

27. CANTERBURY WATER MANAGEMENT STRATEGY: ESTABLISHMENT OF THREE ZONE COMMITTEES, AND APPOINTMENT OF COUNCILLORS TO THE REGIONAL COMMITTEE, AND ZONE COMMITTEES

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PURPOSE OF REPORT

The purpose of this report is four-fold:

1. The first purpose of the report is to establish three joint committees. Of these only one (Selwyn - Waihora) will have members appointed this year. The other two joint committees (Christchurch - West Melton, and Banks Peninsula) will have appointments needing to be made in early 2011.
2. The second purpose of the report (refer to Part B of report) is to request that Council approve the Terms of Reference for the establishment of the Canterbury Water Management Strategy (the Strategy) Zone Committees for:
 - Selwyn - Waihora Zone
 - Christchurch - West Melton Zone
 - Banks Peninsula Zone
3. The third purpose of the report (refer to Part C of report) is to request that the Council appoint one elected member (permanent appointment) to the Canterbury Water Management Strategy Regional Water Management Committee (the Regional Committee) of the Canterbury Regional Council (ECan), and one elected member to the Selwyn - Waihora Zone Committee.
4. The fourth purpose of the report (refer to Part C of report) is to request that the Council appoint two elected members (both interim appointments) to the Canterbury Water Management Strategy Regional Water Management Committee (the Regional Committee).

EXECUTIVE SUMMARY

Part A: Background

5. Following several years of collaborative work by the Mayoral Forum, the Steering Group, ECan, and the region's ten territorial authorities, the Strategy is in the initial stages of being implemented.
6. The Council endorsed the Strategy in December 2009 subject to (1) satisfactory progress in resolving matters outlined in the Strategy, (2) that a report authorising the establishment of zone committees would come before the Council in 2010, and (3) that any future funding or governance issues associated with implementation of the Strategy would need to be considered as part of the 2012-2022 LTCCP or other process.
7. The Strategy identifies Canterbury's water resources as important to the region and to New Zealand. Lakes, rivers, streams and aquifers are used for a wide range of purposes including drinking water, agriculture, electricity generation, customary use and recreation. In recent years the water resource has come under increasing pressure. Aquatic health of lowland streams, high country lakes and groundwater has declined, along with a loss of cultural and recreational opportunities. The availability of water for agricultural use has also become less reliable.

8. The Strategy states that a widely held view among stakeholders and the general public is that the continuation of the present direction in managing water will lead to unacceptable environmental, social, cultural and economic outcomes. The desired outcome of the Strategy is *“To enable present and future generations to gain the greatest social, economic, recreational and cultural benefits from our water resources within an environmentally sustainable framework”*.
9. To implement the Strategy, ECan has established a committee called the Canterbury Water Management Strategy Regional Water Management Committee (the ‘Regional Committee’) to take an overview of water issues for the region and deal with cross-zone issues.
10. In addition, ten joint committees (‘zone committees’) will be formed by ECan and territorial authorities to address local issues within each zone (zone boundaries are shown in **Attachment 1**). Of the three zones of direct significance to Christchurch, the Banks Peninsula zone is completely within Christchurch City and the Christchurch - West Melton zone is predominantly within Christchurch City. A small, but significant part of eastern Selwyn - Waihora Zone is also within Christchurch City.
11. The purpose of the ‘zone committees’, which report to their constituent Territorial Local Authorities and ECan, is to develop strategies, tactics and activities to give effect to the fundamental principles and targets of the Strategy within each zone. The focus for the Regional Committee, which reports to ECan, is on infrastructure associated with managing large scale storage and the transfer of water across Canterbury, along with related issues such as energy generation and region-level biodiversity issues. The Regional Committee is also tasked with co-ordinating the development of a Regional Implementation Programme that gives effect to the Strategy and takes into account the work of the zone committees. The Regional Committee is funded by a regional rate.
12. The general governance, and committee structure and interrelationships established to implement the Strategy are shown in **Attachment 2**.

Part B: Establishment of Selwyn - Waihora, Christchurch - West Melton, and Banks Peninsula Zone Committees

13. The Selwyn - Waihora Zone Committee is being established under the auspices of the Local Government Act 2002 in accordance with the Strategy as a joint committee of ECan, Selwyn District Council and Christchurch City Council. The Selwyn - Waihora Zone includes that part of Lake Ellesmere/Te Waihora within the Christchurch City boundary. This is a small but significant part of Christchurch City in terms of water resource and water management matters. This Zone Committee is currently being formed with members being appointed.
14. The Christchurch - West Melton Zone Committee will also be established as a joint committee of ECan, Selwyn District Council and Christchurch City Council, while the Banks Peninsula Zone Committee will be established as a joint committee of just ECan and Christchurch City Council. While both of these two zone committees are being established now they will not have members appointed until early 2011. The staged establishment followed by delayed appointment of members to these two zone committees is necessary due to the available resources of the ECan team responsible for their formation.
15. The zone committees will comprise members made up as follows:
 - One member appointed by the regional council who shall be an “elected member” (to initially be filled by a commissioner under the Environment Canterbury (Temporary Commissioners and Improved Water Management) Act 2010) (the ECan Act).
 - One member appointed by each Territorial Authority operating within the zone boundary who shall be an elected member (Christchurch City Council and Selwyn District Council both operate within the zone boundaries for the Selwyn - Waihora, and Christchurch - West Melton zones).
 - One member appointed by each Runanga with interests in the zone. The number of potential Runanga appointees for each zone is currently unknown.

