

**357th 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 2nd meeting of the Canterbury Regional Council Commissioners will be held on

Friday, 14 May 2010 at 10.00 a.m.

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**

Everything is connected

*Promoting quality of life through
balanced resource management.*

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58 Kilmore Street
PO Box 345
Christchurch 8013
P: 03 365 3828
F: 03 365 3194

 **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**

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**MINUTES OF 356TH MEETING OF ENVIRONMENT CANTERBURY AND 1ST MEETING OF
THE COMMISSIONERS HELD IN THE COUNCIL CHAMBER,
ENVIRONMENT CANTERBURY, 58 KILMORE STREET, CHRISTCHURCH ON
WEDNESDAY, 5 MAY 2010 AT 11.20 A.M.**

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8. PUBLIC EXCLUDED
9. EXTRAORDINARY AND URGENT BUSINESS
10. CLOSURE
11. NEXT MEETING – 14 MAY 2010

PRESENT

Commissioners Dame Margaret Bazley (Chair), David Caygill (Deputy Chair), David Bedford, Donald Couch, Tom Lambie, Peter Skelton and Rex Williams.

MANAGEMENT AND OFFICERS PRESENT

Bryan Jenkins (Chief Executive) and Jude Pani (Manager Secretariat). Some Directors and Council staff were in attendance.

INTRODUCTORY STATEMENTS

Prior to the commencement of the business on the agenda, the Chair, Dame Margaret Bazley welcomed everyone to the 356th meeting of the Canterbury Regional Council and the 1st meeting of the Commissioner Council. Dame Margaret Bazley introduced the Commissioner team and advised that they would be operating under the processes that have been previously put in place by the Council, including processes relating to conflicts of interest, standing orders and code of conduct. She advised that the Commissioners will follow the established practices and that the staff, who are very knowledgeable about the current processes, will continue to work with the Commissioners in the usual way. It was intended that the meetings would be conducted informally referring to Commissioners by their first names and Commissioners not needing to stand to speak.

Dame Margaret Bazley advised that she had received a request for a deputation on a matter that can be determined by the Commerce Commission. The request had therefore been declined and a meeting had been arranged with the appropriate Commissioner.

Resolved

That the Council confirms the use of the previously adopted Standing Orders and Code of Conduct for use by the Commissioner Council.

Dame Margaret Bazley/David Caygill

1. APOLOGIES

There were no apologies.

2. CONFLICTS OF INTEREST

Tom Lambie declared the potential for a conflict of interest as an irrigator.

3. MINUTES OF MEETING

The minutes of the 22 April 2010 meeting of the Council were signed by the then Chairman, Alec Neill, were received.

4. MATTERS ARISING

There were no matters arising from the 22 April 2010 meeting.

5. CANTERBURY WATER MANAGEMENT STRATEGY – ZONE AND REGIONAL COMMITTEE APPOINTMENTS

David Caygill introduced this report requesting consideration of endorsement of the zone committee approach, adoption of the terms of reference for the regional committee and appointments to zone and regional committees. He moved deferment of the item until a future meeting of the Council.

In moving deferment of consideration of this item Commissioner Caygill, supported by the seconder of the motion, Peter Skelton, stressed that any deferment should not be seen as a lack of appreciation of the work put into this project by staff and that there was widespread support for the Canterbury Water Management Strategy. There were matters of detail that needed to be worked through by the Commissioners.

Resolved

That the Council defers discussion on the Canterbury Water Management Strategy Zone and Regional Committee appointments until a future meeting.

David Caygill/Peter Skelton

6. APPOINTMENTS TO COMMITTEES

Dame Margaret Bazley introduced this item for Commissioner appointments to Committees and allocation of governance responsibilities.

