

Environment Canterbury Review Submission

Alastair Wallace, [REDACTED] [REDACTED] [REDACTED]

Governance model

8 Elected (by public vote for every one in canterbury over the age of 16) and 4 appointed (of those 4, 2 from Ngai Tahu & 2 Scientists from Crown research institutes)

Powers of Environment Canterbury (comply with RMA rules)

I believe that Environmental Stewardship should be at the top of the decision making process.

"Many catchment are fully or over -allocated in relation to limits set by Ecan"

There have been reports in the media of low levels of compliance with granted water consents, e.g. taking too much water and slotting of well linings. As a priority, I believe that ECAN should be regularly checking that consents are being complied to and if not, 2 warnings / chances to remediate, then the consent should be cancelled and would need to be reapplied for to continue.

As part of Consents for water, High risk consents i.e. those involving Human / Animal effluent or Chemicals (Antibiotics etc), above a reasonable threshold, should be required to carry "Clean up insurance " or lodge a bond as part of their application process and be required to clean up if they fall below the agreed standard. There should be regular testing for contaminants as part of the consent.

Encourage- Fencing off creeks/ planting on Farms, wetland filter drainage as per Kaiwaiwai Dairy Farm Wairarapa etc

Regards

Alastair Wallace

Submission to Environment Canterbury Review
by Allan Geoffrey Robinson, B.Sc.

[REDACTED]
[REDACTED]
30th April 2015

Phone: [REDACTED]

I wish to respectfully submit as follows:

- 1 It is essential that Democracy be restored: ECAN is a territorial authority funded out of local rates. There is no justification for it to be removed from the control of Canterbury residents.
- 2 The discussion documents circulated for the review do not present various points of view and fails to present an accurate summary of the wider background and history of ECAN and its achievements; one significant omission is the rapid growth of the dairy conversions and generally growth of the dairy industry in Canterbury.
- 3 The protection and preservation of our environment, especially land, water and air for future generations is the highest priority.
- 4 The health of the environment must not be sacrificed for the sake of short-term business, economic or political interests (be they from local or international interests).
- 5 The proposal re: how the representatives would be elected and appointed is confusing. How would 7 representatives be elected from 4 constituencies? Who would appoint the others? What is the basis for the proposal?
- 6 Assuming that there were to be a mixture of elected and appointed representatives,
 - a - attention needs to be paid to ensuring a balance between rural and urban representation, and a balance between farming, dairy industry and residents' representation (i.e. not allow the dairy industry to have a disproportionate influence on decision making);
 - b – who would appoint the appointed representatives? Who would they be accountable to? What would be the criteria for selection?
 - c – what would be the boundaries of the proposed new wards/constituencies ?
- 7 I recommend that a bigger proportion of representatives should be elected, not appointed (e.g. 8 or 9 out of 10 or 12);
- 8 I recommend that two or three of the appointed representatives be appointed by Ngai Tahu; and that the remaining appointed members be appointed on the basis of their specific and clearly defined areas of expertise, e.g. hydrology, geology, or other relevant science, and that they be appointed by Crown Research Institutes or Universities.

Yours faithfully,
Allan G. Robinson, B.Sc.

The most important aspect of the review is getting the balance of the representation right to cover all areas I would recommend Eight elected representatives. two each for the four regions and five appointed positions. One to represent Ngai Tahu, One Hydrologist, One Air pollution expert and one to cover urban transport and one for Interest groups.

Regards Andy Blaikie - [REDACTED]

Submission on Environment Canterbury Review Discussion Document

From:

Annette and Michael Hamblett

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

General

We are totally opposed to the continuing lack of full regional democracy the proposed mixed governance model would provide.

In particular

1.2 Statutory review of ECan

Issues being considered

- We object to ECan being governed by anything apart from democratically elected councillors.
- We do not believe the current commissioners have produced strong organisational performance (more on this below).
- We object to any “transitioning to elections”; we want ECan elections to be held in 2016 at the latest.

One of the tenets for democracy is “no taxation without representation”. As ratepayers we have had not representation for 5 years yet have been required to pay rates. Minister Nick Smith has referred more than once to the proposed mixed model of governance being like the “successful” District Health Board model. District Health Boards are fully funded by central government. We doubt our ECan rates will no longer be sought if this model goes ahead.

The Government has already broken its 2010 promise to restore regional democracy by 2013 and this document is proposing to deprive us of it for up to 10 years, with Minister Nick Smith saying full elections may be delayed longer. This is completely unjustified and unprincipled. Canterbury ratepayers must have the same democratic rights as all the other regions restored to them.

- We completely refute the need to continue to have additional resource management powers to enable those governing ECan to establish “an efficient, effective and sustainable freshwater management regime”. We dispute that the commissioners have established such a regime (more on this below). Canterbury region should have the same resource management powers as all the other regions.

We want the “special powers” given to the commissioners removed and, in particular, we want the right for Cantabrians to take matters to the Environment Court restored. It is an unacceptable removal of our rights.

- We agree that ECan needs to work in with territorial authorities and Ngāi Tahu in freshwater management and earthquake recovery. We have seen no case to demonstrate that achieving this requires further deprivation of democracy.

1.3 Key issues for ECan

We dispute the statements that the commissioners have restored community confidence, particularly in relation to fresh water, and have successfully changed ECan from a poorly performing regional council, and improved ECan’s governance, decision-making and organisational capability to deliver better outcomes for its communities.

The commissioners have not restored community confidence, particularly in relation to fresh water.

Many people in the region are unimpressed with the progress of the CWMS to date – and they are by no means all city dwelling people or environmentalists, e.g. Jamie Mc Fadden’s Letter to the Editor of 23/3/15 referred to a letter sent to Minister Nick Smith in December 2014 by 20 farming families along the Hurunui River saying they no longer had confidence in ECan, and a meeting in Waikari where 300 landowners expressed concern about ECan’s water plan.

Dr Mike Joy, Massey University Senior Lecturer in environmental science and ecology, recently stated (April, 2015) that the weak nitrate limits in Canterbury rivers will cause algal blooms, destroy habitats and kill fish.

Under the CWMS, in the Selwyn-Waihora Zone water plan, a plan in a zone where water quality is already poor and water resources are already over-allocated, the water quality is going to get worse before it gets better sometime way down the track in the 2030s.

Artist and writer Sam Mahon noted earlier in the year (March) that “ECan was more ‘dysfunctional’ now than before 2010” and had pitted “‘farmer against farmer’” in battles for water. “I have never seen this community so divided... ECan should be our police force. It’s not. It’s not doing anything. It has certain rules in place but no-one abides by them.”

We do not regard these above examples as a signs of “good community outcomes”.

1.5 Canterbury’s regional governance beyond 2016

We do not agree with the proposed model governance structure of elected and appointed members or the reasons given for it as we have shown in the points already made above and demonstrate in further points below.

2.3 History to Government action

We disagree with this version of the history as to why our 2010 ECan councillors were dismissed.

The regional council of 2010 was replaced by appointed commissioners not because they were “dysfunctional” or for failing to meet statutory timeframes for processing resource consent applications.

The 2010 council was not responsible for problems with water management. The results of the last election had brought in several councillors standing for better water management (as part of their election platform). Canterbury people were concerned and that is why these candidates, who shared people’s concerns, were elected.

The 2010 council was replaced because it was actually getting to grips with the over-allocation of Canterbury’s fresh water across the region and the undesirable effects this was having on our environment.

Investigation into ECan’s performance could not be called independent and inadequate. Wyatt Creech was the director of a dairy company and clearly had a conflict of interest. The review was very short and only a handful of stakeholders were interviewed. The review inexplicably criticised the regional council for being too science-led. The tone of the report was very anti-environment, yet the council has strong environmental responsibilities under the RMA and other Acts.

The Creech report did not establish any statutory basis for the dismissal of elected councillors nor find any dysfunction in governance that would justify the removal of Councillors’

functions, powers and duties in relation to water. For example, good progress was being made with regional plans and policies; the 2010 council had begun implementation of the Canterbury Water Management Strategy (CWMS); resource consent processing times had improved substantially since the out of date 2007/08 Ministry for the Environment survey the Creech report referred to (graph from this out of date survey is shown in Figure 2). On average, close to 90% of consent applications were being processed in accordance with RMA time frames. The Creech Report stated that Environment Canterbury had impeded economic growth in the region. This did not match up with the National Bank's analysis of regional economic activity from March 2001 to August 2009, showing the average annual growth rate in Canterbury for each quarter had generally exceeded the national growth in economic activity.

Considering the Canterbury region had by far the most resource consent applications across the country, under the 2010 council it was starting to do very well.

Summary

The Government clearly doesn't want to restore regional democracy. It really wants to control local government and, in effect, retain the status quo. The proposed model has the Government appointing almost half the members of the governing body. Seven councillors are to be elected but we don't know how the areas they will represent will be arrived at. Given the general thrust of all the Government's implementations in Canterbury, it is very likely the areas these councillors will represent will disadvantage the majority of the ratepayers based in Christchurch city, many of whom have significant concerns about the performance of ECan under the Commissioners. The Government does not trust the voters to elect councillors that represent them and thereby denies Canterbury people the right to make their own decisions.

We regard it as an insult to the people of Canterbury to deprive us of regional democracy till 2019 by proposing this model.

