

## **ENVIRONMENT CANTERBURY**

### **MINUTES OF THE 276<sup>TH</sup> MEETING OF ENVIRONMENT CANTERBURY HELD IN THE COUNCIL CHAMBER, 58 KILMORE STREET, CHRISTCHURCH ON THURSDAY, 30 MARCH 2006 AT 9.30 A.M.**

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## **PRESENT**

Councillors T K Burke (Chairman), R A Budd, A S Carroll, E H Cunningham, R H M Johnston, R I R Little, A R McKay, A G Neill, M E Oldfield, J F Slee, J M Waters and W E Woods.

## **MANAGEMENT AND OFFICERS PRESENT**

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

M C Freeman (Director Regulation), K G Lawn (Director Operations), J D Talbot (Director Policy and Planning) and I W Thomas (Director Finance and Corporate Services) were in attendance for part of the meeting and some report authors were in attendance to present their reports.

### **1. APOLOGIES**

Councillors R M Kirk and N J Wagner.

### **2. MINUTES OF MEETINGS – 2 AND 20 MARCH 2006**

#### ***Resolved***

***That the minutes of the 274<sup>th</sup> and 275<sup>th</sup> meetings held on 2 March and 20 March 2006, be confirmed as true and accurate records.***

Cr Cunningham/Cr Budd

### **3. MATTERS ARISING**

#### **ITEM 14 – CONSULTATION PROCESS FOR THE PROPOSED CLEAN HEAT PROJECTS IN TIMARU AND KAIAPOI/RANGIORA**

Ken Lawn (Director Operations) commented that Council needed to confirm the dates and hearing panel for the consultation process relating to the proposed Clean Heat Projects in Timaru and Kaiapoi/Rangiora.

#### ***Resolved***

***That the Hearing panel for the 30 May 2006 Timaru and 29 May 2006 Waimakariri hearings be the Air Portfolio Councillors (Councillors Budd, Oldfield, Slee and Carroll), plus the relevant Constituency Councillors.***

Cr Cunningham/Cr Budd

#### **ITEM 16 – RMA ACCREDITATION**

It was commented that the RMA Accreditation Refresher Courses being held on 22 May and 1 June 2006 for those Councillors who have RMA Accreditation. Registrations are to be made for 22 May to avoid the June Council meeting date. Councillors Neill and McKay advised that they would fund their registrations. It was noted that Cr Johnston is not available on 22 May.

#### **ITEM 7 – LTCCP**

Cr Neill stated that the budget 2006/07 approved by Council in February 2006 for \$95,565,685 had now risen to \$96,386,000 and commented on the need for Councillors to be fully briefed in a timely manner to avoid possible negative perceptions about projects “sliding in”. He gave the example of the \$800,000 budget implications of Audit NZ’s requirements for Council to comply with International Financial Reporting Standards relating to the Clean Heat project.

#### **ITEM 10 – REPORT OF THE REGIONAL PLANNING COMMITTEE**

Bryan Jenkins confirmed that the boundary between Zone 1 and Zone 2 as shown in the proposed Natural Resource Regional Plan (NRRP) was Council’s position at this stage. He advised that a report would be presented to Council via the Regional Planning Committee and undertook to provide a timeframe.

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

Nil.

#### **5. JOINT PLANNING AND CONSENTS PROTOCOL FOR SURFACE WATER MANAGEMENT IN CHRISTCHURCH**

John Talbot (Director Policy and Planning) presented this item. He advised that the Joint Planning and Consents Protocol for Surface Water Management in Christchurch (Protocol), which was a living document to be amended as required, was also being presented to the Christchurch City Council for adoption. He commented that it was a non-statutory process and provided an agreement for the two Councils to work together.

##### ***Resolved***

***That the Council adopts the “Joint Christchurch City Council and Environment Canterbury Planning and Consents Protocol for Surface Water Management”.***

Cr Budd/Cr Waters

#### **6. URBAN DEVELOPMENT STRATEGY COMMUNITY CHARTER**

Cr Budd, as one of Council’s representative on the Urban Development Strategy Forum (Forum), introduced this item and advised that it was the intention of the Forum to keep Councillors informed on progress with the Urban Development Strategy. Cr Neill commented that the Greater Christchurch Urban Development Strategy would only work if there were co-operation from all Councils involved. He advised that Ken Tremaine had been appointed to facilitate the process.

##### ***Resolved***

***That the Council receives the information about the Urban Development Strategy Community Charter.***

Cr Budd/Cr Neill

Morning tea was taken from 10.40 a.m. to 11.00 a.m.

