

**MINUTES OF 308<sup>TH</sup> MEETING OF ENVIRONMENT CANTERBURY HELD IN THE  
COUNCIL CHAMBER, ENVIRONMENT CANTERBURY, 58 KILMORE STREET,  
CHRISTCHURCH ON THURSDAY, 29 NOVEMBER 2007 AT 8.30 A.M.**

**CONTENTS**

1. APOLOGIES
2. CONFLICTS OF INTEREST
3. MINUTES OF MEETING – 7 NOVEMBER 2007
4. MATTERS ARISING
5. DEPUTATIONS AND PETITIONS

**MATTERS FOR COUNCIL DECISION**

6. APPROVAL TO PREPARE VARIATIONS RELATING TO WATER ALLOCATION ISSUES
7. OPERATIONAL PLAN, REGIONAL PEST MANAGEMENT STRATEGY
8. 2008 REGULATION HEARING COMMITTEE MEMBERSHIP
9. ELECTED MEMBER REMUNERATION 2007-2008
10. COUNCILLORS' ALLOWANCES AND REIMBURSEMENTS
11. NON-COUNCILLOR APPOINTEES TO COUNCIL COMMITTEES

**MATTERS FOR COUNCIL INFORMATION**

12. CHIEF EXECUTIVE'S ITEMS  
DOCUMENTS SEALED
13. NOTICES OF MOTION
14. QUESTIONS
15. EXTRAORDINARY AND URGENT BUSINESS
16. MEETING WITH PUBLIC EXCLUDED  
**MATTER FOR COUNCIL DECISION**  
REPORT OF THE CHIEF EXECUTIVE PERFORMANCE REVIEW COMMITTEE
17. NEXT MEETING – 13 DECEMBER 2007
18. CLOSURE

**PRESENT**

Crs T K Burke, J T Demeter, C J Evans, P C R Harrow, J M Kane, R M Kirk, R I R Little, A R McKay, B S Murray, A G Neill, M E Oldfield, E M Sage, D P Sutherland and R M G Tindall.

## MANAGEMENT AND OFFICERS PRESENT

B R Jenkins (Chief Executive), J C Pani (Manager Secretariat).

W M Falconer (Director External Relations), M C Freeman (Director Regulation), and J D Talbot (Director Policy and Planning) were in attendance for part of the meeting and report authors were in attendance to present their reports.

### 1. APOLOGIES

There were no apologies.

### 2. CONFLICTS OF INTEREST

There were no declarations of conflicts of interest.

### 3. MINUTES OF MEETING – 7 NOVEMBER 2007

#### ***Resolved***

***That the Council minutes of 7 November 2007, as circulated, be confirmed as a true and correct record, and be adopted.***

Cr Kirk/Cr Kane

### 4. MATTERS ARISING

Council discussed and clarified the membership of its Committees and the need to re-establish both the Regulation Overview and Combined Portfolios Committees.

It was moved by Cr Sage, and seconded by Cr Demeter, that voting for the Chair of the Regulation Overview Committee position be deferred until the 13 December Council meeting. The amendment was put and LOST.

#### ***Resolved***

***That Cr Sutherland be added as a member of the Water Portfolio Committee.***

Cr Oldfield/Cr Evans

***That the Regulation Overview Committee be re-established to be chaired by the Regulation Hearing Committee Chair.***

Cr McKay/Cr Oldfield

Cr Tindall arrived at 8.40 a.m.

***That the Combined Portfolios Committee be re-established.***

Cr Burke/Cr Evans

***That Cr Neill be added as a member of the Southern Committee and Cr Oldfield as a member of the Air Quality/Energy Portfolio.***

Cr Oldfield/Cr Evans

***That Cr Little be added as a member of the Water Portfolio Committee.***

Cr Oldfield/Cr Burke

***That Cr Demeter be added as a member of the Maori Advisory Committee.***

Cr Demeter/Cr McKay

***That Cr Evans be added as a member of the Maori Advisory Committee.***

Cr McKay/Cr Kane

***That Cr Murray be added as a member of the Maori Advisory Committee.***

Cr Oldfield/Cr Burke

***That Cr Tindall be added as a member of the Air Quality/Energy Portfolio Committee.***

Cr Tindall/Cr Burke

***That Cr Kane be appointed as Council representative on the Council of Social Services and Cr Tindall and Cr Little be appointed as Council representatives on the NIWA Animal Ethics Committee.***

Cr Oldfield/Cr Burke

Cr Kane resigned as a member of the Maori Advisory Committee.

