

MEETING OF THE MAORI ADVISORY COMMITTEE

TO THE CHAIRPERSON AND MEMBERS OF THE
COMMITTEE

MEMBERSHIP OF THE COMMITTEE

Cr Sir Kerry Burke (Chairperson)
Cr Jane Demeter
Cr Carole Evans
Cr Bob Kirk
Cr Bronwen Murray
Cr Alec Neill (ex officio)
Cr Eugenie Sage
Cr Rik Tindall

Representatives from:

Arowhenua Runanga
Canterbury District Health
Kaikoura Runanga
Runaka ki Otautahi
Te Runanga o Nga Maata Waka
Te Puni Kokiri
Te Runanga o Koukourarata
Te Runanga o Ngāi Tahu
Waihao Runanga

A meeting of the Committee will be held on
Friday, 19 February 2010 at 1.30pm
Lunch will be available from 1.00 pm

VENUE:
Council Chamber
First Floor
Pegasus Building
58 Kilmore Street
CHRISTCHURCH

BUSINESS: As per Order Paper attached
Agendas are available on our website three days prior to the date of the meeting - <http://ecan.govt.nz/news-and-notice/minutes/Pages/Default.aspx>

Dr Bryan Jenkins
CHIEF EXECUTIVE

**RECOMMENDATIONS IN REPORTS ARE NOT TO BE TAKEN
AS COUNCIL POLICY UNTIL ADOPTED BY COUNCIL**

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COMPLIANCE WITH LOCAL GOVERNMENT ACT 2002 DECISION-MAKING REQUIREMENTS

Except as below, a statement of compliance and a completed decision checklist is required for any agenda item on a council committee or the council recommending that a decision be made. This will be the responsibility of the person signing off the agenda item.

The compliance statement and checklist will not be used for:

- Recommendations that information be received or that the Council make a decision.
- Decisions taken under the Resource Management Act 1991 or the Biosecurity Act 1993 in relation to resource consents, decisions required when following the procedures set out in Schedule 1 of the Resource Management Act 1991, other permissions, submissions on plans, or references to the Environment Court.
- Decisions taken to proceed with enforcement procedures under various primary or secondary legislation or regulations, including procedures under the Resource Management Act 1991, the Biosecurity Act 1993, the Local Government Act 2002, and Environment Canterbury Bylaws.
- Administrative and personnel decisions that are entirely internal to Environment Canterbury.
- Other decisions where the procedures to be followed are set out in Legislation.

COMPLIANCE STATEMENT

The council committee (or the council) must formally certify that:

- (a) It is satisfied that it has sufficient information about the options and their benefits and costs, in terms of the region's social, economic, environmental and cultural well-being and the effects on community outcomes, bearing in mind the significance of the decisions.
- (b) It is satisfied that it knows enough about and has given adequate consideration to the views and preferences of affected and interested parties bearing in mind the significance of the decision.

INFORMATION CHECKLIST

(a)	A Statement of the Proposed Decision
(b)	A Statement of the Objective of the Proposed Decision and the Issue or Problem being addressed
(c)	A list of all reasonably practicable options, (including doing nothing).
(d)	For each option in (c): An evaluation of the Benefits and Costs, in terms of the region's social, economic, environmental and cultural well-being.
(e)	For each option in (c): A statement of the extent to which community outcomes would be promoted or achieved in an integrated and efficient manner.
(f)	For each option in (c): A statement of the Impact, if any, on Environment Canterbury's capacity to undertake its statutory responsibilities
(g)	If the Proposed Decision is a significant decision in relation to land or a body of water, a statement of how Maori values have been taken into account
(h)	A Statement of significant inconsistencies, if any, with any Existing Policy, Plan or Legislation arising from the Proposed Decision.
(i)	A statement how the views and preferences of affected or interested persons have been given adequate consideration during the definition of the problem or issue, the objective, the assessment of options and the development of the proposed decision, including the particular contribution of Maori to the decision-making process.

Notes:

The significance of proposals and decisions determines how much time, money and effort is put into exploring and evaluating options and obtaining the views of affected and interested parties. The significance of proposals and decisions is determined through reference to criteria contained in the policy on significance.

The policy on significance together with Section 76 of the Local Government Act 2002 set out the Council's requirements in relation to decisions. Some decisions can only be made through the Long-Term Council Community Plan, or after the Special Consultative Procedures set out in the Act have been used, (refer to the policy on significance and the Act).

All decisions of Environment Canterbury are subject to the decision-making requirements of section 76 of the Act unless inconsistent with specific requirements of other legislation.

