

13. POHATU MARINE RESERVE ADVISORY COMMITTEE – COUNCIL REPRESENTATION



General Manager responsible:	General Manager Regulation and Democracy Services, DDI 941-8462
Officer responsible:	Democracy Services Manager
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PURPOSE OF REPORT

1. The purpose of this report is to seek a recommendation from the Community Board to the Council, requesting that the Council delegate authority to the Akaroa-Wairewa Community Board to make a recommendation on the appointment of a representative to the Pohatu Marine Reserve Advisory Committee.

EXECUTIVE SUMMARY

2. In 1999 a marine reserve was established in Pohatu (Flea Bay), Banks Peninsula, under the provisions of the Marine Reserves Act 1971.
3. The Pohatu Marine Reserve Advisory Committee (the Committee) was established in 2000 to “provide a direct link between the affected community and the Crown, on matters relating to the management of the Pohatu Marine Reserve”. (See **attached** Terms of Reference for the Committee.)
4. Committee members were appointed to represent the following interest groups:
 - Wairewa Rūnanga
 - Koukourarata Rūnanga
 - Onuku Rūnanga
 - Te Rūnanga o Ngāi Tahu
 - Akaroa Harbour Recreational Fishing Club
 - Flea Bay Landowner
 - Akaroa Harbour Marine Protection Society Inc.
 - Akaroa Commercial Fishers
 - Banks Peninsula District Council
 - Royal Forest and Bird Protection Society
 - Canterbury/Aoraki Conservation Board
5. Mr Eric Ryder (Akaroa/Wairewa Community Board member) was appointed by the Minister of Conservation as the Banks Peninsula District Council (BPDC) representative on the Committee. This appointment was made on the basis of a recommendation from the BPDC and following consultation with the Community Board.
6. In August 2007 the Council resolved to delegate to the two Banks Peninsula Community Boards, the power to appoint members to some committees and other bodies listed in Appendix 4 of the Memorandum of Understanding (MOU) between the BPDC and the Christchurch City Council. Prior to that resolution the Council had the responsibility for the appointments because they had been responsibilities of the former BPDC. The Council delegated the authority for the appointments because it was considered that the intent of the MOU was that they be made by the Banks Peninsula Community Boards which had the relevant background knowledge and experience in relation to the issues being addressed by the various committees.
7. The two Banks Peninsula Community Boards had been consulted on the August 2007 report before it went to the Council and the Akaroa/Wairewa Community Board had requested that staff “investigate whether the Pohatu Marine Reserve Committee, although not in Appendix 4, is an external body with a Council representative, for which the Akaroa/Wairewa Community Board should have a power of appointment”. It was noted at the time that Eric Ryder was the current Council representative on that Committee.

8. Staff did investigate and reported as follows:

Pohatu Marine Reserve Advisory Committee

The Pohatu Marine Reserve was declared to be a marine reserve under the Marine Reserves Act 1971, as from 4 July 1999. It is managed by the Department of Conservation. The Pohatu Marine Reserve Advisory Committee is an advisory committee of the Canterbury-Aoraki Conservation Board, that has been appointed by the Minister of Conservation to operate under the agency of the Board in accordance with powers in the Conservation Act 1987.

Although Mr Eric Ryder had been appointed as a representative of the Council to that committee his appointment was not made by the BPDC, but was made by the Minister of Conservation. No delegation of this power of appointment is therefore required.

9. The Department of Conservation (DOC) which administers the Committee has now written to the Council seeking clarification as to whether it wishes to have continued representation on the Committee. The three year term of appointment for Committee members expired in January 2010. Recommendations for appointment will need to be sent to the Minister of Conservation for his approval. The Canterbury-Aoraki Conservation Board has indicated it will not be recommending Mr Ryder's reappointment as he has not attended a meeting for some considerable time.
10. The Pohatu Marine Reserve Advisory Committee carries out a valuable function in liaising between the local community and the Minister and as such it is considered important for the Council to retain a representative on the Committee.
11. This appointment is different from those that were delegated to the Boards in 2007, as there is no power of appointment as such, but a power of recommendation. However, as with those appointments it could be considered that the power of recommendation should be with the local Community Board which has the "relevant background knowledge and experience".
12. Meetings of the Committee are held twice yearly, in May and November. If the Council is of a mind to delegate the power of recommendation to the Community Board, a recommendation could be made by the Board following the triennial election in October this year. This would then align the three yearly term of appointment for members of the Committee with the local authority triennial term.
13. Another matter the Council may wish to consider, (if it agrees to continue representation on the Committee) is whether or not that person should be an elected representative, a staff member or a member of the public.

FINANCIAL IMPLICATIONS

Do the Recommendations of this Report Align with 2009-19 LTCCP budgets?

14. Yes. The only financial implication for the Council would be for the payment of mileage allowance for a representative to attend Committee meetings. As stated Committee meetings are only held twice yearly, so costs for travel would not be excessive and can be accommodated within existing budgets under Democracy and Governance on Page 159 of the 2009-19 LTCCP.

LEGAL CONSIDERATIONS

Have you considered the legal implications of the issue under consideration?

15. Not applicable.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

Do the recommendations of this report support a level of service or project in the 2009-19 LTCCP?

16. The report is consistent with the Democracy and Governance section on Page 154 in the 2009-19 LTCCP, in that the recommendations contribute to the Board:
- making decisions for current and future community needs
 - acting as 'caretaker' of the city's resources for future generations,
 - forming partnerships with other city/regional agencies.

ALIGNMENT WITH STRATEGIES

Do the recommendations align with the Council's strategies?

17. No specific strategies involved.

CONSULTATION FULFILMENT

18. Not applicable.

STAFF RECOMMENDATION

It is recommended that the Board, recommend to the Council:

- (a) That the Council continue to have a representative on the Pohatu Marine Reserve Advisory Committee.
- (b) That the power to make a recommendation to the Minister of Conservation on the appointment of that representative, be delegated to the Akaroa/Wairewa Community Board.