Action sought

Full regional democracy restored to Canterbury by the 2016 elections at the latest.

The consultation questions listed below are a guide only and all comments are welcome. You do not have to answer all the questions.

Contact information

Name	Averil Southward
Organisation (if applicable)	
Address	
Telephone	
Email	

Critical issues for Canterbury governance

1. In your view, what are the most significant regional issues for Canterbury (for example, resource management or governance issues)? Please explain.

Resource management is critical and nitrate levels need to be managed in a manner that gives - confidence to the public that their water is safe to drink. Governance is also extremely important, regulations are being set but the rules are being continually stretched to accommodate land users and there seems to be a slight slap on the hand to anyone who does not comply.

The way forward for Canterbury governance

2. Do you agree with the goals for ECan's governance? (These are: high quality leadership, economic growth, strong environmental stewardship, strong accountability to local communities, and value and efficiency for ratepayer money.) Please explain.

I would agree if I felt that this is actually happening ! Sadly, this does not seem to be the case.

3. In your view, are some of the goals more important than others? Please explain.

Yes, Strong environmental stewardship should be the first and most important consideration. We are heading in the direction of having to pay heavily in the next 100 years or so to clean up our rivers and waterways.

4. Do you think the proposal is suited to Canterbury and meets the goals for ECan? Please explain.

I think that Canterbury is a unique case due to its very porous shingle layers and aquifers and should not be treated on the same basis as other parts of the country.

5. In your view, is there a governance model that better addresses the goals for ECan? Please explain.

Ecan requires its own governance model, not one based on other areas of the country and lead from Government

Are there any considerations we need to give when transitioning to the proposed mixed- model governance structure? Please explain.

As above, the unique makeup of the Canterbury Plains and its aquifers. Dairy farming is currently done basically on a hydroponic basis and the nitrate levels are already extreme . We appear to be burying our heads in the 'shingle' so to speak and waiting for a catastrophe to happen. The cleanup bill will be a burden for our children and grandchildren.

6. Should the mixed-model governance structure retain the special resource management powers currently used by the commissioners? If so, for how long? Please explain.

No it should not !

Environment Canterbury has been robbed of its environmentalists and visionaries by the current Government and the ratepayers of Canterbury no longer have a voice. Our democratic rights have been taken away from us by a Government that appears to have a \$\$ sign in front of its nose and cannot see the 'shit' that our Canterbury plains are now engulfed in !

Other comments

7. Is there any further information you wish the Government to consider? Please explain.

Our rates are increasing from Ecan and yet we have no voice in governance. We have a Government that is determined to keep the environmentalists under check by reducing funding for studies that would find ways to mitigate high nitrate levels in Canterbury etc. We should be looking to countries like Alaska and Canada that value their natural resources. Our 'Clean Green' image has become a joke and it is time to give us back the right to vote in our Ecan management.

When your submission is

**or post to ECan Review, Ministry for the Environment, PO Box 10362,
Wellington 6143. complete**

Email your completed submission to ecanreview@mfe.govt.nz

Submissions close 5.00pm 1 May 2015.

Name:- Carol Thornton-Owen

Address:- [REDACTED]

Phone:- [REDACTED]

Email:- [REDACTED]

Date:- 29/4/2015

Submission:- Environment Canterbury Review

I Oppose any further Government control of ECan.

I believe the Temporary ECan 'governance' to be of much lower quality to the democratic model we deserve and had before.

Real ECan members can now be voted in by the public to enable our personal views to be taken into account. There needs to be no 'transition' process, involving appointed members.

A mixed model with Government appointed members is not wanted as it could sway the regional democratic process to an undesired result like we've had since the temporary commissioners were installed.

The Temporary ECan commissioners have recently admitted to be failing the Canterbury residents by not being able to meet it's 2 yearly environmental limit coming up in June 2015 for setting water quality limits based on nutrient levels. I suggest the previous democratic model be put back in place to allow faster and better improvements to our environment.

Carol Thornton-Owen

To whom it may concern.
ECan Submission

Critical issues for Canterbury governance

1. In your view, what are the most significant regional issues for Canterbury (for example, resource management or governance issues)? Please explain.

- Loss of soil quality through intensive overcropping and poor soil management
- Climate change associated with overstocking and over taking of limited water resources. Your consultation report makes no acknowledgement of climate change and diminishing resources.
- Degradation of Water Quality with more intensive farming; reduction in River Flows from irrigation abstraction
- Loss of enjoyment and well being for Cantabrians in the use of our rivers and taking from future generations the access to 'world class' drinking water
- Loss of democracy around how our money is spent in looking after our environment

The way forward for Canterbury governance

2. Do you agree with the goals for ECan's governance? (These are: high quality leadership, economic growth, strong environmental stewardship, strong accountability to local communities, and value and efficiency for ratepayer money.) Please explain.

- 'Economic growth' is not necessarily the right goal for ECan. Instead **Sustainable Economic Growth** should be a goal for an Environmental agency rather than 'economic growth'. This goal could easily be manipulated to support degradation of the environment in the interests of economic growth. Figure 4 p 16 links irrigation with economic growth but doesn't include the costs to the environment. Recent research by Dr Mike Joy and colleagues at Massey University has shown that there is 'no net gain' in farming intensification.
- Leadership must be about having democratically elected leadership

3. In your view, are some of the goals more important than others? Please explain.

- Strong environmental stewardship must have a paramount weighting compared to the other matters. But this does not mean the other matters are ignored in the decision making balance.

4. Do you think the proposal is suited to Canterbury and meets the goals for ECan? Please explain.

- The major concern as mentioned above, namely people who want to achieve economic goals to the degradation of environmental ones.

5. In your view, is there a governance model that better addresses the goals for ECan? Please explain.

- Yes. Governance by a fully elected body along with representation from Ngai Tahu. ELECTION is the key as democracy is precious and it has been undermined in Canterbury.
- I understand that the essence of democracy is an ongoing conversation. Dictatorship is much more efficient than democracy because the conversation is avoided. However, in the long term, the outcomes are never optimal. Democratic nations are those whose citizens are better off, not just in economic terms but also in terms over overall wellbeing.

6. Are there any considerations we need to give when transitioning to the proposed mixed- model governance structure? Please explain.

If the government is unwilling to return to a fully elected Ecan then the mixed model governance structure proposed needs amending in the following ways:

- More elected representatives and less government appointed (representative ratio 8:4)
- Current structure has four constituencies with 7 elected members – it is not clear if each of these get one or two representatives – one group is only going to get one
- Appointed representatives should be highly qualified on environmental/freshwater matters and appointed by an independent authority not subject to the government of the day's agenda i.e. who guards the guardians is of utmost concern in government appointments
- Ngai Tahu should be represented

7. Should the mixed-model governance structure retain the special resource management powers currently used by the commissioners? If so, for how long? Please explain.

- No there should be no special powers. It now looks unlikely that the RMA will change and Ecan should be treated just the same as the rest of the country ie operate under the RMA which legislates for protecting the environment.

Other comments

8. Is there any further information you wish the Government to consider? Please explain.

- Include 16 year olds in voting. Young people will be impacted by today's decisions. By giving the vote early young people will have the opportunity at school to debate and become informed about issues before they leave an educational environment
- Take the functions that are clearly urban away from Ecan. Urban transport is an urban function. Christchurch City Council must be able to control where buses go. One of the key functions of a city is its transport system and a council needs to be able to control this and integrated it with surrounding districts such as Selwyn and Waimakariri. Similarly air pollution should be under the city's control

I look forward to the results of the submission process.

Yours sincerely,

Chris Beardsley

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

From: Daniela Bagozzi

29th April 2015

To: ecanreview@mfe.govt.nz

Re: Review of Environment Canterbury

I wish to comment on the following points:

- Number of elected and appointed representatives;
- Voting for elected representatives;
- Powers of a future Environment Canterbury;

NUMBER OF ELECTED AND APPOINTED REPRESENTATIVES:

re: APPOINTED POSITIONS:

- I support the idea that there should be TWO SEATS for Ngai Tahu (Tangata Whenua/Mana Whenua) representatives, and those two seats should be filled by people appointed by Ngai Tahu;
- There should also be one or two more seats filled by appointment, and those should be scientist like perhaps a hydrologist/geologist and that or those should be appointed by Crown Research Institutes or by the two local Universities;
- There should be no more than 4 appointed positions in total;

re: ELECTED POSITIONS:

- There could be 8 elected positions;
- From the official material on this Review, I could not understand how it is proposed that the elected positions be filled, i.e. 7 elected from 4 proposed new constituencies? But how would the proposed new constituencies relate to existing electoral wards/constituencies? How would the number of seats relate to number of residents in each area/ward?

VOTING FOR ELECTED REPRESENTATIVES:

- We need clarification re: how we would vote for the elected representatives, i.e.: how would the boundaries of the proposed new constituency relate to number of residents and to boundaries of existing electoral constituencies;
- As issues concerning protection of the Environment, environmental sustainability and climate change will affect future generations more severely than all others, I would recommend that we consider involving younger people in the voting process by lowering the voting age for Environment Canterbury, to 16 years of age.

I understand there is considerable evidence to suggest that younger people (still at school) tend to stay more involved in the democratic process and voting process when they have been involved at a younger age.