It was noted that Cr Burke was a member of the Regional Land Transport Committee and the UDS Implementation Group and was a member ex-officio of the other Committees.

The following is the full list of Council Committee membership (incorporating the additional membership noted above) and appointments to outside organisations:

***Regional Land Transport Committee***

*Jo Kane (Chair), Kerry Burke, Carole Evans, Mark Oldfield*

***Regional Planning Committee***

*Bob Kirk (Chair), All Councillors*

***Regulation Overview Committee***

*Regulation Hearing Committee Chair (Chair), All Councillors*

***Regulation Hearing Committees (2 Committees)***

*Angus McKay and Alec Neill (Chairs), plus all Councillors in rotation.*

***Canterbury Civil Defence and Emergency Management Committee***

*Rik Tindall*

***Chief Executive Performance Review Committee***

*Kerry Burke (Chair), Jo Kane, Bob Kirk, Carole Evans, Pat Harrow, Alec Neill, Eugenie Sage*

***Finance and Audit Committee***

*Bob Kirk (Chair), Jo Kane, Carole Evans, Pat Harrow, Alec Neill, Eugenie Sage*

***Southern Committee***

*Mark Oldfield (Chair), Bronwen Murray, Kerry Burke, Jo Kane, Alec Neill*

***Maori Advisory Committee***

*Kerry Burke (Interim Chair), Bob Kirk, Eugenie Sage, Rik Tindall, Jane Demeter, Carole Evans, Bronwen Murray  
Plus representatives of Ngai Tāhu and Nga Maata Waka*

## **Portfolio Committees**

### **Combined Portfolios Committee (includes Democratic Process)**

*Kerry Burke (Chair), All Councillors*

### **Air Quality/Energy**

*Jo Kane (Chair Air Quality), Bronwen Murray (Chair Energy), Pat Harrow, Angus McKay, Eugenie Sage, Mark Oldfield, Rik Tindall*

### **Coasts/Navigation Safety**

*David Sutherland (Chair Coasts), Bronwen Murray (Chair Navigation Safety), Bob Kirk, Jane Demeter, Alec Neill, Mark Oldfield, Rik Tindall*

### **Hazards/Emergency Management**

*Rik Tindall (Chair Emergency Management), Jane Demeter (Chair Hazards), Carole Evans, Angus McKay, Bronwen Murray, Ross Little.*

### **Land/Biodiversity/Pest Management/Waste/Contaminated Sites**

*Ross Little (Chair Land, Contaminated Sites), Jane Demeter (Chair Biodiversity), Eugenie Sage (Chair Pest Management), Pat Harrow (Chair Waste), Bronwen Murray, Mark Oldfield, David Sutherland*

### **Regional Land/Public Passenger Transport**

*Jo Kane (Chair RLT), Carole Evans (Chair PPT), Bronwen Murray, Mark Oldfield, Pat Harrow*

### **Water Quality, Quantity and Ecosystems**

*Mark Oldfield (Chair), Jane Demeter, Eugenie Sage, Pat Harrow, Angus McKay, Bronwen Murray, Rik Tindall, David Sutherland, Ross Little*

## **Area Committees**

### **Northern Area Committee**

*Ross Little (Chair), Jane Demeter, Jo Kane*

### **Christchurch Area Committee**

*Carole Evans (Chair) and all Councillors representing Christchurch, plus Community Board and stakeholder nominees.*

