

MINUTES OF THE 254TH MEETING OF ENVIRONMENT CANTERBURY HELD IN THE
COUNCIL CHAMBER, 58 KILMORE STREET, CHRISTCHURCH ON THURSDAY,
3 FEBRUARY 2005 AT 9.30 A.M.

CONTENTS

1. APOLOGIES
2. MINUTES OF MEETING – 9 DECEMBER 2004
3. MATTERS ARISING
4. DEPUTATIONS AND PETITIONS
5. APPOINTMENT TO REGIONAL ANIMAL HEALTH ADVISORY COMMITTEE
6. CHANGE OF MEETING DATE FOR THE REGIONAL LAND TRANSPORT COMMITTEE AND RESOLUTION OF TERMS OF REFERENCE/MEMBERSHIP
7. COMMUNITIES FOR CLIMATE PROTECTION PROGRAMME
8. HARBOUR BYLAWS AMENDMENTS
9. NZ URBAN DESIGN PROTOCOL
10. VEHICLE EMISSIONS SCREENING PROGRAMME – SUBMISSION
11. PROPOSED LAND AND VEGETATION REGIONAL MANAGEMENT PLAN PART IV: LAND MANAGEMENT FIRES CANTERBURY HILL AND HIGH COUNTRY
12. DRAFT TE WAIHORA MANAGEMENT PLAN – SUBMISSION
13. RESOURCE MANAGEMENT AND ELECTRICITY LEGISLATION AMENDMENT BILL – SUBMISSION
14. ADOPTION OF 2003/2004 ANNUAL REPORT
15. REPORT OF PORTFOLIO COMMITTEES
16. FINANCIAL REPORTS ON COUNCIL PORTFOLIO ACTIVITIES
17. REPORT OF THE FINANCE AND AUDIT COMMITTEE – 16 DECEMBER 2004
18. REPORT OF THE FINANCE AND AUDIT COMMITTEE – 25 JANUARY 2005
19. CHATHAM ISLANDS SERVICES CONSULTANCY
20. DISPOSAL OF WAIMATE DEPOT
21. REPORT OF THE CANTERBURY MAYORAL FORUM
22. TRIENNIAL AGREEMENT
23. REPRESENTATION REVIEW
24. LOCAL GOVERNMENT COMMISSION REVIEW AND SELECT COMMITTEE INQUIRY – ELECTORAL ISSUES
25. VARROA AGENCY INCORPORATED – COUNCIL REPRESENTATIVES
26. INFORMATION ITEMS
27. NOTICES OF MOTION
28. QUESTIONS

29. EXTRAORDINARY AND URGENT BUSINESS
30. MEETING WITH PUBLIC EXCLUDED
31. NEXT MEETING – 3 MARCH 2005
32. CLOSURE

PRESENT

Crs 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

Dr B R Jenkins (Chief Executive), J D Talbot (Director Policy and Planning), and J C Pani (Manager Secretariat). Dr M C Freeman (Director Regulation) and I W Thomas (Director Finance and Corporate Services) were in attendance for part of the meeting and report authors were in attendance to present their reports.

1. APOLOGIES

Nil.

2. MINUTES OF MEETING

Moved Cr Neill, seconded Cr Budd.

That the minutes of the 253rd meeting held on 9 December 2004 be confirmed as a true and accurate record.

CARRIED

3. MATTERS ARISING

ITEM 11 – NON ENFORCEMENT OF RULES WQL29 AND WQL45

Cr Little requested an update to the next Council meeting on staff investigations into the practical implications of septic tank and sewerage rules in the proposed NRRP especially WQL8 and WQL9.

4. DEPUTATIONS AND PETITIONS

A petition signed by 68 people seeking the re-routing of the No.12 bus route via O'Neill Avenue and Northwood Villas was received.

5. APPOINTMENT TO REGIONAL ANIMAL HEALTH ADVISORY COMMITTEE

Moved Cr McKay, seconded Cr Little.

That the Council confirms Cr Johnston as the core representative to the RAHAC and Cr Slee as the Regional Council's second representative.