POWERS OF A FUTURE ENVIRONMENT CANTERBURY:

I recommend continuing to abide by the current RMA provisions.

ENVIRONMENT CANTERBURY REVIEW

David Viles Submission

1 May 2015

Contact information

Name	David Viles
Organisation (if applicable)	N/A
Address	██████████ ██████████
Telephone	██████████
Email	██████████

About David Viles

I am a director of two irrigation companies and former executive director of the economic development agency for North Canterbury. I have been involved in water management issues in North Canterbury for over ten years and have lived and worked through the multiple changes in the planning environment initiated by Ecan during this period, whilst Ecan has been governed formerly by elected representatives, and more recently by the current Commissioners

Critical issues for Canterbury governance

- 1. In your view, what are the most significant regional issues for Canterbury (for example, resource management or governance issues)? Please explain.**

Prudently managing the natural resources of Canterbury to achieve both short term and long-term outcomes is hugely significant. This requires a pragmatic approach in the shorter term while ensuring persistent progress toward the long-term goals.

In the case of the water resources, The National Policy Statement for Freshwater Management and the Canterbury Water Management Strategy are pivotal. To effectively implement the policies and achieve the desired strategic outcomes requires supremely effective and stable governance. Stability has been in evidence whilst the current Commissioners have run Ecan, and was absent under the former elected representatives.

The way forward for Canterbury governance

- 2. Do you agree with the goals for ECan's governance? (These are: high quality leadership, economic growth, strong environmental stewardship, strong accountability to local communities, and value and efficiency for ratepayer money.) Please explain.**

I agree with the above goals for ECan governance.

- 3. In your view, are some of the goals more important than others? Please explain.**

No. Effective governance demands a balance to be struck across all these goals. No one goal is treated as preferential or superior to any other. A balance is achieved by adopting an appropriate governance structure able to provide effective leadership to an organisation with the ability and capacity to deliver outcomes consistent with the ECan goals.

ECan has struck the correct balance under the current Commissioner structure and as a result has made substantial positive progress with the Canterbury Water Management Strategy. It is important that these gains are maintained as the current Commissioner structure is progressively withdrawn.

- 4. Do you think the proposal is suited to Canterbury and meets the goals for ECan? Please explain.**

The principle behind the proposal, to move to a mixed management model to transition back to having elected councillors is a sound governance approach to achieve the goals for Ecan and is supported.

An alternative significant single step change from the present Commissioner structure to a conventional elected Council structure would generate instability and lose the balance now being achieved. In particular, in the rollout of the Canterbury Water Management Strategy the highly community focused Zone Committees are able to deliver local perspectives through collaborative forums. This has been very effectively led under the current Commissioner structure and needs to be retained with the mixed-model structure being proposed.

- 5. In your view, is there a governance model that better addresses the goals for ECan? Please explain.**

No. The mixed-model structure being proposed is supported as it provides continuity between the current Commissioner structure whilst transitioning to a more conventional regional government structure over time. An abrupt change was needed to correct the earlier problems with Ecan, but a further abrupt change in 2016 risks losing the significant improvements achieved under the Commissioner structure. Progressive transition is appropriate.

- 6. Are there any considerations we need to give when transitioning to the proposed mixed-model governance structure? Please explain.**

I would like to see the following factors considered:

- The Creech report proposed the establishment of a water authority for Canterbury. During the mixed-model transition phase, this proposal should be thoroughly explored as it appears to offer a more focussed and stable governance arrangement for the long term to protect environmental values whilst enabling significant investment to occur in the longer term for the productive use of water.
- The former Ecan structure became dysfunctional for a number of reasons including the urban/rural split around the Council table – that should not be repeated in whatever structure is adopted for elected representatives.
- Achieving effective elected representation across the proposed four constituency areas will be a challenge. Perhaps a geographic definition of constituency areas (to tie in with aggregates of the Zones adopted for the CWMS) could be superior to a population-based definition.
- Zone Committees should be retained and be given some statutory security. The Zone Committees are joint committees of district/city councils and Ecan and have no statutory legitimacy. They could be disbanded by an incoming Council without too much effort
- Zone Committees currently have no statutory authority or powers. Their outputs, particularly the Zone Implementation Programmes, are advisory in nature and have no particular standing in the Resource Management Act. That was clearly evidenced in the hearings decision on the Hurunui Waiau River Regional Plan and could not be subsequently challenged, as it was not a point of law able to be taken to the High Court. That anomaly should be corrected.
- The proposed Commissioner appointees under the mixed-model structure should be drawn from the current Commissioners. A crop of new faces would largely defeat the purpose of providing continuity.

7. Should the mixed-model governance structure retain the special resource management powers currently used by the commissioners? If so, for how long? Please explain.

When the discussion document was prepared Government proposed making changes to the RMA. The outcome of the Northland by-election has now deferred these proposed changes. As a consequence the mixed-model governance structure proposed needs to be developed on the assumption of a status quo RMA. The special resource management powers held by Ecan should therefore be amended:

- The lack of an ability to appeal plan decisions (except of a point of law) has limited the ability to challenge policy and seek clarification on non-legal matters – this has resulted in poor plan provisions (and the Hurunui Waiau River Regional Plan provisions are a case in point);

- Hearings commissioners are well aware the submitter has limited rights to appeal, and the hearings process can, and is, influenced by this perspective. It is reflected in the questions that have been asked by hearings commissioners, and the short time given to submitters to present their case;
- Returning to the same RMA processes that other councils operate under (i.e. the right to appeal plan decisions to the Environment Court) should occur until such time as the RMA is amended and/or a separate water authority is established.

Other comments

8. Is there any further information you wish the Government to consider? Please explain.

There have been real achievements by all parties as a result of the strong local community involvement in water management issues achieved under the current Commissioner governance structure. This is evidenced in environmental outcomes as well as in the productive use of water for economic growth.

The proposal to introduce seven councillors and retain six Commissioners is sound.

There are some areas to be mindful of with this transition if the effectiveness that has been gained is not to be forfeited. During the transition phase the Creech proposal for a water authority should be fully explored. A regulatory body with a region-wide singular focus on water issues would be highly desirable for Canterbury if not all regions in New Zealand.

When your submission is complete

Email your completed submission to ECanreview@mfe.govt.nz or post to ECan Review, Ministry for the Environment, PO Box 10362, Wellington 6143.

Submissions close 5.00pm 1 May 2015.

Environment Canterbury Review submission form

Government is proposing a mixed-model governance structure for Environment Canterbury (ECan) after the local government elections in October 2016. The proposed structure has a mix of community-elected councillors and Government-appointed members.

The Ministry for the Environment and the Department of Internal Affairs are seeking feedback on the proposed governance structure.

For more information about the proposed structure read the discussion document:
[Environment Canterbury Review: A discussion document](#)

Submissions close 5.00pm 1 May 2015.

Publishing and releasing submissions

All or part of any written submission (including names of submitters), may be published on the Ministry for the Environment and the Department of Internal Affairs' websites, www.mfe.govt.nz and www.dia.govt.nz. Unless you clearly specify otherwise in your submission, the Review Team will consider that you have consented to website posting of both your submission and your name.

Contents of submissions may have to be released to the public under the Official Information Act 1982 following requests to the Review Team (including via email). Please advise if you have any objection to the release of any information contained in a submission and, in particular, which part(s) you consider should be withheld, together with the reason(s) for withholding the information. The Review Team will take into account all such objections when responding to requests for copies of, and information on, submissions to this document under the Official Information Act.

The Privacy Act 1993 applies certain principles about the collection, use and disclosure of information about individuals by various agencies, including the Review Team. It governs access by individuals to information about themselves held by agencies. Any personal information you supply to the Review Team in the course of making a submission will be used by the Review Team only in relation to the matters covered by this document. Please clearly indicate in your submission if you do not wish your name to be included in any summary of submissions that the Review Team may publish.

Questions to guide your feedback

The consultation questions listed below are a guide only and all comments are welcome. You do not have to answer all the questions.

Contact information

Name	Dot Lovell-Smith
Organisation (if applicable)	
Address	
Telephone	
email	

Critical issues for Canterbury governance

1. In your view, what are the most significant regional issues for Canterbury (for example, resource management or governance issues)? Please explain.

I think that both governance and resource management are very important

The way forward for Canterbury governance

2. Do you agree with the goals for ECan's governance? (These are: high quality leadership, economic growth, strong environmental stewardship, strong accountability to local communities, and value and efficiency for ratepayer money.) Please explain.

All of these are good goals and all of them are attainable under an elected council. In the past farmers and business interests, worked through local mayors to remove the rights of all Canterbury people so that their interests would be best served.

- 2 In your view, are some of the goals more important than others? Please explain.

The need and desire for economic growth needs to be balanced against the true sustainability of the Canterbury water and physical environment. With climate change now showing us how destructive and expensive its effects are, we need sustainability to be the primary goal.. not just the

sustainability of the Canterbury economy but of the world and all its resources. This may need a complete rethinking of how we do business and for whom.

Do you think the proposal is suited to Canterbury and meets the goals for ECan? Please explain.

No. We need a return to democracy.. Stop the Govt from removing our rights. Its insulting and degrading.

