

**MINUTES OF 309<sup>TH</sup> MEETING OF ENVIRONMENT CANTERBURY HELD IN THE COUNCIL CHAMBER, ENVIRONMENT CANTERBURY, 58 KILMORE STREET, CHRISTCHURCH ON THURSDAY, 13 DECEMBER 2007 AT 8.30 A.M.**

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## **PRESENT**

Crs T K Burke (Chairperson), 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).

C Freeman (Director Regulation) was 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**

Cr McKay declared a conflict of interest (as a 25% shareholder in a large dam) for matters relating to funding of Council's accreditation as a building consent authority under the Building Act.

### **3. MINUTES OF MEETING – 29 NOVEMBER 2007**

#### ***Resolved***

***That the Council minutes of 29 November 2007, including the public excluded session, be confirmed as a true and correct record, and be adopted.***

Cr McKay/Cr Harrow

### **4. MATTERS ARISING**

There were no matters arising.

**5. DEPUTATIONS AND PETITIONS**

There were no deputations and petitions.

Item 7 was taken at this time.

**7. 2008/09 ANNUAL PLAN – POSSIBLE SHIFTS IN DIRECTION**

Neil Pilbrow (Portfolio Manager, Finance and Corporate Services) introduced this item to adopt the budget principles for the 2008/09 budget, shifts in direction from the Long Term Council Community Plan (LTCCP), variations to portfolio levels of service, and matters requiring amendments to the 2006-2016 LTCCP. A report of the 2008/09 Annual Plan workshop held on 12 December was tabled.

Cr Tindall arrived at 8.40 a.m.

There was discussion on the proposed rating increase and Council's ability to change the previously agreed LTCCP and what changes would constitute a different level of consultation for the Annual Plan. Bryan Jenkins advised that it was Council's role to consider the balance between levels of service and levels of funding along with national and regional strategies. He said that the key task for Council was to give advice to staff, if more detailed budgets were required, on the balance between levels of service and levels of funding. Dr Jenkins further advised that he had tried to ensure the organisation design review was cost-neutral and agreed to report to the Finance and Audit Committee with costs for the organisation design review process.

It was considered that having the Portfolio Committees work through the relevant portfolio information followed by discussion by the Finance and Audit Committee would add value to the 7 February Council decision-making process.

***Resolved***

***That the Council adopts the budget principles for the 2008/09 budget:***

- (a) The objective is to deliver the levels of service forecast in the LTCCP and remain within the overall general rates forecast in the LTCCP (\$34,875k).***
- (b) Work programmes, including variations approved in 2007/08 to accommodate unforeseen changes, are reviewed by the Portfolio Committees to ensure all are still valid for 2008/09 and for Portfolio Committees to report to Council on 7 February 2008.***
- (c) Requests staff to report on the ongoing implications and ramifications of the proposed changes on the LTCCP 2006-2016.***
- (d) That the timetable for preparing the 2008/09 Annual Plan and amendments to the 2006-16 LTCCP be endorsed as the basis for consultation.***
- (e) That the shifts in direction summarised on the table below and detailed on the attached spreadsheet to be considered by the appropriate Portfolio Committee and reported back to Council on 7 February 2008 for possible inclusion in the 2008/09 budget.***

## Unconfirmed

	<i>TOTAL EXPENDITURE \$000</i>	<i>General Rates</i>	<i>Targeted Rates</i>	<i>Grants</i>	<i>User Pays and Other</i>	<i>Interest</i>	<i>Reserves Movement</i>
<i>Net impact of shifts to 2008/09 budget in LTCCP</i>	<i>\$9,829</i>	<i>\$1,631</i>	<i>\$4,196</i>	<i>\$3,527</i>	<i>\$475</i>	<i>\$0</i>	<i>\$0</i>
<i>Percentage change</i>	<i>9.7%</i>	<i>4.7%</i>	<i>14.4%</i>	<i>16.1%</i>	<i>4.3%</i>	<i>0.0%</i>	<i>0.0%</i>
<i>This is due to:</i>							
<i>Revision of existing budgets</i>	<i>-\$882</i>	<i>-\$519</i>	<i>-\$292</i>	<i>-\$13</i>	<i>-\$59</i>	<i>\$0</i>	<i>\$0</i>
<i>Government legislation</i>	<i>\$8,349</i>	<i>\$542</i>	<i>\$4,253</i>	<i>\$3,414</i>	<i>\$140</i>	<i>\$0</i>	<i>\$0</i>
<i>Previous Council policy decisions</i>	<i>\$2,178</i>	<i>\$1,388</i>	<i>\$101</i>	<i>\$76</i>	<i>\$393</i>	<i>\$0</i>	<i>\$0</i>
<i>Increased pressure on resources</i>	<i>\$50</i>	<i>\$0</i>	<i>\$0</i>	<i>\$50</i>	<i>\$0</i>	<i>\$0</i>	<i>\$0</i>