### **Central Area Committee**

*Eugenie Sage (Chair), Angus McKay, David Sutherland, Rik Tindall*

## **External Appointments**

**Avon/Heathcote Estuary Ihutai Trust** – David Sutherland

**Canterbury Regional Economic Development Committee** – Pat Harrow

**Canterbury Strategic Water Study Steering Group** – Angus McKay, Eugenie Sage

**Canterbury Waste Joint Committee** – Ross Little, Pat Harrow

**Communities for Climate Protection** – Rik Tindall

**Council of Social Services** – Jo Kane

**Greater Christchurch UDS Implementation Committee** – Kerry Burke, Alec Neill and Eugenie Sage

**Healthy Christchurch** – Carole Evans

**NIWA Animal Ethics Committee** – Rik Tindall, Ross Little

***NRRP Water Chapters Hearing Panel – Bob Kirk and Mark Oldfield (appointments continue)***

***Regional Animal Health Board Advisory Committee – Bronwen Murray, Eugenie Sage***

***Regional Hazardous Waste Working Party – Pat Harrow, Ross Little***

***South Canterbury Road Safety Trust – Mark Oldfield***

***Summit Road Protection Authority Advisory Committee – Jane Demeter***

***Sustainable Business Network – Eugenie Sage***

***Total Mobility Liaison Committees – Christchurch Carole Evans and Pat Harrow. Ashburton, Angus McKay. Timaru, Mark Oldfield. Waimate, Bronwen Murray.***

***Waimakariri/Eyre/Cust Rating District Liaison Committee – Jane Demeter, Jo Kane and Eugenie Sage***

***Waimakariri Regional Park Advisory Group – Jo Kane***

***Waitaki Lakes Shoreline Authority – Bronwen Murray***

## **5. DEPUTATIONS AND PETITIONS**

There were no deputations and petitions.

## **6. APPROVAL TO PREPARE VARIATIONS RELATING TO WATER ALLOCATION ISSUES**

John Glennie (Natural Resources Policy Manager) introduced this item seeking Council approval to prepare variations relating to water allocation issues.

There was discussion on the timing of the variations and alignment with current Central Plains Water and Ngāi Tahu court procedures. It was requested that a robust communication plan accompany the projects to ensure that the community understands the various statutory processes, including the Resource Management Act process.

### ***Resolved***

***(a) That the Council approve the commencement of three new projects:***

- A change to the Waimakariri River Regional Plan to establish water allocation limits for the B block, and any other changes needed to clarify and improve implementation of plan provisions for the allocation of water above minimum flow.***
- A variation to the proposed Natural Resources Regional Plan to formalise an allocation block system in Schedule WQN1 for the Rakaia River, to replace the existing informal system of banding groups of consents.***
- A variation to the proposed Natural Resources Regional Plan for permitted activity allocation take limits. This relates to a drafting error in Rule WQN13. This permitted activity rule states “the take and use shall not exceed five litres per second or 10 cubic metres per day per property”. Both limits were meant to apply, not as individual limits which would allow an excessive amount of water to be taken.***

- (b) That draft provisions be prepared for the matters set out above, to undertake consultation, and to report back to the Regional Planning Committee for approval of the proposed variations and change.**
- (c) That the Council authorise the transfer of \$40,000 dollars of goods and services from project 034011 Waitaki River to cover external costs of the three new projects.**

Cr Kirk/Cr Oldfield

## **7. OPERATIONAL PLAN, REGIONAL PEST MANAGEMENT STRATEGY**

Cr Sage, as Chair of the Pest Portfolio, introduced this item for Council to approve the report on the Operational Plan for the Canterbury Regional Council Pest Management Strategy 2005-2015. She acknowledged the work undertaken by staff and the efforts of the previous Pest Chair.

Graham Sullivan, Biosecurity Manager, talked to the report on the Operational Plan 2006/07 and spent time explaining the details of the report.

Morning tea was taken from 10.40 until 10.55 a.m.