3. In your view, is there a governance model that better addresses the goals for ECan? Please explain.

Governance of ECan should be returned at once to an elected body. Not a mixed elected – appointed group. We should not have to pay rates to E Can unless we have full elected representation. This is one of the fundamental principals of democracy.

4. Are there any considerations we need to give when transitioning to the proposed mixed-model governance structure? Please explain.

Return ECan to a democratically elected governance immediately: we don't need a transition plan

5. Should the mixed-model governance structure retain the special resource management powers currently used by the commissioners? If so, for how long? Please explain.

As above... democracy got govt dictatorship.

Other comments

6. Is there any further information you wish the Government to consider? Please explain.

John Key burbles on about how much he supports human rights and democracy when he wants to impress his American buddies, but he has acted as dictator when dealing with Christchurch and Canterbury and it should be recognised for what it is, the removal of our democratic rights to manage local resources.

When your submission is complete

Email your completed submission to ecanreview@mfe.govt.nz or post to ECan Review, Ministry for the Environment, PO Box 10362, Wellington 6143.

Submissions close 5.00pm 1 May 2015.

1 May 2015

Submission on the Environment Canterbury review

Dr Amanda Thomas



Introduction

I make this submission in relation to the discussion document prepared by the Ministry for the Environment and the Department of Internal Affairs, released in March 2015. In 2014 I completed a PhD in Geography at Victoria University of Wellington; my thesis¹ involved a detailed analysis of post-ECan Act water management in Canterbury using an in depth case study of the Hurunui Waiau Zone Committee (HWZC), the first Zone Committee to be set up under the Canterbury Water Management Strategy. In addressing the discussion document, I will draw on my findings and related research to make three main points.

1. The proposed model does not provide an adequate avenue for people to be involved in decision making about freshwater.

The mixed-model governance structure does not create sufficient accountability to, and seek authority from, the wider community. Inclusive democracy is based on participation and fair representation; in large polities it is virtually impossible to have everyone engaging in face to face communication, so democracy relies on those who do meet together to act in a representative way.² This means working through processes of authorisation and accountability whereby the representative receives a mandate, and is held responsible for decisions, through wide ranging and engaged public debate. The proposed model would see only seven of 13 members satisfy these requirements. This is highly problematic because, at present, at least one sitting commissioner has indicated that he views himself as responsible to central government rather than the constituents of Canterbury.³ The model put forward in the document preserves a very worrying chain of appointment, from the central government down through regional commissioners who have a say about Zone Committee membership. The effect of this is that catchment committees have insufficient independence and autonomy to reflect the needs of their catchments. In the example of the HWZC, the chain of appointment saw ECan intervene in the committee process when it appeared the HWZC would make recommendations that slowed irrigation development. Since then, at least one committee member resigned on the basis that HWZC's recommendations were ignored

¹ Thomas, A. C. (2014) Accessing nature: the battle of the Hurunui River. Unpublished PhD in Geography thesis, Victoria University of Wellington.

² Young, I. M. (2002). *Inclusion and Democracy*. Oxford; New York: Oxford University Press

³ Thomas, A. C. (2014) Accessing nature: the battle of the Hurunui River. Unpublished PhD in Geography thesis, Victoria University of Wellington.

by ECan, and 300 dryland farmers attended a meeting to protest against the Hurunui Waiau Regional Plan and their exclusion from decision making processes.⁴

The document's focus on the expertise required of decision makers confuses the roles that constitute a regional authority. Expertise should come from those employed by the organisation, and be communicated to decision makers. Decision makers are charged with weighing up the information provided by these experts and making decisions that are accountable to their constituents. This is an important distinction, because the decisions are not simply technical – they are political as they must account for and reflect peoples' values and visions for a healthy environment and society. This system operates effectively in almost every other territorial authority in Aotearoa New Zealand.

In short, the proposed model is not democratic, leaves too much control and influence with central government, and potentially preserves the unconstitutional special powers granted under the ECan Act 2010.⁵

2. There are insufficient opportunities for Cantabrians to have a say about the future of freshwater, particularly the desirability of large scale water storage.

Throughout the document there are many references to building on and protecting “progress”. This is an inadequate justification for the further suspension of genuine democracy. People have had very little input into defining “progress”; in the past five years there has been inadequate discussion and debate about the desirability of large scale water storage. Further water storage has been a core feature of contestations over freshwater since the late 1990s, but this is a goal that needs to be regularly revisited, given the significance of its potential implications (for freshwater health, biodiversity, public access, mahinga kai, and within a changing climate). Furthermore, my research, and that of others, has identified that the pursuit of large scale water storage has not brought communities any closer to achieving their primary goals, which for many is a vibrant community (measured through, for instance, the school roll and participation in social life e.g. rugby clubs).⁶ This outcomes focused approach has also, at times, undermined the wider work of the Zone Committees.⁷

The discussion document identifies “competing interests and a lack of shared vision on the regional council” as a risky prospect (p. 19). These competing interests are always going to exist; discussion and debate about differences are inherent to and essential for a well functioning, democratic

⁴ Fulton, T. (2014). Water plan would reward polluters, says farmer. Retrieved 30 April 2015 from <http://www.stuff.co.nz/business/farming/agribusiness/10582591/Water-plan-would-reward-polluters-says-farmer>.

⁵ Brower, A. (2010). Legislative note: Environment Canterbury (Temporary Commissioners and Improved Water Management) Act 2010. *NZ Journal of Environmental Law*, 14; Joseph, P. (2010). Environment Canterbury legislation. *New Zealand Law Journal*(June), 193-196.

⁶ Harrington, W. L. (2014) “Irrigation for the sake of irrigation”: exploring the relationship between neoliberalism, irrigation projects and resource management planning in New Zealand. Unpublished Masters in Planning thesis, University of Otago.

⁷ Thomas, A. C. (2014) Accessing nature: the battle of the Hurunui River. Unpublished PhD in Geography thesis, Victoria University of Wellington; Robinson, S. (2015) Stress of water zone workloads underestimated. Retrieved 30 April 2015 from <http://www.stuff.co.nz/the-press/news/64597979/Stress-of-water-zone-workloads-underestimated>.

society. Rather than seeking to suppress or eliminate these debates through the presence of unelected commissioners (an approach that has been evident over the past five years), the focus should be on creating tools through which people can engage meaningfully with these debates. Through genuine engagement, learning about other perspectives takes place and progress can be made. In this sense, the HWZC did provide an opportunity for discussion and debate, but without full accountability to the public the benefits of shared learning were limited to committee members. The election of all ECan members by local constituencies would provide far greater opportunities for discussion, learning, and therefore reduce the (still evident) acrimony between stakeholders.

3. The recognition, and further formalisation, of the special role of Ngāi Tahu is commendable.

There has been significant progress in recognising the rights of Ngāi Tahu and this, as the discussion document recognises, should be further encouraged. I commend the Government and the Commissioners for their efforts to engage with Māori about freshwater and environmental governance. This recognition was extremely important for the Hurunui District as it provided an opportunity for attitudes towards Ngāi Tahu to change and for better relationships to be built. Improved resourcing for iwi to participate and take leadership in decision making should, however, be addressed.

Summary

The proposed mixed-model governance structure does not go far enough to provide accountability to, and seek authority from, Cantabrians. The discussion document, overall, provides insufficient evidence to justify the continued place of unelected officials on the Council. While the report points out that the compliance with statutory timeframes have improved, examples like the dryland farmers' protest demonstrate serious deficiencies inherent to decision making that isn't adequately accountable to citizens. Democratic processes should be restored so that people can have their say in environmental management in Canterbury without intervention from officials appointed by and accountable to the central government.

The consultation questions listed below are a guide only and all comments are welcome. You do not have to answer all the questions.

Contact information

Name	Dr Cynthia Roberts
Organisation (if applicable)	
Address	
Telephone	
Email	

Critical issues for Canterbury governance

- 1. In your view, what are the most significant regional issues for Canterbury (for example, resource management or governance issues)? Please explain.**
 - Climate change associated with overstocking and over taking of limited water resources. Your consultation report makes no acknowledgement of climate change and diminishing resources.
 - Degradation of Water Quality with more intensive farming; reduction in River Flows from irrigation abstraction
 - Loss of enjoyment and well being for Cantabrians in the use of our rivers and taking from future generations the access to 'world class' drinking water
 - Loss of democracy around how our money is spent in looking after our environment

The way forward for Canterbury governance

- 2. Do you agree with the goals for ECan's governance? (These are: high quality leadership, economic growth, strong environmental stewardship, strong accountability to local communities, and value and efficiency for ratepayer money.) Please explain.**
 - Supporting SUSTAINABLE Economic Growth should be a goal for an Environmental agency rather than 'economic growth'. This goal could easily be manipulated to support degradation of the environment in the interests of economic growth. Figure 4 p 16 links irrigation with economic growth but doesn't include the costs to the environment. Recent research by Dr Mike Joy and colleagues as Massey University has shown that there is 'no net gain' in farming intensification.
 - Support the other goals but leadership needs to include an understanding that it is democratically elected leadership
- 3. In your view, are some of the goals more important than others? Please explain.**

- Strong environmental stewardship must have a paramount weighting compared to the other matters. But this does not mean the other matters are ignored in the decision making balance.