**(f) That the Portfolio Committees consider amendments to the LTCCP 2006-2016 as to the matters detailed below and report to Council on 7 February 2008:**

- (i) Incentives to encourage people to move to cleaner forms of home heating in Ashburton, Rangiora, Kaiapoi and Timaru through the “Clean Heat” project (amends LoS # 2 in Air Quality).**
- (ii) Adjustments to the location and timing of some earthquake and flood hazard investigations (amends LoS # 1 in Hazards).**
- (iii) Dam safety (adds new # 5 in Hazards).**

Cr Sage/Cr Neill

## 6. OUTSTANDING CONTRIBUTION AWARDS

An Outstanding Contribution Award was presented by the Council Chairman, Cr Burke, to Michael Dicker for his leading role in the development of Council's understanding of groundwater resources in Canterbury over the last fifteen years.

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

## 8. REGULATORY DELEGATIONS

Mike Freeman (Director Regulation) introduced this item to update the regulatory delegations primarily as a result of the organisation design review. Dr Freeman advised of some minor changes to the document that had been circulated after the agenda had been distributed.

**Resolved**

**That the Council:**

- (a) Revoke the current regulatory delegations under the Resource Management Act 1991 (attached to the Council report as Attachment 1 and as amended).**

- (b) ***Approves the proposed new regulatory delegations under the Resource Management Act 1991 (attached to the Council report as Attachment 2 and as amended).***

Cr McKay/Cr Neill

**9. CHANGE 3: PROPOSED CHANGE TO THE STORMWATER RULE IN THE TRANSITIONAL REGIONAL PLAN**

Mike Freeman (Director Regulation) introduced this item to provide an opportunity for Council to address implementation issues associated with the stormwater rules in the Transitional Regional Plan and the proposed Natural Resources Regional Plan Chapter 4: Water Quality.

Ivan Holland, Environmental Consultant, talked to the report commenting that the outcome of this discharge of stormwater change would enable staff to prioritise managing the stormwater discharges that are most likely to cause adverse effects on the environment and also enable a significant reduction in the number of minor stormwater discharge consent applications allowing processing timeframes to be reduced.

***Resolved***

***That the Council:***

- (a) ***Approves and publicly notifies, in accordance with Schedule 1 of the Resource Management Act, Change 3 to the Transitional Regional Plan (TRP) to incorporate into the TRP a clause to permit the discharge of stormwater to land from residential and rural-residential subdivisions, involving fewer than 30 allotments.***
- (b) ***Adopts the Supplementary Section 32 Report.***
- (c) ***Requests the Chief Executive to identify potential sources of funding for the estimated \$22,000 needed for the 2007/08 financial year for the administration of this change.***

Cr McKay/Cr Harrow

**10. 2008 COUNCIL AND COMMITTEE MEETINGS SCHEDULE**

Jude Pani (Manager Secretariat) introduced this item to approve the 2008 Council and Committee meetings schedule.

Cr Kane left the meeting at 12.05 p.m.

In light of the discussion on the 2008/2009 annual plan process earlier in the meeting, Council requested a series of Portfolio Committee workshops prior to the 7 February Council meeting be included in the 2008 meeting schedule, along with a meeting of the Finance and Audit Committee.

