

**356<sup>th</sup> MEETING OF THE  
CANTERBURY REGIONAL COUNCIL**

**COUNCIL MEETING**

**TO THE CHAIR AND COMMISSIONERS OF THE  
CANTERBURY REGIONAL COUNCIL**

**MEMBERSHIP OF THE COUNCIL**

Dame Margaret Bazley (Chair)

David Caygill (Deputy Chair)

David Bedford

Donald Couch

Tom Lambie

Peter Skelton

Rex Williams

The 1<sup>st</sup> meeting of the Canterbury Regional Council Commissioners will be held on

**Wednesday, 5 May 2010 at 10.00 a.m.**

**Commencing with a Powhiri**

**VENUE:** Council Chamber  
First Floor  
Environment Canterbury  
58 Kilmore Street  
Christchurch

**BUSINESS:** As per Order Paper attached.  
Agendas are available on our website three days prior to the date of the meeting -  
<http://ecan.govt.nz/news-and-notice/minutes/Pages/Default.aspx>

Dr Bryan Jenkins  
**CHIEF EXECUTIVE**

**RECOMMENDATIONS IN REPORTS ARE NOT TO BE TAKEN AS COUNCIL  
POLICY UNTIL ADOPTED BY THE COUNCIL**

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 **Environment  
Canterbury  
Regional Council**

## COMPLIANCE WITH LOCAL GOVERNMENT ACT 2002 DECISION-MAKING REQUIREMENTS

Except as below, a statement of compliance and a completed decision checklist is required for any agenda item on a council committee or the council recommending that a decision be made. This will be the responsibility of the person signing off the agenda item.

### The compliance statement and checklist will not be used for:

- Recommendations that information be received or that the Council make a decision.
- Decisions taken under the Resource Management Act 1991 or the Biosecurity Act 1993 in relation to resource consents, decisions required when following the procedures set out in Schedule 1 of the Resource Management Act 1991, other permissions, submissions on plans, or references to the Environment Court.
- Decisions taken to proceed with enforcement procedures under various primary or secondary legislation or regulations, including procedures under the Resource Management Act 1991, the Biosecurity Act 1993, the Local Government Act 2002, and Environment Canterbury Bylaws.
- Administrative and personnel decisions that are entirely internal to Environment Canterbury.
- Other decisions where the procedures to be followed are set out in Legislation.

### COMPLIANCE STATEMENT

The council committee (or the council) must formally certify that:

- (a) It is satisfied that it has sufficient information about the options and their benefits and costs, in terms of the region's social, economic, environmental and cultural well-being and the effects on community outcomes, bearing in mind the significance of the decisions.
- (b) It is satisfied that it knows enough about and has given adequate consideration to the views and preferences of affected and interested parties bearing in mind the significance of the decision.

### INFORMATION CHECKLIST

(a)	A Statement of the Proposed Decision
(b)	A Statement of the Objective of the Proposed Decision and the Issue or Problem being addressed
(c)	A list of all reasonably practicable options, (including doing nothing).
(d)	For each option in (c): An evaluation of the Benefits and Costs, in terms of the region's social, economic, environmental and cultural well-being.
(e)	For each option in (c): A statement of the extent to which community outcomes would be promoted or achieved in an integrated and efficient manner.
(f)	For each option in (c): A statement of the Impact, if any, on Environment Canterbury's capacity to undertake its statutory responsibilities
(g)	If the Proposed Decision is a significant decision in relation to land or a body of water, a statement of how Maori values have been taken into account
(h)	A Statement of significant inconsistencies, if any, with any Existing Policy, Plan or Legislation arising from the Proposed Decision.
(i)	A statement how the views and preferences of affected or interested persons have been given adequate consideration during the definition of the problem or issue, the objective, the assessment of options and the development of the proposed decision, including the particular contribution of Maori to the decision-making process.

#### Notes:

The significance of proposals and decisions determines how much time, money and effort is put into exploring and evaluating options and obtaining the views of affected and interested parties. The significance of proposals and decisions is determined through reference to criteria contained in the policy on significance.

The policy on significance together with Section 76 of the Local Government Act 2002 set out the Council's requirements in relation to decisions. Some decisions can only be made through the Long-Term Council Community Plan, or after the Special Consultative Procedures set out in the Act have been used, (refer to the policy on significance and the Act).

All decisions of Environment Canterbury are subject to the decision-making requirements of section 76 of the Act unless inconsistent with specific requirements of other legislation.

**CANTERBURY REGIONAL COUNCIL  
COUNCIL MEETING**

**ORDER PAPER**

**POWHIRI**

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**MINUTES OF 355<sup>TH</sup> MEETING OF ENVIRONMENT CANTERBURY HELD IN THE  
COUNCIL CHAMBER, ENVIRONMENT CANTERBURY, 58 KILMORE STREET,  
CHRISTCHURCH ON THURSDAY, 22 APRIL 2010 AT 9.00 A.M.**

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16. QUESTIONS
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**PRESENT**

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

**MANAGEMENT AND OFFICERS PRESENT**

B R Jenkins (Chief Executive) and J C Pani (Manager Secretariat). Directors and some Council staff were in attendance.

**1. APOLOGIES**

Crs Burke and Kirk. Cr Oldfield for lateness.

## 2. MINUTES OF MEETING

Two spelling corrections were noted in the 25 March minutes.

### ***Resolved***

***(a) That the Council confirms as a true and correct record and adopts the minutes, of the meeting held on 25 March 2010.***

Cr Sage/Cr Evans

***(b) That the Council confirms as a true and correct record and adopts the minutes, of the meeting held on 13 April 2010.***

Cr McKay/Cr Harrow

## 3. MATTERS ARISING

As a matter arising from the 13 April minutes, Cr Tindall advised of a notice of motion. The Chairman ruled the notice of motion did not comply with Standing Orders requirements and therefore could not be put to the meeting.

