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**AKAROA/WAIREWA COMMUNITY BOARD
14 MAY 2010**

**Report of a meeting of the Akaroa/Wairewa Community Board
held on Friday 14 May 2010 at 9.30am in the Board Room,
4238 Christchurch-Akaroa Road, Little River**

PRESENT: Stewart Miller (Chairman), Jane Chetwynd, Pam Richardson and Claudia Reid.

APOLOGIES: Apologies for absence were received and accepted from Bryan Morgan and Eric Ryder.

The Board reports that:

PART A – MATTERS REQUIRING A COUNCIL DECISION

1. STRUCTURES ON ROADS POLICY 2010

This item will be considered by the Council in conjunction with the draft Structures on Roads Policy 2010.

2. STRENGTHENING COMMUNITIES FUNDING – KEY LOCAL PROJECTS 2010

This item to be considered by the Metropolitan Funding Committee in July 2010.

3. POHATU MARINE RESERVE ADVISORY COMMITTEE – COUNCIL REPRESENTATION

General Manager responsible:	General Manager Regulation and Democracy Services, DDI 941-8462
Officer responsible:	Democracy Services Manager
Author:	Liz Carter, Community Board Adviser

PURPOSE OF REPORT

1. The purpose of this report is for Council to consider a recommendation that it delegate authority to the Akaroa/Wairewa Community Board to make the recommendation (to the Minister of Conservation) on the appointment of a Council 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

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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.

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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.

BOARD CONSIDERATION

The Board agreed that representation on this Committee should continue, and that the authority to recommend an appointment should be delegated to the Board. The Board also considered whether that representative should be an elected representative, a staff member or a member of the public. Members felt that it would allow more flexibility in terms of the appointment if this was not stipulated in the delegation, so that if appropriate a member of the public, or a staff member could be appointed instead of an elected representative.

BOARD RECOMMENDATION

That the staff recommendation be adopted.

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PART B – REPORTS FOR INFORMATION**4. DEPUTATIONS BY APPOINTMENT****4.1 REX GEBBIE – BANKS PENINSULA TRANSPORT**

Mr Gebbie spoke to the Board on concerns regarding roadside trees. He noted that in his opinion many of the Peninsula roads had large overhanging tree branches which created a safety issue as stock trucks were being forced to cross the centre line of the road to avoid them. The trees also caused damage to the vehicles that was costly to his firm with several mirrors and sun visors having had to be replaced recently.

Mr Gebbie reported that the legal height of a truck was 4.25 metres, however he recommended that the trees be trimmed back to at least 4.5 metres to take account of the additional weight of wet branches which hung lower. He said that a reasonable trimming and cut back is necessary.

Mr Gebbie detailed a number of the roads where his drivers had experienced difficulties, but added that there were other roads on Banks Peninsula that should also be checked. He said this was a major issue for his firm and so he wished to bring it to the attention of the Board.

Mr Gebbie was thanked for attending the meeting and informing the Board of his concerns.

5. PRESENTATION OF PETITIONS

Nil.

6. NOTICES OF MOTION

Nil.

7. CORRESPONDENCE**7.1 KEEP CHRISTCHURCH BEAUTIFUL (INC)**

The Board considered a letter from the Chairperson of Keep Christchurch Beautiful, inviting the Board to appoint a representative to the Executive Committee of that organisation.

The Board **received** the correspondence and agreed that Chairman Stewart Miller should attend meetings of the Committee in the interim, to determine if it was appropriate for the Board to be represented. If it was appropriate, a formal Board appointment could be made following the triennial elections.

8. RESERVE MANAGEMENT COMMITTEE MINUTES**8.1 DUVAUCHELLE RESERVE MANAGEMENT COMMITTEE – 8 MARCH 2010**

The Board **received** the minutes of the Duvauchelle Reserve Management Committee meeting held on Monday 8 March 2010.

The Board requested that members be provided with a copy of the end of year Financial Reports for the nine Reserve Management Committees.

9. AKAROA MUSEUM ADVISORY COMMITTEE MINUTES - 22 MARCH 2010

The Board **received** the minutes of the Akaroa Museum Advisory Committee meeting held on Monday 22 March 2010.