**7. NAVIGATION SAFETY BYLAWS AND INFRINGEMENT FEES DELEGATIONS**

John Talbot presented this item requesting the Council approval of the proposed delegation of powers under the Local Government Act 1974 and the Environment Canterbury Navigation Safety Bylaws 2005.

***Resolved***

***That the Council approves the delegations of powers (attached to the agenda) under the Local Government Act 1974 and the Environment Canterbury Navigation Safety Bylaws 2005.***

Cr McKay/Cr Budd

**8. MARINE PEST MANAGEMENT**

Richard Ball (Coasts, Biodiversity and Pests Policy Manager) presented this item and advised that Biosecurity New Zealand (BNZ) was seeking views about the rules relating to marine pest management. He commented that the recommended response in the questionnaire indicated to BNZ that Council wanted to be involved, but put the onus back on BNZ at a national level to take the overall responsibility.

***Resolved***

***That the completed questionnaire (attached to the agenda) be approved as the Council's response to Biosecurity New Zealand on the proposed partnership model for future marine pest management, including future management of Undaria.***

Cr Little/Cr Cunningham

**9. REPORT OF THE CHRISTCHURCH AREA COMMITTEE**

The report of the Christchurch Area Committee meeting held on 7 March 2006 was presented.

***Resolved***

***That the Christchurch Area Committee arranges a seminar to be held on 8 August 2006 on air quality and the Clean Heat project.***

Cr Burke/Cr Budd

**10. UNCONFIRMED MINUTES OF THE 20 MARCH 2006 MEETING OF THE CANTERBURY MAYORAL FORUM**

Cr Burke presented the unconfirmed notes from the 20 March 2006 meeting of the Canterbury Mayoral Forum.

**Resolved**

***That the unconfirmed minutes of the Canterbury Mayoral Forum meeting held on 20 March 2006 be received.***

Cr McKay/Cr Burke

**11. REPORT OF THE FINANCE AND AUDIT COMMITTEE**

This report was considered in the public excluded meeting (item 20.4).

**12. REPORT OF THE REGIONAL LAND TRANSPORT COMMITTEE**

Cr Waters, as Chairperson of the Regional Land Transport Committee, presented the report of the Committee meeting held on 29 March 2006. With the abolition of the Banks Peninsula District Council there was discussion on appropriate representation of the Banks Peninsula community and whether it would be to the benefit of that community for Council to advise the Christchurch City Council to bear in mind the special nature of the Peninsula. There were views expressed both for and against this action.

Moved Cr Little, seconded Cr Cunningham.

That the Council writes to the Christchurch City Council suggesting that one of their representatives on the Regional Land Transport Committee bear in mind the special nature of Banks Peninsula and take a particular responsibility for the Peninsula entity.

LOST

**Resolved**

***That the report of the Regional Land Transport Committee meeting held on 29 March 2006 be received and the following recommendations approved:***

- (a) ***That the Terms of Reference for the Canterbury Regional Land Transport Committee be amended to:***
- ***allow for three members representing Christchurch City Council***
  - ***delete reference to a member from the abolished Banks Peninsula District Council***
- (b) ***That Mayor Garry Moore be appointed as the additional Christchurch City Council representative on the Canterbury Regional Land Transport Committee.***

Cr Waters/Cr Little

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

The financial reports for the eight months ending 28 February 2006 were presented.

**Resolved**

***That the information on the financial reports for the period ending 28 February 2006 be received.***

Cr McKay/Cr Budd

#### 14. ELECTED MEMBERS CODE OF CONDUCT

Jude Pani (Manager Secretariat) presented this item for Council to consider appointing the third member of the Conduct Review Board (Board) to enable the process for alleged breaches of the Code of Conduct to be put in place by way of a Board motion if that was ever required.

It was clarified that the reference to "may" in Section 4.3 of the Code gave Council the flexibility to appoint either a Councillor or a non-elected member of Environment Canterbury as the third member of the Board.

There was discussion on the value of putting energy into this project given that there had not been a breach placed before the Board in the last three years. There was also the view expressed that the Code needed to be fit for purpose prior to any need to put any process in place.

##### ***Resolved***

***That to enable the Council to consider appointing the third member to the Conduct Review Board, the Manager Secretariat present possible names as the third member and alternates of the Conduct Review Board for Council consideration.***

Cr Burke/Cr Budd

#### 15. CHIEF EXECUTIVE'S ITEMS

A schedule of documents sealed was presented.

##### ***Resolved***

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

Cr Budd/Cr Johnston

#### 16. COUNCILLOR REPORTS EXTERNAL APPOINTMENTS/CONFERENCES/ SEMINARS

Councillors Cunningham and Johnston sought leave from Council.

