

AGENDA ITEM NO: 8	SUBJECT MATTER: REGULATORY DELEGATIONS
REPORT: Council	DATE OF MEETING: 13 December 2007
FILE REFERENCES:	PORTFOLIO: PROJECT: OUTPUT:
REPORT BY: Donald Fraser Consents Hearings Officer	ENDORSED BY: Mike Freeman Director Regulation

PURPOSE

To update the regulatory delegations primarily as a result of the organisation design review. There is also a change related to the Air Portfolio position.

ATTACHMENTS

- Copy of current regulatory delegations
- Copy of proposed amended regulatory delegations

BACKGROUND

1. Organisational Design Review Changes

Following the recently completed organisational design review, a number of positions which hold/held statutory delegatory powers have been disestablished on 1 December 2007 or will be disestablished on 1 February 2008.

Changes at 1 December 2007:

Positions disestablished:

Energy, Transport and Built Environment Manager

Positions established:

Territorial Authority Liaison Manager
Regional Policies and Effectiveness Manager
Programme Manager Urban Development Strategy

Changes at 1 February 2008:

Positions to be disestablished:

Director Policy and Planning
Director Regulation*

Positions to be established:

Director Resource Planning and Consents
Director Regulation*
Manager Water Data
Manager Water Metering
Consents Review Manager

* These positions have the same job titles, but the new Director Regulation position would not be responsible for the consent processing functions.

The new positions established will require the delegations necessary to ensure Environment Canterbury's regulatory powers are carried out effectively.

2. Portfolio Manager Air

Currently the authorisation of woodburners under the TRP (via s369(11)) and hence under the NRRP (Rule AQL2) is delegated to a panel comprising any two members of Resource Management Officers Group (RMOG). Traditionally the decisions have been made by two of the RMOG staff, including Senior Solicitor, Director Regulation and Surface Resources and Ecosystems Manager. Those staff have accumulated considerable experience extending over many years of processing woodburner authorisation applications, and all have a detailed understanding of the reasons for the various decisions that have been made. One person from that group will no longer be available, and one has very limited availability.

Adding the position of Portfolio Manager Air to the RMOG Group will provide the flexibility of resource availability required to ensure exercise of delegated authority in processing woodburner authorisation applications under the Council's Transitional Regional Plan (TRP) (via Section 369(11) RMA) and hence under the PNRRP Rule AQL2.

3. Deputy Regional Harbourmaster

As a result of an organisational restructure, the Deputy Regional Harbourmaster position has been disestablished. New Regional Harbourmaster and Navigation Safety Manager positions have been established.

RECOMMENDATIONS

- (a) *That the Council revoke the current regulatory delegations under the Resource Management Act 1991 (attached as Attachment 1).*
- (b) *That the Council approve the proposed new regulatory delegations under the Resource Management Act 1991 (attached as Attachment 2).*

* These positions have the same job titles, but the new Director Regulation position would not be responsible for the consent processing functions.

REGULATORY DELEGATIONS

RESOURCE MANAGEMENT ACT

Appointments

Delegated to

A Regulation Hearing Committees

Section 30
Schedule 7
Local
Government
Act 2002 and
Section
34(A)(1)
Resource
Management
Act 1991

Section
92A(1)(2) and
(3) Resource
Management
Act 1991

Section 99A(1)
and Section
99(8)
Resource
Management
Act 1991

- (i) Authority to appoint Consent Hearing Committees from time to time comprising a minimum of three members and a maximum of four members or subcommittees comprising a minimum of two members, one of whom shall be appointed Chairperson by the Regulation Hearing Committee appointing the committee or subcommittee. A committee or subcommittee so appointed may include any person who is not a member of the Council.
- (ii) Authority to discharge an appointed subcommittee or committee.
- (iii) Authority to delegate to a committee or subcommittee all the powers, functions and duties of the Council as a consent authority under the Resource Management Act to hear and decide resource consent applications including the determination of any preliminary matter relating to an application.
- (iv) Authority to decline a resource consent application where an applicant does not provide the report within specified time limits or advises in writing its refusal to provide the report requested.
- (v) Authority to refer to mediation a person who has made a resource consent application or persons who have made a submission on a resource consent application, and with authority to decline to process a resource consent application or to consider a person's submission if they fail to attend a pre-hearing meeting.

RHC

B Commissioners

Section
34(A)(1)
Resource
Management
Act 1991

Authority to the Regulation Hearing Committee to

- (i) appoint commissioners and where necessary to revoke a commissioner appointment, and
- (ii) delegate to commissioners all the powers, functions and duties of the Council as a consent authority under the Resource Management Act to hear and decide resource consent applications including the determination of any preliminary matter relating to an application.

RHC

Authority to the Regulation Hearing Committee to:

- (iii) delegate to a commissioner/s, all the functions, powers and duties of the Council as a consent authority under the Resource Management Act, to decide, with or without hearing, a review of conditions of a resource consent, including the determination of any preliminary matter relating to a review.

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- (iv) delegate to a commissioner/s, all the functions, powers and duties of the Council as a consent authority, to decide an objection under Section 357 of the Resource Management Act, for any purpose that an objection may be made, including the determination of any preliminary matter relating to an objection.
- (v) delegate to a commissioner/s, all of the functions, powers and duties of the Council as a local authority, to remit, or refuse to remit, the whole or part of any charge of a kind referred to in Section 36 of the Resource Management Act which would otherwise be payable.

Where a special or emergency meeting of the Regulation Hearing Committee is called, the membership of that committee shall be the membership of the next rostered regulation Hearing Committee meeting. Where any member is not available, the existing Regulation Hearing Committee replacement system shall be used to select members.

Resource Consent Applications

Section 100	Authority to require that a resource consent hearing is required to hear and decide a resource consent application.	RHC
Section 104	Authority to hear and decide resource consent applications for which Council is obliged to hold a hearing.	RHC
Section 104	Authority to hear and decide resource consent applications to which submissions were received and where there are no requests to be heard or any requests to be heard have been withdrawn.	RHC
Section 104	Authority to decide non-notified resource consent applications.	Any one member of RMOG
Section 104	Authority to decide non-notified resource consent applications to install or alter a bore.	Any one member of RMOG, TLCI TLCO
Section 127(1)	Authority to determine applications by the holder of a resource consent for a change or cancellation of any condition of the consent where the effect will be minor and the application for change does not require notification.	Any one member of RMOG
Section 132	Authority to make decisions on a review of resource consent conditions.	DR, CE, RHC, CHC
Section 136	Authority to approve the transfer of a water permit in whole or in part to another person on another site or to another site.	Any one member of RMOG
Section 139	Power to determine requests for Certificates of Compliance.	Any one member of RMOG
Section 139A	Power to determine requests for Existing Use Certificates.	Any one member of RMOG

Submissions, Appeals, Consent Orders

First Schedule Clause 14 or 16	Authority to lodge a reference, or to withdraw reference made, to the Environment Court on a proposed regional or district plan, a regional or district plan change, or a	ETBEP, NRPM, DPP, DR, CE
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variation to a regional or district plan on which the Council had made a submission.

Where an Environment Court hearing is required subsequent to Consent Order negotiations on planning references, staff are to report back to the Council for decision on further action. (Council approval 5.2.04)

Section 120	Authority to lodge an appeal, not to lodge an appeal, or to withdraw an appeal made, to the Environment Court on a resource consent application decision.	ETBEPM, NRPM, DPP, DR, CE
Section 299 and Section 305	Authority to lodge an appeal to the High Court against a decision of the Environment Court on a Regional Council resource consent decision, a proposed regional or district plan, a district council resource consent decision, a district plan change or variation to a district plan or application for a declaration or a decision on costs.	CE
Section 299 and Section 305	Authority to withdraw an appeal to the High Court on a decision of the Environment Court.	CE
	Authority to approve consent orders on appeals on resource consent decisions, references on district and regional plan changes, references on proposed district and regional plans and references on decisions on variations to district and regional plans.	ETBEPM, NRPM, DR, DPP, CE
Section 120 and First Schedule Clause 14	Authority to waive the Council's right of appeal or to lodge a reference to the Environment Court on a decision of another authority or a Commissioner appointed by the Canterbury Regional Council on a matter to which the Council made a submission.	ETBEPM, NRPM, DR, DPP, CE
	Authority to approve applications for costs or to waive the pursuit of costs on appeals and references to the Environment Court or High Court.	DPP, DR, ETBEPM, NRPM, CE
Section 274	Authority to give notice or to decide not to give notice to the Environment Court under Section 274 of the Resource Management Act that the Council wishes to be a party to an appeal, reference or inquiry hearing on a decision on a matter to which the Council made a submission.	ETBEPM, NRPM, DR, DPP, CE
Section 274	Authority to decide to appear at proceedings before the Environment Court and call evidence for the Council as a local authority.	ETBEPM, NRPM, DR, DPP, CE
First Schedule Part II Section 189 Section 168 Section 311	Authority to lodge an application for, or to withdraw an application made for; a district plan change, a heritage order, a requirement for a designation or a declaration.	ETBEPM, NRPM, DR, DPP, CE
Section 96 & 293 and First Schedule	Authority to lodge a submission or a further submission/s or to withdraw a submission/s including a further submission/s made by the Council to a resource consent application, a requirement for a designation, a heritage order, a proposed regional or district plan, a regional or district plan change or a variation to a regional or district plan or a water conservation order or a Section 293 proposal.	ETBEPM, NRPM, DR, DPP, DFCS, CE, DIM
Section 94	Authority to give approval or decline to give approval of the Council where the Council may, in the opinion of a consent authority be adversely affected by the granting of a resource consent application.	ETBEPM, NRPM, any Director, CE

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First Schedule	Authority to provide consultation comments by the council on a regional or district plan change, a proposed regional or district plan, a variation of a proposed policy statement or regional or district plan.	ETBEPM, NRPM, DPP, CE
Section 96	Authority to lodge a submission by the Council on a resource consent application to this Council or another consent authority for an activity that affects the interests of any Canterbury Regional Council river or drainage rating district.	RE, CE, DIM

Objections under Section 357

Section 357	Authority to consider and decide any objection made under any provision of Section 357 of the Resource Management Act.	RHC, any two members of RMOG acting jointly; DFCS or FM acting jointly with one member of RMOG
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Fuels and Fuel Burning Equipment

Section 369 (11)	Authorise or prohibit the use in a clean air zone of any class of fuel.	RHC
Section 369 (11)	Authorise or prohibit the installation or use in a clean air zone of any class of fuel burning equipment. Authority to approve or decline applications for fuel burning appliance eligibility for incentives and assistance through the Clean Heat Project. (Council Approval, 1 February 2007)	Any two members of RMOG acting jointly Any two members of RMOG acting jointly

Contaminated Site Information Strategy

Authority to hear appeals to Council's contaminated site registration process.	RHC
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Delegations to Chief Executive and Other Council Staff

The Chief Executive and other staff, be delegated the following functions, powers or duties.