**Resolved**

***That the 2008 Council and Committee Meetings Schedule be adopted with the following changes:***

***29, 30 and 31 January – Portfolio, Combined Portfolios and Finance and Audit Committees meetings.***

***12, 20 and 21 February – Council Workshop days.***

***4 August – Meeting of Christchurch Area Committee.***

***5 June Finance and Audit be included with a note indicating “if required”.***

Cr Evans/Cr McKay

Cr Kane returned at 12.10 p.m.

**11. SUBMISSION TO MAF BIOSECURITY NEW ZEALAND ON DRAFT POLICY FOR RESPONDING TO PESTS AND DISEASES (RISK ORGANISMS)**

Tamsin Page (Senior Policy Analyst) introduced this item to obtain Council endorsement of a submission by Environment Canterbury to MAF Biosecurity New Zealand (BNZ) on the draft Policy for responding to pests and diseases (risk organisms).

**Resolved**

***That the Council approves the Environment Canterbury submission on MAF Biosecurity New Zealand’s draft policy for responding to pests and diseases (risk organisms) with appropriate amendments to include comments on the requirement for a greater emphasis on the need for a precautionary approach and greater need for clarity in the decision-making processes.***

Cr Sage/Cr Little

**12. SUBMISSION ON PROPOSED NATIONAL ENVIRONMENTAL STANDARDS FOR ELECTRICITY TRANSMISSION**

Andrew Willis (Senior Policy Analyst) introduced this item to obtain Council endorsement of a submission by Environment Canterbury to the Ministry for the Environment (MFE) on their Proposed National Environmental Standards (NES) for Electricity Transmission. Submissions closed on 30 November 2007.

There was discussion on point 14 in the submission document and the possibility of including comments relating to activities other than damming and diverting of water which impact on the existing transmission line. Specifically, it was suggested that some large scale centre pivot-type irrigation systems may impact on existing lines.

Cr Little left the meeting at 12.40 pm.

**Resolved**

***That Council approves the Environment Canterbury submission to MFE on the Proposed National Environmental Standards for Electricity Transmission updated to incorporate points raised during the Council discussion.***

Cr Murray/Cr Harrow

Cr Little returned at 12.42 pm.

Item 14 was taken at this time.

**14. SUBMISSIONS ON PUBLIC TRANSPORT MANAGEMENT BILL**

Cr Evans as Chair of the Public Passenger Transport Portfolio Committee presented this report seeking approval of a submission from Environment Canterbury on the Public Transport Management Bill. Submissions must be lodged by 14 December 2007.

***Resolved***

***That the Council approves the Environment Canterbury submission to the Public Management Transport Bill.***

Cr Evans/Cr Kane

Cr Evans left the meeting at 12.45 p.m.

Item 17 was taken at this time.

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

Mark Smith (Management Accountant) presented the financial summary of the Council's activities for the four months ended 31 October 2007.

***Resolved***

***That the information on the financial reports for the period ending 31 October 2007 be received.***

Cr Little/Cr Kane

Cr McKay left the meeting at 12.50 p.m.

Lunch was taken from 12.50 p.m. until 1.30 p.m.

**13. PORT AND HARBOUR AND NAVIGATION SAFETY MANAGEMENT**

Cr Murray as Chair of the Navigation Safety Portfolio Committee presented this item for Council to adopt an Environment Canterbury submission on a Ministry of Transport discussion document on Port and Harbour and Navigation Safety Management. An overview document was tabled incorporating some changes to the submission.

***Resolved***

***That the Council approves the submission (incorporating the changes noted in the tabled document) on the Ministry of Transport discussion document on Port and Harbour and Navigation Safety Management.***

Cr Murray/Cr Demeter

Cr McKay returned at 1.40 p.m.

**15. SUBMISSION TO THE TRANSPORT AND INDUSTRIAL RELATIONS SELECT COMMITTEE ON THE LAND TRANSPORT MANAGEMENT AMENDMENT BILL 2007**

Cr Kane as Chair of the Regional Land Transport Portfolio Committee presented this item seeking the Council's approval to a submission on the Land Transport Management Amendment Bill 2007.

Rob Woods (Transport Policy Analyst) talked to the points included in the submission.

There was discussion on matters of detail, including rebating of regional fuel tax and the ability to introduce a road toll.

Cr Evans returned at 2.00 p.m.

It was moved by Cr Kane, seconded by Cr Evans.