CARRIED

6. CHANGE OF MEETING DATE FOR THE REGIONAL LAND TRANSPORT COMMITTEE AND RESOLUTION OF TERMS OF REFERENCE/MEMBERSHIP

Moved Cr Waters, seconded Cr Little.

- (a) *That the date of the March meeting of the Regional Land Transport Committee be changed from 16 March to 23 March 2005.*
- (b) *That consequently the date of the Christchurch Area Committee meeting be changed from 23 March to 16 March 2005.*
- (c) *That the inconsistency between the membership of the Regional Land Transport Committee and the Terms of Reference be addressed by amending the Terms of Reference to read "Four ~~Three~~ Canterbury Regional Councillors (one of whom shall be the Chairperson) representing environmental sustainability".*

CARRIED

7. COMMUNITIES FOR CLIMATE PROTECTION PROGRAMME

Moved Cr Budd, seconded Cr Oldfield.

That the Council appoint Cr Waters as its political representative for the Communities for Climate Protection Programme.

CARRIED

8. HARBOUR BYLAWS AMENDMENTS

Moved Cr Johnston, seconded Cr Oldfield.

That the information on Maritime Safety Authority's view of the rotation of skiing in Brooklands Lagoon stipulated in the Harbour Bylaws be received.

CARRIED

10. VEHICLE EMISSIONS SCREENING PROGRAMME – SUBMISSION

Moved Cr McKay, seconded Cr Waters.

That the comments on the Ministry of Transport "New Zealand Vehicle Screening Programme: Discussion Document (November 2004)" be approved.

CARRIED

11. PROPOSED LAND AND VEGETATION REGIONAL MANAGEMENT PLAN PART IV: LAND MANAGEMENT FIRES CANTERBURY HILL AND HIGH COUNTRY

Moved Cr Little, seconded Cr Budd.

That Environment Canterbury:

- (a) *Confirms the amendments made to the Proposed Land and Vegetation Regional Management Plan Part IV: Land Management Fires Canterbury Hill*

and High Country as directed by the Environment Court and in accordance with Schedule 1, section 16(1) of the Resource Management Act 1991; and

- (b) Approves the Proposed Plan, incorporating the amendments, in accordance with Schedule 1, section 17(1) of the Resource Management Act 1991; and*
- (c) Makes the approved Plan operative on 19 February 2005 in accordance with Schedule 1, section 20 of the Resource Management Act 1991; and*
- (d) Withdraws Part III (Fire Control and Conservation of Ground Cover) of the South Canterbury Catchment Board By-Laws 1948 and the North Canterbury Catchment Board Bylaw No. 3, Burning Control 1989 from the Transitional Regional Plan 1991, effective from 19 February 2005.*

CARRIED

12. DRAFT TE WAIHORA MANAGEMENT PLAN – SUBMISSION

Moved Cr Cunningham, seconded Cr Woods.

That the Council approves the submission on the draft Te Waihora Joint Management Plan 2004.

CARRIED

OUTSTANDING CONTRIBUTION AWARD

The meeting adjourned to present an Outstanding Contribution Award to Robin Keer-Keer, recently retired Regional Harbourmaster.

The citation read as follows: “In recognition of his outstanding contribution to navigation and safety, and maritime oil spill response in the Canterbury region.

Robin Keer-Keer arrived in Canterbury with 10 years’ international maritime experience and for nearly 20 years, until 1989, Robin captained a wide variety of ships, both internationally and in New Zealand coastal waters.

In 1989, Robin was appointed Senior Surveyor of Ships with Maritime Transport and also filled a range of harbourmaster positions throughout New Zealand.

Robin joined Environment Canterbury in 1993 as the Regional Harbourmaster and has served in that position with outstanding performance ever since.

Robin has demonstrated a professional and dedicated approach to all the challenges of the Regional Harbourmaster position. Robin has been on call for virtually every day of every year and responded effectively to a wide variety of incidents in Canterbury’s coastal and inland waters.

