

MINUTES OF THE 251ST MEETING OF ENVIRONMENT CANTERBURY HELD IN THE
COUNCIL CHAMBER, 58 KILMORE STREET, CHRISTCHURCH ON
FRIDAY, 22 OCTOBER 2004 AT 10.00 A.M.

CONTENTS

1. APOLOGIES
2. MEMBERS STATUTORY DECLARATIONS
3. ELECTION OF CHAIRPERSON
4. ELECTION OF DEPUTY CHAIRPERSON
5. RELEVANT LEGISLATION
6. APPOINTMENT OF ENVIRONMENT CANTERBURY REPRESENTATIVES TO CDEM GROUP
7. INTERIM CONSENT PROCESSING DELEGATIONS
8. APPOINTMENT OF COMMISSIONERS TO HEAR AND DECIDE RESOURCE CONSENT APPLICATIONS
9. LGNZ NOMINATIONS FOR REGIONAL SECTOR REPRESENTATIVES
10. CLOSURE

PRESENT

Crs R A Budd, T K Burke, 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

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

Dr Jenkins chaired the meeting until the Chairman was elected.

1. APOLOGIES

Nil.

2. MEMBERS STATUTORY DECLARATIONS

The fourteen members present made the oral declaration and attested Certificates of the Declaration as required by the Local Government Act 2002.

3. ELECTION OF CHAIRPERSON

Moved Cr Budd, seconded Cr McKay.

- (a) *That the voting procedure to be adopted for the election of the Council chairperson and deputy chairperson be System A.*
- (b) *That in the event of a tie between the highest polling candidates the names of the candidates receiving an equal number of votes be placed in a container and the name of the person drawn out by an independent person deemed to be elected.*

CARRIED

Nominations for the position of Chairperson were called for and received as follows:

Cr Burke, nominated Cr Budd, seconded Cr Kirk.
Cr Neill, nominated Cr Wagner, seconded Cr Oldfield.

The meeting agreed that the two nominees be given a period of no more than ten minutes to speak in support of their nomination.

Moved Cr Neill, seconded Cr Oldfield.

That the vote for the Chairpersons position be by a division vote, which resulted 8 – 6 in favour of Cr Burke as follows:

<u>Cr Burke</u>	<u>Cr Neill</u>
Cr Budd	Cr Little
Cr Burke	Cr McKay
Cr Carroll	Cr Neill
Cr Cunningham	Cr Oldfield
Cr Johnston	Cr Slee
Cr Kirk	Cr Wagner
Cr Waters	
Cr Woods	

Cr Burke took over the Chair.

4. ELECTION OF DEPUTY CHAIRPERSON

Nominations for the position of Deputy Chairperson were called for and received as follows:

Cr Johnston, nominated Cr Waters, seconded Cr Carroll.
Cr Oldfield, nominated Cr McKay, seconded Cr Slee.
Cr Little, nominated Cr Wagner, seconded Cr Woods.

The meeting agreed that the three nominees be given a period of no more than ten minutes to speak in support of their nomination.

The vote resulted as follows:

Cr Johnston

Cr Budd

Cr Burke

Cr Carroll

Cr Cunningham

Cr Johnston

Cr Kirk

Cr Waters

Cr Wood

Cr Little

Cr Little

Cr Neill

Cr Wagner

Cr Oldfield

Cr McKay

Cr Oldfield

Cr Slee

Cr Johnston having secured the majority of the total votes cast was declared elected.

5. RELEVANT LEGISLATION

Manager Secretariat drew members attention to the following legislation:

- The Local Government Official Information and Meetings Act 1987; and
- the appropriate provisions of the Local Authorities (Members' Interests) Act 1968; and
- sections 99, 105 and 105A of the Crimes Act 1961; and
- the Secret Commissions Act 1910; and
- the Securities Act 1978

It was noted that all members had received the up-dated version of "A Guide to the Local Authorities (Members' Interests) Act 1968 and Non-pecuniary Conflicts of Interest" issued by the Controller and Auditor-General.

Moved Cr Waters, seconded Cr Wagner.

(a) *That the first meeting of the Council be held on Tuesday, 16 November 2004 commencing at 9.30 a.m.*

(b) *That a Council meeting be held on Thursday, 9 December 2004.*

CARRIED

6. APPOINTMENT OF ENVIRONMENT CANTERBURY REPRESENTATIVES TO CDEM GROUP

Moved Cr Budd, seconded Cr Oldfield.

That the Council confirms the appointment of the Chairperson to represent Environment Canterbury on the Civil Defence Emergency Management Group with Cr McKay as the alternative.

CARRIED

7. INTERIM CONSENT PROCESSING DELEGATIONS

Moved Cr Budd, seconded Cr Johnston.

