

8. AVON HEATHCOTE ESTUARY IHUTAI TRUST

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1. PURPOSE OF THIS REPORT

The purpose of this report is to update the Board on recent developments relating to the possible formation of an Avon-Heathcote Estuary Trust, the Council involvement in the proposed Trust and the writing of a non-statutory management plan for the Estuary.

2. CONTEXT

2.1 Substantive context

A series of public meetings, workshops and seminars have been held since 1997 to look at issues surrounding the management of the Avon Heathcote Estuary Te Ihutai ("the estuary") and visions for it's future. Some very clear messages have come out of these public meetings including:

- A Vision for the estuary and its margins including integrated management (between statutory organisations and community), healthy ecosystems, a safe playground and balanced use.
- Outcomes to increase community input into management and greater co-operation by community and agencies. The suggested mechanism to achieve this is a non-statutory management plan.

The latest series of public meetings (2001) culminated in a working group being established. The working group comprised elected members and staff from both Christchurch City Council ("the Council") and Environment Canterbury ("Ecan") along with interested individuals and representatives from environmental, recreation and community groups. The tasks assigned to this group were to investigate what form an entity to work on a non-statutory management plan might take, terms of reference, representation and how the entity could operate.

Nine months of investigation by the working groups has culminated in a proposal that a Trust be formed. This proposal is accompanied by a draft trust deed including name, objects, and membership hierarchy. Alongside this document is a vision statement for the proposed trust and some possible working party groups. The detail of these findings is outlined in section 4 of this report.

It is proposed by the working group that subject to endorsement at a public meeting to be held on June 18 the Trust be established and the interim board begin work in the areas identified, including a non statutory management plan.

2.2 Procedural context

Parallel to the public meetings have been reports to both the Council and Ecan on how the two organisations might work together on issues affecting the estuary and mechanisms for addressing concerns raised at the public forums.

The substantive council resolutions that have come from these reports include:

- A Council resolution November 1999 "*That officers of the Christchurch City Council and Canterbury Regional Council prepare a document for consultation with the wider public.*" Arising from this resolution, a draft Issues and Options document was prepared which was presented to both Councils in October 2000.
- A Council resolution February 2000 to the effect that the Council endorsed an inclusive process for the preparation of a non-statutory management plan for the estuary. The preparation of such a plan evolved from the Council/Ecan discussions as the preferred option for addressing issues of estuary management and lack of integration. A diagram depicting the endorsed process is attached as Attachment 1.

2.3 Financial context

To date both Ecan and the Council have supported addressing issues affecting management of the estuary through the production of an Issues and Options Report, staff time and organising public meetings. Both organisations have also indicated resources are available in the short term to support community and statutory bodies working together, through a trust, in the form of:

Environment Canterbury:

- On-going staff support
- \$18,000 available for supporting the Trust (Annual Plan 2002/2003)
- Support for completion of a non-statutory management plan for the estuary in association with the Council and the Trust (Annual Plan)

Christchurch City Council

- On-going staff support
- \$15,000 available for Community initiatives in the Estuary area tagged to supporting the Trust (Parks and Waterways-Annual Plan 2002/2003)

Members of the Trust working group have recommended that the Trust Board also apply to public funding agencies and community boards for support for specific projects.

3. EXECUTIVE SUMMARY

A number of public and Council meetings has led to the decision that the writing and implementation of a non statutory management plan for the estuary would be a way of enabling all interested parties to have input into identifying and addressing issues affecting the estuary. A working party established after the latest public meeting has resolved that a trust would be the most inclusive mechanism to write such a plan, whereas Council has previously resolved that the Council and Ecan write the plan after consulting interested parties.

The Council has a series of options as to how it progresses its relationship with the Trust once it is established. These options include either taking up ex officio membership of the board of the Trust (along with providing some resources to support the Trust), and participating in the writing of a management plan, providing resources without being present on the Board, or writing a management plan and consulting with the Trust without resourcing it.

4. RELEVANT CURRENT POLICY

There are a range of current organisations with differing policies involved in the management of the estuary and surrounding land-Attachment 2.

The Christchurch City Council's involvement in this project fits within the framework of current policy on community support, involvement and environmental benefits.

Relevant policies include:
Strategic Statement 2002

- A2 Strengthening communities by facilitating collaboration between public, private and community agencies
- C3 Protecting significant natural features of the physical environment (such as the Port Hills and the estuary), open spaces and landscape elements, native habitat and ecosystems, significant building sites and other taonga.

Corporate and Annual Plan 2002

- Parks and Waterways Customer Services-Build community partnerships by encouraging volunteer services, sponsorship of projects and initiatives..."

Council Policy Register

- That the Council appoint formal representatives on outside organisations only where the proposed appointment will be of clear public benefit or benefit to the Council, or where the appointment is required for statutory reasons, or under the provisions of the relevant trust deed or constitution etc. of the organisation concerned.