A procedural motion was moved by Cr Evans, seconded Cr Harrow, suspending Standing Orders. The motion was put and declared CARRIED. A Division was called for and the procedural motion to suspend Standing Orders was declared carried 7 votes to 3 votes, the voting being as follows:

<b><u>For (7)</u></b>	<b><u>Against(3)</u></b>	<b><u>Abstention (1)</u></b>	<b><u>Absent (3)</u></b>
Cr Evans	Cr Little	Cr Murray	Cr Burke
Cr Kane	Cr Harrow		Cr Kirk
Cr Sage	Cr McKay		Cr Oldfield
Cr Tindall			
Cr Demeter			
Cr Neill			
Cr Sutherland			

### ***Resolved***

***That the meeting suspends Standing Orders.***

Cr Evans/Cr Harrow

### **Meeting with Standing Orders suspended**

It was moved by Cr Tindall that Council resolves under Section 8 of the Local Electoral Act to hold elections on Saturday 10 November 2010.

Cr Neill ruled the motion out of order as the recently enacted Environment Canterbury (Temporary Commissioners and Improved Water Management) Act did not give Council the ability to resolve to hold elections in 2010.

### ***Resolved***

***That the meeting resumes under Standing Orders.***

Cr Evans/Cr Harrow

### **Meeting resumed under Standing Orders**

## 4. DEPUTATIONS AND PETITIONS

There were no deputations and petitions.

## 5. TIMARU CONTRACT ISSUES – FUTURE RISK MANAGEMENT

Cr Evans (Chair Public Passenger Transport Portfolio) introduced this item, noting the report was requested by the Finance and Audit Committee. Wayne Holton-Jeffreys (Acting Director Operations) was in attendance to response to questions.

***Resolved***

***That the Council receives the information on Timaru contract issues.***

Cr Evans/Cr Kane

## 6. REPORT OF THE REGIONAL TRANSPORT COMMITTEE

Cr Kane (Chair of the Regional Transport Committee) presented the tabled report of the Committee meeting held on 16 April 2010.

It was moved by Cr Evans, seconded by Cr Little, that Council recommends to Dame Margaret Bazley that Jo Kane be appointed by the new Commissioner Council as Chair of the Canterbury Regional Transport Committee. Cr Kane thanked Crs Evans and Little and indicated that she would be voting against motion. In advising of her position Cr Kane commented that accountability lies with the new legislation and the Government, not with outgoing councillors. The motion was put and declared LOST on a show of hands.

***Resolved***

***That the Council:***

***(a) Receives the report of the Canterbury Regional Transport Committee meeting held on 16 April 2010.***

***(b) Approves a variation to the Canterbury Regional Land Transport Programme 2009-2019 to add the following activities:***

- Main Road Sumner 3 Laning (Christchurch City Council)***
- SH1/Te Weka Intersection improvement (New Zealand Transport Agency)***
- Arundel Bridge Prevention maintenance works (Timaru District Council)***
- H126 Manuka Creek Bridge Replacement (Hurunui District Council); and***

***(c) That the approved variation be forwarded to the New Zealand Transport Agency.***

Cr Kane/Cr Evans

## 7. PROPOSED COMPLIANCE MONITORING CHARGE REGIME

Cr McKay (Chair of the Regulation Overview Committee) presented the tabled report on the review of the annual compliance monitoring charge. He commented that the report was well laid out and the options were included for the new commissioner team who will be hearing the Annual Plan submissions.

Cr Oldfield arrived at 9.30 a.m.

**Resolved**

***That the Council receives the information on the functionality of the \$63.00 fee for compliance monitoring charging structure.***

Cr McKay/Cr Little

**8. REGULATION OVERVIEW REPORTING**

The following reports were presented for information as part of the regulation overview reporting: (A replacement page 30 with an updated table 1.2 was tabled.)

- Consent Section performance report
- Resource Management Act Enforcement and compliance monitoring activities
- Consents Reviews Section performance report
- Schedule of recent and pending resource consent hearings
- Territorial Authority liaison's expenditure
- Status of resource consent decisions subject to appeal to the Environment Court
- Biosecurity compliance inspections
- Navigation and safety activities undertaken in marine and inland waters

During the presentation of the reports Cr Evans moved, seconded by Cr Kane, that the report be forwarded to the commissioners for their attention. Cr Murray requested an additional resolution be included forwarding the report to the Minister for a response with regard to the comments he has made which do not stack up with the outcome of the regulation overview reporting. Crs Evans and Kane accepted this additional point as part of the motion.

There was debate both for and against the motion.

**Resolved**

***That the Council:***

- (a) Receive the regulation overview reports,***
- (b) Requests that the regulation overview report be forwarded to the Environment Canterbury commissioners for their attention, and***
- (c) That the report be forwarded to the Minister for the Environment for a response with regard to the comments he has made which do not stack up with the outcome of this regulation overview reporting***

Cr Evans/Cr Kane

**9. TRI-ANNUAL REPORT**

The Tri-annual report for the period 1 November 2009 to 28 February 2010 was presented.