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Akaroa/Wairewa Community Board 14.5.2010**10. AKAROA DESIGN AND APPEARANCE ADVISORY COMMITTEE – 1 APRIL 2010**

The Board **received** the minutes of the Akaroa Design and Appearance Advisory Committee meeting held on Thursday 1 April 2010.

11. BRIEFINGS**11.1 BARRY BOWATER – ORTON BRADLEY PARK**

Mr Bowater as the Board's representative on the Orton Bradley Park Board briefed members on the activities of the Park Board.

Mr Bowater provided a comprehensive background on the activities of the Park and tabled supporting documents for members information.

11.2 STEVE MCCARTHY – UNIT MANAGER, ENVIRONMENTAL POLICY AND APPROVALS

Steve McCarthy, Manager of the Environmental Policy and Approvals Unit, gave a presentation to the Board on the work undertaken by that Unit.

11.3 GARY LENNAN – UNIT MANAGER, INSPECTIONS AND ENFORCEMENT

Gary Lennan, Manager of the Inspections and Enforcement Unit, gave a presentation to the Board on the work undertaken by that Unit.

11.4 RACHEAL WESTERN – COMMUNITY FACILITIES MANAGER, COMMUNITY SUPPORT

Racheal Western, Community Facilities Manager for Community Support briefed the Board on council owned community halls and facilities in the Akaroa/Wairewa area.

It was noted that most of the facilities in the local area are situated on council land (reserve) administered by Reserve Management Committees and there needs to be a clear definition of areas of control regarding fiscal responsibility for those buildings. It was suggested a Memorandum of Understanding may be appropriate. It was also noted by members that it is important to keep the Reserve Management Committees informed of ongoing maintenance and capital works on those facilities.

The Community Facilities Manager, on behalf of the City Environment Group, also updated the Board on the new Little River fire shed, a project under the capital programme.

12. COMMUNITY BOARD ADVISER'S UPDATE

The Board **received** information from the Community Board Adviser on forthcoming Board related activities and projects.

- **Akaroa Harbour Basin Small Settlements Study**

The Board was informed that this study had received a Highly Commended award at the annual New Zealand and Australia Planning Institute awards. Members asked that a letter of congratulations be sent from the Board to Strategy and Planning, in particular staff members Carolyn Bonis and Dale Harris for their excellent work on the study.

13. ELECTED MEMBERS INFORMATION EXCHANGE

Specific mention was made of the following matters:

- **Roadside Trees – Rex Gebbie Deputation**

The Board **agreed** to pass Mr Gebbie's concerns regarding overhanging trees on Banks Peninsula roads to the General Manager, City Environment Group.

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- **Duvauchelle Cemetery Hedge – Corner of Okains Bay Road and the State Highway**

The Board **decided** to ask the New Zealand Transport Agency for an update on the proposed plan to remove part of the hedge at the Duvauchelle Cemetery to improve visibility when exiting from Okains Bay Road on to the state highway.

- **Whalepots – Peraki**

The Board **decided** to ask staff to investigate and establish the ownership of the whalepots on the beachfront at Peraki, following concern being expressed by members of the public, as to the condition of the pots. Staff were asked to report back to the Board with their findings.

- **Closure of Christchurch-Akaroa Road (Hilltop)**

The Board **decided** to ask staff to enquire as to whether the New Zealand Transport Agency intended to advise the public that roading staff would not be stationed at the Hilltop overnight during the winter months to keep the road open overnight during storm events.

14. QUESTIONS UNDER STANDING ORDERS

Nil.

PART C – DELEGATED DECISIONS**15. CONFIRMATION OF MINUTES****Ordinary Meeting - 7 April 2010**

The Board **resolved** that the minutes of the ordinary meeting held on 7 April 2009 be confirmed, subject to the following alterations:

Delete first bullet point under Clause 6 – Illegal Boat Operators (and its accompanying paragraph) - ~~The Board agreed that the Akaroa Harbour Issues Working Party should write to Akaroa District Promotions informing them that some operators were allegedly operating without permits for mammal watching.~~

16. LOCAL GOVERNMENT “KNOW HOW” TRAINING WORKSHOP – FINANCIAL GOVERNANCE 101 AND DECISION MAKING

The Board considered a report to approve the attendance of interested Board members at the Local Government New Zealand “Know How” Training Workshop – Financial Governance 101 to be held in Christchurch on Friday 2 July 2010 and Decision Making, to be held in Christchurch on Friday 9 July 2010.