Delegations		CE	DR	DIM	DFCS	CM	TLCI
Section 36(3)	Power to require payment of additional charges to those fixed to enable the recovery of actual and reasonable costs.	X	X	X	X	X PCA	X RMACE X
						X PCIO X	
						EPM	
Section 36(3)A	Power to approve an estimate of any additional charges likely to be imposed where requested by a person liable to pay an additional charge under Section 36(3).	X	X	-	X	X EPM	X TLCO X RMACE X TLEP X
						X PCA X	
						X PCIO X	

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Section 36(5)	Power to remit the whole or any part of any charge fixed in accordance with Section 36 of the Act.	X	X	-	X	-	-
Section 37(1)	Power to extend or refuse an application for extension of the time limits within which the Council or any person must do something in relation to the Council's function and to waive compliance with any requirement.	X	X	-	-	X	X
						PCA X	TLCO X
						TLEP X	RMAC X
						PCIO X	
						EPM	
Section 37(2)	Power to direct the terms on which the omission or inaccuracy of any information required under the Resource Management Act, regulation or plan, or a procedural requirement that was omitted, shall be rectified.	X	X	-	-	X	
						PCA X	
Section 37A(2)(b)	Authority under Section 37A(2)(b) to (at the request of or with the consent of the applicant) extend the period within which any person must do something in connection with an application for a resource consent.	X	X		X	X	X
						PCA X	SCIO X
						PCIO X	CIO X
Delegations		CE	DR	DIM	DFCS	CM	TLCI
Section 38	Power to appoint enforcement officers with all the powers of an enforcement Officer.	X	-	-	-	-	-
Sections 41B and 41C	Authority to direct parties to a hearing to exchange evidence prior to the commencement of a hearing.	X	X			X	
						PCA X	
Section 42A	Authority to require an officer of a local authority or a consultant or any other person to prepare a report for a hearing.	X	X			X	X
						PCA X	
						PCIO X	
Section 43A Regulation	Power to review under Section 128(1) all or any water, coastal or discharge permit as required by regulation when relevant national environmental standards have been made under Section 43.	X	X			PCA X	

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Section 88(3)	Power to determine that an application for a resource consent is incomplete and the reasons for that determination.	X	X			X	X	
						PCA X		
						PCIO X		
Section 91	Authority to defer the notification or hearing of an application for a resource consent if it is considered other consents are also required.	X	X	-	-	X	X	
						PCA X		
						PCIO X		
Section 92	Authority to require an applicant to provide further information and to commission a report on any matters raised in relation to an application or to postpone the notification or hearing of an application pending receipt of the further information.	X	X	-	-	X	X	
						PCA X		
						SCIO X		CIO X
						PCIO X		
Section 92A(1)(2) and (3)	Authority to decline a resource consent application where an applicant does not provide the report within specified time limits or advises in writing its refusal to provide the report requested.	X	X					
Delegations		CE	DR	DIM	DFCS	CM	TLCI	
Section 93(1)(b)	Authority to determine whether the adverse effects of an activity on the environment will be minor.	X	X	-	-	X	X	
						PCA X		
						SCIO X		
						PCIO X		
Section 94	Authority to determine whether to dispense with notification on an application provided it falls within the criteria specified for non notification	X	X	-	-	X	X	
						PCA X		TLCO* X*
						SCIO X		
						PCIO X		

* Only for resource consent applications to install or alter a bore.

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Section 94B	Power to form an opinion for the purposes of Section 94(1) as to who may be adversely affected by a consent application activity.	X	X			X	X
						PCA X	SCIO X
						PCIO X	
Section 94(C)(2)	Authority to require notification of an application if special circumstances exist in relation to the application.	X	X	-	-	X	-
						PCA X	
						SCIO X	
Delegations		CE	DR	DIM	DFCS	CM	TLCI
Section 99	Authority to arrange pre-hearing meetings of parties to an application and other persons for the purpose of clarifying, mediating or facilitating resolution of any matter or issue.	X	X	-	-	X	-
						CHO X	
						PCA X	
Section 99A(1) and Section 99(8)	Authority to refer to mediation a person who has made a resource consent application or persons who have made a submission on a resource consent application, and with authority to decline to process a resource consent application or to consider a person's submission if they fail to attend a pre-hearing meeting.	X	X				
Section 100	Authority to determine that a hearing of an application is necessary.	X	X	-	-	X	-
						CHO X	
						PCA X	
Section 101	Authority to fix the commencement date and time and place of a hearing and to give appropriate notice thereof.	X	X	-	-	X	-
						CHO X	
						PCA X	
Section 102	Authority to determine that applications to two or more consent authorities for the same proposal are sufficiently	X	X	-	-	X	-

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	unrelated that a joint hearing is unnecessary.					PCA X		
Section 104	Authority to decide resource consent applications where notice of the application has been served on parties under Section 94 (1) RMA where there are no parties to be heard.	X	X			X		
						PCA X		
Section 108	Authority to grant or decline Council approval or to make a determination where approval or determination by Council is provided for in a condition of a resource consent or permitted activity.	X	X			X	-	
						EPM		
						PCA X	RMACE X	
Section 114(2)(b)	Authority to determine what other authorities and persons are considered appropriate to be notified of a decision on a resource consent application.	X	X	-	-	X	-	
						PCA X		
Delegations		CE	DR	DIM	DFCS	CM	TLCI	
Section 124	Authority to exercise the Council's discretion to allow the holder of a resource consent which is due to expire and who has applied for a new consent for the same consent not earlier than 6 months and not later than 3 months before expiry of the original consent to continue to operate under the original consent until the new application and any appeals are determined.	X	X	-	-	X	X	
						PCA X		
						PCIO X		
Section 125	Authority to determine an application for extension of the time limit of five years or otherwise specified within which a consent must be exercised before it lapses.	X	X	-	-	X	-	
						PCA X		RMACE X
						EPM	TLEP X	
Section 126	Authority to give written notice to cancel a resource consent which has been exercised but has not been exercised during the preceding five years unless otherwise expressly provided.	X	X	-	-	X	-	
						PCA X		
						TLEP X		
						EPM		RMACE X
						TLRAI X		

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Delegations		CE	DR	DIM	DFCS	CM	TLCI
Section 126(2)	Power to revoke a notice of cancellation of a resource consent.	X	X			X	-
						PCA X	RMACE X
						TLEP X	
						EPM	
Section 127	Authority to determine whether an application for a change or cancellation of a condition of a consent shall be notified in accordance with the Act.	X	X	-	-	X	X
						PCA X	PCIO X
Section 128	Authority to serve notice of intention to review the conditions of a resource consent and to propose new conditions.	X	X	-	-	X	
						PCA X	RMACE X
						EPM	
Delegations		CE	DR	DIM	DFCS	CM	TLCI
Section 130	Authority to determine whether to dispense with notification of a notice of review of the conditions of a resource consent.	X	X	-	-	X	X
						PCA X	RMACE X
						PCIO X	
						EPM	
Section 138(2)	Authority to refuse acceptance of a part surrender of a resource consent and to direct that the holder need not complete any work to give effect to the consent.	X	X	-	-	X	
						TLEP X	
						PCA X	RMACE X
						EPM	
						TLRAI X	
Section 138(4)	Authority to issue notice of acceptance of surrender of a resource consent.	X	X	-	-	X	-
						TLEP X	
						PCA X	RMACE X
						EPM	
Section 289	Power to action with Council's Solicitors, formal reply to Notice of Appeal or reference where the Council is cited.	X	X	X	-	NRPM X	-
			DPP X			ETBEPM X	
Section	Power to apply to the Environment Court for an	X	X	X	-	X	-

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Delegations		CE	DR	DIM	DFCS	CM	TLCI
316/320	enforcement order or an interim enforcement order.					PCA X	RMACE X
Section 325A(2) + 325A(5) + 325A(7)	Authority to cancel an abatement notice or approve a request for change or cancellation of an abatement notice or confirms an abatement notice or changes it in a way other than that sought.	X	X	X	-	X	-
						TLEP X	
						REO X	RMACE X
						PCA X	
						EPM	
	TLRAI X						
Section 329	Power to issue notices during periods of serious water shortages.	X	X	X	-	X	-
						PCA X	RMACE X
Delegations		CE	DR	DIM	DFCS	CM	TLCI
Section 330	Power to action emergency works and/or other preventative measures to contain or minimise adverse effects on the environment.	X	X	X	-	X	-
				RE X	DOE X	PCA X	RMACE X
						SEO X	
						EPM	
Section 334	Authority to make application to the District Court for a warrant for entry for search where there is reasonable grounds to believe an offence against the Resource Management Act has been or is suspected of having been committed.	X	X	-	-	-	-
				DPP X		REO X	RMACE X
						EPM	
Section 338	Make decision for Council to prosecute for offences against Resource Management Act 1991.	X	-	-	-	-	-
Section 338	Authority to lay informations on decisions to prosecute for offences.	X	X	X	X	X	-
						PCA X	REO X
						RH X	RMACE X
						OMT X	
Section 343(c)(4)	Authority to decide to commence or not to commence proceedings for an offence for which an infringement notice had been issued.	X	X				