- Between four and six members appointed from the community and who come from a range of backgrounds and interests within the community.
16. The committee members will be selected for balance of expertise and perspective across a range of stakeholder interests. Zone committees will work collaboratively to develop water management implementation programmes within the zone, taking into account programmes in other zones, as well as work addressed by the Regional Committee. Resolutions from the participating Councils on each zone committee will be required to approve and formalise committee implementation programmes.
 17. The Terms of Reference for the Selwyn - Waihora Zone Committee (**Attachment 3**), Christchurch - West Melton (**Attachment 4**) and Banks Peninsula (**Attachment 5**) are essentially the same as those for the Waimakariri Zone Committee and the Hurunui/Waiarau Zone Committee. These two north Canterbury zone committees are established and the terms of reference for them are sufficiently broad in scope to allow each zone committee to develop its own character and establish its own priorities.
 18. The zone committees will not have any decision making powers delegated to them by their respective territorial authorities. In the attached Terms of Reference (**Attachments 3, 4 and 5**) under the heading 'Objectives and Delegated Powers', paragraph 7 refers to the zone committees approving a Management Plan. It should be noted that paragraph 7 records that the Management Plan is in response to the Implementation Plan which has already been approved by the Council under paragraph 5.
 19. Under the Local Government Act 2002 the Council can resolve that a joint committee is not to be discharged on the coming into office of the members of the local authority elected following the triennial general election after the appointment of the joint committee. If such a resolution is not passed the joint committee would be discharged by operation of law and have to be reappointed by the new Council. For continuity purposes staff recommend that the Council resolve the joint committees not be discharged following the election.

Part C: Appointment of councillors to the Regional Committee and zone committees

20. The Regional Committee comprises approximately 26 members selected from: ECan (2), territorial authority appointments from each of north, mid and south Canterbury (3), Christchurch City Council (1, that is, the "permanent" appointment to the Regional Committee sought through this report), Te Runanga o Ngāi Tahu (1), runanga appointments from each of north, mid and south Canterbury (3), the chairs, or other member, of each zone committee (10 - prior to the formation and appointment of members to the Banks Peninsula and Christchurch-West Melton Committees, two "interim" appointments are sought from the City Council), and representatives from a number of key sectors, these being, fisheries, energy, environmental/biodiversity, primary production/agriculture, recreation, regional development including tourism (6). Terms of Reference for the Regional Committee are shown in **Attachment 6**.
21. The Regional Committee is a committee of ECan but will operate to include all local authorities in Canterbury. The Regional Committee is a committee of ECan 'only' because of the logistics of trying to establish the committee in the time available. Membership of committees is by appointment. Councils must advertise for expressions of interest from community members, and then conduct an agreed selection process for recommendation back to the Council's involved.
22. The Regional Committee and zone committees will exist for three years, after which new committees will be formed. Members will be paid travel expenses as well as an honorarium. An appointed member will be paid \$2,000/year, the deputy chair \$3,000/year, and the chair \$5,000/year. Staff or elected members of local bodies are not eligible for remuneration. Each committee will meet at least four times each year, with workshops and additional meetings as required, and reasonable travel expenses reimbursed. Proxies or alternates are not permitted. Any committee may co-opt experts or advisors (non-voting) as it deems necessary.

23. Also to provide continuity it is proposed that appointments by the Council to the regional committee and the zone committees carry on through the 2010 election period until appointments are made by the new Council in late December 2010 or in early 2011. For this reason it is proposed that any appointments by the Council of a current Councillor be an appointment of that individual in their personal capacity and that such appointment be until the date the new Council resolves to make new appointments to the Regional Committee and to the Selwyn - Waihora Zone Committee.
24. The Regional Committee is to be formed by August 2010. The City Council is to have three positions on the Regional Committee, one in its own right, and two as zone committee representatives. The two City Council members, to represent the yet to be formed Christchurch - West Melton and Banks Peninsula Zone Committees, are interim appointments. A new appointment process will need to be carried out in early 2011 to appoint permanent City Council members as part of forming the two zone committees.
25. In summary, the council needs to make four appointments at this time. These are:
- One permanent appointment to the Selwyn-Waihora Zone Committee, representing the City Council.
 - One permanent appointment to the Regional Committee, representing the City Council.
 - Two interim appointments to the Regional Committee, representing the 'yet-to-be formed' Christchurch - West Melton and Banks Peninsula Zones.