**Resolved**

***That the Council:***

- (a) Receives the report "Tri-annual report progress on projects and levels of service, 2009/2010 November – February",***

**(b) Approves changes to the following levels of service:**

- 0279 Coastal Hazards Investigations
- 0290 Coastal Water Quality Investigations
- 0704 Regional Policy Statement Review
- 0620 Engineering Lifelines (in Earthquakes & Other Hazardous Events)
- 0330 Earthquake Hazard and Risk Assessment
- 0379 Land Resource Investigations
- 0483 Cycleway Development
- 0400 Pest Management Investigations
- 0468 Passenger Transport Plan
- 0624 Industrial Pollution Prevention
- 0245 Surface Water Advice
- 0261 G/Water Investigations, Drilling & Testing
- 0263 Ground Water Resource Monitoring
- 0267 Surface Water Quality Investigations - Regional Issues
- 0268 Groundwater Quality Investigations
- 0275 Investigating Flow Regimes
- 0631 Canterbury Strategic Water Study
- 0764 Consent Reviews - Water

**(d) Instructs the Chief Executive to set up a new project and levels of services for "Commissioner Costs", and**

**(e) That all costs and levels of service requirements for the Ministerial direction, including the costs of consultants, be clearly identified and open for public scrutiny.**

Cr Kane/Cr Evans

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

The financial reports on Council's activities for the nine months ended 31 March 2010 were presented.

**Resolved**

**That the Council receives the financial reports for the period ending 31 March 2010.**

Cr Murray/Cr Demeter

**11. CHIEF EXECUTIVE ITEMS**

Bryan Jenkins presented this item which included advice of his attendance at a symposium in Perth on 24–26 May and a request for annual leave on 27–28 May. Dr Jenkins talked to the written update on the Canterbury Water Management Strategy. .

**Resolved**

**That the Council:**

**(a) Receives the Chief Executives items, and**

**(b) Approves leave for the Chief Executive on 27 and 28 May and that Don Rule and Wayne Thomas share the Chief Exzecutive responsibilities during Dr Jenkins' absence from 20 – 30 May inclusive.**

Cr Oldfield/Cr Little

## 12. CHAIRMAN AND COUNCILLOR REPORTING

Cr Neill presented the Chairman's report which included a tabled report item 12.3 – "Confirmation of appointment as Commissioners to hear and decide PNRRP Variations 1 and 6."

Cr Oldfield declared the potential for a conflict of interest as a member of the Proposed NRRP Hearing Committee. He removed himself from the table and took no part in discussion or voting on item 12.3.

***Resolved***

***That the Council:***

- (a) Receives the Chairman's reports and notes the contents, and***
- (b) Confirms the appointment of the following councillors as commissioners in the Plan Hearings panels as follows:***
  - Proposed NRRP variations 1, 2 and 4 for chapters 4 – 8: Crs Oldfield and Kirk***
  - Proposed NRRP variation 2: Cr Burke***

Cr Neill/Cr Murray

Crs Evans, Kane and Sage requested that their abstention from voting on recommendation 12(b) be recorded.

## 13. PUBLIC EXCLUDED

As advised earlier in the meeting, item 13 had been removed from the agenda. There was therefore no public excluded session.

Morning tea was taken from 10.52 until 11.15 a.m.

## 14. VALEDICTORY SPEECHES

Valedictory speeches were received from Councillors in the following order:

Cr Oldfield  
Cr Demeter  
Cr Sutherland  
Cr Evans  
Cr Murray  
Cr Harrow  
Cr McKay  
Cr Little  
Cr Tindall  
Cr Sage  
Cr Neill

**15. NOTICES OF MOTION**

There were no notices of motion.

**16. QUESTIONS**

There were no questions.

**17. EXTRAORDINARY AND URGENT BUSINESS**

There were no matters of extraordinary and urgent business.

**18. CLOSURE**

The Chairman declared the meeting closed at 1.32 p.m.

CONFIRMED

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

<b>AGENDA ITEM NO: 5</b>	<b>SUBJECT MATTER: CANTERBURY WATER MANAGEMENT STRATEGY – ZONE AND REGIONAL COMMITTEE APPOINTMENTS</b>
<b>REPORT:</b> Council	<b>DATE OF MEETING:</b> 5 May 2010
<b>FILE REFERENCES:</b>	<b>PORTFOLIO:</b> <b>PROJECT:</b> <b>OUTPUT:</b>
<b>REPORT BY:</b> David Horn, Director Water Executive	<b>ENDORSED BY:</b> Bryan Jenkins Chief Executive

## PURPOSE

To brief the Commissioners on the need for:

1. Endorsement of the zone committee approach
2. Adoption of the terms of reference for the regional committee
3. Appointment of Canterbury Regional Council's representation on zone and regional committees
4. Appointment of Canterbury Regional Council's representative to the Hurunui-Waiiau zone committee

## ATTACHMENTS

- Att 1 – Map of the proposed Water Management Committee Zones
- Att 2 – Regional Water Management Committee - Terms of Reference

## BACKGROUND

The Canterbury Water Management Strategy (CWMS) is the document that provides the vision and principles for water management in Canterbury. The vision and principles are now also set out in Schedule 1 of the Environment Canterbury (Temporary Commissioners and Improved Water Management) Act.

The CWMS requires the establishment of joint committees (of the relevant District/City Council and the Regional Council) under the Local Government Act 2002 (LGA) for zones (of which there are proposed to be 10) to give effect to the strategy.

The proposed zones are illustrated on attachment 1. The zone boundaries are refined as zone committees are established and that refinement includes discussions with and between the adjacent zone District/City councils.

It would be preferable if the Regional committee was also a "joint committee" but the LGA requires that each local authority (of which there are 12) must have an elected representative appointed to the committee for it to be a joint committee. Consequently the committee would become too unwieldy to be effective. It has been agreed, in the interim, that the Regional Committee will be a committee of the Regional Council.