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ENVIRONMENT CANTERBURY NAVIGATION SAFETY BYLAWS 2005

Navigation Safety Bylaws 2005		RHC	CE	DR	RH	DRH	PTH	MMPT	MMLPC
2.11	Permission to erect a device that could be used or mistaken for a navigation aid or warning.	-	y	y	y	y	-	-	-
4.1	Declaration or revocation of an access lane.	y	y	-		-	-	-	-
5.1	Instructions to remove, and removal of a neglected or unseaworthy vessel.	-	y	y	y	y	y	-	-
10.7	Notification of a Moving Prohibited Zone.	-	y	y	y	y	-	-	-
6.2.1	Grant or decline applications for "hot work certificates".	-	-	-	-	-	-	y	y
7.1	Suspensions or exemptions (not elsewhere provided for).	y	y	y	-	-	-	-	-
7.2	Temporary regulation or reservation of an area.	y	y	y	y	-	-	-	-
7.3	Permanent speed upliftings	y	y	-	-	-	-	-	-
9.1	Court Proceedings for offences under the Bylaws.	-	y	-	-	-	-	-	-
Schedule 2.1(3)	Reduction, waiver or refund of fees or charges.	y	y	y	-	-	-	-	-
4.1	Declaration and Revocation of Access Lanes – Resolve to declare or revoke the declaration of an access lane.	y	y						
7.1	Suspensions and Exemptions from the Bylaws -2.4 Speed of vessels other than under subclauses (3) to (5).	y	y						
7.1	Suspensions and Exemptions from the Bylaws – 3.1 Speed of towed object or craft.	y	y						
7.1	Suspensions and Exemptions from the Bylaws – Part 3 Water Skiing etc.	y	y						
7.1	Suspensions and Exemptions from the Bylaws – Part 4 Reserved Areas and Access Lanes.	y	y						
7.1	Suspensions and Exemptions from the Bylaws – Part 13 Special Provisions for Canterbury Lakes.	y	y						
7.2	Temporary Regulation or Reservation of an area – Temporary Regulation or Reservation of an area.	y	y						
650J(1)(a)	Transfer of duties or powers to another public authority.	y	y						
650J(1)(b)	Transfer of functions, duties or powers (other than a power to make bylaws) to a port operator.	y	y						

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Navigation Safety Bylaws 2005		RHC	CE	DR	RH	DRH	PTH	MMPT	MMLPC
2.4	Speed of Vessels Subclause (3) – Placement of Buoys marking slow speed areas.		y		y	y			
2.7	Providing of Information on Collisions or Accidents - Receipt of incident or accident reports -		y		y	y			
2.11	Damage to Buoys Subclause (2) - Authorisation of a sign, light, navigation mark, buoy, beacon or other device or structure as a navigation aid or warning -		y		y	y			
2.11	Damage to Buoys Subclause (3) - Permission to erect, maintain or display any sign, beacon, light, mark, buoy, beacon or other device that has the characteristics of a navigation aid and which may be used or mistaken as a navigation aid or warning.		y		y	y			
5.1	Vessels to be Serviceable or Removed Subclause (2) - Declaring that a vessel is a navigation hazard and instructing the Master and owner of the vessel to remove it from the navigable waterway.		y		y	y			
5.1	Vessels to be Serviceable or Removed Subclause (3) - Shifting a vessel to a position where it is no longer a hazard, or removing it from the water. Recovery of the costs incurred.		y		y	y			
5.6	Maintenance of Moorings Subclause (2) - Deeming a mooring to be insufficient or in a poor state of repair and requiring the swing mooring to be lifted or removed.		y		y	y			
5.6	Maintenance of Moorings Subclause (3) - Inspecting and approving a mooring.		Y		y	y			
5.6	Maintenance of Moorings Subclause (4) - Remove a swing mooring and recovering the cost incurred.		y		y	y			
5.7	Relocation of a Mooring Subclause (1) - Deeming a mooring to be a navigation hazard, or in the wrong place, and requiring the owner of a mooring to shift a mooring to a position allocated.		y		y	y			
5.7	Relocation of a Mooring Subclause (2) - Shifting a mooring and recovering costs.		y		y	y			
5.8	Recovery of a Vessel that has Broken Adrift - Securing or refloating any vessel that has broken adrift from, sunk, or partially sunk at a mooring and recovery of costs.		y		y	y			
7.1	Suspensions and Exemptions from the Bylaws - 2.1 & 2.2 Lifejackets/Personal		y		y	y			

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Navigation Safety Bylaws 2005		RHC	CE	DR	RH	DRH	PTH	MMPT	MMLPC
	Floatation Devices.								
7.1	Suspensions and Exemptions from the Bylaws – 2.3 Minimum Age for Operating Powered Vessels.		y		y	y			
7.1	Suspensions and Exemptions from the Bylaws - 2.6 Navigating with persons extending outside the vessel.		y		y	y			
7.1	Suspensions and Exemptions from the Bylaws - 2.10 Obstructions to Navigation.		y		y	y			
7.1	Suspensions and Exemptions from the Bylaws – 2.12 Vessels not to Sound Whistles.		y		y	y			
7.1	Suspensions and Exemptions from the Bylaws - 2.13 Divers to Display Flag A on vessel.		y		y	y			
7.1	Suspensions and Exemptions from the Bylaws - Part 3 Water Skiing etc.		y		y	y			
8.3	Fees and Charges - Reductions, waiving or refunding all or part fees or charges.		y		y	y			
9.1	Offences – Prosecutions.		y						
650A(a)(i)	Erection and maintenance of navigation aids.		y		y	y			
650A(a)(ii)	Removal of obstruction and impediments to navigation and execution and maintenance of works that improve navigation.		y		y	y			
650D	Appointment of harbourmasters and enforcement officers (including honorary enforcement officers).		y		y	y			
650K(2)	Steps to remove or deal with a wreck.		y		y	y			
684F	Consultation with the Director of Maritime New Zealand about proposed bylaws.		y		y	y			
699A to 699D	The issuance of infringement notices for Bylaw breaches.		y	y	y	y			

(Council approval 30 March 2006)

Abbreviations

CE	Chief Executive
CHC	Consent Hearing Committee
CHO	Consents Hearings Officer
CIO	Consents Investigating Officer
CM	Consents Manager

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DFCS	Director Finance and Corporate Services
DIM	Director Investigations and Monitoring
DRH	Deputy Regional Harbourmaster
DOE	Design and Operations Engineer
DPP	Director Policy and Planning
DR	Director Regulation
ETBEPM	Energy, Transport and the Built Environment Policy Manager
EPM	Environmental Protection Manager
EQHM	Environmental Quality and Hazards Manager
FM	Financial Manager
MMLPC	Marine Manager, Lyttelton Port of Christchurch
MMPT	Marine Manager, Primeport Timaru
NRPM	Natural Resources Policy Manager
NSM	Navigation Safety Manager
OMT	Office Manager Timaru
PCA	Principal Consents Advisor
PCIO	Principal Consents Investigating Officer
PTH	Primeport Timaru Harbourmaster
RE	Regional Engineer
REO	Regional Enforcement Officer
RH	Regional Harbourmaster
RHC	Regulation Hearing Committee
RMACE	RMA Compliance and Enforcement Manager
RMOG	Resource Management Officers Group (RMOG) (Chief Executive, Director Regulation, Director Policy and Planning, Director Investigations and Monitoring, Consents Manager, Energy Transport and the Built Environment Policy Manager, Natural Resources Policy Manager, Senior Solicitor, Solicitor, Surface Water Resources and Ecosystems Manager, Environmental Quality and Hazards Manager, RMA Compliance and Enforcement Manager, Team Leader Consent Investigations, Principal Consents Advisor and Principal Consents Investigating Officer), Environmental Protection Manager Implementation/Strategy and Environmental Protection Manager Operations.
SBA	Senior Business Analyst
SCIO	Senior Consents Investigating Officer
SEO	Senior Engineering Officer
SWREM	Surface Water Resources and Ecosystems Manager
TLCO	Team Leader Consents Operations
TLCI	Team Leader Consents Investigations
TLEP	Team Leader Environmental Protection
TLRAI	Team Leader Regulation Advisory and Implementation

(Council approval, 27 July 2006)

SWEARING OF INFORMATIONS

Delegation to the officers specified below, the ability to swear and lay informations for prosecutions under the Resource Management Act 1991, Biosecurity Act 1993 and the Summary Proceedings Act 1957 on behalf of the Canterbury

ATTACHMENT 1

Regional Council, provided that such ability shall only be exercised where the Chief Executive of the Canterbury Regional Council has provided written approval for those prosecutions.

Director Regulation, Biosecurity Manager, RMA Compliance and Enforcement Manager, Regulation Enforcement Officer, Harbourmaster, Timaru Office Manager.

TRANSPORT SERVICES LICENSING ACT 1989

Delegation to Director Operations, to:

- Approve reduced service requirements for approved taxi organisations (Section 22).
- Reduce period of notice for varying or abandonment of registered passenger service, decline or vary (Sections 49 and 50).

(Council Approval, 6 October 2004)

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BIOSECURITY ACT 1993

Delegation to the Chief Executive, authority:

S.135	To recover costs of administering the Biosecurity Act and performing the functions powers and duties provided for in the Act in accordance with the principles of equity and efficiency in accordance with S.135 and the regulations.
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* Delegation from the Chief Executive to M C Freeman, Director Regulation, authority

S.128	To authorise action pursuant to S.128 of the Act for work estimated not to exceed \$10,000 in value.
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The power to consider and determine exemption applications from any rule in any Regional Pest Management Strategy under Section 80D of the Biosecurity Act 1993 be delegated as follows:

- (i) To the Regulation Hearing Committee, or
- (ii) To the Chief Executive, or
- (iii) To each of the Director Regulation and the Biosecurity Manager to consider and determine exemption applications where Council has approved guidelines for determining such exemption applications.

Where the Chief Executive believes Environment Canterbury has a real or potential conflict of interest relating to an exemption application from any rule in any Regional Pest Management Strategy under Section 80D of the Biosecurity Act 1993, an independent commissioner(s) shall be appointed by the Chief Executive to consider the application, prepare a full report, and make a recommendation to the appropriate decision-maker.