Resolved

That the Council appoints:

- (a) Peter Skelton as the Chair of regional planning.**
- (b) David Bedford, Dame Margaret Bazley and Rex Williams as Commissioners responsible for finance and audit.**
- (c) 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.**
- (d) Donald Couch as the regional council representative on the Canterbury Civil Defence and Emergency Management Group Joint Committee.**
- (e) Dame Margaret Bazley as the Commissioner responsible for the CEO Performance Review.**
- (f) Donald Couch and Dame Margaret Bazley as Commissioners responsible for Maori affairs.**
- (g) David Caygill and Peter Skelton as the regional council representatives on the Canterbury Water Management Committee Steering Group.**
- (h) Rex Williams and Tom Lambie as the regional council representatives on the Greater Christchurch Urban Development Strategy Implementation Committee.**
- (i) Peter Skelton and David Bedford as Commissioners responsible for regulation overview, and**
- (j) 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**

Dame Margaret Bazley/David Caygill

7. REGULATION HEARING COMMITTEE – OPTIONS GOING FORWARD

Peter Skelton presented this report to appoint Environment Canterbury Commissioners to the Regulation Hearing Committee.

Resolved

That the Council appoints Commissioners Peter Skelton (Chair), Tom Lambie and Donald Couch to the Regulation Hearing Committee to carry out the role and functions as outlined in the Committee's terms of reference.

Peter Skelton/David Caygill

8. PUBLIC EXCLUDED

Resolved

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:

<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>Appeals to the Environment Court on Proposed Change 1 to the Regional Policy Statement</i>	<i>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.</i>	<i>Section 48(1)(d)</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:

Maintain legal professional privilege – Section 7(g).

Dame Margaret Bazley/David Caygill

The meeting moved into public excluded session from 11.42 a.m. until 12.08 p.m.

UNCONFIRMED

9. EXTRAORDINARY AND URGENT BUSINESS

There were no matters of extraordinary and urgent business.

10. CLOSURE

Dame Margaret Bazley declared the meeting closed at 12.10 p.m. and advised the next meeting of the Council would be held on Friday 14 May.

CONFIRMED

DATE _____ CHAIRPERSON _____

AGENDA ITEM NO: 6	SUBJECT MATTER: REGULATION HEARING COMMITTEE – MEMBERSHIP
REPORT: Council	DATE OF MEETING: 14 May 2010
FILE REFERENCES:	PORTFOLIO: PROJECT: OUTPUT:
REPORT BY: Donald Fraser, Consents Hearings Team Leader	ENDORSED BY: Don Rule, Director Resource Planning and Consents

PURPOSE

To adopt the terms of reference of the Regulation Hearing Committee (RHC) and to appoint a further Council Commissioner to the RHC.

ATTACHMENT

Updated Regulation Hearing Committee terms of reference.

BACKGROUND

The Council, at its 5 May 2010 meeting, appointed Commissioners Peter Skelton (Chairperson), Donald Couch and Tom Lambie as members of the RHC.

It is suggested that a further commissioner be appointed. Adding a fourth member to the RHC will provide flexibility to ensure that statutory requirements in relation to meeting timeframes for those functions delegated to RHC will be maintained.

It is appropriate to change the RHC terms of reference to reflect the current Council Commissioner membership.

RECOMMENDATIONS

That the Council:

- (a) *Adopts the Regulation Hearing Committee terms of reference updated to reflect the current Council Commissioner membership, and*
- (b) *Appoints David Caygill as a member of the Regulation Hearing Committee.*

REGULATION HEARING COMMITTEE

TERMS OF REFERENCE (DRAFT)

1. MEMBERSHIP

There shall be four Environment Canterbury Commissioners appointed to the Regulation Hearing Committee (RHC).

2. QUORUM

The quorum for the RHC meetings shall be two Council Commissioners.

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 of 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.

AGENDA ITEM NO: 7	SUBJECT MATTER: CANTERBURY WATER MANAGEMENT STRATEGY – ZONE AND REGIONAL COMMITTEE APPOINTMENTS
REPORT: Council	DATE OF MEETING: 14 May 2010
FILE REFERENCES:	PORTFOLIO: PROJECT: OUTPUT:
REPORT BY: David Horn, Director Water Executive	ENDORSED BY: Bryan Jenkins Chief Executive

PURPOSE

To recommend to the Commissioners that the Council:

1. Endorses the zone committee approach set out in the Canterbury Water Management Strategy
2. Adopts the of the terms of reference for the regional committee
3. Appoints Canterbury Regional Council's representative to the Hurunui-Waiiau zone committee

ATTACHMENT

Regional Water Management Committee – Terms of Reference

BACKGROUND

The background to the Canterbury Water Management Strategy (CWMS) and the processes of establishment of the zone and regional committees proposed in that strategy were provided to the Commissioners at their meeting on 5 May 2010.