The CWMS Steering Group has agreed that the Regional Committee representation from the territorial local authorities (other than Christchurch City) will comprise three members appointed by agreement between the other 10 councils, representing the north, mid and south areas of Canterbury. Christchurch City and the Regional Council each have one representative as can be seen in the Terms of Reference (attachment 2).

In relation to funding, the CWMS has been successful in securing funding from the 2010 Community Irrigation Fund, subject to the Environment Canterbury Commissioners endorsing the zonal committee approach. The funding is a \$242,000 contribution to zone implementation programmes.

## **REGIONAL COMMITTEE TERMS OF REFERENCE AND APPOINTMENT TO REGIONAL AND ZONE COMMITTEES**

### **1. Terms of reference**

The Terms of Reference (attachment 2) for the Regional Committee are set out for the Commissioners' adoption.

The Regional Committee has to be a committee of the Canterbury Regional Council until such time as the LGA may be amended to provide for a "joint committee" that does not have a representative from each local authority to be formed.

The Regional Committee's Terms of Reference remain as set out in the attachment, even though in the interim, the membership derived from the Zone Committees' chairpersons will need to be managed by agreement between the Regional Council and the relevant District Council(s). This occurs because not all Zone Committees will have been established prior to the Regional Committee commencing its regionally focussed work.

### **2. Appointment of representatives to regional and zone committees**

For the regional and zone committees to have status under the LGA the Regional Council appointees on both zone and regional committees must be an elected representative of the Regional Council. As noted above, there are to be about 10 zone and one regional committee to give effect to the strategy.

It is anticipated that four zone committees will be established by August 2010 with the first commencing its activities in May. It is further anticipated that the fifth zone committee will be established by September. During the early stages of informing, establishing relationships between members and developing wider community contacts, the committees are likely to meet more often in the first few months than later in their tenure. Currently it is expected that fortnightly meetings are probable for the first two months and most committee meetings will be based in the zone area (Amberley, Ranigora, Ashburton, Fairlie, Waimate, Timaru). In addition some field visits for familiarisation with issues are likely.

The Council appointee to each committee will need to be able to devote the appropriate time to contribute (from a regional council perspective) to committee's work in developing an implementation programme.

An alternative to the Commissioners being required to be on Zone Committees (to ensure they remain as "joint committees") can only be provided if the Environment Canterbury Act was amended to provide Commissioners with the power to delegate the "elected representative" status to an appointee of the Commissioners.

## **HURUNUI ZONE COMMITTEE TERMS OF REFERENCE AND CONFIRMATION OF REGIONAL COUNCIL REPRESENTATIVE.**

At its meeting on 26 March 2010 Canterbury Regional Council formally adopted the Hurunui-Waiiau Zone Committee terms of reference and appointed Cr Ross Little as the Council representative on that committee.

It is concluded that a Commissioner must be appointed to meet Schedule 7 Clause 31(4) LGA 2002 in respect of a council committees and Clause 30(1)(b) in order to be a joint committee of councils.

Therefore it is considered that the Commissioners cannot simply confirm Councillor Little as the Council representative under Section 28 of the ECan Act because he is no longer an elected representative. While Section 28 of the ECan Act is inconclusive as to what membership means, the LGA provisions are clear in respect of committees of councils.

## **OPTIONS**

Unless the LGA and/or the ECan Act is amended to provide for delegates, appointed by the Commissioners, to have the status of "an elected representative", a Commissioner will need to be appointed to each zone and the regional committees set up by the WCMS.

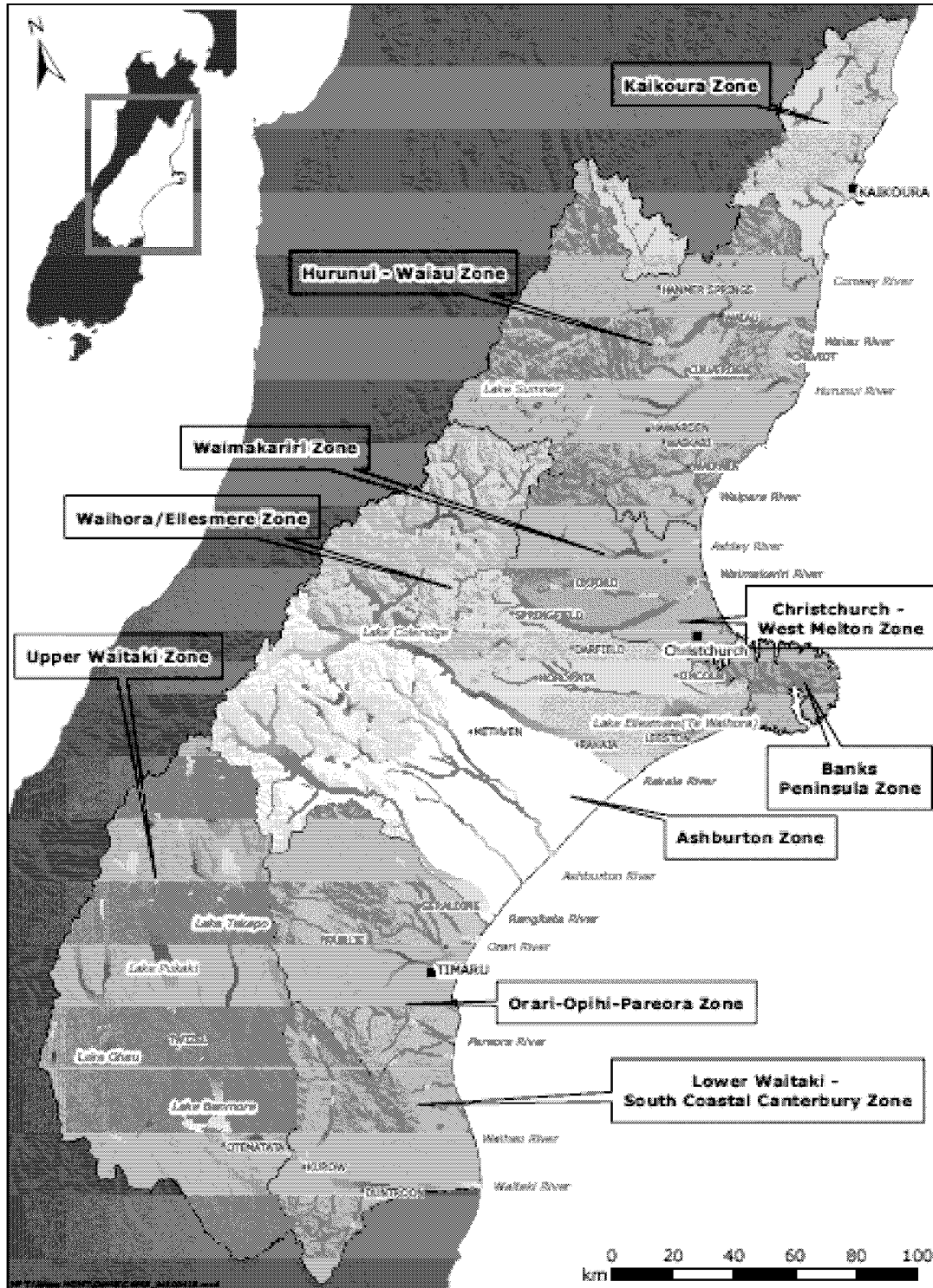
There appears to be no alternative to the appointment of a Commissioner as the representative on the Regional Committee because it cannot be a joint committee of the Territorial Authorities and needs to have status as a committee of the regional council.