ENVIRONMENT CANTERBURY

MAORI ADVISORY COMMITTEE

ORDER PAPER

1. WELCOME
2. APOLOGIES
3. MINUTES OF MEETING – 28 AUGUST 2009
4. MATTERS ARISING
5. DEPUTATIONS AND PETITIONS
6. BOB TAI WILL EXPLAIN HIS ROLE AS MAORI LIAISON OFFICER
7. UPDATES FROM RUNANGA
8. GENERAL BUSINESS
9. ITEMS AND VENUES FOR FUTURE MEETINGS
10. NEXT MEETING DATE 28 MAY 2010
11. CLOSURE

ENVIRONMENT CANTERBURY

MAORI ADVISORY COMMITTEE

MINUTES OF THE MEETING HELD IN THE COUNCIL CHAMBER, ENVIRONMENT CANTERBURY, 58 KILMORE STREET, CHRISTCHURCH ON FRIDAY 28 AUGUST 2009 AT 1.40 P.M.

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PRESENT

Environment Canterbury

Crs Sir Kerry Burke (Chair), Jane Demeter, Bob Kirk, Bronwen Murray, Eugenie Sage and Rik Tindall

Te Runanga o Koukourarata

Graeme Grennell

Kaikoura Runanga

Mark Solomon

Te Runanga o Ngai Tahu

David O'Connell

Canterbury District Health Board

Dr Ramon Pink

IN ATTENDANCE

Raewyn Solomon (Kaikoura Runanga),

MANAGEMENT AND OFFICERS PRESENT

Dr Bryan Jenkins (Chief Executive), Jackie Curtis (Director External Relations), Don Rule (Director Resource Planning and Consents), Jude Pani (Manager Secretariat), Josie McNee (Stakeholder and Community Relations Manager), John Boraston (Consents Manager), Bob Tai (Maori Liaison Manager), John Glennie (Natural Resources Planning Manager), Leo Fietje (Principal Consents Advisor) and Louise McDonald (Administration Officer)

1. WELCOME

Cr Burke welcomed everyone to the meeting and invited Mark Solomon to say a Karakia.

Mr Solomon sought guidance for the discussion for the betterment of all our families.

2. APOLOGIES

Norm Dewes (Te Runanga o Nga Maata Waka), Cr Carole Evans, Rev Maurice Gray (Runaka ki Otautahi), John Henry (Arowhenua Runanga), Lee Howden (Waihao Runanga) and David Ormsby (Te Puni Kokiri)

For early departure: David O'Connell

3. MINUTES OF MEETING – 29 MAY 2009

Resolved

That the minutes of the meeting held on 29 May 2009, as circulated, be confirmed as a true and accurate record and be adopted.

Cr Burke /Mr Grennell

4. MATTERS ARISING

There were no matters arising from the minutes

5. DEPUTATIONS AND PETITIONS

There were no deputations or petitions.

6. ANNUAL PLAN 2010/2011

Jude Pani referred the Committee to the request made at the previous meeting for information about what the Council does, and explained that this item on the Annual Plan for 2010/2011 was introduction to this information.

Josie McNee circulated a brochure "Results of Community Consultation" which summarised the over 600 submissions made to the Council's Long Term Council Community Plan 2009-19 (LTCCP). She explained that the first year of this LTCCP is the Annual Plan for the current year 2009/10 and that for 2010/2011 year the Council is required to prepare an Annual Plan

Ms McNee also circulated an extract from the LTCCP that contained a diagram of the planning cycle in relation to the LTCCP and 2010/2011 Annual Plan. The process for the development of the Annual Plan will involve holding meetings earlier in the process and undertaking pre-consultation on charges for water management.

David O'Connell suggested that Iwi Management Plans could assist with LTCCP planning in terms of broader community outcomes, in addition to their Resource Management role.

7. CULTURAL IMPACT ASSESSMENTS

Raewyn Solomon spoke to a powerpoint presentation “Cultural Impact Assessments – An Overview”. Her presentation included information on the legal obligation to consider cultural effects, what is a Cultural Impact Assessment (CIA), and what they are used for.

A CIA can range from a few sentences in an email, to a formal report for complex applications or when there are multiple impacts.

Ms Solomon stressed that a CIA needs to be prepared early in the process and the request for one should be directed to the runanga when the application is made. The CIA needs to be a robust document that begins, not ends, the relationship.

For more complex matters, like the Hurunui application, the CIA required can take a minimum of 5 to 6 months to develop.

Ms Solomon explained the difficulty when a CIA is not requested early in the process and the runanga are expected to make a submission on the application when the CIA is not completed. The more information available early in the process would benefit the process.

David O’Connell confirmed that it is easier to prepare a CIA with information on the whole proposal. For example with the Waitaki Hunter Downs application, there was a variety of issues, including what the water was to be used for, efficiency, and the effects on water quality.

Mark Solomon noted that there appears to be a mismatch between the information provided in iwi management plans and how Environment Canterbury uses them. He suggested a dialogue and to have a protocol on how iwi management plans are used.

