

Q&A: Government’s decisions on Environment Canterbury

1. Why did the Government intervene in Environment Canterbury (ECan) in 2009/10? What were the steps that preceded the Government’s intervention?

Serious regional council underperformance was evident in Canterbury for several years before the Government intervened. The previous Government considered intervention in early 2008 but decided to defer until after the general election. The Ministry for the Environment raised its concerns in its first briefing to the incoming Minister for the Environment in 2008.

In September 2009, a joint letter from all of Canterbury’s district and city mayors was sent to the then-Minister of Local Government expressing their serious concerns with ECan’s performance. This prompted the Minister for the Environment and the then-Minister of Local Government to investigate in accordance with the Resource Management Act 1991 and the Local Government Act 2002, and a review was undertaken by an independent Review Group.

The Review Group found an “enormous and unprecedented” gap between what was needed to be done in Canterbury to appropriately manage water and ECan’s ability to do this. Consequently, the Government passed legislation and installed the commissioners.

2. What evidence is there to support the contribution commissioners have made to ECan’s improved performance?

ECan 2009 performance	ECan 2015 performance with commissioners
<ul style="list-style-type: none"> 71 per cent of consents take longer than the legal maximum timeframe (as reported in the 2007/08 RMA Survey of Local Authorities). Worst performing of all councils 	<ul style="list-style-type: none"> Two per cent of consents take longer than the legal maximum timeframe (commissioners’ quarterly report, September 2014)
<ul style="list-style-type: none"> No operative planning and policy framework, as required by the RMA 	<ul style="list-style-type: none"> Canterbury Land and Water Regional Plan notified, heard and in place
<ul style="list-style-type: none"> A fragmented and ineffective approach to managing fresh water, resulting in over-allocation and degrading water quality 	<ul style="list-style-type: none"> The Canterbury Water Management Strategy is being implemented and 10 zone committees are working in a participatory and collaborative way to agree suitable water quality
<ul style="list-style-type: none"> City and district councils had little confidence in ECan 	<ul style="list-style-type: none"> City and district councils confirm excellent relationships have been developed. Canterbury Mayoral Forum operating effectively to provide coordination and leadership
<ul style="list-style-type: none"> Minimal engagement with Ngāi Tahu, and a strained relationship 	<ul style="list-style-type: none"> Ngāi Tahu confirm strong, collaborative relationships with all levels of ECan

3. What submissions were received on the mixed governance proposal?

534 submissions were received, of which 475 were form submissions generated through an online tool organised by the Labour Party and opposed to the model.

Six of Canterbury's 10 councils supported the mixed governance model – Ashburton, Timaru, Hurunui, Mackenzie, Waimakariri and Waitaki. Christchurch City wanted an earlier return to a fully elected council or a Canterbury water authority. Selwyn favoured staying with full commissioners until 2019. The Kaikōura and Waimate councils had mixed views around the council table and did not express a clear view.

Ngāi Tahu, Federated Farmers, Trustpower, Genesis and Irrigation New Zealand supported the mixed model.

4. What has changed in the proposal from that consulted on earlier this year?

The proposal that was consulted on was for a mixed governance model for an indeterminate period. This decision has the mixed governance model quite explicitly for the period 2016 to 2019 and a return to a fully elected council in 2019. The Government was influenced in this decision by the views of mayors and councils that the mixed model was a sensible transition but it needed to be time-limited, as part of a broader restoration of normal governance arrangements post-earthquake in Canterbury.

5. Where is ECan up to in terms of its water plan implementation?

Significant progress has been made by the commissioners in freshwater planning. Canterbury's zone committees are working through the collaborative processes to finalise water allocation and nutrient limits. We expect the plans to be substantially complete by 2019.

Zone Committee	Status
Ashburton (Hinds Plains)	Variation notified
Ashburton (Rakaia)	Agreeing limits
Banks Peninsula	Agreeing limits
Christchurch West Melton zone	Agreeing limits
Hurunui-Waiiau	Agreeing limits
Kaikoura	Agreeing limits
Lower Waitaki - Coastal South Canterbury	Lower Waitaki: agreeing limits South Canterbury: variation notified
Orari - Opihi - Pareora zone	Agreeing limits for zone catchments
Selwyn-Waihora	Plan notified
Upper Waitaki	Agreeing limits
Waimakariri	Agreeing limits

6. Have the special powers in relation to resource management been used?

The special powers to impose moratoria were used to prevent serious over-allocation of the Hurunui River. Resource consents were placed on hold for a year in 2010 to allow ECan to develop an integrated planning framework for the river.

ECan used the modified WCO powers to better manage water from Lake Coleridge. As result, 100 million cubic metres of water that had been taken from groundwater aquifers can instead be taken from stored water.

7. What progress has been made on improving the measurement of water meters since the commissioners were appointed?

Water metering is essential to ensure compliance with consents and to managing the resource. Only seven per cent of significant consents (over 20 litres per second) were metered in 2010. The latest 2014 figures show 86 per cent of significant consents were metered. This work by commissioners has been supported by national metering regulations.

8. Why did the Government not consider the proposal of a water authority (as raised in Christchurch City Council's submission)?

A water authority would have involved substantive change in local government functions in Canterbury at a time when local government was already under pressure from the demands of the earthquake recovery. The Government concluded that to embark on such a significant change in the immediate future would be potentially disruptive and was not in Canterbury's best interests.

9. What is the ratio of voter per representative on the mixed model council across the four wards? Why did the Government choose this approach?

Ministers are of the view that the ward boundaries for the ECan elections in 2016 needed to follow territorial authority boundaries as closely as possible. It would be confusing for electors to have regional councillors representing areas that cut across districts. It was felt the elections would run more smoothly and be better understood by the public if they followed existing district council boundaries.

There will be an average of one regional councillor for every 82,030 people. The representation arrangements follow best practice for regional councils. The constituencies will balance fair and effective representation for Canterbury's diverse communities. The boundaries cover four distinct areas of Canterbury.

Constituency	Population	Members	Population:member ratio
North Canterbury	70,240	1	70,240: 1
Christchurch	361,900	4	90,465: 1
Mid-Canterbury	82,300	1	82,300: 1
South Canterbury	59,770	1	59,700: 1

Constituency	Population	Members	Population:member ratio
TOTAL	574,210	7	82,030: 1

10. Will the government consider appointing existing commissioners as appointed councillors for the period 2016 to 2019?

Yes. The Government wants to ensure continuity of governance and to maintain the momentum of ECan's work on water management and the earthquake recovery. Ministers will decide on appointments after the October 2016 election relative to the criteria in the legislation. It will be for individual commissioners to decide whether they will make themselves available either for election or appointment.