Robin has been responsible for successfully initiating over 63 marine oil spill prosecutions. But more importantly, Robin has raised the profile of Canterbury ports in the minds of the maritime community as places where oil spills will not be tolerated.

Robin has successfully managed a team of volunteers and contractors who have conscientiously assisted Environment Canterbury to ensure that our navigation and safety bylaws are understood and respected.

Robin will continue to serve the community in a variety of roles, including as a Justice of the Peace, and I understand that Robin may even assist Environment Canterbury meet its new

responsibilities in the Chatham Islands. I hope that we are able to continue to benefit from Robin's experience and expertise in some way."

Morning tea was taken 10.30 to 10.45 a.m.

13. RESOURCE MANAGEMENT AND ELECTRICITY LEGISLATION AMENDMENT BILL – SUBMISSION

Ray Maw, Environmental Flows Review Team Leader and Mike Freeman, Director Regulation spoke to the draft submission on the Resource Management and Electricity Legislation Amendment Bill 2004. They advised Council of support for the majority of the changes to the Resource Management Act proposed in the Bill. However, they further advised that there were a number of further changes that needed to be made to ensure that the overall objectives could be achieved.

Cr Oldfield and Cr Wagner left at 11.55 a.m.

The discussion on item 13 was adjourned until after lunch. Items 9 and 30.2 (in Public Excluded) were taken at this time to accommodate Laurie McCallum's availability. Laurie was required to appear in the Environment Court at 12.30pm.

9. NZ URBAN DESIGN PROTOCOL

Moved Cr Waters, seconded Cr Johnston.

That the Council seeks clarification and information from the Minister for the Environment as to whether the Ministry would be prepared to consider other aspects for incorporation into the New Zealand Urban Design Protocols.

CARRIED

30. MEETING WITH PUBLIC EXCLUDED

Moved Cr Burke, seconded Cr Johnston.

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

Mediating a Resource Consent Appeal

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:

<i>General subject of each matter to be considered</i>	<i>Reason for passing this resolution in relation to each matter</i>	<i>Ground(s) under section 48(1) for the passing of this resolution</i>
<i>Mediating a resource consent 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>	<i>Section 48(1)(a)</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:

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

CARRIED

IN OPEN MEETING

Moved Cr Waters, seconded Cr Carroll

That the meeting resume in Open Meeting.

CARRIED

Lunch was taken 12.40 p.m. to 1.30 p.m.

13. RESOURCE MANAGEMENT AND ELECTRICITY LEGISLATION AMENDMENT BILL – SUBMISSION (Resumed)

Moved Cr Budd, seconded Cr McKay.

- (a) That the Council establishes a Resource Management and Electricity Legislation Amendment Bill Submission Committee with power to act.*
- (b) That the Council appoints Crs Budd, Burke, Cunningham, Little and Neill to the Committee.*
- (c) That the Council appoints Cr Budd Chair of the Committee.*
- (d) That the Committee considers and confirms the submission by Environment Canterbury on the Resource Management and Electricity Legislation Amendment Bill, and*
- (e) In confirming the submission, the Committee has regard to the submission being prepared for the Canterbury Mayoral Forum.*

14. ADOPTION OF 2003/2004 ANNUAL REPORT

Moved Cr Johnston, seconded Cr McKay.

That the Annual Report for 2003/2004 be adopted.

15. REPORT OF PORTFOLIO COMMITTEES

Moved Cr Neill, seconded Cr Waters.

- (a) That the Council approves the Tri-annual Report of Progress on Internal and External Project Outputs 1 July 2004 to 31 October 2004 and adopts the recommendations.*
- (b) That the Council approves the amended Terms of Reference for Portfolio Committees.*

CARRIED

The Manager Secretariat advised the Council that the Combined Portfolios Committee had not been formally established by the Council and had no terms of reference. A draft Terms of Reference for the Combined Portfolios Committee was received.

Moved Cr Johnston, seconded Cr Waters.

That the Council formally establishes the Combined Portfolios Committee as a committee of the council and adopts the Terms of Reference for the Combined Portfolios Committee.