Mr Sullivan continued presenting the report. It was requested that the strategy for regional pest management be included as an agenda item on the liaison meetings with territorial authorities.

### ***Resolved***

- (a) That Council approve the report on the Operational Plan (2006/07) for the Canterbury Regional Pest Management Strategy 2005-2015.**
- (b) That the Council make the report on the Operational Plan (2006/07) available to the public, to the Minister of Biosecurity, and appropriate Territorial Authorities.**

Cr Sage/Cr Little

## **8. 2008 REGULATION HEARING COMMITTEE MEMBERSHIP**

Mike Freeman (Director Regulation) introduced this item for Council to approve the 2008 Regulation Hearing Committee membership and reminded Council that the business of the Regulation Hearing Committee was a quasi-judicial process and Councillors needed to remain apolitical. Donald Fraser (Consents Hearings Officer) talked to the report and advised that more than 50% of the decision-making body needed to have the appropriate RMA Certification Accreditation. Mr Fraser also advised of some roster changes which Council incorporated into the schedule attached to the report.

Cr Demeter tabled an alternate schedule of RHC meetings for 2008. This was to be considered when the roster is reviewed at the June Governance Workshop.

### ***Resolved***

- (a) That the 2008 Meetings Schedule, as amended, be adopted.**

- (b) ***That the Council approve the schedule and membership roster for the meetings of the Regulation Hearing Committee for the period 18 January 2008 to 19 December 2008.***
- (c) ***That where a member rostered on a specific Regulation Hearing Committee is unavailable for that meeting, the first available member not already rostered in column four of the attached roster starting with the subsequent meeting, or any other Councillor, shall be the replacement member.***
- (d) ***That the Regulation Hearing Committee roster be reviewed at the June Governance Workshop and the roster for the second part of 2008 be confirmed at that time.***

Cr McKay/Cr Neill

## **9. ELECTED MEMBER REMUNERATION 2007-2008**

Jude Pani (Manager Secretariat) presented this report to enable the Council to formulate a proposal to be submitted to the Remuneration Authority for the payment of salaries to elected members for the balance of this financial year, up until 30 June 2008. It was commented that Council would before the end of February 2008 need to formulate a proposal for the payment of salaries to elected members for the 2008/2009 financial year to be submitted by 14 March 2008 to the Remuneration Authority for approval.

Cr Burke commented that following discussion with Councillors he had developed alternative amounts for the option 2 presented in the report and tabled four variations on this option for consideration.

It was moved by Cr Oldfield, seconded by Cr Evans that the option 3 as presented in the Council report, providing for all Councillors to be remunerated at the same level with the exception of the Deputy Chair, be recommended to the Remuneration Authority for approval. A Division was called for and the motion was LOST, the voting being as follows:

<b>For (5)</b>	<b>Against (8)</b>	<b>Abstention (1)</b>
Cr Harrow	Cr McKay	Cr Murray
Cr Oldfield	Cr Sage	
Cr Tindall	Cr Sutherland	
Cr Demeter	Cr Burke	
Cr Evans	Cr Neill	
	Cr Little	
	Cr Kirk	
	Cr Kane	

### ***Resolved***

- (a) ***That the Council notes the salary determined for the Chairman of \$133,235.***
- (b) ***That the following proposal for Councillors' Remuneration for the balance of the 2007/2008 financial year up until 30 June 2008 be forwarded to the Remuneration Authority for Determination:***

<b>Deputy Chair</b>	<b>Level 1</b>	<b>\$52,600</b>
<b>Finance and Audit Chair</b>	<b>Level 1</b>	<b>\$52,600</b>
<b>Maori Advisory Chair</b>	<b>Level 1</b>	<b>n/a*</b>
<b>Regional Planning Chair</b>	<b>Level 1</b>	<b>n/a*</b>
<b>Regulation Hearing (2) Chairs</b>	<b>Level 1</b>	<b>\$52,600</b>
<b>Regional Land Transport Chair</b>	<b>Level 1</b>	<b>n/a*</b>
<b>Southern and Area Chairs (4)</b>	<b>Level 2</b>	<b>\$48,270</b>
<b>Portfolio Chairs (5)</b>	<b>Level 2</b>	<b>\$48,270</b>

\* No remuneration as roles being undertaken by other Members on Level 1 rate.