## **RECOMMENDATIONS**

*That the Commissioners:*

- (a) Endorse the zone committee approach.*
- (b) Adopt the terms of reference for the WCMS Regional Committee.*
- (c) Appoint a Commissioner as the elected representative on each zone committee as they are established,*
- (d) Appoint a Commissioner to be an elected representative on the Regional Committee.*
- (e) Appoint a Commissioner to the Hurunui-Waiiau Zone committee.*

Proposed Water Management Zones



Canterbury Water Management Zones

## Attachment 2



## REGIONAL WATER MANAGEMENT COMMITTEE TERMS OF REFERENCE

### Establishment

The interim Canterbury Regional Water Management Committee (Regional Committee) is established under the auspices of the Local Government Act 2002 in accordance with the Canterbury Water Management Strategy 2009.

The Committee is a committee of the Regional Council, until such time as legislative changes enable it to be a joint committee of the Territorial Authorities. (It is envisaged that the committee will become a joint committee of the Ashburton District Council, Christchurch City Council, Environment Canterbury, Hurunui District Council, Kaikoura District Council, Mackenzie District Council, Selwyn District Council, Timaru District Council, Waimakariri District Council, Waimate District Council, and Waitaki District Council.)

### Purpose and Functions

The purpose and function of the Regional Committee is to:

- Co-ordinate the development and periodic review of a Regional Implementation Programme for the wider Canterbury Region that gives effect to the Canterbury Water Management Strategy and takes into account the Implementation Programmes of the Zone Committees; and
- Monitor progress in the implementation of the programme by the Water Executive.

### Objectives and Delegated Powers

1. To develop a rolling 10 year Regional Implementation Programme that:
  - a. Includes any associated documentation required to support the programme or as required by legislation; and
  - b. Takes into account and supports the Zone Implementation Programmes.
2. The Regional Implementation Programme will address issues requiring a regional approach and that cannot be effectively addressed at the Zone level. It is envisaged that this will include the following:
  - a. Any cross zone boundary issues including water demand, storage and distribution options, biodiversity issues, land use practices
  - b. Protection of landscapes, natural features and areas of conservation value of regional significance
  - c. Tools to improve the allocation, efficiency and management of water resource at a regional level
  - d. Infrastructure development requiring significant investment and/or involving wider regional stakeholders involvement.
3. To consult with the Zone Committees throughout the development of the Regional Implementation Programme on matters impacting on the Zones.
4. To consult with regional stakeholders throughout the development of the Regional Implementation Programme.
5. To recommend the Implementation Programme to the Appointments and Approvals Committee.

6. To consider the Management Plan prepared by the Water Executive in response to the Regional Implementation Programme and, if satisfied approve the Management Plan.
7. To monitor the performance of the Water Executive in relation to the implementation of the Management Plan.
8. To provide the Mayoral Forum with updates on progress against the Regional Implementation Programme and if necessary raise concerns regarding the performance of the Water Executive.
9. To review the Regional Implementation Programme on a three yearly cycle and amend as deemed necessary.

### **Membership**

The Regional Committee will comprise of:

- a. 1 representative appointed by the Regional Council
- b. 1 member appointed by Christchurch City
- c. 3 nominated representatives appointed by the combined Territorial Authorities (one from each sub region – North, Mid south Canterbury)
- d. 1 representative of Te Runanga o Ngai Tahu
- e. 3 representatives appointed by Ngai Tahu (South, Mid and North Canterbury)
- f. The chairs of each zone committee
- g. 6 member selected who collectively bring experience and expertise in the following sectors:
  - o Fisheries
  - o Energy/Electricity
  - o Indigenous biodiversity
  - o Primary/agricultural
  - o Recreational
  - o Regional Development including Tourism

A Central Government representative will be invited to participate in the Committee with observer status.