CARRIED

The meeting agreed that the motion proposed by Cr Neill and seconded by Cr McKay at the Combined Portfolios Committee be uplifted from the table. The motion read:
"In noting the draft 2005/06 Annual Plan, Council direct that the Chair and Deputy Chair consult with the Chief Executive Officer to investigate all methods to achieve an across the board general rate funded activities saving of 5% for implementation in the budget for 2006/07"

Cr Neill clarified that following discussion with the Chief Executive, he wished the 5% to be confined to the general rate component of the Council's revenue. In response to a question from the Chair, Cr Neill further clarified that the 5% was not to be a cut, but would provide resources to be made available to new and/or higher priority activities.

The Chair read out the proposed motion (Neill/McKay) of the Combined Portfolio Committee and moved an amendment by way of the proposed motion becoming item (a) with the addition of items (b) and (c). Cr Neill and Cr McKay agreed to the amendments to their original motion:

Moved Cr Burke, seconded Cr Johnston

- (b) *That savings are to be identified so that resources are made available for new or expanded priorities or responsibilities, and*
- (c) *That staff report to the Council on additional and alternative sources of revenue.*

Dr Bryan Jenkins, the Chief Executive, encouraged the Council to focus not just on expenditure and savings of a certain percentage, but to look more broadly at what Council's formal responsibilities were and to drive budgeting process on the cost effective delivery of Regional Council services to achieve community outcomes. One component of cost effectiveness of service delivery to achieve community outcomes is how to achieve savings. Dr Jenkins is to have further discussions with Councillors to discuss appropriate actions in line with the Council's obligations under the Local Government Act, and also consider the issues of cost effectiveness, cost efficiency and the processes the Council uses to deliver on the outcomes.

Moved Cr Waters, seconded Cr Carroll.

That the following motion lie on the table:

That in noting the draft 2005/06 Annual Plan:

- (a) *The Chair and Deputy Chair consult with the Chief Executive to investigate all methods to achieve an across the board general rate funded activities saving of 5% for implementation in the budget for 2006/07;*
- (b) *That savings are to be identified so that resources are made available for new or expanded priorities or responsibilities, and*
- (c) *That staff report to the Council on additional and alternative sources of revenue.*

CARRIED

16. FINANCIAL REPORTS ON COUNCIL PORTFOLIO ACTIVITIES

Moved Cr Budd, seconded Cr Carroll.

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

CARRIED

Afternoon tea was taken 3.10 p.m. to 3.30 p.m.

Tsunami Presentations were taken at this time. (Information Item Clause 26)

Presentations were received from Sue Wells Christchurch City Council Councillor and Chair of the Civil Defence Emergency Management Group, Cr Bob Kirk, Chair of Coastal Environment/Navigation and Safety Portfolio Committee and Cr Angus McKay, Chair of Hazards and Emergency Management Portfolio Committee and John Fisher Regional Civil Defence Manager.

17. REPORT OF THE FINANCE AND AUDIT COMMITTEE – 16 DECEMBER 2004

Moved Cr Neill, seconded Cr Budd.

That the Council adopts the Finance and Audit Committee Terms of Reference as amended.

CARRIED

18. REPORT OF THE FINANCE AND AUDIT COMMITTEE – 25 JANUARY 2005

Moved Cr Budd, seconded Cr Johnston.

That Cr Alec Neill be appointed as Deputy Chair.

CARRIED

19. CHATHAM ISLANDS SERVICES CONSULTANCY

Moved Cr Burke, seconded Cr Cunningham.

That the Council approves the Chief Executive, on behalf of Environment Canterbury, signing the contract with Chatham Islands Council for delivery of regional council services.

CARRIED

20. DISPOSAL OF WAIMATE DEPOT

Moved Cr Waters, seconded Cr Johnston.

- (a) *That the Council confirms the closure of the Waimate Depot and agree to its disposal.*
- (b) *That the Council adopts the conclusions of the report of DTZ New Zealand that the offer-back provisions of the Public Works Act 1981 do not apply to the disposal of the former Waimate pest destruction depot.*
- (c) *That the property be sold on the open market.*

CARRIED

21. REPORT OF THE CANTERBURY MAYORAL FORUM

Moved Cr Burke, seconded Cr Cunningham.