The Board **resolved** to approve the attendance of any Board member who wishes to attend the Local Government New Zealand “Know How” Training Workshop – Financial Governance 101, to be held in Christchurch on Friday 2 July 2010 and Decision Making, to be held in Christchurch on Friday 9 July 2010.

17. COMMUNITY BOARD ADVISER’S UPDATE - CONTINUED

- **Submissions**

The Board **resolved** to endorse the submissions made on the following documents:

- (a) Trading and Events in Public Places Policy.

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- (b) Annual Plan 2010/11.
- (c) Environment Canterbury Annual Plan 2010/11.
- (d) Climate Smart Strategy 2010/2025.

The meeting concluded at 1.03pm

CONFIRMED THIS 11TH DAY OF JUNE 2010

**STEWART MILLER
CHAIRMAN**

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Akaroa/Wairewa Community Board 14.5.2010**ATTACHMENT TO MINUTE CLAUSE 3****Pohatu Marine Reserve Advisory Committee Terms of Reference**

This paper includes terms of reference for the proposed section 56(2) Conservation Act 1987 Ministerial Advisory/Section 6N(2)(b) Conservation Act 1987 conservation board committee when adopted by the Canterbury Aoraki Conservation Board.

Terms of Reference – s.56(2)/s6N(2)(b) Advisory Committee*Preamble*

In recognition that gazettal of Pohatu Marine Reserve has altered the interests and opportunities of tangata whenua and other groups in relation to that area, this joint s56(2)/s6N(2)(b) committee is established to provide a direct link between the affected community and the Crown, on matters relating to the management of the Pohatu Marine Reserve.

Context

Section 9 Marine Reserves Act 1971 specifically places administration and management of marine reserves with the Director-General of Conservation. The functions of the s.56(2)/s6N(2)(b) committee's role can be advisory only, (notwithstanding the functions delegated to the Committee by the Canterbury Aoraki Conservation Board).

Objectives and Functions

- (i) To, where necessary, raise with the Minister matters relating to the management of Pohatu Marine Reserve for which a report to the Director-General should be sought in terms of s10(a) Marine Reserves Act 1971.
- (ii) To carry out such duties and functions as are delegated to it by the Canterbury Aoraki Conservation Board.
- (iii) To provide the Director-General with local information to aid the management of the Pohatu Marine Reserve including:
 - Issues to be addressed in the preparation and implementation of a Conservation Management Plan for the Pohatu Marine Reserve;
 - Means of fostering community support for the Pohatu Marine Reserve;
 - The provision of effective public information and education on the Pohatu Marine Reserve;
 - Advise on specific applications to carry out scientific study in the Pohatu Marine Reserve;
 - Advice on the appointment of honorary rangers for the Pohatu Marine Reserve;
 - Advice on the commercial opportunities provided by the Pohatu Marine Reserve, and possible licensing of commercial operations based on the Pohatu Marine Reserve should the Marine Reserves Act 1971 be amended to permit this.

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Membership of the Committee

The Committee shall comprise up to 12 members representing groups with key interests in the Pohatu Marine Reserve, excluding Government ex officio representatives.

There shall be four (4) of the seats available for members nominated by Ngai Tahu, in recognition that their support as tangata whenua was instrumental in establishing the reserve. The remaining seats will provide for representation from other community interests.

Chairperson

The Chairperson of the committee shall initially be a member of the Canterbury Aoraki Conservation Board, and shall be appointed to that position by the Minister, after consultation with the Board, for a period of 12 months. At the expiry of that period the Chairperson shall be elected by simple majority of those members present at the next meeting of the Advisory Committee.