That the Council approves the submission to the Transport and Industrial Relations Select Committee on the Land Transport Management Amendment Bill 2007 with an additional point to indicate support for the provisions relating to the rebate of regional fuel tax.

An amendment was moved by Cr Oldfield, seconded by Cr Little that the submission incorporate the ability to toll existing infrastructure in line with the Greater Wellington Regional Council submission. The amendment was put and LOST.

**Resolved**

***That the Council approves the submission to the Transport and Industrial Relations Select Committee on the Land Transport Management Amendment Bill 2007 with an additional point to indicate support for the provisions relating to the rebate of regional fuel tax.***

Cr Kane/Cr Evans

**16. SUBMISSION ON SEA CHANGE – TRANSFORMING COASTAL SHIPPING IN NEW ZEALAND DRAFT STRATEGY**

Simon Milner (Transport Planner) introduced this item to consider and endorse a submission to the Ministry of Transport on the Draft Strategy "Sea Change – Transforming Coastal Shipping in New Zealand".

There was discussion and a concern raised about potential biosecurity issues.

**Resolved**

***That the Council approves the submission to the Ministry of Transport's Draft Strategy "Sea Change – Transforming Coastal Shipping in New Zealand" amended to include a statement about the need to address any biosecurity issues.***

Cr Kane/Cr Murray

**18. CHIEF EXECUTIVE'S ITEMS**

***Resolved***

- (a) ***That the Chief Executive's items be received, and***
- (b) ***That Wayne Thomas, Director Finance and Corporate Services, be appointed Acting Chief Executive from midday 24 December 2007 to 30 December 2007; 29 January 2008 to 4 February 2008; and 15 February 2008 to 20 February 2008 inclusive during the absence of the Chief Executive.***

Cr Burke/Cr Murray

**19. COUNCILLOR REPORTS EXTERNAL APPOINTMENTS/CONFERENCES/ SEMINARS**

Cr Sage commented on her recent attendance at the Regional Area Health Board meeting and on the excellent work undertaken to reduce infected herd numbers.

Cr Neill said that he attended Farmer of the Year Awards at Lincoln University and was impressed with the excellent environmental initiatives being carried out by farmers involved in these awards.

Cr Tindall commented on the award presented to Environment Canterbury for green house gas emission reduction.

Cr Demeter talked about her recent attendance at the LTCCP training.

Cr Evans and Cr Demeter attended an Enviro-School award ceremony at Marian College.

Cr Burke commented that along with Cr Kane he had visited most of the territorial authorities in the Canterbury Region. A document is being prepared on the issues raised by the various Councils.

Cr Burke advised of his recent attendance at the Canterbury Mayoral Forum. Bryan Jenkins briefed the meeting on progress with the Canterbury Strategic Water Study. He advised that a context statement would be made available to Councillors.

Cr Harrow left the meeting at 2.50 p.m.

Bryan Jenkins updated the meeting on climate change and advised he would make a summary paper available to Councillors.

***Resolved***

***That the reports be received.***

Cr Burke/Cr Kane

**20. NOTICES OF MOTION**

There were no notices of motion.

**21. QUESTIONS**

There were no questions.

**22. EXTRAORDINARY AND URGENT BUSINESS**

There was no extraordinary and urgent business.

Afternoon tea was taken from 3.05 until 3.25 p.m.

**23. MEETING WITH PUBLIC EXCLUDED**

It was moved by Cr Kane, seconded Cr Burke that the public be excluded from the following part of the proceedings of this meeting, namely:

- 23.1 Minutes of 29 November 2007 Meeting and Matters Arising – Report of the Chief Executive Performance Review Committee
- 23.2 Christchurch City Council, Banks Peninsula Landscape Appeals

There was discussion on whether it was appropriate to move into public excluded session for item 23.2.