FINANCIAL IMPLICATIONS

26. The Council has allocated \$30,000 in the 2010/11 Annual Plan for setting up and administering the two zone committees for the current financial year. This funding will need to be reviewed for the 2011/12 financial year as it is expected that around \$60,000 will be required for a full year's operation of the two zone committees.

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

27. Yes. The cost of managing the appointment of Councillors to the committees is included in existing budgets.

LEGAL CONSIDERATIONS

28. Existing powers and/or new legislation will be used to ensure the implementation programmes are given appropriate legal status under the Local Government Act 2002 and the Resource Management Act 1991. The zone and regional committees will be joint committees of ECan and the relevant district councils. The committees will operate in accordance with Local Government Act powers and terms of reference drawn up by their parent councils. It is intended that decisions will be made on a consensus basis rather than by majority voting.
29. The Canterbury Water Management Strategy is now recognised in the ECan Act 2010.
30. The ECan Act 2010 provides that the Commissioners assume all the responsibilities of the elected representatives under the Local Government Act 2002. This means that as currently proposed, an Environment Canterbury Commissioner will be required to be a member of each joint zone committee.

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

31. Yes. Refer above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

32. The recommendations in this report support a wide range of environmental, governance, prosperity, health and recreational community outcomes. Of particular significance is the Council's responsibility of providing clean and reliable water supply.

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

33. Yes. Supports levels of service under the areas of water supply, "A reliable supply of water that is safe to drink" (page 60), waterways and drainage (page 132), economic development (page 144), and city development (page 188).

ALIGNMENT WITH STRATEGIES

34. The recommendation is consistent with, and supports, the Council's Surface Water Strategy and Water Supply Strategy.

Do the recommendations align with the Council's strategies?

35. As above.

CONSULTATION FULFILMENT

36. A workshop was held for City Council Councillors on 8 July 2010 with a presentation from members of the Water Executive (a unit of ECan). The workshop provided Councillors with background on the development of the Strategy, and the current implementation phase, including information on governance, financing, and public consultation and engagement. Two introductory workshops were held for Councillors in 2009.
37. The steering group responsible for preparing the Canterbury Water Management Strategy consulted widely (over the last two years) with the public and the territorial authorities that were to participate in its implementation. The Christchurch City Council has agreed to provide some funding for the Strategy and has allocated \$30,000 in its 2010/11 annual plan. This was included in the consultation process that was undertaken before the annual plan was adopted in June 2010.
38. It is the view of the Legal Services Unit that a decision to appoint councillors to the regional committee and to the zone committees flows consequentially from decisions that were made following public consultation. Therefore, no further steps to obtain community views need to be taken at this stage.
39. The process for the selection of the community representatives, to the three zone committees of interest to the Christchurch City Council, will be accompanied by extensive publicity, and community meetings will be held in the relevant districts. The publicity and meetings will help ensure there is a wide ranging community appreciation of the opportunities available to participate in local decision-making regarding the future use of water.

STAFF RECOMMENDATION

1. That the Council appoints, as provided for in Clause 30(1)(b) of Schedule 7 to the Local Government Act 2002, the following joint committees:
- (a) The Selwyn - Waihora Joint Committee together with the Canterbury Regional Council and the Selwyn District Council.
 - (b) The Christchurch - West Melton Joint Committee together with the Canterbury Regional Council and the Selwyn District Council.
 - (c) The Banks Peninsula Joint Committee together with the Canterbury Regional Council.

2. That the Council resolve, as provided for by Clause 30(7) of Schedule 7 to the Local Government Act 2002, that the 3 joint committees shall not be deemed to be discharged on the coming into office of the members of the Council elected or appointed at the next triennial general election of members.
3. That the Council approves the attached Terms of Reference of the Selwyn - Waihora, Christchurch - West Melton, and Banks Peninsula Joint Committees.
4. That the Council:
 - (a) Appoint a Councillor as the Christchurch City Council Councillor to sit on the Selwyn - Waihora Zone Committee, a 'permanent' appointment.
 - (b) Appoint three Councillors to the Canterbury Water Management Strategy Regional Water Management Committee of the Canterbury Regional Council as follows:
 - (i) As the Councillor to represent Christchurch City Council, a 'permanent' appointment.
 - (ii) As the Councillor to represent the Christchurch - West Melton Joint Committee, an interim appointment; and
 - (iii) As the Councillor to represent the Banks Peninsula Zone Committee, an interim appointment.
5. That the appointments referred to in the preceding paragraph are appointments of that individual in their personal capacity and that such appointments be until the date the new Council resolves to make new appointments.