### **Interim Zone Committee Chair appointments**

Zone Committee Chairs may not all be appointed at the time the Regional committee is established. The TAs and Regional Council will agree on an interim appointment for each of the Zones to take part in the Regional Committee.

At a pragmatic level and to ensure continuity, ideally this person would be someone who will ultimately be a Zone Committee member. It therefore seems logical that either the Regional Council or TA appointment to the Zone Committee be the interim Regional Committee member.

### **Appointment process**

The Territorial Authorities and Ngai Tahu will identify their representatives.

A Working Party of the Mayoral Forum will

- select sector representatives. They will advertise the roles, and names will also come from collaborative discussions with stakeholder interests.
- prepare recommendations to take to the Mayoral Forum. Key considerations will be ensuring Committee interest and geographic balance to enable productive dialogue to occur.

The Mayoral Forum will prepare the recommendation of membership to be approved by ECan.

### **Quorum**

At least 15 members of the Committee shall be present to form a quorum.

### **Officers**

The Chair of Committee shall be the member nominated by the Mayoral Forum.

### **Term**

Members are appointed for a term of three years and can be reappointed for a second term of three years at the discretion of the Appointments and Approvals Committee.

### **Financial Delegations**

None

### **Operating Philosophy**

The Regional Committee will at all times operate in accordance with the following:

1. Give effect to the principles, targets and goals of the Canterbury Water Management Strategy.
2. Be culturally sensitive observing tikanga Maori.
3. Give consideration to and balance the interests of all water users in the region in debate and decision making.
4. Members will work in a collaborative and co-operative manner using their best endeavours to reach solutions that balance the interests of all sector of the community.
5. Promote a shift in philosophy from an individual rights basis to using water resource to a collective interests approach to water management.
6. The Committee will seek consensus in its decision making where at all possible. Where despite the best endeavours of members unanimous agreement is not able to be reached a decision may be taken if in the view of the significant majority it represents the best interest of all sectors of the community.
7. In the event that neither unanimous agreement is able to be reached nor a significant majority view formed, the Committee must in the first instance seek assistance from an external facilitator to further Committee discussions and deliberations.
8. Where the Committee is unable to reach consensus despite having sought assistance and exhausted all avenues, they must recommend that the Appointment and Approvals Committee disband them and appoint a new Committee.

### **Guidelines**

1. The Committee is formed on a three-yearly basis.
2. Remuneration for members will be paid in the form of an honorarium at the following levels:
  - a. Appointed members - \$2,000 pa
  - b. Deputy Chair - \$3,000 pa
  - c. Chair - \$5,000 pa.Staff or elected members of TAs shall not be eligible for remuneration.
3. Reasonable travel expenses will be reimbursed.
4. Meeting of the Committee shall be called in accordance with the requirements of the LGOIMA.
5. The Committee will meet at least four times per annum and with workshops and additional meetings as required.
6. The Committee allows members to nominate a proxy to speak on their behalf in the event they are unable to attend.

### **Committee Support**

The Regional Committee shall be supported by the Regional Council primarily through the Water Executive.

<b>AGENDA ITEM NO: 6</b>	<b>SUBJECT MATTER: APPOINTMENT TO COMMITTEES</b>
<b>REPORT:</b> Council	<b>DATE OF MEETING:</b> 5 May 2010
<b>FILE REFERENCES:</b>	<b>PORTFOLIO:</b> <b>PROJECT:</b> <b>OUTPUT:</b>
<b>REPORT BY:</b> Dr Bryan Jenkins Chief Executive	<b>ENDORSED BY:</b>

### **REGIONAL PLANNING COMMITTEE**

The objective of this Council Committee is the effective and efficient development of regional policies, plans and strategies in order to promote sustainable management and give effect to the Regional Policy Statement and policy directions of the Council.

#### **RECOMMENDATION**

*The Council appoints Peter Skelton as the Chair of the Regional Planning Committee.*

### **FINANCE AND AUDIT**

The Council is to address audit, external financial reporting, financial risk management, internal control and strategic performance management.

#### **RECOMMENDATION**

*The Council appoints David Bedford, Dame Margaret Bazley and Rex Williams as Commissioners responsible.*

### **CANTERBURY REGIONAL TRANSPORT COMMITTEE**

The Canterbury Regional Transport Committee is a statutory committee with two regional councillors, one elected member from each territorial authority, one representative from New Zealand Transport Authority and six community appointments. The purpose of the Canterbury Regional Transport Committee is to prepare for approval by the regional council a regional land transport strategy, a regional land transport programme; as well as advise and assist the regional council on any other matter relating to its transport responsibilities.

#### **RECOMMENDATION**

*The Council appoints Rex Williams and Tom Lambie as the regional council representatives on the Canterbury Regional Transport Committee with Rex Williams to Chair the Canterbury Regional Transport Committee.*

## **CANTERBURY CIVIL DEFENCE AND EMERGENCY MANAGEMENT GROUP JOINT COMMITTEE**

The Canterbury Civil Defence and Emergency Management Group Joint Committee is a joint standing committee under the CDEM Act s12 and is made up of elected representatives from each of the 11 local authorities (including the regional council). This Joint Committee exercises governance and determines Group CDEM policy.

### **RECOMMENDATION**

*The Council appoints Donald Couch as the regional council representative on the Canterbury Civil Defence and Emergency Management Group Joint Committee.*

## **CEO PERFORMANCE REVIEW**

The Council is to manage the Chief Executive employment contract.