4. Do you think the proposal is suited to Canterbury and meets the goals for ECan? Please explain.

- The major concern as mentioned above, namely people who want to achieve economic goals to the degradation of environmental ones.

5. In your view, is there a governance model that better addresses the goals for ECan? Please explain.

- Yes. Governance by a fully elected body along with Ngai Tahu representation
- I understand that the essence of democracy is an ongoing conversation. Dictatorship is much more efficient than democracy because the conversation is avoided. However, in the long term, the outcomes are never optimal. Democratic nations are those whose citizens are better off, not just in economic terms but also in terms over overall wellbeing.

6. Are there any considerations we need to give when transitioning to the proposed mixed- model governance structure? Please explain.

If the government is unwilling to return to a fully elected Ecan then the mixed model governance structure proposed needs amending in the following ways:

- More elected representatives and less government appointed (representative ratio 8:4)
- Current structure has four constituencies with 7 elected members – it is not clear if each of these get one or two representatives – one group is only going to get one
- Appointed representatives should be highly qualified on environmental/freshwater matters and appointed by an independent authority not subject to the government of the day's agenda i.e. who guards the guardians is of utmost concern in government appointments
- Ngai Tahu should be represented

7. Should the mixed-model governance structure retain the special resource management powers currently used by the commissioners? If so, for how long? Please explain.

- No there should be no special powers. It now looks unlikely that the RMA will change and Ecan should be treated just the same as the rest of the country ie operate under the RMA which legislates for protecting the environment.

Other comments

8. Is there any further information you wish the Government to consider? Please explain.

- Include 16 year old in voting. Young people will be impacted by today's decisions. By giving the vote early young people will have the opportunity at school to debate and become informed about issues before they leave an educational environment

- Take the functions that are clearly urban away from Ecan. Urban transport is an urban function. Christchurch City Council must be able to control where buses go. One of the key functions of a city is its transport system and a council needs to be able to control this and integrated it with surrounding districts such as Selwyn and Waimak. Similarly air pollution should be under the city's control

When your submission is complete

Email your completed submission to ecanreview@mfe.govt.nz or post to ECan Review, Ministry for the Environment, PO Box 10362, Wellington 6143.

Submissions close 5.00pm 1 May 2015.

Environment Canterbury Review submission
Contact information

Name	Ellen McCrae
Organisation	n/a
Address	[REDACTED]
Telephone	[REDACTED]
Email	[REDACTED]

I believe first and foremost that the environment must not be treated as a package of economic resources which must be “milked” to their utmost.

The document does not recognise that a Water Management Strategy was in place in 2010, it gives limited credence to the excellent staff that has remained loyal to Environment Canterbury. Are the latter not the experts we should be relying on not part time governors.

A key missing document is the government national guidelines on managing the environment.

The document gives much emphasis on managing fresh water which clearly takes up much of the budget however there are other mandates land, air and coastal water through regional policy statements, plans and consents • mitigating soil erosion and providing flood control • planning and contracting public transport services • managing and preparing for regional civil defence emergencies.

The document talks of success in water management and the “successful” water management zones. Has anyone taken account of the stress this might place on people who put their hand up for these roles? I refer you to the PhD thesis of Amanda Thomas School of Geography, Environment and Earth Sciences Victoria University Wellington.

*Any mission must recognise
sustainability*

retaining an environment for future generations

recognition of the varying users of the environment from recreational to business

recognition of the ages/ethnicities/abilities of the varying users – why not give a vote to 16 year olds who will represent future users more accurately than the middle age upwards who dominate think tanks

In regard to the governance model I strongly disagree with the 7 elected 6 appointed model

I have a preference for the 9 elected 4 appointed model Cantabrians contribute the monies therefore they should have the say. It is my understanding we are still in a democracy. Although this is not obvious reading through the document.

The breakdown of North, Mid, South Canterbury and Christchurch regions is not defined nor will 4 zones break into an uneven no. of representatives!

In regards to appointed governors Ngai Tahu who are surely our experts on environment management must be there (preferably 2) and I do not dispute the need for individuals who have good chairing/governance skills. It is important to recognise that employed staff should be the “experts” in the various required fields and good governance will identify if there are skills lacking.

Environment Canterbury Review – April 2015

Your name:	Frank Hill
Address:	██████████ ██████████ ██████████
Mobile	██████████
Email:	████████████████████
Date:	29 April 2015

I consent to my submission and name being made public – **but not my contact details, ie address, mobile and email address.**

1. Critical Issues

The most important issue for Canterbury Governance is a full return to democracy. Christchurch residents are sick of being treated no better than Germans in the mid 1930's. The National Government has on three earlier occasions promised a return to democracy but has failed to carry this out. This Dictatorship was installed by politicians of very poor moral standing and self-interest and they seem committed to ensuring the Dictatorship model remains in place to achieve what they want – not the wishes of the local community.

The current Dictatorship is a shameful disgrace, has ignored the wishes of the communities and has essentially acted in a way to pollute the Canterbury waterways as quickly as it can and leave the environmental problems for someone else to clean up in the future. They are arrogant, overpaid, and unrepresentative of the demographics in the region (ie they are elderly, white, males).

One of the key goals for the Dictators was to restore the relationship between the Urban and Rural communities but they have significantly failed in this regard and have just reversed the position from post 2010. There is no voice for the Christchurch City residents from the current dictators and they have freely admitted that they are only there to do a job – not waste time with public meetings or engaging with ratepayers (unless you are Federated Farmers, Fonterra, Dairy NZ or Irrigation NZ).

The sooner ECAN is returned to a fully democratically elected council the better.

2. Do you agree with the goals for ECAN Governance?

I generally agree with the goals for governance but none of these are being met by the Dictatorship. 'High quality leadership' requires more than getting the local paper to print a yearly propaganda message. The community has on many occasions expressed strong views on changes made by these Dictators which they have ignored – the cancellation of the Metrostar Bus service is one example as is the decision to allow Silver Fern Farms to continue to pollute the Waimakariri River.

They are a complete failure in relation to 'Environmental Stewardship' with most of Canterbury Rivers now unfit for swimming.

3. Are some of the goals more important than other?

Yes the most important goal now is 'Accountability to local communities' and this will only be achieved by a full return to Democracy.

4. Is the Proposal suited for Canterbury

It most certainly is not. ECAN is not a District Health Board. It is funded by people who pay rates and those people should be the ones deciding how their rates are spent and the local community managed. The Dictatorship has been solely focused on expanding Dairying as quickly as it can. Some balance needs to be returned to Development versus Environmental concerns and this will be best achieved by a full return to democracy.

It is noted that for the Proposed Model the number of "Appointed Members" are "indicative only" In other words even if this preferred model is put in place the Government intends to control the balance of power so that it can achieve whatever agenda it so desires.

5. Is there a better Governance Model

Yes a return to a fully elected democratically elected council. This should require no special legislation and return the Canterbury region to being the same as every other local body in the Country. We pay rates and deserve proper representation.

6. Summary

Like most Canterbrians I don't have any issues with farming or irrigation. We understand that we need these activities to all be prosperous. Storing water instead of pumping it out of the ground makes good sense.

However, intensive Dairy Farming over land with aquifers and near our rivers is an entirely different matter. The environmental impact of these types of activities is well known and documented (Lake Ellesmere as a good example) but the Bazley Dictatorship has allowed full on development to occur without putting in place the appropriate regulation or monitoring. They have created a problem for future generations to deal with and what will ultimately be at significant cost to ratepayers – not the people causing the pollution in the first place.

With the current low milk solid price dairy conversions do not stack up financially, many farms are heavy indebted and I doubt existing dairy farmers need any further competition. With this environment now is the perfect time for a proper debate on increased dairying on the Canterbury plains and a fully democratic elected council is the right mechanism for this to occur.

(PS: I would have liked to put more time into submission but the residents of Christchurch are currently already being consulted on the Christchurch City Council, District Plan and Long Term Plan and the ECAN Long Term Plan. I have no doubt that you have purposely added to this load at this time to obtain the least amount of feedback on this very important subject)

Canterbury Regional Council representation.

The only option that should be considered is 100% elected representation in 2016.
Anything less is an insult to the people of Canterbury

Thank-you
Jane Demeter

Jane Demeter



Contact information

Name	John Leonard Hoare
Organisation (if applicable)	Association for Independent Research (AIR) Inc. [REDACTED]
Address	[REDACTED]
Telephone	[REDACTED]
Email	[REDACTED]

Critical issues for Canterbury governance

1. **In your view, what are the most significant regional issues for Canterbury (for example, resource management or governance issues)? Please explain.**

Both resource management **and** governance issues – in particular those affecting or related to *indoor and outdoor air quality and, also water quality and quantity (streams, rivers, lakes, aquifers, canals, dams, ponds, seepage, oceans, rainfall, erosion, leaching, etc.)* are highly important/significant for Canterbury. Issues surrounding *land either in its natural, existing or potential state* clearly are very important too but probably are subject ordinarily to more control via means other than those requiring input from Environment Canterbury. Ditto transport, health and countless other matters determining the quality of life in Canterbury not necessarily remediable from an environmental standpoint i.e. by more than a token or small amount (directly).