5. A DESCRIPTION OF THE PROPOSAL

The results of the working groups 9 month investigations has culminated in a draft trust deed, vision and possible areas if interest. A summary of these findings follows.

5.1 Trust Deed- "Avon-Heathcote Estuary Ihutai Trust."

Objects of the Trust:

- *To pursue for the Avon-Heathcote Estuary Ihutai ("the Estuary") the preservation of its natural and historic resources to maintain their intrinsic values and the protection of these resources, including restoration and enhancement, for their appreciation and recreational enjoyment, by present and future generations*
- *To achieve a healthy working ecosystem for the Estuary and its catchments through "Integrated Environmental Management", meaning a systematic effort to understand, through interactive interpretation and analysis, the linkages between ecosystems, resources and people.*
- *To involve individuals, community groups and statutory agencies in learning and practising the principles of integrated environmental management so that all parties responsible for the management of the Estuary and its resources apply these principles.*
- *To strengthen relationships between mana whenua, communities, interest groups and statutory agencies for the better management of the Estuary and its resources.*
- *To acquire, publish and use information and knowledge of the Estuary through research and monitoring, public education, contributing to planning, and any other actions that are necessary for the integrated environmental management of the Estuary, its resources and its catchments.*
- *To increase public recognition, understanding and appreciation of the qualities and values of the Estuary.*

Membership

The Trust Board to be comprised of up to 15 members, with the interim board being made up of representatives from the business community, recreation, education and local. Representatives from Te Ngai Tuahuriri runanga, Environment Canterbury and Christchurch City Council to are to be invited to become ex officio members of the Trust board.

5.2 Vision statement:

Communities working together for
Clean water
Open space
Safe recreation
and
Healthy ecosystems
that we can all enjoy and respect.

6. ISSUES FOR CONSIDERATION

There are a number of issues which need to be considered relating to the Council's involvement in the Trust, including what form of representation the Council may wish to hold on the Trust or Trust Board, what level of support/resourcing the Council may be willing to provide to the Trust and how the Council may interact with the Trust.

6.1 Representation on the Trust

A range of options exists for interaction with or representation on the Trust for both the Council and Ecan.

Option 1

The option put forward by the working party is that the Council and Ecan be invited to become ex officio (non voting) members of the trust board. There are a number of reasons behind this model which include avoiding conflicts of interest, not wanting to reserve a place on the board for certain statutory agencies, such as the Council and Ecan, while excluding others with an interest in the estuary, such as Department of Conservation, Ministry of Fisheries and Crown Public Health.

The positive aspects to this type of relationship are:

- Direct communication links between the decision making body of the Trust, as a combined community representative, and statutory authorities. Lack of the Council, Ecan and community working together were key issues raised at the public meetings on this issue.
- The ability of the statutory authorities to “stand back” if the Trust makes a decision which is at odds with Council policy. This applies to all the options available.
- Stronger community buy-in of the non-statutory management plan process. Community support is imperative to the success of such a plan, as its implementation will rely on all parties acting on its recommendations.
- Capacity building through assisting community groups to be involved in projects.

The negative aspects to this type of relationship are:

- Lack of direct input into Trust decisions in terms of voting rights.
- Reduced ability for Council to use traditional voting rights to influence input into the non-statutory management plan.

Option 2

One or both Councils may decide not to accept the Trusts offer of a place on the board. Such a course of action would then raise various other possible outcomes.

Option 2a

The Council may support the Trust (administrative and financial support) but play no role in terms of the board and decision-making.

The positive aspects of this type of relationship are:

- A clear separation between the Trust and the Council if decisions are made which are at odds with Council policy.
- A continued level of support (lower than in Option 1) for the Trust.

The negative aspects of this type of relationship are:

- Council unable to ensure Council resolution to have a management plan written for the estuary, will be implemented.
- A perception that Council is not fully supporting the trust by not taking a place on the board.

Option 2b

The Council may choose not to support the Trust and pursue the writing of a non-statutory management plan for the estuary either with Ecan or on its own.

The positive aspects of this type of relationship are:

- A high level of control over writing and implementing a management plan.
- Ability to guarantee a management plan will be written.

The negative aspects of this type of relationship are:

- Lack of community support for a management plan prepared in isolation. The spin off cost associated with this will include full cost of implementation falling on Council, where as with a community-based plan, costs can be shared across the participants.
- Lack of integration with Ecan. Environment Canterbury has explicitly stated their support for the preparation of a management plan in conjunction with the Trust and the Council as an Annual Plan output.
- There is a community expectation that the issues raised at the community forum-lack of integration, lack of action, lack of community involvement, will be addressed through all groups working together on this project. The Council choosing to abandon this process will mean the issues cannot be addressed and relations with the other groups involved may be harmed.