(Council, 14.12.00)

SOIL CONSERVATION AND RIVERS CONTROL ACT 1941

Delegation to each of the Chief Executive and the Director Regulation, authority to:

- Determine requests for consents and approvals as a consequence of the Council having an interest in land by virtue of a Land Improvement Agreement registered under Section 30A of the Soil Conservation and Rivers Control Act 1941.

COUNCIL BYLAWS

Delegation to each of the Chief Executive and the Director Regulation, authority where there is no other delegation provision to:

- Make determinations under Council bylaws.
- Suspend a bylaw or any specific provision thereof.

BUILDING ACT 1991

Delegation to the Chief Executive, pursuant to the powers of delegation under Section 78 of the Building Act 1991 and Section 715 and 716 of the Local Government Act 1974, the functions and duties of the Council under Section 24 of the Building Act 1991.

Delegation to the Chief Executive all functions and duties of the Council under the Building Act 2004.

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MARITIME TRANSPORT ACT 1994

Delegation to the Chief Executive:

- To institute legal proceedings under the Maritime Transport Act 1994 for offences committed in or in relation to the waters of any harbour as defined in Harbour Bylaws.
- To appoint Regional On-Scene Commanders for the Canterbury region under Section 318 and 320 of the Maritime Transport Act 1994.
- To inform the Director of Maritime safety of notices as required by Section 231 of the Maritime Transport Act 1994 with power of sub-delegation.
- To approve a change to the Regional Marine Oil Spill Contingency Plan for Canterbury other than a change to the objectives and policies of the plan.

(Council Approval – 29 June 2006)

CROWN PASTORAL LAND ACT 1998

That Council delegate to the Chief Executive the power to consent to the acceptance of a substantive proposal under Section 60(4) of the Crown Pastoral Land Act 1998.

(Council Approval – 30 May 2002)

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Revised: 27 November 2007

REGULATORY DELEGATIONS

RESOURCE MANAGEMENT ACT

Appointments

Delegated to

A Regulation Hearing Committees

Section 30
Schedule 7
Local
Government
Act 2002 and
Section
34(A)(1)
Resource
Management
Act 1991

Section
92A(1)(2) and
(3) Resource
Management
Act 1991

Section 99A(1)
and Section
99(8)
Resource
Management
Act 1991

- (i) Authority to appoint Consent Hearing Committees from time to time comprising a minimum of three members and a maximum of four members or subcommittees comprising a minimum of two members, one of whom shall be appointed Chairperson by the Regulation Hearing Committee appointing the committee or subcommittee. A committee or subcommittee so appointed may include any person who is not a member of the Council.
- (ii) Authority to discharge an appointed subcommittee or committee.
- (iii) Authority to delegate to a committee or subcommittee all the powers, functions and duties of the Council as a consent authority under the Resource Management Act to hear and decide resource consent applications including the determination of any preliminary matter relating to an application.
- (iv) Authority to decline a resource consent application where an applicant does not provide the report within specified time limits or advises in writing its refusal to provide the report requested.
- (v) Authority to refer to mediation a person who has made a resource consent application or persons who have made a submission on a resource consent application, and with authority to decline to process a resource consent application or to consider a person's submission if they fail to attend a pre-hearing meeting.

RHC

B Commissioners

Section
34(A)(1)
Resource
Management
Act 1991

- Authority to the Regulation Hearing Committee to
- (i) appoint commissioners and where necessary to revoke a commissioner appointment, and
 - (ii) delegate to commissioners all the powers, functions and duties of the Council as a consent authority under the Resource Management Act to hear and decide resource consent applications including the determination of any preliminary matter relating to an application.

RHC

Authority to the Regulation Hearing Committee to:

- (iii) delegate to a commissioner/s, all the functions, powers and duties of the Council as a consent authority under the Resource Management Act, to decide, with or without hearing, a review of conditions of a resource consent, including the determination of any preliminary matter relating to a review.

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- (iv) delegate to a commissioner/s, all the functions, powers and duties of the Council as a consent authority, to decide an objection under Section 357 of the Resource Management Act, for any purpose that an objection may be made, including the determination of any preliminary matter relating to an objection.
- (v) delegate to a commissioner/s, all of the functions, powers and duties of the Council as a local authority, to remit, or refuse to remit, the whole or part of any charge of a kind referred to in Section 36 of the Resource Management Act which would otherwise be payable.

Where a special or emergency meeting of the Regulation Hearing Committee is called, the membership of that committee shall be the membership of the next rostered Regulation Hearing Committee meeting. Where any member is not available, the existing Regulation Hearing Committee replacement system shall be used to select members.

Resource Consent Applications

Section 100	Authority to require that a resource consent hearing is required to hear and decide a resource consent application.	RHC
Section 104	Authority to hear and decide resource consent applications for which Council is obliged to hold a hearing.	RHC
Section 104	Authority to hear and decide resource consent applications to which submissions were received and where there are no requests to be heard or any requests to be heard have been withdrawn.	RHC
Section 104	Authority to decide non-notified resource consent applications.	Any one member of RMOG
Section 104	Authority to decide non-notified resource consent applications to install or alter a bore.	Any one member of RMOG, TLCI TLCO
Section 127(1)	Authority to determine applications by the holder of a resource consent for a change or cancellation of any condition of the consent where the effect will be minor and the application for change does not require notification.	Any one member of RMOG
Section 132	Authority to make decisions on a review of resource consent conditions.	DR, DRPC, CE, RHC, CHC
Section 136	Authority to approve the transfer of a water permit in whole or in part to another person on another site or to another site.	Any one member of RMOG
Section 139	Power to determine requests for Certificates of Compliance.	Any one member of RMOG
Section 139A	Power to determine requests for Existing Use Certificates.	Any one member of RMOG

Submissions, Appeals, Consent Orders

First Schedule Clause 14 or 16	Authority to lodge a reference, or to withdraw reference made, to the Environment Court on a proposed regional or district plan, a regional or district plan change, or a	NRPM, DR, CE, DRPC, TALM
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variation to a regional or district plan on which the Council had made a submission.

Where an Environment Court hearing is required subsequent to Consent Order negotiations on planning references, staff are to report back to the Council for decision on further action. (Council approval 5.2.04)

Section 120	Authority to lodge an appeal, not to lodge an appeal, or to withdraw an appeal made, to the Environment Court on a resource consent application decision.	NRPM, DR, CE, DRPC, TALM, PMUDS
Section 299 and Section 305	Authority to lodge an appeal to the High Court against a decision of the Environment Court on a Regional Council resource consent decision, a proposed regional or district plan, a district council resource consent decision, a district plan change or variation to a district plan or application for a declaration or a decision on costs.	CE
Section 299 and Section 305	Authority to withdraw an appeal to the High Court on a decision of the Environment Court.	CE
	Authority to approve consent orders on appeals on resource consent decisions, references on district and regional plan changes, references on proposed district and regional plans and references on decisions on variations to district and regional plans.	NRPM, DR, CE, DRPC, TALM, PMUDS
Section 120 and First Schedule Clause 14	Authority to waive the Council's right of appeal or to lodge a reference to the Environment Court on a decision of another authority or a Commissioner appointed by the Canterbury Regional Council on a matter to which the Council made a submission.	NRPM, DR, CE, DRPC, TALM, PMUDS
	Authority to approve applications for costs or to waive the pursuit of costs on appeals and references to the Environment Court or High Court.	DR, NRPM, CE, DRPC, TALM, PMUDS
Section 274	Authority to give notice or to decide not to give notice to the Environment Court under Section 274 of the Resource Management Act that the Council wishes to be a party to an appeal, reference or inquiry hearing on a decision on a matter to which the Council made a submission.	NRPM, DR, CE, DRPC, TALM, PMUDS
Section 274	Authority to decide to appear at proceedings before the Environment Court and call evidence for the Council as a local authority.	NRPM, DR, CE, DRPC, TALM, PMUDS
First Schedule Part II Section 189 Section 168 Section 311	Authority to lodge an application for, or to withdraw an application made for; a district plan change, a heritage order, a requirement for a designation or a declaration.	NRPM, DR, CE, DRPC, TALM, PMUDS
Section 96 & 293 and First Schedule	Authority to lodge a submission or a further submission/s or to withdraw a submission/s including a further submission/s made by the Council to a resource consent application, a requirement for a designation, a heritage order, a proposed regional or district plan, a regional or district plan change or a variation to a regional or district plan or a water conservation order or a Section 293 proposal.	NRPM, DR, DFCS, CE, DIM, DRPC, TALM, PMUDS
Section 94	Authority to give approval or decline to give approval of the Council where the Council may, in the opinion of a consent authority be adversely affected by the granting of a resource consent application.	NRPM, any Director, CE, TALM, PMUDS

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First Schedule Authority to provide consultation comments by the council on a regional or district plan change, a proposed regional or district plan, a variation of a proposed policy statement or regional or district plan. NRPM, CE, DRPC, PMUDS, RPEM, TALM, PMUDS

Section 96 Authority to lodge a submission by the Council on a resource consent application to this Council or another consent authority for an activity that affects the interests of any Canterbury Regional Council river or drainage rating district. RE, CE, DIM

Objections under Section 357

Section 357 Authority to consider and decide any objection made under any provision of Section 357 of the Resource Management Act. RHC, any two members of RMOG acting jointly; DFCS or FM
acting jointly with one member of RMOG

Fuels and Fuel Burning Equipment

Section 369 (11) Authorise or prohibit the use in a clean air zone of any class of fuel. RHC

Section 369 (11) Authorise or prohibit the installation or use in a clean air zone of any class of fuel burning equipment. Any two members of RMOG acting jointly

Authority to approve or decline applications for fuel burning appliance eligibility for incentives and assistance through the Clean Heat Project. Any two members of RMOG acting jointly
(Council Approval, 1 February 2007)

Contaminated Site Information Strategy

Authority to hear appeals to Council's contaminated site registration process. RHC

Delegations to Chief Executive and Other Council Staff

The Chief Executive and other staff, be delegated the following functions, powers or duties.