The way forward for Canterbury governance

2. **Do you agree with the goals for ECan's governance? (These are: high quality leadership, economic growth, strong environmental stewardship, strong accountability to local communities, and value and efficiency for ratepayer money.) Please explain.**

No. Not without more information being provided and/or agreed upon as to the meaning of: high quality leadership, economic growth, strong environmental stewardship, strong accountability to local communities, and value for ratepayer money interpreted or considered as achievable in **either** case (fully democratic or the model as proposed above i.e. by the Government). Thus there seems little point in 'strong' leadership, etc. if, considered in retrospect, the decisions arising as a result of simplistic/ignorant/arrogant inputs are/were wrong/mistaken.

3. **In your view, are some of the goals more important than others? Please explain.**

This is a very open-ended question depending, ultimately, on how high minded/animalistic one is and/or aspires to be **in a given situation** and hence impossible to answer here.

4. **Do you think the proposal is suited to Canterbury and meets the goals for ECan? Please explain.**

No. (see below)

5. In your view, is there a governance model that better addresses the goals for ECan? Please explain.

This question presupposes that the goals for ECan as set out (broadly) in point 2 above have been precisely enunciated in detail and that, in this event, they have been suitably discussed/agreed upon. With a fully democratically elected ECan there is a better chance that the latter outcome will occur/be achieved leading either to pro-active decisions or the status quo seen as the best/most sensible decision in the meantime.

6. Are there any considerations we need to give when transitioning to the proposed mixed- model governance structure? Please explain.

The need for people to feel fulfilled, have a sense of purpose, have/retain a significant measure of control over their lives and/or destiny surely is most important. Overly intrusive/all-powerful government can/will seriously undermine these essentials of a truly healthy society requiring those holding the reins of power to be fully aware of their responsibilities and the risks their positions, jobs, etc. entail including at a local/regional level.

7. Should the mixed-model governance structure retain the special resource management powers currently used by the commissioners? If so, for how long? Please explain.

If the MMGS is chosen/employed the special resource management powers currently by used the commissioners should continue for as short a time as possible. Overall, the best possible balance between local/regional needs and/or wishes and those of central government needs to be struck with, we believe, the 100% democratically elected councillor model offering the best prospects in this connection

Other comments

8. Is there any further information you wish the Government to consider? Please explain.

Consider the value of education (both formal and informal), experience, knowledge, culture, etc. manifested as democracy - as opposed to dictatorship and/or undue concentration of power - as the means of best protecting us from the consequences of bad decisions affecting people nationally/locally/regionally. Consequently, to single out Canterbury **Regional** Council for the less than democratic "solution" proposed here by the Government is totally unacceptable.

J.L.H.

Dated:1 May 2015

Environment Canterbury Review

Submission from John Patrick Sullivan

We must make Ecan a democratic institution again

I consider it an abandonment of democracy that the plan for Ecan is to transition it to a mixed (partly elected/partly appointed) institution rather than a fully-democratic entity, as it should be. It is our rates and dues that mostly fund ECAN and ECAN should be answerable to the people under the law rather than to an ideological government through its appointees. We don't want our country to be less democratic, we want it to become more democratic. Our democracy has been hard-won. We must defend it..

Assumption that proposed changes to the RMA should be taken into account

The proposed changes are not yet in place and may never occur, given recent developments. They should not drive the design of ECAN.

Unbalanced assertions that the Government - appointed ECAN was superior

I simply do not believe the assertions made tell the true story. They appear to be one-sided and self-serving in the extreme. I know there are other viewpoints, which I and others consider valid, yet alternatives to the Government's view are neither acknowledged nor canvassed. And ECAN undoubtedly previously had many significant achievements, none of which are acknowledged either.

Lack of a goal of sustainability

How can the organisation charged with managing our water-resources not have a duty to maintain the resource?

Lack of a goal of managing our resources for the benefit of the environment

ECAN should be charged specifically with achieving this. It should not be overlooked.

Lack of a goal of managing our resources for the benefit of future generations

ECAN should be required to have such a long term view for our children and their children.

Lack of values

ECAN should be values – based, not just a functional servant of central government.

Expert Appointees

It is not necessary to have expert appointees. Ecan has expert staff and consultants to carry out that function. And who would be doing the appointing, anyway? Who guards the guardians? And what skills are perceived as necessary?

Summary

I strongly urge ECAN's immediate return to being a democratic institution.



John Sullivan




1st July 2015

Name: Dr June Frances Slee

Organisation: N/A

Address: [REDACTED]

Telephone: [REDACTED]

Email: [REDACTED]

Critical issues for Canterbury governance

1. In your view, what are the most significant regional issues for Canterbury (for example, resource management or governance issues)? Please explain.

The most significant regional issues for Canterbury and the region of North Otago that is controlled by Environment Canterbury (ECan) relate undoubtedly to water resource management and the need for efficient and informed governance. The statistics presented in the *Environment Canterbury Review (ECR)*, (March, 2015) highlight the importance of irrigation's contribution to the regional and national economy. It is important Ecan does not lose sight of this while also accommodating views opposed to widespread irrigation. I appreciate that water management is a work-in-progress and introducing a mixed-model as is proposed in the *ECR* for the 2016 elections, should provide time to ensure the projects are completed and working satisfactorily in the following three years.

The Creech Report (2010) was highly critical of ECan's governance, and from my point of view as an ECan councillor representing the Waitaki electorate from 2004-2007, deservedly so. However, I would caution that should the proposed mixed-model be established in 2016 there are issues that need improving regarding the role of the Commissioners. Let me explain; many people say that the dismissal of ECan's elected councillors in 2010 was an abuse of democracy. I disagree and would argue that the way in which ECan had been governed and managed since 2004 was not democratic. However, I am disappointed that the current Commissioners have not attempted to overcome the on-going accusations of a lack of democracy by being more available to the people of the region. Perhaps this was not their brief, but I am astonished that most people in my part of the region cannot name the Commissioners, do not know if it is appropriate to approach them over issues (as opposed to ECan staff), and, whether or not they have a Commissioner with special responsibilities for their part of the region.

The way forward for Canterbury governance

2. Do you agree with the goals for ECan's governance? (These are: high quality leadership, economic growth, strong environmental stewardship, strong accountability to local communities, and value and efficiency for ratepayer money.) Please explain.

I do agree with the goals for ECan's governance – they are of course, “motherhood” statements that any local government body should aim for. What is critical at this stage is the realisation of these goals through high quality leadership capable of an inclusive approach to planning and delivering outcomes.

3. In your view, are some of the goals more important than others? Please explain.

In my view, the most important goal is 'strong accountability to local communities'. We see a dearth of this in the North Otago region of Environment Canterbury. Discharge to air complaints left unanswered; a Canterbury Water Management Strategy Group (Zone 6, Upper Waitaki) that comprises mainly non-primary producers as appointed members, many of whom are openly opposed to farming and in particular, to dairy farming; yet ironically, choosing to ignore the damage salmon farming is doing to the fresh water lakes in the area. It is also disappointing that some of the ECan staff involved appears to have limited or no in-depth knowledge about the information they are charged with disseminating to local communities.

4. Do you think the proposal is suited to Canterbury and meets the goals for ECan? Please explain.

I support the mixed model proposal in relation to its appropriateness to the needs of Canterbury, but with some reservations; but it is certainly a better option than having a fully elected council at this stage. My reservations are based on the fact that Canterbury is such a diverse region, and should be administered this way. The mayoral plan to establish zones throughout Canterbury was an excellent idea; it is a pity it has not been monitored as rigorously as it ought to have been by the Commissioners. Diversity cannot be fully catered for by the mixed model unless the next group of commissioners becomes more available throughout the entire region. They should attend meetings relating to ECan matters; they must be available to constituents; and, they must have the knowledge, skills and experience to enable the region to thrive. Currently when a constituent rings ECan with a complaint or a request, it too often left unaddressed. Where then does the constituent turn for help? How do they contact a Commissioner?

In an ideal world I would like to think that the voters will support candidates in 2016 who clearly have the experience, knowledge and skills needed to govern the regional council's main functions in an efficient, considered and timely manner, allowing it to achieve its goals.

5. In your view, is there a governance model that better addresses the goals for ECan? Please explain.

In my view there is a governance model that better addresses the goals of ECan; however it would involve a major change to the electoral process, viz., changing the greater Christchurch electoral area to a unitary authority with total responsibility for public transport as well as other necessary regional council functions. The regional council would work from hubs in North Canterbury, South Canterbury and Waitaki and retain the following functions:

- 1) managing fresh water, land, air and coastal water through regional policy statements;
- 2) mitigating soil erosion and providing flood control;
- 3) managing and preparing civil defence emergencies. (ECR, p. 9).

I appreciate this would be a complex and protracted process, but regional councils should comprise elected members on geographic areas for very obvious reasons. It is inequitable, expensive and inefficient to have the majority of a regional council elected from Christchurch urban areas while the main functions of the regional council relate primarily to rural matters,

with the exception of public transport, of course. I accept there has always been a argument to retain Christchurch based on its rating contribution but I am not confident that applies now. With respect, during my term on ECan, I witnessed a majority of the council members who represented city electorates making decisions about issues they did not understand, and what was more upsetting, they showed little inclination to understand them. This form of governance just does not work.

