Campbell.

*That the report on the implementation of enhancements to the financial management of the consents processing functions, be received.*

CARRIED

**20. TARGET PEST ENTERPRISES LIMITED DIRECTOR VACANCY**

This item was considered with public excluded.

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

Moved Cr Oldfield, seconded Cr Wagner.

*That the information on the financial reports for the period ended 31 December 2003, be received.*

CARRIED

**22A. DELEGATION ASSOCIATED WITH ENVIRONMENT COURT APPEALS**

Moved Cr Penno, seconded Cr McKay.

*That the following motion and amendment be uplifted from the table:*

*Motion*

*That the Delegations Manual include as an overriding principle that where any staff officer with delegated authority seeks confirmation or approval in exercising that power of delegation from a higher authority within the Council, the terms of confirmation or approval, if given, shall not be subsequently added to, amended or deleted from without further reference to and approval by that higher authority.*

*Amendment*

- (a) *That the Delegations Manual include as an overriding principle that where any staff officer does not exercise a delegated authority to make a decision, and the decision is subsequently made by the Council, the implementation of the decision shall not be inconsistent with the terms of that Council decision.*
- (b) *That the Delegations Manual include as an overriding principle that where any staff officer exercises a delegated authority to make a decision, then the terms of that decision shall not be inconsistent with the relevant Council policy.*
- (c) *That the Delegations Manual include an explanatory note that the grounds specified in a submission, further submission or reference, cannot be added to or amended, but can be withdrawn in full or in part by a further decision.*

CARRIED

Moved Cr Penno, seconded Cr Campbell.

*That the motion and amendment be re-worded as follows:*

*That the Delegations Manual include an additional step in circumstances where an Environment Court hearing is required subsequent to consent order negotiations on planning references, requiring staff to report back to the Council for decision on further action.*

Cr Burke said whilst he supported the motion he considered it did not quite address the issues arising from Pegasus Bay. He considered that if a reference was approved by Council it must come back to the Council for approval if an amendment was required.

Other members had a contrary view and considered the motion covered the issues.

Cr Johnston left at 4.25 p.m.

**23. COUNCILLOR REPORTS OTHER COMMITTEES/CONFERENCES/SEMINARS**

Cr Waters advised she had attended a planning seminar of the Council of Social Services and would submit a report.

Crs Burke and Waters left at 4.30 p.m.

**24. NOTICES OF MOTION**

Moved Cr Robertson, seconded Cr Little.

*That the Canterbury Regional Council recognise, support, grow and harvest the good intentions of the new government legislative initiative to properly value the Waitaki River water. We should now recognise that it is not just important, it is our bounden duty as a Council to help plan carefully for present and possible future uses taking into account the ever-changing value systems of this generation and those of generations yet unborn. Planning must be for the next 400 years not just for the next four years of projected, but not proven electricity shortage in the upper North Island.*

*We recognise that we are the guardians of the Waitaki for the local people, the farmers, the birds and the fish of North Otago and South Canterbury. We are Kaitiaki of the long-term sustainability of the environment and of the survival of Oamaru, Timaru, Waimate, Fairlie, Kurow, Tekapo, Twizel, Omarama and their districts and their way of life.*

*A single badly thought out decision to irreversibly divert most of the waters of the Waitaki to meet, e.g. the temporary needs of air conditioned offices in Queen Street, Auckland in summer by creating a monoculture of canals and wasteful long transmission lines is just that – a once only irreversible change. On the other hand a flexible evolving diversity with room for future ecotourism, recreation, irrigated horticulture and farming with electricity generation as a bonus and room for not yet thought of uses in the world to come over the next 400 years is like the creation of children and their children's children.*

*An “all the eggs in one basket” monoculture of almost solely electricity generation will be viewed by our grandchildren as the mindless rape and strangling in a dark blind alley of the mother Waitaki. Waitaki meaning “weeping waters” indeed! We must be wise elders, wise kuia, wise kaumatua! We must protect this unsurpassed but threatened Waitaki Valley environment for the grandchildren of North Otago and South Canterbury!*

*From Aoraki, the mountain, to the sea the Waitaki is a central taonga for our Southern Maori and it is central to all Canterbury and Otago people. We must represent these people and explain to the people of Auckland that we here would not ask them there to destroy the Hauraki Gulf for a temporary gain in a fast changing world.*

Council noted the intentions of the new government legislative initiative to properly value the Waitaki River water, was clearly intended to be done by benefit cost analysis. So, if there was support for the legislative intention it was at odds with what the Council agreed on 29 January 2004 and also the intent that the Council look at exactly the sorts of issues that the notice of motion raised. The legislation did allow that consideration. There was an inconsistency in the way the motion was phrased because legislation initiative in terms of its value of water was a very narrow way of valuing water.

The motion was PUT and LOST.

## **25. QUESTIONS**

The reply to Cr McKay's question that for the six months to the end of December 2003, \$118.741 was recorded against the Rangitata Water Conservation Order process was noted.

## **26. EXTRAORDINARY AND URGENT BUSINESS**

Moved Cr Campbell, seconded Cr Neill.

*That an extraordinary Council meeting be held on 19 February 2004 at 9.30 a.m.*

CARRIED

Moved Cr Oldfield, seconded Cr Campbell.

*That the Water Portfolio Committee meeting scheduled for 11 March be held on 10 March at 2.15 p.m.*

CARRIED

Cr Neill was granted leave of absence 17 – 25 February 2004.  
Cr Campbell was granted leave of absence for 19 February 2004.

**27. MEETING WITH PUBLIC EXCLUDED**

Council considered the public excluded items adjourned from earlier in the meeting.

**IN OPEN MEETING**

Moved Cr Johnson, seconded Cr Little.

*That the meeting resume in Open Meeting.*

CARRIED

**28. NEXT MEETING – 5 MARCH 2004**

**29. CLOSURE**

The meeting closed at 5.00 p.m.

CONFIRMED

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