### **RECOMMENDATION**

*The Council appoints Dame Margaret Bazley as the Commissioner responsible for the CEO Performance Review.*

## **MAORI AFFAIRS**

The Council is to manage the Canterbury Regional Council's relationship with Maori and to facilitate input into the Council's decisions that have significance to Maori, and to give effect to Council's obligations under the Treaty of Waitangi, Ngai Tahu Settlement Act, Local Government Act 2002 and related obligations under the Resource Management Act.

### **RECOMMENDATION**

*The Council appoints Donald Couch and Dame Margaret Bazley as Commissioners responsible.*

## **CANTERBURY WATER MANAGEMENT COMMITTEE STEERING GROUP**

The Steering Group provides advice to the Canterbury Mayoral Forum on the development of the Canterbury Water Management Strategy. It has representatives of local and central government and tangata whenua and community representatives, including environmental, farming, industry and recreational interests. The regional council has representation at the councillor level and chief executive level. The Steering Group was supported by an expert Officials Group drawn from central and local government.

### **RECOMMENDATION**

*The Council appoints David Caygill and Peter Skelton as the regional councillor representatives on the Canterbury Water Management Committee Steering Group.*

## **GREATER CHRISTCHURCH URBAN DEVELOPMENT STRATEGY IMPLEMENTATION COMMITTEE**

This is a committee of the Greater Christchurch Urban Development Strategy partners: Canterbury Regional Council, Christchurch City Council, Waimakariri District Council, Selwyn District Council and New Zealand Transport Authority. It provides guidance and makes recommendations to Council on the implementation of the Greater Christchurch Urban Development Strategy.

### **RECOMMENDATION**

*The Council appoints Rex Williams and Tom Lambie as the regional council representatives on the Greater Christchurch Urban Development Strategy Implementation Committee.*

## **REGULATION OVERVIEW COMMITTEE**

The Council undertakes an ongoing review of the performance of the regulatory functions of Environment Canterbury.

### **RECOMMENDATION**

*The Council appoints Peter Skelton and David Bedford as Commissioners responsible for regulation overview.*

## **COUNCIL PORTFOLIO GROUPS**

The Council provides the governance of the policy issues and activities of the Council which have been grouped as “portfolios”.

### **RECOMMENDATION**

*The Council appoints the following Commissioners responsible for the following portfolios:*

- *Air Quality and Energy : David Bedford*
- *Coasts and Navigation Safety : Donald Couch*
- *Hazards and Emergency Management : Donald Couch*
- *Land, Biodiversity, Pest Management, Waste, Hazardous Substances and Contaminated Sites : Tom Lambie*
- *Regional Land Transport and Public Passenger Transport : Rex Williams*
- *Water Quality, Quantity and Ecosystems : David Caygill*
- *Democratic process: Dame Margaret Bazley*
- *Combined portfolios: Dame Margaret Bazley*

## **FURTHER APPOINTMENTS**

The Commissioners may wish to consider further appointments to provide for governance of Council activities.

<b>AGENDA ITEM NO: 7</b>	<b>SUBJECT MATTER: REGULATION HEARING COMMITTEE – OPTIONS GOING FORWARD</b>
<b>REPORT:</b> Council	<b>DATE OF MEETING:</b> 5 May 2010
<b>FILE REFERENCES:</b>	<b>PORTFOLIO:</b> <b>PROJECT:</b> <b>OUTPUT:</b>
<b>REPORT BY:</b> John Boraston.	<b>ENDORSED BY:</b> Don Rule, Director Resource Planning and Consents

## PURPOSE

The Regulation Hearing Committee (a committee of the Council) has delegated functions relating to the resource consent application process which must operate and comply with the statutory time frames applicable to consent processing.

The introduction of the new governance structure requires consideration of the two delegations currently with the Regulation Hearing Committee (RHC) which are timeframe dependent.

This paper outlines the options and recommendations for the identified delegations taking into account the need to meet statutory timeframes while providing as much operational flexibility for Environment Canterbury commissioners as possible.

## ATTACHMENTS

- Terms of reference for this committee.
- Delegations to be considered.

## BACKGROUND

Environment Canterbury process approximately 2800 resource consents per annum.

The consent applications process down one of two paths:

- The non notified path where all decisions, including the decision to grant or decline, is currently delegated to staff. The non notified applications typically make up 90%-95% of all the applications.
- The notified path where the grant/decline decision will be carried out by an appointed hearings commissioner except within certain conditions as outlined below which can be decided by the Regulation Hearing Committee.

The primary focus of this report is to support the processing within statutory time frames of those resource consent applications that:

- Have been publicly notified and require the appointment of a hearings commissioner.
- Fall within the delegations for the Regulation Hearing Committee to hear and decide.

The Regulation Hearing Committee is currently scheduled to meet weekly, has a membership of three and must operate with a quorum of two.

Below are the delegations that need urgent support.

**1. To consider and decide resource consent applications in accordance with the RHC's delegated powers.**

- Notified consent applications to which submissions were received but there are **no** requests to be heard by submitters and the applicant does not wish to be heard.
- Notified consent applications where **no submissions** were received and the applicant does not wish to be heard.

The purpose of this delegation is to provide a timely and cost effective process to decide publicly notified applications that are generally straight forward and the applicant is in agreement with the reporting officer's recommendations and proposed conditions. The hearing and ultimate decision must occur within the statutory time frames and it is not suitable to hold these over until those with the delegated authority are available.

On average three to four applications are heard monthly with an average of 60-90 minutes considering each.

**2. To appoint commissioners to hear and decide notified consent applications and delegate to the commissioners all the powers and functions of the council as a consent authority, including the determination of any preliminary matters.**

Currently hearing commissioners are generally selected from a register of accredited decision makers. Staff recommendations, endorsed by the Section Manager, take into account the skill set, availability and general appropriateness of appointees. These may be single appointments or for a panel.