In the immediate months I suggest you transfer the entire responsibility for public transport to the Christchurch City Council. I know from experience that an inordinate amount of time and hence rate-payers money, went towards issues such as the precise placement of bus-stops in Christchurch city, while people in the Waitaki electorate waited for years for their resource consents to be processed. There are no public buses south of Timaru.

6. Are there any considerations we need to give when transitioning to the proposed mixed-model governance structure? Please explain.

In your planning for the transitional phase, I would like to see:

- * The emergence of a truly mixed model, where the appointed members of the council become more representative of the electorates in all matters relating to regional governance. It would be useful if each Commissioner had a direct working relationship with specific territorial local authorities.
- * Adherence to a governance infrastructure that ensures elected members bring to the table a non-partisan approach to governance and in doing so, focus on the issues that confront the entire region, and not on the need to be seen to comply with party politics. I agree that this would be difficult but if the electorates were made aware of how petty party politics destroyed any useful debate during the terms 2004-2007 and 2007-2010, they may vote to avoid this shameful behaviour being repeated. Perhaps this could be avoided during the transitional phase by developing a culture driven strongly by the principles of the Resource Management Act in guiding the regional council towards its stated goals.
- * Leaders from the irrigating farming community from whose production Canterbury contributes 64 per cent of New Zealand's total net gate value involved closely with the Government and Ngai Tahu in appointing the commissioners, as should representatives from the region's TLA's.

7. Should the mixed-model governance structure retain the special resource management powers currently used by the Commissioners? If so, for how long? Please explain.

Obviously there is a need to retain the special management powers granted to the Commissioners in order to monitor changes made since 2010, and to support on-going projects. The mixed-model council should be given these powers until 2019 when the entire governance model should be again reviewed.

Other comments**8. Is there any further information you wish the Government to consider? Please explain.**

I would like the Government to acknowledge that it was not just the poor management of water issues that led to the removal the elected council in 2010, as I would not like Ecan to drift back to the appalling way in which it acted on many occasions during the period 2004 to 2010 across a great number of issues, and indeed, not just those related to water management.

From my experience during the term that preceded the dismissal of the 2007 council there was a multitude of issues that contributed to ECan's dysfunctionality.

- 1) The large majority of the councillors represented Christchurch electorates and had little interest or knowledge of issues occurring further afield. What was most distressing was the fact they made little effort to acquire such knowledge.
- 2) There was inadequate fiduciary care taken with the overseeing of the operations of the Council Controlled Organisation, Target Pest.
- 3) Decisions were based on party political interests; I did not and still do not identify with a political party, and was constantly subject to 'persuasive' tactics which even amounted to outright abuse on some occasions.
- 4) There was a clear lack of leadership at both the highest governance and management levels with a concomitant absence of informed decision-making and practice.
- 5) The lack of co-operation with territorial local authorities and rural people was evident throughout the entire term I served on the council. For example, the vexed issue of the allocation of water from the Waitaki River was largely ignored. The council did not visit the Waitaki as a council; it made a mockery of any consultation process by belittling many of regional rural people who presented submissions on various issues; and, it failed as a council to support the retention of Waitaki as an electorate although there was strong evidence it could have remained under legislation relating to communities of interest. A combination of misinformation, political in-fighting and plain subterfuge took out the Waitaki Electorate against the best wishes of its people.

Concluding comments:

I support the proposed mixed model as outlined in ECR (2015), and seek that consideration is given to my recommendations regarding the need to:

- (1) meld the roles of elected members and appointed councillors as a representative whole;
- (2) appoint the commissioners on the advice of major stakeholders;
- (3) respect the rights of the people who live and work in the rural parts of the regions by:
 - (i) forming a unitary authority which takes in the population of Greater Christchurch
 - (ii) dividing the rest of the region into three distinct areas; North Canterbury, South Canterbury and Waitaki and establishing hubs in those areas from which a cross-section of ECan staff is based
 - (iii) drafting immediate plans to transfer the function of managing public transport to the Christchurch City Council;
- (4) ensure a strong and transparent governance infrastructure is built to prevent ECan reverting to the management and governance practices of the recent past.

Thank you for this democratic opportunity to have an input into the future of regional government in Canterbury and the region of North Otago in which I live.

Sincerely,

Dr June Frances Slee

ECAN is a Regional Council like other Regional Councils around the country.

These Regional Councils complement the statutory function of Territorial Local Authorities.

Our submission is that the legislative framework for ECAN should be consistent with other Regional Councils.

Ratepayers move from one TLA / Regional Council to others and the lack of consistency of approach to citizen engagement is resulting in a loss of understanding of the political process in this country. This consistency needs to be re-established to mesh well with national electorate policies and practices.

Such consistency can then be predicated on the recognising the pivotal role of mana whenua and the indigenous status of tangata whenua in the framework of Te Tiriti o Waitangi.

The emphasis of this submission is to bring focus on the need for there to be a consistent legislative framework for Regional Councils of which ECAN is example.

Katherine Peet

--

[REDACTED]

[REDACTED]

Phone [REDACTED] or [REDACTED]

The consultation questions listed below are a guide only and all comments are welcome. You do not have to answer all the questions.

Contact information

Name	Dr Lin Roberts
Organisation (if applicable)	
Address	
Telephone	
Email	

Critical issues for Canterbury governance

- 1. In your view, what are the most significant regional issues for Canterbury (for example, resource management or governance issues)? Please explain.**
 - Lack of Democracy
 - Degradation of water quality with more intensive farming
 - Reduction in river flows from irrigation abstraction.
 - Loss of enjoyment and well being for Cantabrians in the use of our rivers and taking from future generations the access to 'world class' drinking water
 - Lack of long term thinking about impact of climate change on east coast and failure to develop and adopt farming techniques that are more resilient to drought (irrigation being presented as providing such resilience but instead is being used to accelerate intensification which removes that resilience).
 - Consideration of the wellbeing of future generations generally

The way forward for Canterbury governance

- 2. Do you agree with the goals for ECan's governance? (These are: high quality leadership, economic growth, strong environmental stewardship, strong accountability to local communities, and value and efficiency for ratepayer money.) Please explain.**
 - I do NOT agree with Economic Growth as a goal for an Environmental agency set up under the Resource Management Act for the SUSTAINABLE management of natural and physical resources. There are many other agencies that attend to economic matters to the complete exclusion of environmental concerns. It is a delusion to think that we can maintain exponential growth in throughput and in consumption of resources within a closed system (planet earth) in defiance of the laws of thermodynamics, so we need to start working out how to live within planetary boundaries, preferably BEFORE we have permanently damaged our world class water supply and

natural capital, and the wealth of ecosystem services provided by nature in our region. We also need to use much better measures of total wealth than GDP and of wellbeing and learn to distinguish between economic growth and uneconomic growth. Much of the recent economic growth in Canterbury has been UNEconomic growth – the cost to natural capital exceeds the financial gains to a small number of individuals and their banks. See recent OECD work requiring member countries to start measuring and accounting for their natural capital, and the World Bank's *Wealth Estimate* developed over a number of years. (Related publications include *Expanding the measure of wealth* (World Bank 1997), *Where is the wealth of nations?* (World Bank 2006) and *The changing wealth of nations: measuring sustainable development in the new millennium* (World Bank 2011)). Economic growth could be replaced by something suggesting better understanding of our dependence on the ongoing functioning and health natural systems, e.g. 'sustainable prosperity'.

- Support the other goals but leadership needs to include an understanding that it is democratically elected leadership.

3. In your view, are some of the goals more important than others? Please explain.

- The inclusion of "Economic Growth" in the mix seems to be an attempt to shift the emphasis away from the environment to economic goals. This council is after all "Environment Canterbury" not "Economic Canterbury".
- I object to economic growth being included as an ECan goal.
- Strong environmental stewardship must have a paramount weighting compared to the other matters. But this does not mean the other matters are to be completely ignored in the decision making balance.

4. Do you think the proposal is suited to Canterbury and meets the goals for ECan? Please explain.

- No. With the goals being dictated, then the proposal is likely to suit the needs of the people dictating the goals - namely people who want to achieve short term economic goals at the cost of short, medium and long term environmental ones and at cost of long term economic sustainability. It does not represent the wishes of the citizens of Canterbury.

5. In your view, is there a governance model that better addresses the goals for ECan? Please explain.

- Yes - governance by a fully elected body, with Ngai Tahu representation. If the elected representatives consider there are any specific skills missing (eg ecological, hydrological) then they could have capacity to co-opt 1-2 other members.
- The essence of democracy is an ongoing conversation. Dictatorship is much more efficient than democracy because the conversation is avoided. However, in the long term, the outcomes are never optimal. Democratic nations are those whose citizens are better off, not just in economic terms but also in terms of overall wellbeing.

6. Are there any considerations we need to give when transitioning to the proposed mixed- model governance structure? Please explain.

If the government is unwilling to listen to the citizens of Canterbury and return to a fully elected Ecan, then the mixed model governance structure proposed needs amending in the following ways:

- More elected representatives and less government appointed (representative ratio 8:3-4)
- Current structure has four constituencies with 7 elected members – it is not clear how many representatives each of these would get – at least one group is only going to get one
- Appointed representatives should be highly qualified in environmental/freshwater matters and appointed by an independent authority not subject to the government of the day's agenda i.e. who guards the guardians is of utmost concern in government appointments
- Ngai Tahu should be represented

7. Should the mixed-model governance structure retain the special resource management powers currently used by the commissioners? If so, for how long? Please explain.