##### ***Resolved***

***That leave of absence be granted for***

***(a) Cr Cunningham from 23 May to 9 June 2006, and***

***(b) Cr Johnston from 12 May to 16 June 2006.***

Cr Burke/Cr Neill

Cr Burke advised that he facilitated a Department of Internal Affairs Workshop on community outcomes processes in Wellington on Tuesday 28 March.

Cr Slee said that the 2006 Canterbury North Otago Sharemilker of the Year was announced at a function in Timaru on 29 March. The winners were Kieran and Leonie Guiney, who will represent Canterbury/North Otago at a national event to be

held in Christchurch in May. They were also the recipients of the Environment Award (sponsored by Environment Canterbury) presented by Cr Slee.

Cr Slee requested that Cr Kirk be appointed as a Council appointment to the Waitaki Shoreline Authority Committee. A report back on process to the 26 April meeting was requested.

Cr Neill commented that he and Cr Wagner jointly presented (supported by the Chief Executive) the first of the public meetings consulting on the Draft LTCCP at the Commodore Hotel.

Cr Cunningham attended a meeting with the Chief Executive and senior staff to progress Council's resolution requesting enhanced Maori participation. Three hui are being organised for April.

Cr Cunningham attended a recent meeting of the Avon-Heathcote Ihutai Estuary Trust who are presenting Council with a comprehensive submission on the Draft LTCCP.

Cr Little recently hosted staff and elected members at a field day at his farm to show the practicalities of biodiversity.

## **17. NOTICES OF MOTION**

Council was keen to consider this notice of motion in the open section of the meeting. However, because of the potential for the supporting material to be the subject of legal professional privilege – Local Government Official Information and Meetings Act, Section 7(2)(g) – it was agreed that the notice of motion be considered in the public excluded section of the meeting. The decision and division voting were reconfirmed later in the open section of the meeting.

Lunch was taken from 12.40 to 1.20 p.m.

Councillor Johnston left the meeting at this stage to chair a Regional Gravel Management meeting.

The meeting moved into public excluded at 1.23 p.m.

## **20. MEETING WITH PUBLIC EXCLUDED**

### ***Resolved***

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

- 20.1 Minutes of the 2 March 2006 meeting***
- 20.2 Minutes of the 20 March 2006 meeting***
- 20.3 Lynton Dairies Cost Decision and Legal Matters***
- 20.4 Report of the Finance and Audit Committee 27 March 2006***
- 20.5 Notice of Motion***

**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>
<b>20.1 Minutes of the 2 March 2006 meeting</b>	<b>That good reason exists for not discussing the matter with the public present and is not outweighed by the public interest.</b>	<b>Section 48(1)(a)</b>
<b>20.2 Minutes of the 20 March 2006 meeting</b>		
<b>20.3 Lynton Dairies Cost Decision and legal matters</b>		
<b>20.4 Report of the Finance and Audit Committee 27 March 2006</b>		
<b>20.5 Notice of Motion</b>		

**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:**

- 20.1 Protect the privacy of natural persons, including that of deceased natural persons – Section 7(2)(a).**
- 20.2 Maintain legal professional privilege – Section 7(2)(g).**  
**& 20.3 Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) Section 7(2)(i).**
- 20.4 Protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the council-controlled organisation which supplied or which is the subject of the information - section 7(2)(b)(ii).**
- 20.5 Maintain legal professional privilege – Section 7(2)(g).**

Cr Burke/Cr Little

The meeting resumed in open meeting at 3.25 p.m.

## **20.5 NOTICE OF MOTION**

Council discussed a Notice of Motion presented by Councillor Little with the public excluded and resolved that the resolution put by Councillor Little and the division be recorded in the open section of the meeting minutes.

Moved Cr Little, seconded Cr Woods

- (a) That this Council revises existing policy, or develops new policy regarding decisions to accept or reject reputable legal advice where public funding will be put at risk of claims for costs.
- (b) That Council decisions to reject such advice require a 75% majority vote affirming such action.

LOST

A division was called for and the motion was LOST, the voting being as follows:

<b>For (4)</b>	<b>Against (8)</b>	<b>Absent (2)</b>
Cr Slee	Cr Budd	Cr Kirk
Cr Little	Cr Carroll	Cr Wagner
Cr Woods	Cr Neill	
Cr Johnston	Cr McKay	
	Cr Oldfield	
	Cr Waters	
	Cr Burke	
	Cr Cunningham	

**18. QUESTIONS**

Nil.

**19. EXTRAORDINARY AND URGENT BUSINESS**

Nil.

**21. NEXT MEETING – 26 APRIL 2006**

**22. CLOSURE**

The meeting closed at 3.26 p.m.

CONFIRMED

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