Delegations		CE	DR DRPC	DIM	DFCS	CM CRM	TLCI	
Section 36(3)	Power to require payment of additional charges to those fixed to enable the recovery of actual and reasonable costs.	X	X	X	X	X PCA	X	
						X		RMACE X
						SBA	PCIO X	
Section 36(3)A	Power to approve an estimate of any additional charges likely to be imposed where requested by a person liable to pay an additional charge under Section 36(3).	X	X	-	X	X	X	
						EPM		TLCO X
						SBA	PCA X	RMACE X
							PCIO X	TLEP X

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Section 36(5)	Power to remit the whole or any part of any charge fixed in accordance with Section 36 of the Act.	X	X	-	X	-	-
Section 37(1)	Power to extend or refuse an application for extension of the time limits within which the Council or any person must do something in relation to the Council's function and to waive compliance with any requirement.	X	X	-	-	X	X
						PCA X	TLCO X
						TLEP X	RMAC X
						PCIO X	
	EPM						
Section 37(2)	Power to direct the terms on which the omission or inaccuracy of any information required under the Resource Management Act, regulation or plan, or a procedural requirement that was omitted, shall be rectified.	X	X	-	-	X	
						PCA X	
Section 37A(2)(b)	Authority under Section 37A(2)(b) to (at the request of or with the consent of the applicant) extend the period within which any person must do something in connection with an application for a resource consent.	X	X		X	X	X
						PCA X	SCIO X
						PCIO X	CIO X
Delegations		CE	DR DRPC	DIM	DFCS	CM CRM	TLCI
Section 38	Power to appoint enforcement officers with all the powers of an enforcement Officer.	X	-	-	-	-	-
Sections 41B and 41C	Authority to direct parties to a hearing to exchange evidence prior to the commencement of a hearing.	X	X			X	
						PCA X	
Section 42A	Authority to require an officer of a local authority or a consultant or any other person to prepare a report for a hearing.	X	X			X	X
						PCA X	
						PCIO X	
Section 43A Regulation	Power to review under Section 128(1) all or any water, coastal or discharge permit as required by regulation when relevant national environmental standards have been made under Section 43.	X	X			PCA X	

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Section 88(3)	Power to determine that an application for a resource consent is incomplete and the reasons for that determination.	X	X			X	X	
						PCA X		
						PCIO X		
Section 91	Authority to defer the notification or hearing of an application for a resource consent if it is considered other consents are also required.	X	X	-	-	X	X	
						PCA X		
						PCIO X		
Section 92	Authority to require an applicant to provide further information and to commission a report on any matters raised in relation to an application or to postpone the notification or hearing of an application pending receipt of the further information.	X	X	-	-	X	X	
						PCA X		
						SCIO X		CIO X
						PCIO X		
Section 92A(1)(2) and (3)	Authority to decline a resource consent application where an applicant does not provide the report within specified time limits or advises in writing its refusal to provide the report requested.	X	X					
Delegations		CE	DR DRPC	DIM	DFCS	CM CRM	TLCI	
Section 93(1)(b)	Authority to determine whether the adverse effects of an activity on the environment will be minor.	X	X	-	-	X	X	
						PCA X		
						SCIO X		
						PCIO X		
Section 94	Authority to determine whether to dispense with notification on an application provided it falls within the criteria specified for non notification	X	X	-	-	X	X	
						PCA X		TLCO* X*
						SCIO X		
						PCIO X		

* Only for resource consent applications to install or alter a bore.

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Section 94B	Power to form an opinion for the purposes of Section 94(1) as to who may be adversely affected by a consent application activity.	X	X			X	X
						PCA X	SCIO X
						PCIO X	
Section 94(C)(2)	Authority to require notification of an application if special circumstances exist in relation to the application.	X	X	-	-	X	-
						PCA X	
						SCIO X	
Delegations		CE	DR DRPC	DIM	DFCS	CM CRM	TLCI
Section 99	Authority to arrange pre-hearing meetings of parties to an application and other persons for the purpose of clarifying, mediating or facilitating resolution of any matter or issue.	X	X	-	-	X	-
						CHO X	
						PCA X	
Section 99A(1) and Section 99(8)	Authority to refer to mediation a person who has made a resource consent application or persons who have made a submission on a resource consent application, and with authority to decline to process a resource consent application or to consider a person's submission if they fail to attend a pre-hearing meeting.	X	X				
Section 100	Authority to determine that a hearing of an application is necessary.	X	X	-	-	X	-
						CHO X	
						PCA X	
Section 101	Authority to fix the commencement date and time and place of a hearing and to give appropriate notice thereof.	X	X	-	-	X	-
						CHO X	
						PCA X	
Section 102	Authority to determine that applications to two or more consent authorities for the same proposal are sufficiently	X	X	-	-	X	-

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	unrelated that a joint hearing is unnecessary.					PCA X	
Section 104	Authority to decide resource consent applications where notice of the application has been served on parties under Section 94 (1) RMA where there are no parties to be heard.	X	X			X	
						PCA X	
Section 108	Authority to grant or decline Council approval or to make a determination where approval or determination by Council is provided for in a condition of a resource consent or permitted activity.	X	X			X	-
						EPM	
						PCA X	RMACE X
Section 114(2)(b)	Authority to determine what other authorities and persons are considered appropriate to be notified of a decision on a resource consent application.	X	X	-	-	X	-
						PCA X	
Delegations		CE	DR DRPC	DIM	DFCS	CM CRM	TLCI
Section 124	Authority to exercise the Council's discretion to allow the holder of a resource consent which is due to expire and who has applied for a new consent for the same consent not earlier than 6 months and not later than 3 months before expiry of the original consent to continue to operate under the original consent until the new application and any appeals are determined.	X	X	-	-	X	X
						PCA X	
						PCIO X	
Section 125	Authority to determine an application for extension of the time limit of five years or otherwise specified within which a consent must be exercised before it lapses.	X	X	-	-	X	-
						PCA X	
						EPM	TLEP X

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Section 126	Authority to give written notice to cancel a resource consent which has been exercised but has not been exercised during the preceding five years unless otherwise expressly provided.	X	X	-	-	X	-	
						PCA X		
						TLEP X		
						EPM		RMACE X
TLRAI X								
Section 126(2)	Power to revoke a notice of cancellation of a resource consent.	X	X			X	-	
						PCA X		RMACE X
						TLEP X		
						EPM		
Section 127	Authority to determine whether an application for a change or cancellation of a condition of a consent shall be notified in accordance with the Act.	X	X	-	-	X	X	
						PCA X		PCIO X
Section 128 and Section 129	Authority to serve notice of intention to review the conditions of a resource consent and to propose new conditions.	X	X	-	-	X	RMACE X	
						PCA X		
						EPM		
Delegations		CE	DR DRPC	DIM	DFCS	CM CRM	TLCI	
Section 130	Authority to determine whether to dispense with notification of a notice of review of the conditions of a resource consent.	X	X	-	-	X	X	
						PCA X		RMACE X
						PCIO X		
						EPM		
Section 138(2)	Authority to refuse acceptance of a part surrender of a resource consent and to direct that the holder need not complete any work to give effect to the consent.	X	X	-	-	X	RMACE X	
						TLEP X		
						PCA X		
						EPM		
						TLRAI X		
Section 138(4)	Authority to issue notice of acceptance of surrender of a resource consent.	X	X	-	-	X	-	
						TLEP X		
						PCA X		RMACE X

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							EPM	
Section 289	Power to action with Council's Solicitors, formal reply to Notice of Appeal or reference where the Council is cited.	X	X	X	-		NRPM X	-
							ETBEPM X	
Section 316/320	Power to apply to the Environment Court for an enforcement order or an interim enforcement order.	X	X	X	-		X	-
							PCA X	RMACE X
Section 325A(2) + 325A(5) + 325A(7)	Authority to cancel an abatement notice or approve a request for change or cancellation of an abatement notice or confirms an abatement notice or changes it in a way other than that sought.	X	X	X	-		X	-
							TLEP X	
							REO X	RMACE X
							PCA X	
							EPM	
							TLRAI X	
Section 329	Power to issue notices during periods of serious water shortages.	X	X	X	-		X	-
							PCA X	RMACE X
Delegations		CE	DR DRPC	DIM	DFCS		CM CRM	TLCI
Section 330	Power to action emergency works and/or other preventative measures to contain or minimise adverse effects on the environment.	X	X	X	-		X	-
				RE X	DOE X		PCA X	RMACE X
							SEO X	
							EPM	
Section 334	Authority to make application to the District Court for a warrant for entry for search where there is reasonable grounds to believe an offence against the Resource Management Act has been or is suspected of having been committed.	X	X	-	-		-	-
							REO X	RMACE X
							EPM	
Section 338	Make decision for Council to prosecute for offences against Resource Management Act 1991.	X	-	-	-		-	

ATTACHMENT 2

Section 338	Authority to lay informations on decisions to prosecute for offences.	X	X	X	X	X	-
						PCA X	REO X
						RH X	RMACE X
						OMT X	
Section 343(c)(4)	Authority to decide to commence or not to commence proceedings for an offence for which an infringement notice had been issued.	X	X				

ENVIRONMENT CANTERBURY NAVIGATION SAFETY BYLAWS 2005

Navigation Safety Bylaws 2005		RHC	CE	DR	RH	NSM	PTH	MMPT	MMLPC
2.11	Permission to erect a device that could be used or mistaken for a navigation aid or warning.	-	y	y	y	y	-	-	-
4.1	Declaration or revocation of an access lane.	y	y	-		-	-	-	-
5.1	Instructions to remove, and removal of a neglected or unseaworthy vessel.	-	y	y	y	y	y	-	-
10.7	Notification of a Moving Prohibited Zone.	-	y	y	y	y	-	-	-
6.2.1	Grant or decline applications for "hot work certificates".	-	-	-	-	-	-	y	y
7.1	Suspensions or exemptions (not elsewhere provided for).	y	y	y	-	-	-	-	-
7.2	Temporary regulation or reservation of an area.	y	y	y	y	y	-	-	-
7.3	Permanent speed upliftings	y	y	-	-	-	-	-	-
9.1	Court Proceedings for offences under the Bylaws.	-	y	-	-	-	-	-	-
Schedule 2.1(3)	Reduction, waiver or refund of fees or charges.	y	y	y	-	-	-	-	-
4.1	Declaration and Revocation of Access Lanes – Resolve to declare or revoke the declaration of an access lane.	y	y						
7.1	Suspensions and Exemptions from the Bylaws -2.4 Speed of vessels other than under subclauses (3) to (5).	y	y						
7.1	Suspensions and Exemptions from the Bylaws – 3.1 Speed of towed object or craft.	y	y						
7.1	Suspensions and Exemptions from the Bylaws – Part 3 Water Skiing etc.	y	y						
7.1	Suspensions and Exemptions from the	y	y						