Cr Kirk suggested that the description of “Cultural Impact Assessments” could be more positively described as an assessment of cultural effects, Ms Solomon agreed and suggested that they could also be described as a cultural values assessment.

David O’Connell raised the issue of the difference between advice and consultation and the position runanga are put in by the requirements of the Resource Management Act. One on hand runanga provide advice to applicants. The relationship then changes when the runanga make a submission on the application. In terms of Environment Canterbury’s role he asked to what extent is an application accepted in full and the application notified when the CIA has not been addressed?

Dr Pink thanked Raewyn for her presentation and noted the link from the CIA prepared for resource management matters with the assessment of impacts on Maori health.

Dr Jenkins advised that some of the matters raised would be addressed in the next item.

8. TAKING ACCOUNT OF MAORI VALUES INTO THE CONSENTING PROCESS

Following on from the previous item, Leo Fietje spoke to a powerpoint presentation and tabled more detailed notes on Iwi Management Plans. Included in these notes was a table with analysis of how the issues and policies from the Te Runanga o Kaikoura Iwi Management Plan are incorporated into Environment Canterbury's plans and policies. As requested at a previous meeting, some case study information was also included.

Mr Fietje agreed with the point made by Ms Solomon in her presentation that there is statutory provision for CIAs and they can hold significant status given the provisions of sections 6, 7 and 8 of the RMA..

Mr O'Connell left at 2.44 pm

Using the recent Hurunui application as an example, Mr Fietje explained that the Council is bound by various statutory requirements and the decisions made can be the subject of keen interest by the various parties' legal representatives.. For the Hurunui application the "damming", "use" and "take" of water have been notified together, but other applications are required and will be dealt with at a later stage. Mr Fietje explained that the application had similarities to the application for water from the Waitaki River for the Hunter Downs scheme where there were also significant statutory hurdles to the taking of water.

Raewyn Solomon confirmed that the applicants for the Hurunui application had discussed the application with the runanga before it was lodged with the council, but it was not until it was lodged that they became aware of the details of the proposal the applicants had chosen to pursue.

Ms Solomon explained that it was important to have a paper trail and a CIA could not be prepared earlier for the Hurunui application, because the runanga did not have the details of the proposal contained in the application.

Mr Fietje advised that an adequate assessment of the application requires a CIA, which needs to be available before the decision is made. Given the absence of a CIA before notification for the Hurunui application, , the runanga can note in their submission that the CIA is being prepared and further comment will be provided once the CIA is completed, effectively "holding" their position until the CIA becomes available. Mr Fietje explained that because the Hurunui applicants had requested notification the decision on "adequacy" of the information provided shifted to the need to ensure interested and affected parties received adequate information so they could make an informed decision as to their desired level of involvement

It was suggested the officers' section 42 reports include reference to Iwi Management Plans.

9. SOUTHLAND VISIT

Jackie Curtis circulated a memo dated 28 August 2009 that described the recent visit of Cr Burke, Dr Jenkins and Ms Curtis to Environment Southland and Te Ao Marama to discuss the relationships between Ngai Tahu in the Southland region and Environment Southland.

Ms Curtis explained that the key to the success of this relationship was that the interaction is seamless and part of how they do business.

Dr Jenkins added that the relationship also had the correct alignment of at what stage discussion are held with the people who make the decisions, and that it takes time to build a relationship and trust.

In answer to a question regarding transparency when a runanga member is part of the decision making process, Ms Solomon confirmed that, if she was acting a Commissioner, she would not be involved in the submission from her runanga.

Mark Solomon confirmed that while the Kaikoura runanga was not involved in the Kaikoura Whale Watch operation, because of a perceived conflict of interest, they had engaged outside independent people to prepare the CIA.

10. UPDATES FROM RUNANGA

Raewyn Solomon advised that the Kaikoura runanga had been busy with the Hurunui application, as discussed earlier in the meeting.

Graeme Grennell explained how the relationship between Te Runanga o Koukourarata, landowners and the council had developed through working together on riparian planting and fencing.

11. GENERAL BUSINESS

Returning to the discussion regarding Cultural Impact Assessment and the use of Iwi Management Plans, it was suggested that a workshop could be held to discuss the concepts further.

12. NEXT MEETING DATE AND ITEMS FOR FUTURE MEETINGS

The next meeting was scheduled for 20th November 2009 to be held at the Takahanga Marae, Kaikoura.

Items suggested for discussion at that meeting included:

- Stock access Lyall Creek
- Canterbury Water Management Strategy

13. CLOSURE

Cr Burke thanked everyone for attending and invited Mark Solomon to close the meeting with a Karakia.

The meeting closed at 3.35 pm.

CONFIRMED

DATE

CHAIRPERSON