- (c) ***That the Council recommends to the Remuneration Authority that for 2007/2008 financial year the annual amount of \$16,800 be set aside for payment to Councillors Kirk and Oldfield appointed as members of the Hearing Committees for Variation 1 of the NRRP Chapters 4–8 and paid by way of a monthly allowance of \$700.***

Cr McKay/Cr Sage

## **10. COUNCILLORS' ALLOWANCES AND REIMBURSEMENTS**

Jude Pani presented this item for Council to approve a Councillors' Allowances and Reimbursements Policy and expense rules application form to forward to the Remuneration Authority for approval. It was noted that the Remuneration Authority had advised that Council policy needed to change to ensure that there was no benefit to individual Councillors with the personal insurance clause and any benefit was returned to the Council organisation.

### ***Resolved***

- (a) ***That the Councillors' Allowances and Reimbursements Policy (April 2007), as amended, be approved.***
- (b) ***That the application for approval of expense rules applicable to Councillors of Environment Canterbury from 1 July 2007 be forwarded to the Remuneration Authority for Determination.***

Cr McKay/Cr Kirk

Lunch was taken from 12.40 until 2.00 p.m.

## **11. NON-COUNCILLOR APPOINTEES TO COUNCIL COMMITTEES**

Jude Pani (Manager Secretariat) presented this item for Council to approve an amount to be paid as meeting fees and to approve guidelines for mileage payments to non-councillor appointees to Council Committees.

### ***Resolved***

***That, if non-councillor appointees to Council Committees incur out of pocket travelling expenses which are not being covered by another organisation, the Council:***

- (a) ***Approves a policy for payment of a meeting fee of \$100 for meetings up to four hours and \$200 for meetings over four hours' duration.***

- (b) **Approves the guidelines for payment of mileage at a rate aligned with the Councillors' Reimbursements and Allowances Policy.**

Cr McKay/Cr Little

**12. CHIEF EXECUTIVE'S ITEMS**

**Resolved**

***That the Chief Executive's items be received.***

Cr Burke/Cr Kane

**13. NOTICES OF MOTION**

There were no notices of motion.

**14. QUESTIONS**

Question from Cr Little – Does the requirement in our Delegations Policy, viz: “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”, (Council approval 5.2.04), apply to the current process Environment Canterbury is engaged in on the Banks Peninsula District Plan appeal on landscapes. And if not, why not?

***Answer – Yes. It is a reasonably complex issue. Consent orders have been issued. An appeal is set down for hearing that has not been held and there will be a report in line with the delegation as specified coming to a future Council meeting.***

**15. EXTRAORDINARY AND URGENT BUSINESS**

There were no items of extraordinary and urgent business.

**16. MEETING WITH PUBLIC EXCLUDED**

**Resolved**

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

***Report of the Chief Executive Performance Review Committee (Verbal Report)***

***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>Report of the Chief Executive Performance Review Committee</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:***

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

Cr Burke/Cr Kane

The meeting moved into public excluded session from 2.15 p.m. to 2.20 p.m.

Cr Burke presented a verbal report of the Chief Executive Performance Review Committee meeting held on 28 November. He commented that in line with the Local Government Act requirements, Council at its 13 December meeting needed to decide on the process for the Chief Executive appointment. The Local Government Act required this appointment be considered six months prior to the end of the current Chief Executive's five year contract period. Cr Burke is to meet with new councillors and brief them on the Chief Executive employment contract process.

***Resolved***

***That the report of the Chief Executive Performance Review Committee be received.***

Cr Burke/Cr Kane

**17. NEXT MEETING – 13 DECEMBER 2007**

**18. CLOSURE**

The meeting closed at 2.21 p.m.

CONFIRMED

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