ATTACHMENT 2

Navigation Safety Bylaws 2005		RHC	CE	DR	RH	NSM	PTH	MMPT	MMLPC
	Bylaws – Part 4 Reserved Areas and Access Lanes.								
7.1	Suspensions and Exemptions from the Bylaws – Part 13 Special Provisions for Canterbury Lakes.	y	y						
7.2	Temporary Regulation or Reservation of an area – Temporary Regulation or Reservation of an area.	y	y						
650J(1)(a)	Transfer of duties or powers to another public authority.	y	y						
650J(1)(b)	Transfer of functions, duties or powers (other than a power to make bylaws) to a port operator.	y	y						
2.4	Speed of Vessels Subclause (3) – Placement of Buoys marking slow speed areas.		y		y	y			
2.7	Providing of Information on Collisions or Accidents - Receipt of incident or accident reports -		y		y	y			
2.11	Damage to Buoys Subclause (2) - Authorisation of a sign, light, navigation mark, buoy, beacon or other device or structure as a navigation aid or warning -		y		y	y			
2.11	Damage to Buoys Subclause (3) - Permission to erect, maintain or display any sign, beacon, light, mark, buoy, beacon or other device that has the characteristics of a navigation aid and which may be used or mistaken as a navigation aid or warning.		y		y	y			
5.1	Vessels to be Serviceable or Removed Subclause (2) - Declaring that a vessel is a navigation hazard and instructing the Master and owner of the vessel to remove it from the navigable waterway.		y		y	y			
5.1	Vessels to be Serviceable or Removed Subclause (3) - Shifting a vessel to a position where it is no longer a hazard, or removing it from the water. Recovery of the costs incurred.		y		y	y			
5.6	Maintenance of Moorings Subclause (2) - Deeming a mooring to be insufficient or in a poor state of repair and requiring the swing mooring to be lifted or removed.		y		y	y			
5.6	Maintenance of Moorings Subclause (3) - Inspecting and approving a mooring.		Y		y	y			
5.6	Maintenance of Moorings Subclause (4) - Remove a swing mooring and recovering the cost incurred.		y		y	y			

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Navigation Safety Bylaws 2005		RHC	CE	DR	RH	NSM	PTH	MMPT	MMLPC
5.7	Relocation of a Mooring Subclause (1) - Deeming a mooring to be a navigation hazard, or in the wrong place, and requiring the owner of a mooring to shift a mooring to a position allocated.		y		y	y			
5.7	Relocation of a Mooring Subclause (2) - Shifting a mooring and recovering costs.		y		y	y			
5.8	Recovery of a Vessel that has Broken Adrift - Securing or refloating any vessel that has broken adrift from, sunk, or partially sunk at a mooring and recovery of costs.		y		y	y			
7.1	Suspensions and Exemptions from the Bylaws - 2.1 & 2.2 Lifejackets/Personal Floatation Devices.		y		y	y			
7.1	Suspensions and Exemptions from the Bylaws – 2.3 Minimum Age for Operating Powered Vessels.		y		y	y			
7.1	Suspensions and Exemptions from the Bylaws - 2.6 Navigating with persons extending outside the vessel.		y		y	y			
7.1	Suspensions and Exemptions from the Bylaws - 2.10 Obstructions to Navigation.		y		y	y			
7.1	Suspensions and Exemptions from the Bylaws – 2.12 Vessels not to Sound Whistles.		y		y	y			
7.1	Suspensions and Exemptions from the Bylaws - 2.13 Divers to Display Flag A on vessel.		y		y	y			
7.1	Suspensions and Exemptions from the Bylaws - Part 3 Water Skiing etc.		y		y	y			
8.3	Fees and Charges - Reductions, waiving or refunding all or part fees or charges.		y		y	y			
9.1	Offences – Prosecutions.		y						
650A(a)(i)	Erection and maintenance of navigation aids.		y		y	y			
650A(a)(ii)	Removal of obstruction and impediments to navigation and execution and maintenance of works that improve navigation.		y		y	y			
650B	Appointment of harbourmasters and enforcement officers (including honorary enforcement officers).		y						
650K(2)	Steps to remove or deal with a wreck.		y		y	y			
684F	Consultation with the Director of Maritime New Zealand about proposed bylaws.		y		y	y			

ATTACHMENT 2

Navigation Safety Bylaws 2005		RHC	CE	DR	RH	NSM	PTH	MMPT	MMLPC
699A to 699D	The issuance of infringement notices for Bylaw breaches.		y	y	y	y			

(Council approval 30 March 2006)

Abbreviations

CE	Chief Executive
CHC	Consent Hearing Committee
CHO	Consents Hearings Officer
CIO	Consents Investigating Officer
CM	Consents Manager
CRM	Consents Review Manager
DFCS	Director Finance and Corporate Services
DIM	Director Investigations and Monitoring
DOE	Design and Operations Engineer
DR	Director Regulation
DRPC	Director Resource Planning and Consents
EPM	Environmental Protection Manager
EQHM	Environmental Quality and Hazards Manager
FM	Financial Manager
MMLPC	Marine Manager, Lyttelton Port of Christchurch
MMPT	Marine Manager, Primeport Timaru
MWD	Manager Water Data
MWM	Manager Water Metering
NRPM	Natural Resources Policy Manager
NSM	Navigation Safety Manager
OMT	Office Manager Timaru
PCA	Principal Consents Advisor
PCIO	Principal Consents Investigating Officer
PMA	Portfolio Manager Air
PMUDS	Programme Manager Urban Development Strategy
PTH	Primeport Timaru Harbourmaster
RE	Regional Engineer
RH	Regional Harbourmaster
RHC	Regulation Hearing Committee
RMACE	RMA Compliance and Enforcement Manager
RMOG	Resource Management Officers Group (RMOG) (Chief Executive, Director Regulation, Director Investigations and Monitoring, Consents Manager, Natural Resources Policy Manager, Senior Solicitor, Solicitor, Surface Water Resources and Ecosystems Manager, Environmental Quality and Hazards Manager, RMA Compliance and Enforcement Manager, Team Leader Consent Investigations, Principal Consents Advisor and Principal Consents Investigating Officer), Environmental Protection Manager Implementation/Strategy, Environmental

ATTACHMENT 2

	Protection Manager Operations and Portfolio Manager Air.
RPEM	Regional Policies and Effectiveness Manager
SBA	Senior Business Analyst
SCIO	Senior Consents Investigating Officer
SEO	Senior Engineering Officer
SWREM	Surface Water Resources and Ecosystems Manager
TALM	Territorial Authority Liaison Manager
TLCO	Team Leader Consents Operations
TLE	Team Leader Enforcement
TLCI	Team Leader Consents Investigations
TLEP	Team Leader Environmental Protection
TLRAI	Team Leader Regulation Advisory and Implementation

(Council approval, 27 July 2006)

SWEARING OF INFORMATIONS

Delegation to the officers specified below, the ability to swear and lay informations for prosecutions under the Resource Management Act 1991, Biosecurity Act 1993 and the Summary Proceedings Act 1957 on behalf of the Canterbury Regional Council, provided that such ability shall only be exercised where the Chief Executive of the Canterbury Regional Council has provided written approval for those prosecutions.

Director Regulation, Director Resource Planning and Consents, Biosecurity Manager, RMA Compliance and Enforcement Manager, Team Leader Enforcement, Environmental Protection Manager, Regional Harbourmaster, Timaru Office Manager.

TRANSPORT SERVICES LICENSING ACT 1989

Delegation to Director Operations, to:

- Approve reduced service requirements for approved taxi organisations (Section 22).
- Reduce period of notice for varying or abandonment of registered passenger service, decline or vary (Sections 49 and 50).

(Council Approval, 6 October 2004)

ATTACHMENT 2

BIOSECURITY ACT 1993

Delegation to the Chief Executive, authority:

S.135	To recover costs of administering the Biosecurity Act and performing the functions powers and duties provided for in the Act in accordance with the principles of equity and efficiency in accordance with S.135 and the regulations.
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S.128	To authorise action pursuant to S.128 of the Act for work estimated not to exceed \$10,000 in value.
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The power to consider and determine exemption applications from any rule in any Regional Pest Management Strategy under Section 80D of the Biosecurity Act 1993 be delegated as follows:

- (i) To the Regulation Hearing Committee, or
- (ii) To the Chief Executive, or
- (iii) To each of the Director Regulation and the Biosecurity Manager to consider and determine exemption applications where Council has approved guidelines for determining such exemption applications.

Where the Chief Executive believes Environment Canterbury has a real or potential conflict of interest relating to an exemption application from any rule in any Regional Pest Management Strategy under Section 80D of the Biosecurity Act 1993, an independent commissioner(s) shall be appointed by the Chief Executive to consider the application, prepare a full report, and make a recommendation to the appropriate decision-maker.

(Council, 14.12.00)

SOIL CONSERVATION AND RIVERS CONTROL ACT 1941

Delegation to each of the Chief Executive and the Director Regulation, authority to:

- Determine requests for consents and approvals as a consequence of the Council having an interest in land by virtue of a Land Improvement Agreement registered under Section 30A of the Soil Conservation and Rivers Control Act 1941.

COUNCIL BYLAWS

Delegation to each of the Chief Executive and the Director Regulation, authority where there is no other delegation provision to:

- Make determinations under Council bylaws.
- Suspend a bylaw or any specific provision thereof.

BUILDING ACT

Delegation to the Chief Executive, pursuant to the powers of delegation under Section 78 of the Building Act 1991 and Section 715 and 716 of the Local Government Act 1974, the functions and duties of the Council under Section 24 of the Building Act 1991.

