

# CONSTITUTION OF THE CENTRAL PLAINS WATER ENHANCEMENT SPECIAL JOINT COMMITTEE

AN AGREEMENT dated the            day of            2000.

BETWEEN    THE SELWYN DISTRICT COUNCIL

and

THE CHRISTCHURCH CITY COUNCIL

being bodies corporate under the Local Government Act 1974 (collectively ‘the Councils’ individually the Council)

## RECITALS

- A. The Councils have agreed by resolution to carry out studies into the feasibility of Central Plains Water Enhancement schemes, and have provided funding for the work in their respective 1999/00 Annual Plans.
- B. Section 114S of the Local Government Act empowers the Councils to appoint a joint special committee for any purpose in which the Councils are jointly interested.
- C. The objective of the Councils is to execute feasibility studies into the viability and practicality of water enhancement schemes in the Central Plains area, being that area approximately described as lying between Rakaia and Waimakariri Rivers, the foothills to the west and State Highway 1 to the east. The level of detail of these studies shall be sufficient to allow decisions to be made by the Councils on the advisability of proceeding to resource consent applications and scheme implementation.

It is the Councils’ intention that once the feasibility phase is completed and providing a recommendation to proceed further have been accepted by the Councils, further consideration will be given to the organisational structure appropriate to manage the next phases of the work.

- D. The terms of reference for the joint special committee are annexed as Schedule A.

## THE COUNCILS AGREE

- 1. Pursuant to Section 114S of the Local Government Act 1974 the Councils appoint a joint special committee which shall be known as the **Central Plains Water Enhancement Steering Committee** (“the Committee”).
- 2. The Committee shall consist of nine members who shall be appointed as follows:
  - (a) Two members appointed by the Selwyn District Council
  - (b) Two members appointed by the Christchurch City Council

- (c) Five members from the community at large, initially selected by way of a publicly notified call for expressions of interest and appointed jointly by the two Councils. Subsequent replacement appointments shall be made jointly by the two Councils following recommendation from the joint committee.
3. The quorum of the committee shall be five members.
  4. The committee shall appoint the chairperson and the deputy chairperson.
  5. Travel and meeting allowances shall be paid to all committee members.
  6. The Committee may appoint subcommittees and for the purpose of Section 114Q(3) of the Local Government Act, the Councils consent to the delegation to any such subcommittee of such of its powers and duties as the committee shall think fit.
  7. The goal, objectives and scope of the Committee's work is set out in terms of reference annexed as Schedule A.
  8. The Selwyn District Council agrees to provide such management, administrative, secretarial and accounting services as the Committee shall reasonably require, such services may be a charge against funds established for the Central Plains Water Enhancement work.  
  
The Christchurch City Council agrees to provide such management services as the Committee shall reasonably require, such services may at Council's discretion be a charge against funds established for the Central Plains Water Enhancement work.
  9. (a) Pursuant to Section 4 of the Public Bodies Contracts Act 1959 the Councils delegate to the Committee the power to enter into contracts necessary to carry out the feasibility studies to a maximum value of \$100,000.  
  
(b) The Committee need not report back to the Councils any contract not exceeding \$50,000.
  10. All contracts entered into by the Committee pursuant to the delegated authority contained in paragraph 9(a) shall be executed by the Selwyn District Council as agent on behalf of the Councils.
  11. The Committee may seek to obtain funding for its work, other than that provided by the Councils, but shall seek the approval of the Councils before entering into any agreement to receive such funding.
  12. The Committee shall hold such meetings at such times and places as it shall from time to time appoint. The rules regulating the proceedings of the Committee shall be those set out in NZS 9202:1992, "Model Standing Orders for Meetings of Territorial Authorities, Regional Councils and Community Boards".
  13. Ownership of copyright in consultant's reports commissioned by the Committee shall vest in the Councils jointly.
  14. (a) Costs incurred by the Committee shall be shared equally by the two Councils.

- (b) The Selwyn District Council agrees to keep records of all such costs and to:
  - (i) provide expenditure reports to the Committee at quarterly intervals
  - (ii) invoice the Christchurch City Council from time to time for 50% of the costs incurred to date.
- (c) Where funds allocated for expenditure in a particular financial year are not going to be fully spent in that year the Committee shall report to the Councils and either seek carryover of those funds to the next financial year or advise of any surplus to requirements.
- (d) The Committee shall before the 31 October in any year seek funding allocation by advising the Councils what its financial requirements will be for the following financial year.