This appointment process falls within the "critical path" of the statutory timeframe for the notified consent process between close of submissions and the hearing commencing. It is not suitable that these appointment decisions are held until those with the delegated authority are available to consider and decide.

On average one to two appointments are required on a weekly basis.

## **OPTIONS**

- Retain the committee as per current Terms of Reference by appointing a minimum of three Environment Canterbury commissioners to the committee and continue with the scheduled weekly meetings.
- Retain these two delegations at governance level while providing greater flexibility for Environment Canterbury commissioners to exercise the delegations.

## **CONSISTENCY WITH COUNCIL POLICY**

Subject to the decision made a change to current delegations may be required.

## **VIEWS OF AFFECTED PARTIES**

The options outlined will ensure we meet statutory timeframes and consent applicants receive timely service.

## **FINANCIAL IMPLICATIONS**

Failure to meet statutory timeframes will result in financial penalty being imposed upon the Council from 1 July 2010.

## **PROPOSAL**

### **1. To consider and decide notified resource consents as delegated to the Regulation Hearing Committee.**

As previously stated the Regulation Hearing Committee has the delegated authority to hear and decide notified applications where no party requests to be heard. However, as outlined below, it also has the delegated authority to appoint other decision makers, including those external to council, with all the powers and functions of the council as a consent authority.

Exercising this option would provide support to the Environment Canterbury Commissioners, maintain the quality of decisions by appointing accredited certified decision makers and ensure the statutory timeframes can be met.

### **2. To appoint hearings commissioners to hear and decide notified consent applications.**

While it is not an onerous task to meet statutory timeframes, it does require the availability of those with the delegated authority to be available in a timely manner.

However to allow both the appointment and delegation of the relevant powers of the council to hearings commissioners the council delegation must be to either a committee or sub committee of the council. This necessitates compliance with the Local Government Act in regards to committee sizes and minimum quorums.

It is proposed the council appoint a minimum of three Environment Canterbury Commissioners, one as chairperson, to the Regulation Hearing Committee. The minimum quorum for the committee is two.

This committee can then exercise the full authority required for the task, including external appointment(s) to hear and decide consent applications that would otherwise be heard by the RHC.

### **3. The remaining delegations of the Regulation Hearing Committee not covered in this report remain with the Regulation Hearing Committee in line with the current Terms of Reference.**

## **RECOMMENDATION**

*That the council appoint a minimum of three Environment Canterbury Commissioners to the Regulation Hearing Committee, one as chairperson, to carry out the role and functions as outlined in the current Terms of Reference.*

**REGULATION HEARING COMMITTEE  
TERMS OF REFERENCE**

*(Adopted by Council during previous Triennium)*

**1. MEMBERSHIP**

There shall be two Regulation Hearings Committees (RHC), each with a permanent Chairperson and two additional councillors who will be rostered on to each RHC by a system approved by Council.

**2. QUORUM**

The quorum for the RHC meetings shall be two councillors.

**3. OBJECTIVES**

The objectives for the RHC meetings shall be:

- (a) to consider and decide resource consent applications in accordance with delegated powers;
- (b) to appoint Consent Hearing Committees;
- (c) to appoint Commissioners; and
- (d) to exercise such other powers as delegated by Council.

**4. DELEGATED POWERS**

The Regulation Hearing Committee shall have those powers that are delegated to it by Council:

- (a) The authority to appoint Consent Hearing Committees from time to time comprising a minimum of three members and a maximum number four members, one of whom shall be appointed Chairperson by the Regulation Hearings Committee, with the full powers of the Council as a consent authority under the Resource Management Act 1991. A committee so appointed may include any person who is not a member of the Council.
- (b) The authority to hear and decide resource consent applications for which the Council is obliged to hold a hearing.
- (c) The 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.
- (d) The authority to decide resource consent applications for notified non-complying activities irrespective of whether the Council is obliged to hold a hearing.
- (e) The authority to make decisions on a review of resource consent decisions.
- (f) The authority to decide notified resource consent applications to which no submissions were received and where the applicant has not requested to be heard.
- (g) The authority to authorise or prohibit the use in a clean air zone of any class of fuel.
- (h) The authority to hear appeals to Council's contaminated site registration process under the Council's Contaminated Site Information Strategy.

**Delegations to Regulation Hearing Committee. (Regulatory Delegations-13<sup>th</sup> December 2007)**

**B Commissioners**

Section 34(A)(1) Resource Management Act 1991	Authority to the Regulation Hearing Committee to (i) appoint commissioners and where necessary to revoke a commissioner appointment, and (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.	RHC
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**Resource Consent Applications**

Section 104	Authority to hear and 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.	RHC
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<b>AGENDA ITEM NO: 8</b>	<b>SUBJECT MATTER: PUBLIC EXCLUDED</b>
<b>REPORT:</b> Council Commissioners	<b>DATE OF MEETING:</b> 5 May 2010
<b>FILE REFERENCES:</b>	<b>PORTFOLIO:</b> <b>PROJECT:</b> <b>OUTPUT:</b>
<b>REPORT BY:</b> Jude Pani Manager Secretariat	<b>ENDORSED BY:</b>

### MEETING WITH PUBLIC EXCLUDED

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

Appeals to the Environment Court on Proposed Change 1 to the Regional Policy Statement

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>
Appeals to the Environment Court on Proposed Change 1 to the Regional Policy Statement	The exclusion of the public from the meeting is necessary to enable the Council to deliberate in private on its decision in proceedings which are before the Council and which will be proceeding to the Environment Court.	Section 48(1)(d)

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:

Maintain legal professional privilege – Section 7(g).