6.2 Resourcing

A set level of resourcing has been provided to support the formation of the Trust and writing of a non-statutory management plan. The Council resolution to support the writing and implementation of such a management plan will require on going funding. At present the Council have allocated staff time (Parks and Waterways) and a limited budget. The issue to be addressed is continuity of funding, in conjunction with Ecan support and the Trust applying for funding from other sources. This is an issue that could be addressed through a Memorandum of Understanding between the Trust and the Council/Ecan.

6.3 Memorandum of Understanding

The process previously adopted by the Council toward a non-statutory management plan for the estuary clearly articulates the need for a memorandum of understanding (MoU). At the time that report was written it was envisaged that a MoU would be between the Council and Ecan and would be a way of clarifying the roles each Council plays in relation to management of the Estuary. Given that the "preferred option" of the public and groups interested in the Estuary is to work through options for management using a collaborative approach (such as a Trust) a MoU would be more appropriate between the Council and the Trust. Given the proposed Trust structure, where the Council could be involved at the Board level in an ex officio capacity, an MoU would help clarify how the Council and Trust could work together, what support the Council would provide to the Trust. Such a document would provide clarity as to what each organisation expects from working together. Such clarity would help avoid misunderstandings about purpose and aid in smoothing the day-to-day working relationships.

7. CONCLUSIONS

The Council has passed a resolution that a particular process be followed as the basis for a non-statutory management plan for the Avon-Heathcote Estuary Te Ihutai. The process that was adopted was based around community consultation feeding into the management plan to be written by staff from the Council and Ecan.

A series of public meetings were subsequently held at which it became clear the community were concerned about the lack of integration between statutory agencies and the community over matters affecting the management of the estuary. A working group was established to investigate possible mechanisms for improving these working relationships. That group (which included the Council and Ecan staff and politicians) concluded that a Trust would be the appropriate way of ensuring all parties could "have their say" and that close community involvement in a non statutory management plan is vital for such a plan to be successful.

Providing the relationship and expectations of the Council (such as the preparation of a management plan) and the Trust can be clearly spelt out in a Memorandum of Understanding, the direct involvement of community groups and statutory agencies in addressing issues affecting the estuary is seen as being most effective through working together. The most appropriate mechanism of this is seen as being a Trust with a strong community focus and buy in.

A community driven focus on addressing estuary issues means community support of outcomes and community based implementation. Withdrawal from the process at this point by the Council would not address issues raised by the community in relation to management of the Estuary, would make community support of any management plan problematic and could further deteriorate relationships between the Council and groups interested in the estuary.

#	CONDITION:	Meets condition ✓✓0*	HOW IT HELPS MEET CONDITION:
The Natural Step			
N1	Reduce non-renewable resource use	0	
N2	Eliminate emission of harmful substances	0	
N3	Protect and restore biodiversity and ecosystems	✓✓	<p>Encourage greater communication over issues affecting a regionally/nationally/internationally important estuary.</p> <p>Increased awareness of the values of the Estuary and its catchments.</p> <p>Increased sustainable management through a non-statutory management plan.</p>
N4	People needs met fairly and efficiently	NA	NA - See People Step + Economic Step
The People Step			
P1	Basic needs met	0	
P2	Full potential developed	✓	Help people develop skills through involvement in the Trust, writing and implementing a management plan and on site projects.
P3	Social capital enhanced	✓✓	<p>Encourage people to participate.</p> <p>Help build relationships, understanding and trust between Council and communities of interest focused on the estuary and its environs.</p> <p>Provide an opportunity for people to contribute to the enhancement of the natural environment.</p>
P4	Culture and identity protected	✓	Enhance and maintain relationships with Tangata Whenua through joint participation in the Trust.
P5	Governance and participatory democracy strengthened	✓✓	<p><u>Enhance participation by people in local and community decision making through writing and implementing a non-statutory management plan.</u></p> <p><u>Encourage citizens to have an ability to influence the future of the estuary.</u></p>
The Economic Step			
E1	Effective and efficient use of all resources	0	Financial cost to the Council in terms of resources (money and staff time) to support the Trust against benefit of increased community empowerment and enhanced natural environment.
E2	Job rich local economy	0	
E3	Financial sustainability	x	Short-term financial cost and possible need for increased expenditure in the future to implement some aspects of the non-statutory management plan.

Recommendation: That the Board recommend to the Parks, Gardens and Waterways Committee:

1. That the Christchurch City Council support the formation of an Avon-Heathcote Estuary Ihutai Trust and be willing to work and interact with this Trust to develop a non-statutory plan for the Avon-Heathcote Estuary/Ihutai.
2. That when the Trust is formed the Council draw up a Memorandum of Understanding with the Trust.

Chairman's Recommendation: That the recommendations be adopted.