Delegation to the Chief Executive all functions and duties of the Council under the Building Act 2004.

ATTACHMENT 2

MARITIME TRANSPORT ACT 1994

Delegation to the Chief Executive:

- To institute legal proceedings under the Maritime Transport Act 1994 for offences committed in or in relation to the waters of any harbour as defined in Harbour Bylaws.
- To appoint Regional On-Scene Commanders for the Canterbury region under Section 318 and 320 of the Maritime Transport Act 1994.
- To inform the Director of Maritime Safety of notices as required by Section 231 of the Maritime Transport Act 1994 with power of sub-delegation.
- To approve a change to the Regional Marine Oil Spill Contingency Plan for Canterbury other than a change to the objectives and policies of the plan.

(Council Approval – 29 June 2006)

CROWN PASTORAL LAND ACT 1998

That Council delegate to the Chief Executive the power to consent to the acceptance of a substantive proposal under Section 60(4) of the Crown Pastoral Land Act 1998.

(Council Approval – 30 May 2002)

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Revised: 27 November 2007

Environment Canterbury

submission to the

Transport and Industrial Relations Select Committee

on

Land Transport Management Amendment Bill 2007



To:
Clerk of the Committee
Transport and Industrial Relations Select
Committee
Select Committee Office
Parliament Buildings
WELLINGTON

14 December 2007

Introduction

1. Environment Canterbury thanks the Transport and Industrial Relations Select Committee for the opportunity to provide feedback on this draft legislation that will, if passed, have a significant and predominantly positive impact upon regional council transport planning activities and the way the land transport system is planned, funded and developed. In general we strongly support the direction taken by Government on a number of key matters covered by the Bill.
2. We fully support proposals around the allocation of fuel excise duty, a Government Policy Statement, the change to a 3-year planning cycle and the introduction of Regional Land Transport Programmes. We also support increasing the term and outlook of Regional Land Transport Strategies and the merger of Land Transport New Zealand, Transit New Zealand and the office of the Director of Land Transport. We have some suggestions on how these provisions could be further improved (as set out in the following paragraphs), however as stated we are predominantly supportive of them.
3. We welcome the expanded role of Regional Councils in the prioritisation of activities and combinations of activities proposed in the region (including State Highways), however on a point of detail we seek further clarification in the Bill on the nature and level of detail of activities to be included, described and assessed in Regional Land Transport Programmes.
4. We seek modification to the Bill around two areas of the proposed regional fuel tax, in so far as regions need to be given the ability to set sub-regional boundaries of schemes and also be given the ability to vary fuel tax rates to minimise financial risk derived from fluctuations in fuel sales and revenue. We also request some consideration be given to the additional workload that aspects of this Bill will create for regional councils and that the Government and the new Crown Entity (the Agency) review financial assistance rates to regions for this work.
5. Outlined below in more detail are our views and recommendations in relation to the Bill. You will find it covers many of the issues identified by others from the Canterbury region.
6. We ask that Environment Canterbury is given the opportunity to present before the Select Committee in support of our submission.

Background - Aims, Membership & Structure of Environment Canterbury

7. Environment Canterbury (known as ECan, the promotional name for the Canterbury Regional Council) provides regional governance functions over an area including part of the district of Waitaki, and the

entire districts of Waimate, McKenzie, Timaru, Ashburton, Selwyn, Waimakariri, Hurunui and Kaikoura, as well as the city of Christchurch. It is the largest region by land area (17% of New Zealand land) and second largest by population (538,000 - 13% of the New Zealand population)

8. Within the transport sector our aims are to support the Government's vision for an affordable, integrated, safe, responsive and sustainable land transport system, as expressed by the current New Zealand Transport Strategy (NZTS). We deliver the NZTS strategy outcomes via the Canterbury Regional Land Transport Strategy and supporting documents and processes.
9. We are a founding partner organisation to the development and implementation of the **Greater Christchurch Urban Development Strategy (GCUDS)**, prepared under the Local Government Act 2002 and now being given statutory backing through the Canterbury Regional Policy Statement under the Resource Management Act 1991. The GCUDS aims to sustainably manage future anticipated growth in the sub-region to the year 2041. In this respect we are strongly supportive of any new and improved legislation that will allow us and our regional partners to more effectively fund and deliver land transport improvements that support and effectively manage parallel economic growth and environmental sustainability.
10. ECan comprises an elected body of 14 councillors. It has formed a current Regional Land Transport Committee of 29 members (elected and non-elected members from across the region), and internally has a Land Transport Portfolio Committee and a Public Passenger Transport Portfolio Committee each comprising 5 regional councillors.

Consultation Supporting This Submission

11. ECan has sought feedback on this submission from city and district councils within the Canterbury region. We have also reviewed a number of other submissions from within and beyond Canterbury.

Introductory Comments

12. The Regional Council is supportive of the Bill, in that it identifies and aims to address a number of key issues that are a constraint on the realisation of the Government's vision for an affordable, integrated, safe, responsive and sustainable land transport system, as well as the ability of approved organisations to support the achievement of that vision by assisting economic development, safety and personal security, improving access and mobility, protecting and promoting public health and ensuring environmental sustainability.
13. The Bill gives greater responsibility to regions to prioritise transport projects and to recommend the mix of projects that best contributes to

the objectives of the region and the NZ Transport Strategy. With the added responsibility for prioritising state highway projects regions will be able to deliver more effectively on RLTS visions, goals and targets. We support the process to manage disagreements between a regional council and an RLTC should these occur, whereby the proposed regional land transport programme is referred back to the RLTC. We believe this, combined with a minimal number of exclusions of project types from the prioritisation process and a more publicly accountable RLTC will make for a more democratic and effective means to express national policy and deliver effective land transport outcomes to local communities.

Clause by Clause Comments

4 Purpose

14. ECan supports the inclusion of the word 'affordable' alongside integrated, safe, responsive and sustainable, making the new Act entirely consistent with the vision of the New Zealand Transport Strategy.

12 Overview of regional land transport programmes

15. For the avoidance of doubt clause 12(1)(a) should include a statement that a regional land transport strategy must be consistent with section 75, which states the core requirements for a regional land transport strategy.

Recommendation: Clause 12(1)(a). Insert the words "complying with section 75 of this Act", after "strategy".

16 Form and content of regional land transport programmes

16. It is anticipated that the form and content required and the level of assessment of activities in the three yearly regional land transport programmes will not be entirely different from the current requirements. We would support a collaborative development process should any changes be proposed by the Agency which could potentially impact upon an approved organisation's ability to effectively submit complying programmes. Further guidance on the assessment and presentation of 'combinations of activities' or 'packages' would be useful to inform the prioritisation debate at RLTC and local council level, as well as assist the Agency in making recommendations for the inclusion of activities in the National Land Transport Programme (NLTP).
17. ECan supports the proposed explicit exclusions from the prioritised activity list noted in clause 16(2)(g) and strongly supports the Government in not broadening these exclusions, which we believe could by way of cumulative effect diminish and dilute the effectiveness of the RLTS. Those activities that will not be part of the prioritisation

process should still be consistent with Government land transport objectives and the RLTS in order to be included in the NLTP.

18. We note under clause 16(2)(k) a requirement to assess the police activities in the context of the regional land transport programme but under clause 17 there is no requirement to consult with the police or under clause 18 is there a requirement for the police to consult with local government. We recommend that in both instances the requirement of local government and the NZ Police to consult with each other in the preparation of relevant programmes be included in the new legislation.

Recommendation: Section 17. Add “(n) the New Zealand Police”. Clause 18G(1). Add “and the relevant regional land transport committee” after “Secretary”.

17 Consultation requirements

19. ECan does not see the need to consult with those noted in (k), (l) and (m) as these are already covered by LTCCP processes. Where a new activity of significance is proposed in a regional land transport programme that is not in the prevailing LTCCP, then its significance and level of consultation required on it should be determined by the significance policy of the regional council, being the body responsible for recommending the 3-yearly regional land transport programme.

Recommendation: Section 17 delete clause 17(k)-(l). Clause 18(2) add “and policy on significance” after the word “process”.

18B Variation of regional land transport programmes

20. We would recommend clause 18B is reworked to avoid the need for such an onerous process to be undertaken for a variation to regional land transport programmes. We would recommend that if the Government wishes to retain this level of inspection that it focus upon the larger or more significant projects in a programme, perhaps by way of setting project cost limits for each region.

18G Requirements before recommending police activities or combinations of police activities

21. To optimise delivery of Police resources to support the delivery of specific Regional Land Transport Strategy safety and personal security objectives ECan supports a requirement for the Police to consult with local government in the region, as described above.

65A Overview of subpart

22. ECan supports making regional fuel tax schemes available to fund capital projects *that are consistent with national objectives* but would

otherwise not be funded from other sources within the timeframe required by the regions. This clearly provides greater flexibility and opportunity for regions to meet their regional needs and deliver capital improvements in a shorter space of time, whilst also enabling local communities to have a strong say in priority projects that effect and potentially benefit them. It would be helpful to clarify that this fuel tax would supplement the local share of schemes, thus bringing them forward to a time that could otherwise not be achieved through conventional local funding streams.

23. ECan's support of regional fuel tax is conditional upon regions being given the flexibility to define sub-regional boundaries for a fuel tax so that zones may be developed as appropriate to specific needs rather than the proposed relatively coarse approach as suggested. This will give regions and local territorial authorities the flexibility they will need to constitute effective and acceptable schemes within their communities. This is particularly relevant to public transport funding, where the benefits would accrue to the greater Christchurch area only.

Recommendation: Add to section 65G “(5) A proposed regional fuel tax scheme must include a description of the boundaries to the geographical area covered by the scheme if it is different to the boundaries of the entire area for which the regional council is responsible.”

65R Review of regional fuel tax scheme

24. It is conceivable that local sales of fuel for which the tax is payable may decline over time in response to inflation, international market pressures, the effects of national policy or even through the actions of retailers to equalise costs across the country. This clearly will influence the amounts gathered via the regional fuel tax locally and therefore increase the potential financial risk to which the region is exposed. Allowance should be made in the Amendment Act for adjustments to be made to the regional fuel tax rate to ensure financial projections are achieved and risk is minimised.