A Division was called for relating to excluding the public for item 23.2, Christchurch City Council, Banks Peninsula Landscape Appeals, and the motion was CARRIED to exclude the public for item 23.2, the voting being as follows:

<b>For (9)</b>	<b>Against (4)</b>	<b>Absent (1)</b>
Cr Burke	Cr Little	Cr Harrow
Cr Demeter	Cr Neill	
Cr Evans	Cr Murray	
Cr Kane	Cr Oldfield	
Cr Kirk		
Cr McKay		
Cr Sage		
Cr Sutherland		
Cr Tindall		

***Resolved***

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

- 23.1 Minutes of 29 November 2007 Meeting and Matters Arising – Report of the Chief Executive Performance Review Committee***
- 23.2 Christchurch City Council, Banks Peninsula Landscape Appeals***

***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>23.1 Minutes of the 29 November 2007 Meeting and Matters Arising – Report of the Chief Executive Performance Review Committee</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>23.2 Christchurch City Council, Banks Peninsula Landscape Appeals</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:***

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

**23.2 Maintain legal professional privilege 7(2)(g)**

Cr Kane/Cr Burke

The meeting moved into public excluded session from 3.30 p.m. to 4.58 p.m.

#### **RELEASE OF INFORMATION DISCUSSED WITH THE PUBLIC EXCLUDED**

The Council resolved during the public excluded session that the Council decision relating to item 23.2 be recorded in the open section minutes (including the result of the Division vote) along with a summary of the key points behind the decision-making.

#### **23.2 CHRISTCHURCH CITY COUNCIL, BANKS PENINSULA LANDSCAPE APPEALS**

Vin Smith (Energy Transport and Built Environment Policy Manager (Acting)) and Ruth Littlewood (Senior Resource Management Planner) presented this item for the Council to approve the presentation of primary and rebuttal evidence to the Environment Court pertaining to the Banks Peninsula Landscape Appeals.

Ms Littlewood advised that Council is in agreement with the Christchurch City Council, with only landscape advice differing in some areas. These are matters of expert opinion for the Court to decide what is preferred. She advised that the location and extent of the Outstanding Natural Character (ONL) and Coastal Natural Character (CNCL) landscape areas have not been resolved. In particular, the draft district planning maps derived from the Landscape Study are considered to be inconsistent with the Regional Coastal Environment Plan for the Canterbury Region (RCP) and will not give effect to the Canterbury Regional Policy Statement (RPS).

Mr Smith said that staff were seeking authorisation to present primary and rebuttal evidence to the Environment Court to ensure that the Banks Peninsula District Council's (now Christchurch City Council) Proposed District Plan will be consistent with the RCP and will give effect to the RPS, and therefore achieve sustainable management.

**Discussion**

There was lengthy discussion on the current situation with a strong view expressed for Council to avoid a hearing and the associated costs. A contrary view was expressed stating that the main points at issue are the ONL and CNCL boundaries as these issues have not been traversed in either a District Council or Environment Court hearing. Rather, the comprehensive landscape assessment has been prepared as part of the Environment Court appeal process.

Concerns were expressed about ratepayers funding expensive and lengthy Court processes when the issues could be resolved between the Councils and out of the Court process.

Cr Harrow joined the public excluded session at 4.00 p.m.

There was discussion on the need to advocate Council's planning documents with comments that to circumvent the process now would be inappropriate and would send a very strong negative message. It was further stated that there is a hierarchy of Plans with district plans and coastal plans needing to give effect to the Regional Policy Statement.

**Resolved**

***That the Council approve the presentation of primary and rebuttal evidence to the Environment Court on or after 28 January 2008 pertaining to the Banks Peninsula Landscape Appeals in accordance with the stated position presented in the Council report to ensure that the proposed district plan will be consistent with the Regional Coastal Environment Plan for the Canterbury Region and will give effect to the Regional Policy Statement.***

Cr Sage/Cr Kane

A Division was called for and the motion was CARRIED, the voting being as follows:

**For (10)**

Cr Burke  
Cr Demeter  
Cr Kane  
Cr Kirk  
Cr McKay  
Cr Neill  
Cr Oldfield  
Cr Sage  
Cr Sutherland  
Cr Tindall

**Against (4)**

Cr Evans  
Cr Harrow  
Cr Little  
Cr Murray

The Chairman advised that he would telephone the Christchurch City Council to discuss Council's position.

**24. NEXT MEETING – 7 FEBRUARY 2007.**

**25. CLOSURE**

The meeting closed at 5.00 p.m.

CONFIRMED

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