The Chairperson shall preside over all meetings of the Committee at which s/he is present. If the Chairperson is absent from any meeting, the committee members present shall appoint one of their number to assume the position of Chairperson for that meeting.

Meetings of the Committee

Time and place of meetings: The first meeting of the committee shall be determined by the Chairperson, and subsequent meetings shall be held at such times and places as the committee or Chairperson, appoint, but no more than six meetings may be held within any calendar year..

Quorum: A quorum of the committee shall comprise at least one more than 50% of the whole committee and no business shall be transacted at any meeting unless such a quorum is present.

Decisions: Every question before the committee shall be determined by a majority of members present voting on the question.

Casting vote: At any meeting of the committee, the Chairperson of that meeting shall have a deliberative vote and, in the case of an equality of votes, shall also have a casting vote.

Term of Appointment

Appointments to the committee shall be for a term of up to three years and the specific term of each member shall be specified in the notice of appointment.

Members may, for time to time, be reappointed to the committee.

Any member of the committee may at any time be removed from the committee by the Minister for bankruptcy, disability, neglect of duty, or misconduct.

Any member of the committee may at any time resign his or her office in writing, addressed to the Minister.

Should any member of the committee die, resign or be removed from the committee, the vacancy shall be filled in the manner in which the appointment was originally made, for the residue of the term of the vacating member.

Annual report

An annual report of the committee shall be prepared and sent to the Minister by the end of July of each year. A copy of the report shall be sent to the Canterbury Aoraki Conservation Board (to allow the board to report to the New Zealand Conservation Authority).

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Communications to be copied to the Conservation Board

Communications to the Minister, Director-General, or Conservation Authority shall be copied to the Canterbury Aoraki Conservation Board.

Delegations

Section 6N of the Conservation Act 1987 provides that a Conservation Board may establish a committee and delegate functions to it at its discretion. Functions recommended for delegation are presented below.

Delegation to approve a Conservation Management Plan for the Pohatu Marine Reserve will be subject to a requirement for liaison with the full Conservation Board before it is exercised.

Delegation to provide advice to the Minister, Conservation Authority, or Director-General will not prevent the full Conservation Board from separately providing advice, although this would be excised only in exceptional circumstances.

Subcommittee/working groups

The committee, may, subject to the Conservator Canterbury's approval for funding purposes, establish a sub-committee or working group to undertake a specific sub-project for the Pohatu Marine Reserve

Co-opting

The committee may, subject to the Conservator's approval for funding purposes, request that the full Conservation Board co-opt to the committee expertise from outside for specific purposes in relation to the Pohatu Marine Reserve – e.g. scientific expertise.

Conservation Board Functions Available for Delegation:

Conservation Act 1987

Section:\

- 6M(1)(b) Approve a Conservation Management Plan for the Pohatu Marine Reserve (subject to alternative approval routes prescribed by s.17G(2) or (3)).
- (c) Advise on implementation of a Conservation Management Plan
- (d)(ii) Advise on any conservation matter relating to the Pohatu Marine Reserve (including a change in status of classification of the Pohatu Marine Reserve 6M(d)(i)).
- 6N(2)(a) Advocate Canterbury Aoraki Conservation Board interests in the Pohatu Marine Reserve, except before a tribunal or court.
- 17F (a) Director-General to consult with the Canterbury Aoraki Conservation Board in preparation of a Conservation Management Plan for the Pohatu Marine Reserve.
- (g) Representatives of the Canterbury Aoraki Conservation Board and Director-General may hear submissions on the draft plan
- (i) Receive draft Conservation Management Plan for consideration.
- 17G(2)(a) Approve the draft plan or
- (2)(b) Request the draft plan be revised or
- (2)(c) Send the draft plan to the Conservation Authority for consideration (note: the provisions of 17G(3) apply if this is done.

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Fees and allowances

Fees and allowances payable to committee members will be accordance with the State Services Commission guidelines for departments administering fees and allowances for members of statutory, commercial and other bodies appointed by the Crown. Fees will be set at the same rate as those received by Conservation Board members.

Fees and allowances will only be paid for work, other than preparation for meetings, that has been approved and minuted by the committee for it is undertaken.