Recommendation: Add to section 65R(3) “(d) Changes to the fuel tax rate only in response to fluctuations in revenue so as to maintain the originally proposed duration of the scheme.”

70 Procedure for completing national land transport strategy

25. Local government consultation should be a specific requirement of the Minister, given the significant role local government has in the delivery of the Government's land transport vision and objectives.

Recommendation: Add to section 70(b) “regional and local councils and” after the word “give”.

83 Progress reports on regional land transport strategy

26. We feel a progress report every three years is too infrequent if this is proposed as a replacement for the current requirements for annual monitoring reports under section 182 of the Land Transport Act 1998. An annual statement of progress is required in line with annual monitoring programmes but also to ensure transparency and to inform local communities of progress in meeting the vision and goals of regional land transport strategies.

Recommendation: Clause 83(1) delete occurrences of “3” and replace the words “years” with “year”.

87 Preparation of GPS

27. ECan would anticipate that in preparing the GPS, the Government of the day would also consult with local government well in advance of the expiry of the prevailing national land transport programme, regional land transport programme and/or regional land transport strategy, so that there is an opportunity for local government to inform the content of the GPS and is well placed to deliver on it via future planning. Notwithstanding this the GPS is welcomed as a means to allow improved funding certainty and direction for both Government and the transport sector.

Recommendation: Clause 87(2) add “regional and local councils” after the word “Agency”.

101 Secretary may declare state highways

28. State highways are significant to the integrated operation of the regional land transport system. In this respect it should be explicit in the Amendment Act that when the Secretary is considering a declaration of state highway that he or she consults with the regional and local territorial authorities well in advance of any decision so that options, alternatives and arrangements can be discussed and put in place to effectively manage such changes and maximise positive outcomes for the land transport system and the local community.

Recommendation: Clause 101(1) add “and having taken into account the views of effected regional and local councils” after the word “Agency”.

102 Regional land transport committees

29. We support for the proposal to more explicitly define the members of regional land transport committees. This will improve the planning and delivery of land transport programmes by allowing only publicly accountable members to vote on such matters.

30. The reduction in size of the RLTC will also make for improved administration. In Canterbury there are 29 members of the current RLTC. Whilst in some respects it is good to bring a wide range of views and knowledge to the committee table, in other respects it is administratively complex and unwieldy. We accept and understand that existing RLTC member organisations will have concerns at no longer being involved in the work and decisions of the committee, however we believe there are alternative avenues they may take. For example, in Canterbury we have working groups and forums that 'pass up' views and thoughts to the RLTC. We envisage a structure could be developed below RLTC's where working groups and forums (potentially with one or more RLTC members) work on specific focus areas to inform the work and deliberations of the RLTC.
31. We assume that Clause 102(7) should also refer to subsection 2(d)-(i).

Recommendation: Clause 102(7) add the words “subsection 2(d) to (i) or” after the word “under”.

Further General Comments

Fuel excise duty

32. ECan supports the Government in its proposal to fully hypothecate fuel excise duty for land transport purposes. Linking fuel excise duty with the Government Policy Statement will provide greater certainty for future land transport investment.

3-year planning cycle, regional land transport programmes and strategies

33. Regions will play a greater role in land transport planning as a result of the Land Transport Management Amendment Bill. The RLTC will have an expanded role, preparing a regional land transport programme every 3 years, as well as an RLTS every six years (with a progress report every 3 years). There is also the potential for a regional fuel tax scheme should the RLTC wish to develop one. This is in addition to existing planning and consultation processes local government already undertakes such as LTCCP's.
34. Whilst this system is supported as a way to improve certainty around funding, it will impact on local and regional government in terms of the additional costs in undertaking the work and with respect to the preparation of the regional land transport programme and implementing the amended Act's requirements.
35. The Bill's supporting notes indicate that this will be mitigated by the change from an annual to 3 yearly programming cycle and the move to a six yearly cycle for the RLTS. The exhaustive list of requirements for the development of a regional land transport programme and the

consultation and monitoring also required will ensure a full workload for the RLTC and regional and local councils. This is before any consideration of regional programme variations that may be necessary or LTCCP development processes.

36. Currently regional councils attract 25% funding for developing an RLTS and this funding could be increased to acknowledge the increased cost of planning requirements. It is noted that regional councils were provided an enhanced financial assistance rate of 75% to develop information required to complete the first RLTS.

Closing Comments

37. Environment Canterbury once again thanks the Transport and Industrial Relations Select Committee for this opportunity to submit on the Land Transport Management Amendment Bill 2007. As stated, we predominantly support the direction signalled by this new piece of legislation.
38. If you have any queries on the contents of our submission, please contact Robert Woods, Transport Policy Analyst on (03) 363-9360, or email robert.woods@ecan.govt.nz.

30 November 2007

Margaret Mabbett
Ministry of Transport
PO Box 3175
WELLINGTON 6140

Dear Margaret

ENVIRONMENT CANTERBURY SUBMISSION ON SEA CHANGE – TRANSFORMING COASTAL SHIPPING IN NEW ZEALAND - DRAFT STRATEGY DISCUSSION DOCUMENT

Environment Canterbury thanks the Minister for the opportunity to comment on this discussion document. Through its Regional Land Transport Strategy (RLTS), Environment Canterbury has an explicit policy that states that the region should “provide for the effective movement of freight in ways that are efficient, safe and sustainable ensuring that that guiding principles for freight are applied”.

This policy is to be achieved by, amongst other methods:

1. Providing facilities for inter-modal freight interchange; and
2. Supporting opportunities for efficient transport of freight by alternatives to road.

The methods are further expanded in the Canterbury Freight Action Plan (FAP), a component of the RLTS. A Freight Working Group has been established under the auspices of the Regional Land Transport Committee to progress the specific actions of the FAP.

It is against this background that we are strongly supportive, in general terms, of the content and thrust of the Sea Change document. The measures suggested represent a positive step forward in reversing the decline in coastal shipping that has been seen in recent years in New Zealand.

Our comments on the discussion document are grouped in terms of general observations on the coastal shipping industry and then followed by more specific comment on the detail within the discussion document.

General Comments

The discussion document talks about the concept of **co-modality** in terms of a revitalised coastal shipping industry offering alternatives to road for freight transport. It must, however, be recognised that in reality, many of the potential freight flows that would potentially be attracted to coastal shipping are currently carried by rail. The recent decision by Pike River Coal to rail its output to Lyttelton, rather than by ship to New Plymouth is a case in point. There is a very real issue that increased emphasis on promoting coastal shipping may well be at the expense of rail rather than road. The aspirations outlined in the document for coastal shipping need to be

Our Ref: PL5C/00146
Your Ref:
Contact: Simon Milner

weighed against the aspirations for the rail industry as well – if the two modes are not considered together, it is unlikely that the aspirations for either will be met. In this specific example:

- Lack of consideration of both modes has resulted in increased reliance on one outlet (i.e. Lyttelton);
- The decision undermines the case for redevelopment of Port of Greymouth – a revitalised coastal shipping industry requires ongoing investment in appropriate port infrastructure.

Energy Implications

The strategy document touches on the environmental sustainability benefits that a revitalised coastal shipping industry can bring to New Zealand. To this end, a relative lack of capital investment in non-road transport infrastructure (including port infrastructure) is a severe constraint on realising the aspirations of the strategy.

From a national energy usage perspective, there needs to be a rethink of the logic and commercial incentives to encourage (or at least not discourage) long-haul just-in-time freight transport, where more energy efficient rail or coastal shipping alternatives exist.

If the high energy requirements of speed are translated into surcharges to customers, or discounts are offered for choices of slower modes then the volumes of freight traffic that are contestable between road, rail and coastal shipping increase.

Role & Tasks of the Maritime Liaison Unit (MLU)

We strongly support the proposed role of the MLU in promoting awareness at a regional and national level, but would further suggest that there should be a two-way information flow between the Unit and Regional Councils. In Canterbury, we have a Freight Working Group, appointed by the Regional Land Transport Committee, to implement the Canterbury Freight Action Plan. Part of this plan, as noted above, involves the promotion of alternatives to road transport for freight movements. As such, we see direct relevance between this working group and what the MLU is trying to achieve. This interaction could be best served by having a member of the MLU attached in some way to our Freight Working Group.

The MLU acting as a broker between regional councils to advance project proposals that have inter-regional benefits could go a long way towards addressing this perceived shortcoming of the current funding system.

Information Gathering

We would suggest that future informational gathering exercises should focus on understanding the economic and political drivers behind freight flows that could potentially be better served by coastal shipping – from a socio-economic perspective. Modelling of present and future freight flows has its place, but the key for providing alternatives to road transport is to understanding the scope and scale of barriers that exist and putting in place measures to address them so that appropriate modal selection decisions are made.

Ports and Adjacent Land Use Policies

There is a need to recognise that a revitalised coastal shipping industry needs to be supported by port operations that allow for increased levels of activity that are not unduly constrained. If ports are to adequately cater for additional traffic in a timely manner there is a need for ports to able to

operate around the clock. The increase in activity will have noise implications that will have to be considered in land use policies of the relevant Regional and District Plans to ensure that these activities are not curfewed.

Port Hinterland

One area where the discussion document does not offer a view is on road movements associated with increased port activity. Whilst a revitalised coastal shipping industry has the potential to remove long distance truck trips from the strategic network, it must be recognised that the end destination of most traffic is not the port itself. With increased coastal shipping, the port will experience an increase in inter-modal hubbing activity. It is conceivable that if the targets for coastal shipping outlined within this discussion document are met, there may well need to be significant investment in the inter-modal transfer infrastructure and the road and/or rail network around ports to cater for the increased traffic – rapid, efficient and low cost interoperability between modes is vital for the aspirations of this strategy to be met.

Should you have any questions regarding this submission, please contact Simon Milner on (03) 371 7180 or simon.milner@ecan.govt.nz.

Yours sincerely

Bryan Jenkins
CHIEF EXECUTIVE, ENVIRONMENT CANTERBURY