Therefore, that background is not repeated other than to note that the Community Irrigation Fund requires endorsement of the zone committee approach for the allocated funds to be uplifted.

REGIONAL COMMITTEE TERMS OF REFERENCE

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

The terms of reference for the regional committee have been reviewed and the proposed changes circulated to the Mayoral Forum members for their support. One change was recommended and it has been included in the attachment for your endorsement. The additional change was to provide for members of the regional committee to be reappointed for a further term by the Canterbury Regional Council subject to confirmation from the relevant nominated bodies, rather than the Regional Council alone.

REGIONAL ZONE COMMITTEE – REGIONAL COUNCIL REPRESENTATION.

The terms of reference for the regional committee now provide for two members appointed by the Regional Council who shall be Commissioners. A decision on which commissioners are appointed is required and it is understood that Commissioners David Caygill and Peter Skelton will be the Council's nominees.

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-Waiou Zone Committee terms of reference and appointed Ross Little as the Council representative on that committee.

A decision on the Regional Council appointee to the Hurunui zone committee is required and it is understood that Commissioner David Bedford will be the Council nominee.

RECOMMENDATIONS

That the Council:

- (a) Endorses the zone committee approach of the Canterbury Water Management Strategy.*
- (b) Adopts the terms of reference for the Canterbury Water Management Strategy Regional Committee.*
- (c) Appoints Commissioners David Caygill and Peter Skelton to be the Regional Council representatives on the Regional Committee, and*
- (d) Appoints Commissioner David Bedford to be the Regional Council representative on the Hurunui-Waiou Zone committee.*



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 with 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 regional strategy including 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 energy security and efficiency
 - 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.
 - e. Kaitiakitanga is exercised and relevant Iwi Management Plans are taken into account
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 and the community throughout the development of the Regional Implementation Programme.
5. To consider the Management Plan prepared by the Water Executive in response to the Regional Implementation Programme and, if satisfied approve the Management Plan.
6. To monitor the performance of the Water Executive in relation to the implementation of the Management Plan.
7. 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.
8. To review the Regional Implementation Programme on a three yearly cycle and amend as deemed necessary.

Membership

The Regional Committee will comprise of:

- a. 2 representatives appointed by the Regional Council who shall be Commissioners each of whom may, when necessary, nominate an alternate to attend meetings
- b. 1 member appointed by Christchurch City
- c. 3 nominated representatives appointed by the combined Territorial Authorities (one from each sub region – North, Mid, and 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 or an appointee from each zone as the zone representative for the triennium
- g. 6 member selected who collectively bring experience and expertise in the following sectors:
 - Fisheries
 - Energy/Electricity
 - Indigenous biodiversity
 - Primary/agricultural
 - Recreational
 - 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, Canterbury Regional Council and Ngai Tahu will nominate their representatives.

A Working Party of the Mayoral Forum including a representative of and Ngai Tahu 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 Canterbury Regional Council.

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 Chair of the Regional Council in consultation with the Mayors of the Region and the Ngai Tahu Kaiwhakahaere.

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 Canterbury Regional Council, subject to confirmation from the relevant nominated bodies.

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 philosophy of integrated water management to achieve the multiple objectives of the range of stakeholders with interests in water..
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 Canterbury Regional Council 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.

Committee Support

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

AGENDA ITEM NO: 8	SUBJECT MATTER: PUBLIC EXCLUDED
REPORT: Council	DATE OF MEETING: 14 May 2010
FILE REFERENCES:	PORTFOLIO: PROJECT: OUTPUT:
REPORT BY: Jude Pani Manager Secretariat	ENDORSED BY:

MEETING WITH PUBLIC EXCLUDED

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

- 8.1 Minutes of 5 May meeting
- 8.2 Appeal to a Private Plan Change to the Christchurch City Plan
- 8.3 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:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
8.1 Minutes of 5 May meeting		
8.2 Appeal to a Private Plan Change to the Christchurch City Plan	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)
8.3 Appeals to the Environment Court on Proposed Change 1 to the Regional Policy Statement		