That the minutes of the Canterbury Mayoral Forum held on 6 December 2004 be received.

CARRIED

22. TRIENNIAL AGREEMENT

Moved Cr McKay, seconded Cr Budd.

That the Council endorses the proposed Triennial Agreement subject to any changes made at the February Canterbury Mayoral Forum.

CARRIED

23. REPRESENTATION REVIEW

Moved Cr McKay, seconded Cr Little.

That the Council:

- (a) *Supports the engagement of Peter Berry to assist with the Environment Canterbury Representation Review.*
- (b) *Establishes a Representation Review Committee.*

CARRIED

The meeting decided to appoint representatives to the Representation Review Committee following the Wellington Forum and discussed appropriate councillor attendance at the Wellington Forum. Crs Slee, Budd and Johnston were nominated. Crs Slee and Budd declined nomination, but were keen to be part of the committee when its representatives were confirmed at the March Council meeting following the 21 February 2005 Forum.

Moved Cr Burke, seconded Cr Waters.

That the Council approves attendance of Cr Johnston at the Wellington Forum.

CARRIED

Cr Waters left the meeting at 4.55 p.m.

24. LOCAL GOVERNMENT COMMISSION REVIEW AND SELECT COMMITTEE INQUIRY – ELECTORAL ISSUES

Moved Cr Little, seconded Cr Woods.

- (a) *That the Council receives the information.*
- (b) *That Councillors provide input to the Chairman to incorporate into the submission by the Canterbury Mayoral Forum with the Chairman given power to co-opt other Councillors.*

CARRIED

25. VARROA AGENCY INCORPORATED – COUNCIL REPRESENTATIVES

Moved Cr Burke, seconded Cr Budd.

- (a) *That Cr Little be appointed to attend the inaugural Annual General Meeting of the Varroa Agency Incorporated on 14 February 2005 in Christchurch.*
- (b) *That Cr Little be given authority to vote on behalf of the Council.*
- (c) *That Cr Little be the Council's nomination for the Board of the Varroa Agency Incorporated.*

CARRIED

Moved Cr Little, seconded Cr McKay.

That the Council suspend Clause 3.3.7 of the Standing Orders to allow the meeting to continue beyond the six hour limit.

CARRIED

26. INFORMATION ITEMS

Documents relating to the Rangitata Water Conservation Order were tabled.

Moved Cr Burke, seconded Cr Cunningham.

That the information items be received.

CARRIED

27. NOTICES OF MOTION

Nil.

28. QUESTIONS

Nil.

29. EXTRAORDINARY AND URGENT BUSINESS

Nil.

30. MEETING WITH PUBLIC EXCLUDED

Moved Cr Burke, seconded Cr Johnston.

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

- (a) *Target Pest Enterprises Limited - Appointment of External Director*
- (c) *ECNZ Rates*
- (d) *Public Excluded Minutes, 9 December 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:

<i>General subject of each matter to be considered</i>	<i>Reason for passing this resolution in relation to each matter</i>	<i>Ground(s) under section 48(1) for the passing of this resolution</i>
(a) <i>Consider appointment of External Director</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) <i>Consideration of legal advice</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)
(d) <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)

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) *Protect the privacy of natural persons - section 7(2)(a).*

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

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

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

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

Cr Johnston left the meeting at 5.05 p.m. and excluded himself from discussion on item 30.1 but was keen to be associated with recommendation (b). Cr Johnston returned to the meeting at 5.15 p.m.

Cr Woods took no part in the discussion relating to item 30.1.

Moved Cr Johnston, seconded Cr Neill.

That Council moved back into Open Meeting.

CARRIED

31. NEXT MEETING – 3 MARCH 2005

32. CLOSURE

The meeting closed at 5.25 p.m.

CONFIRMED

DATE _____ CHAIRPERSON _____