## **ARBITRATION**

- 15. Any dispute arising out of the interpretation of this Agreement, including any question regarding its existence, validity or termination, shall be referred to arbitration.
- 16. If the Councils are unable to agree upon the appointment of a single arbitrator within five (5) working days of the receipt of written notification of the desire of a party to have a dispute arbitrated, or if any arbitrator agreed upon refuses or fails to act within fourteen days of his or her appointment then any party may request the President for the time being of the Canterbury District Law Society to appoint an arbitrator and the arbitration shall be carried out in accordance with the Arbitration Act 1996.
- 17. In this clause time shall be of the essence and the Parties hereto agree to be bound by any decision, determination or award given pursuant to the provisions hereof.

## **GOOD FAITH**

- 18. In the event of any circumstances arising that were unforeseen by the Councils at the time of entering into this Agreement the Councils hereby record their intention that they will negotiate in good faith to add to or vary this Agreement so to resolve the impact of those circumstances in the best interests of:
  - (a) the Councils represented on the Committee considered together; and
  - (b) the best interests of the Canterbury community represented by the Councils considered together.

## **SCHEDULE A**

### **CENTRAL PLAINS WATER ENHANCEMENT SPECIAL JOINT COMMITTEE**

#### **TERMS OF REFERENCE**

##### **1 PURPOSE**

The purpose of the work described in these Terms of Reference is to improve the security and prosperity of the Central Canterbury region through water management schemes that enhance ecological and recreational values while providing opportunity for agricultural and horticultural diversity.

##### **2. SPECIFIC OBJECTIVE**

For this joint special committee the objective is to undertake feasibility studies for the Central Plains area sufficiently detailed to allow decisions on the advisability of proceeding to resource consent applications and eventual scheme implementation.

##### **3. SCOPE**

In the pursuit of this objective the Committee shall have regard to the following:

- (a) A wide range of interest groups is affected by water management schemes. The Committee shall ensure that its work is informed and influenced by consultation with affected parties and shall establish a Consultative and Review Working Party charged with providing input into the Committee's work. Preparation of a Communications Strategy shall be an initial task of the Committee.
- (b) Early consideration shall be given to means of accessing and absorbing work already carried out in the Central Plains area, both in documenting the nature of the water resources and in investigating water management schemes. Duplication of work already completed shall be avoided, and summaries of the existing body of information shall be prepared for use by consultants and interested parties. The Committee shall consult closely with the Canterbury Regional Council and make full use of that Council's readiness to provide information, research data and advice.
- (c) The Committee shall establish relationships with competitors for the water resources available particularly landowners located south of the Rakaia and north of the Waimakariri Rivers and consider how to integrate the needs of the competing groups.
- (d) While determining the means of achieving the feasibility studies the Committee shall consider the advisability of dividing the work into preliminary study that reviews existing information, assesses the wisdom of proceeding to full feasibility and, given a positive answer, produces a specification for the major study, or alternatively to brief the whole work as a single study.
- (e) The Committee shall obtain early advice on the likely cost of the studies and advise the Councils of its funding requirements and the timing of expenditure.

- (f) Given the information in (e) above, the Committee will consider whether or not to seek funding for its work from sources other than the Councils, for example from the Agmardt fund.
- (g) The Committee shall establish a structure that sets out how the project is to be managed both politically and at officer/consultant level and shall ensure the resources are available to achieve its objectives.
- (h) Study shall include but not be limited to:
  - (i) Water resources available to and needed for the study area and the conditions under which portions of those resources may be available for water enhancement projects.
  - (ii) Intake, storage and distribution options.
  - (iii) Opportunities for multi-purpose use of water including but not limited to recreational, landscape, aesthetic and ecological benefits and hydro electric power generation.
  - (iv) Environmental effects of new water uses both within the study area and downstream.
  - (v) Economic viability of scheme proposals including on farm options, costs and benefits, market predictions and likely user buy in.
  - (vi) Benefits to downstream users including aquifer recharge, stream flow enhancement and provision of a source for potable water supply.
  - (vii) Regional benefits including employment and economic multiplier effects and the flow on indirect benefits to the City of Christchurch and Selwyn District.
- (i) The Committee shall provide quarterly reports to its constituent councils on the progress of its work, and shall on completion of the feasibility studies make recommendations concerning next steps. Such recommendations are envisaged to be presented by 30 June 2001.