

15. WAIHORA ELLESMERE TRUST MEMORANDUM OF UNDERSTANDING



General Manager responsible:	General Manager, Strategy and Planning, DDI 941-8281
Officer responsible:	Programme Manager, Healthy Environment
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PURPOSE OF REPORT

1. The purpose of this report is to seek the Community Boards support for the Council to enter into a Memorandum of Understanding (MoU) (**attached**) with the Waihora Ellesmere Trust (WET).

EXECUTIVE SUMMARY

2. In response to concerns about the decline in the water quality of Te Waihora/Lake Ellesmere, an Issues group was formed in 2002. This group represented a wide range of interests and they met regularly over two years and consulted widely to develop a vision and Strategy for the future management of the lake and catchment. To implement the Strategy a charitable trust was formed in 2003 – Waihora Ellesmere Trust (WET). WET's purpose is to facilitate and encourage the implementation of the Community Strategy and with the Strategy including such a broad range of goals, targets and actions, this means that WET is involved in many different projects and works with many different agencies and organisations. WET is made up of over 90 members from all sectors of the community, and is governed by 15 trustees elected from the membership. WET employs a General Manager and part time Education Officer.
3. As a result of a deputation given by WET to the Council on 7 September 2006, the Council resolved for a report to be undertaken to investigate the Council entering into an MoU with WET.
4. In August 2009, the WET Chairperson met with the Mayor and extended an invitation to Christchurch City Council (also by letter), to enter into an MoU, for the purposes of:
 - Working together towards achieving the vision and objectives of the Trust; and
 - Actively seeking and encouraging co-operation and participation by other individuals and organisations with an interest in the lake to contribute to the achievement of the visions and objects of the Trust.
5. Once received, the draft MoU was reviewed alongside Council operations and relevant Council policy and strategy documents including the Healthy Environment Strategies. Recommended changes to the MoU were forwarded to WET for their consideration and have subsequently been accepted, as presented here in the attached, final MoU.
6. The common intention of the parties in entering into the MoU (**attached**) is to:
 - Work together towards achieving the vision of WET set out in Background E and the objects of WET set out in Background F; and
 - Actively seek and encourage co-operation and participation by other individuals and organisations with an interest in the lake to contribute to the achievement of the visions and objects of WET;provided these goals are consistent with the terms of the Council's Long Term Council Community Plan.

FINANCIAL IMPLICATIONS

7. There are no binding requirements of the Council in the MoU to provide WET with funding, see MoU section 6, Funding and Reporting.

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

8. Yes, see section 9 below.

LEGAL CONSIDERATIONS

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

9. Yes, Council's statutory obligations are recognised in Agreement section 1.3 of the MoU, to take priority over the MoU with WET. This section states: "The Council is subject to statutorily imposed roles and duties. The carrying out of these roles or duties must take priority over this Memorandum of Understanding if there is an actual or perceived conflict".

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

10. In section 2, Goals of the MoU, there is a caveat to ensure that Council's involvement "is consistent with the terms of the Council's Long Term Council Community Plan [LTCCP]".

ALIGNMENT WITH STRATEGIES

11. The goals of the MoU are for the Council to work with WET to achieve its vision for Te Waihora/Lake Ellesmere (see attached section E). This vision is in keeping with the Council's Surface Water, Biodiversity and Public Open Space Strategies.

CONSULTATION FULFILMENT

12. Mahaanui Kurataiao (MKT) are informing local Runanga of the Council's consideration to enter into an MoU with WET.

STAFF RECOMMENDATION

13. It is recommended that the Council enters into the MoU (**attached**) with the Waihora Ellesmere Trust.

BACKGROUND

14. The Waihora Ellesmere Trust was established in 2003. The Trust developed from a group known as the Lake Issues Group that was originally brought together by ECan to discuss issues relating to Lake Ellesmere and in particular the lake opening regime. The Lake Issues Group developed a "Community Strategy for the Future Management of Lake Ellesmere/Te Waihora and its Tributaries".
15. In 2006 Christchurch City Council's amalgamation with Banks Peninsula District Council saw it take on management of hill country land and part of the coastal land around Te Waihora/Lake Ellesmere.
16. In that same year, Council joined the Interagency Management Group, established by Environment Canterbury (ECan), to develop the Lake Ellesmere Catchment Management Strategy. Membership of the interagency group consists of the Department of Conservation, Environment Canterbury, Selwyn District Council, Christchurch City Council, Fish and Game, Ministry of Fisheries and Te Rūnanga o Ngāi Tahu.
17. As a member of the interagency group, the Council signed a joint MoU with partners, agreeing:
 - To co-operate to prepare a non-statutory management plan for the Waihora/Lake Ellesmere catchment;
 - To work with the community through the Waihora Ellesmere Trust; and
 - To implement relevant components through their statutory powers.

Environment Canterbury holds the Interagency Management Group meetings approximately three times a year.

18. Currently, WET has separate MoUs in place with a number of the Interagency Management Group members and considers that these MoUs are distinctly different enough in their objectives, so that it is not practical to have a joint interagency MoU.

19. The Council's direct involvement with WET, outside of the Interagency Management Group, has been limited. The Council's funding for WET activities to-date has been for the following items:
- \$15,000 for the 2007 Living Lakes Symposium;
 - \$1,125 for publication of the Te Waihora State of the Lake and Future Management (2009), book and CD;
 - \$1,000 annually to WET for administration support to the Interagency Management Group.