That Council appoint an Interim Regulation Hearings Committee until 18 December 2004:

- (a) comprising of Councillors Neill, McKay, Little, Oldfield and Budd.*
- (b) that will meet on the following dates: 29 October 2004, 5 November 2004, 11 November 2004, 19 November 2004, 26 November 2004, 3 December 2004, 10 December 2004 and 17 December 2004, or such other dates as necessary.*
- (c) with the following powers to*

<p><i>Section 30 Schedule 7 Local Government Act 2002</i></p>	<ul style="list-style-type: none"> <i>(i) appoint Consent Hearing Committees from time to time comprising a minimum of three members and a maximum of four members or subcommittees comprising a minimum of two members, one of whom shall be appointed Chairperson by the Regulation Hearing Committee appointing the committee or subcommittee. A committee or subcommittee so appointed may include any person who is not a member of the Council.</i> <i>(ii) discharge an appointed subcommittee or committee.</i> <i>(iii) delegate to a committee or subcommittee all the powers, functions and duties of the Council as a consent authority under the Resource Management Act to hear and decide resource consent applications including the determination of any preliminary matter relating to an application.</i>
<p><i>Section 34(A)(1) Resource Management Act 1991</i></p>	<ul style="list-style-type: none"> <i>(i) appoint commissioners and where necessary to revoke a commissioner appointment, and</i> <i>(ii) delegate to commissioners all the powers, functions and duties of the Council as a consent authority under the Resource Management Act to hear and decide resource consent applications including the determination of any preliminary matter relating to an application.</i> <i>(iii) delegate to a commissioner/s, all the functions, powers and duties of the Council as a consent authority under the Resource Management Act, to decide, with or without hearing, a review of conditions of a resource consent, including the determination of any preliminary matter relating to a review.</i> <i>(iv) delegate to a commissioner/s, all the functions, powers and duties of the Council as a consent authority, to decide an objection under Section 357 of the Resource Management Act, for any purpose that an objection may be made, including the determination of any preliminary matter relating to an objection.</i> <i>(v) delegate to a commissioner/s, all of the functions, powers and duties of the Council as a local authority, to remit, or refuse to remit, the whole or part of any charge of a kind referred to in Section 36 of the Resource Management Act which would otherwise be payable.</i>

Resource Management Act	
Section 100	<i>Authority to hear and decide resource consent applications for which the Council is obliged to hold a hearing.</i>
Section 104	<i>Authority to decide resource consent applications to which submissions were received and where there are no requests to be heard or any requests to be heard have been withdrawn.</i>
Section 104	<i>Authority to decide resource consent applications for notified non-complying activities irrespective of whether the Council is obliged to hold a hearing.</i>
Section 104	<i>Authority to decide notified resource consent applications to which no submissions were received and where the applicant has not requested to be heard.</i>
Section 132	<i>Authority to make decisions on a review of resource consent conditions.</i>
Section 100	<i>Authority to hear and decide resource consent applications for which the Council is obliged to hold a hearing.</i>
Section 104	<i>Authority to decide resource consent applications to which submissions were received and where there are no requests to be heard or any requests to be heard have been withdrawn.</i>

CARRIED

8. APPOINTMENT OF COMMISSIONERS TO HEAR AND DECIDE RESOURCE CONSENT APPLICATIONS

Moved Cr Waters, seconded Cr Budd.

That the Council appoint the following as Commissioners to hear and decide resource consent applications and to address any preliminary matters associated with those applications, with the full powers of the Council as a consent authority:

- (a) *Robert Batty and Dr Brent Cowie - North Canterbury Estates Limited – CRC042173.*
- (b) *Paul Rogers and Tony Cussins - Valetta Groundwater Zone – 27 applications.*
- (c) *Crs Oldfield, Waters, Cunningham (Cr Little and Wagner as alternates) - Land Information New Zealand – CRC040809.*
- (d) *Crs Budd, Slee, McKay (Crs Woods and Carroll as alternates) - Fonterra Co-operative Group Limited – CRC041940.*
- (e) *David McLernon - Worsley Prestige Limited – CRC042911.*
- (f) *Cliff Tipler – Neal Construction Limited – CRC050031, CRC050135-050137.*

CARRIED

9. LGNZ NOMINATIONS FOR REGIONAL SECTOR REPRESENTATIVES

Moved Cr Waters, seconded Cr Oldfield.

That the Council nominates Cr Budd as the regional sector representative on the National Council and the Local Government New Zealand Zone 5 representative on the National Council.

CARRIED

10. CLOSURE

The meeting closed at 11.50 a.m.

CONFIRMED

DATE _____ CHAIRPERSON