- No, there should be no special powers (and never should have been – notwithstanding the nice attempt in Table 1 to rewrite and reframe history and discredit all the work done by ECAN to prepare for the Canterbury Water Management Strategy prior to the removal of the democratically elected councillors) - the powers for ECAN should revert to those in place in the rest of the country. It is now very uncertain that the present Government will get the votes needed to make the radical changes they were proposing to the RMA so it will just create confusion and delays if yet another system is put in place in the interim. There is established case law and much greater certainty with the law as it is applied in the rest of the country, so it adds extra cost to Canterbury if every applicant has to work out how a different interim set of rules apply in just this one region.

Other comments

8. Is there any further information you wish the Government to consider? Please explain.

- Future generations are not mentioned in the discussion document yet the decisions of agencies such as ECAN will have impact on the wellbeing of New Zealanders for generations to come, so I strongly recommend in addition to making lowering the voting age for regional elections to 16 years. By giving them the vote while they are still at school and in a relatively stable situation, young people will have the opportunity to debate and become informed about issues before they leave an educational environment. A 16 year voting age applies in regional elections in Switzerland and many states of Germany, and in national elections in Brazil, Argentina, Ecuador and Nicaragua, for the recent Scottish referendum and potentially in all the UK next year depending on the election outcome.
- Transfer the urban transport function to CCC to allow better integration – current system with divided responsibility is cumbersome and not delivering good service.
- Return Full democracy to Canterbury IMMEDIATELY. What is proposed here is in effect a Clayton's Democracy and as such not democracy at all.

When your submission is complete

Email your completed submission to ecanreview@mfe.govt.nz or post to ECan Review, Ministry for the Environment, PO Box 10362, Wellington 6143.

Submissions close 5.00pm 1 May 2015.

THE TIDES OF REGIONAL PLANNING

by Malcolm Douglass

1. THE RISE AND FALL

How, in future, do we secure better regional planning as a fundamental local government function. Since the good progress made with regional planning in the reforms of the 1980s the tide has now turned against them. This brief paper outlines the value and importance of regional planning and explores some future options. (1)

The present 'ebb tide' has been hastened by a lack of government and local government support for regional planning. Since 1992 there have been a series of disabling decisions made. These include ad hoc amendments to both the LGA and RMA over the period 1992-2013 resulting in a down scaling of regional planning programmes by regional councils. Most significant was the government's direct legislative action and reorganisation of the structures of our three largest regions Auckland(2009), Canterbury(2010) and Waikato (2010).

Regional leadership for strategic planning and the preparation of regional plans under the RMA are fundamental. They are one way to help arrest the 'outward tide' and reverse the continuing 'history of defeat' being suffered by local government.(2)(3)

2. REGIONAL PLANNING IS FUNDAMENTAL

Following the LGA 2002 and the introduction of LTCCPs the regional councils and the territorial authorities made significant gains in their council and community strategic planning (4). There have also been some successful regional activities pursued with co-operation between regions and their city/district councils. These include water resources, roading, public transport, selected urban development strategies and sharing of infrastructure programmes. The government has also introduced a few 'national policy statements' and 'national standards' to advantage. Offsetting these gains, in some regions, there has been an attitude of animosity toward the regions fanned by both local and central governance partners resulting in reduced regional planning programmes.

However in the recent past some unexpected positives have emerged from three government 'task force' reports and each identifies the benefits of more regional planning leadership:-

- Local Government Infrastructure Efficiency - Expert Advisory Group (EAG March 2013) - pleading for better regional infrastructure network strategies and spatial planning.
- Land and Water Forum (LAW 2010 & April 2012)) - seeking greater input and collaboration from the regional community and explicit regional water standards.
- Productivity Commission Report (PCR 2013) - improving planning and local government regulation through regional collaboration, competence and national standards.

These recommendations would be met in some degree if the 'tide' for better regional planning was being openly supported.

Regional planning is a fundamental necessity. It is a function that must be undertaken what ever territorial government structures or council boundaries are adopted in future .

3. REGIONAL COMMUNITIES OF INTEREST

Local government purposes include, amongst other objectives, support for 'communities of interest'. Regional communities of interest embrace wider groups covering water catchments, whole cities, several districts, and span across both urban and rural communities. These 'provincial' communities float between the policies and programmes of central government and territorial authorities.

The existing three tiered plan approach in the RMA wisely reflects this hierarchy ;-

- (i) 'national policies, legislation and standards',
- (ii) 'regional strategic statements and objectives',
- (iii) 'city/district objectives, policies and plans'

This division provides a manageable process of plan preparation, consultation and implementation. The resulting range of documents, policies and design rules are derived through a 'joint planning process' having a clear relationship to the respective communities of interest.

The alternative of merging the regional and district objectives and rules into a single 'unitary plan' has been promoted by the present government notably with the Auckland Unitary Plan. Such a multi-layered, unitary single default plan, is cumbersome to prepare and also results in an unfortunate mix of long term future strategies with short term planning and political issues. For logic, technical and administrative reasons a jointly agreed free standing regional policy statement, as provided for in the RMA 1991, is to be preferred.

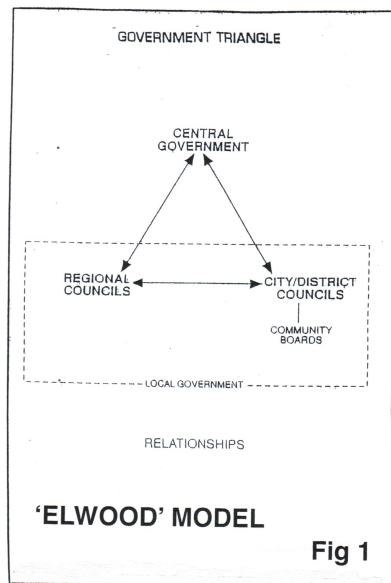
Sound regional plans are an effective way to strengthen local government's purpose and provide a better framework for integrated decision making and also for consultation with central government. Concise and clear regional plans are fundamental needs to establish the relationships with government and territorial authorities and improved planning at all three levels (4).

4. 1989 LGC REGIONAL MODEL

The Local Government Commission (LGC) model, prepared following five years of debate across the country, was supported by central government and its ministries. This is illustrated in Figure 1. The LGC in 1989, chaired by Sir Brian Elwood, adopted the 'triangle model' which remains a valid model for regional and district planning purposes and reflects the three planning cornerstones of governance (5).

With a unitary council there is still the need for the regional planning function to be performed cooperatively covering both that particular council's area and the adjacent TAs making up that planning region.

The LGC 1989 triangle is a valid and workable model. However after 20 years of experience it may be time to undertake a national review and recommend any suitable refinements in the functions and variations in the structures of our planning regions.



5. REGIONAL FUNCTIONS AND DELIVERY

The selection of regional planning functions may vary in different regions. Compared to the 40 to 50 delivery activities of the TAs the regional list is quite short with only a dozen activities that focus on planning and environmental management (6)(7). The regional activities undertaken have not altered greatly over the past 20 years.

The regionally significant functions can be summarised in three groups as follows:-

- Group (a)** These are the basic regionally significant functions identified in legislation as being common to all regions and are required to be undertaken. They include regional aspects of :-
natural and physical environment, air quality, water quality and allocation, natural hazards, communication, transportation, urban settlement, infrastructure arrangements, and civil defense.
- Group (b)** Optional/discretionary regional functions, investigations, regional planning which may, with the support of the district councils, be undertaken as regional activities including such matters as :-
economic development, selected infrastructure, reserves and conservation areas, advocacy, promotion, tourism, ports, airports, shareholding in public trading enterprises etc.
- Group (c)** Agency functions that could be delegated or devolved to the regions by central government . which might in future include:-
regulatory/planning functions for environment and conservation. allocation of funds for economic development, district roads councils, employment/training schemes, tourism promotion and any other function devolved by government. This group is dependent on governments willingness to decentralise, and its policies on subsidiarity and shared funding..

Regional plans, as envisaged in Group (a) and Group (b) are an essential link in the governance chain. Unless plans are prepared and approved the strategies proposed will never be achieved. In respect of Group (b) most of the existing regions already perform some of these functions with the support of their TAs. There are also regional operational activities and these may be delivered 'in house' or contracted out to TAs, CCOs. CCTOs or be provided through joint delivery service agreements.

6.REGIONAL GOVERNANCE AND REPRESENTATION

There is a need to review the regional governance membership arrangements. The question is whether there should be a mix of both elected and appointed members ?

For a regional organisation in partnership with government, the territorial authorities and a selection of community institutions there are good reasons for a mix of both elected, commissioner and associate members. The mix might be elected councillor members (say 60%), government appointed members (say 20%) and regional organisations including professional institutions and tangata whenua appointed members (say 20%).

This framework of representation allows government agencies, community, professional and tangata whenua nominees to participate directly as partners from the inception stages of the regional planning process. This collaborative approach should avoid the 'dysfunctional' relationships which, it is claimed, have occurred with purely elected regional councils. This should be part of the specification for a comprehensive and integrated level of government that shares its governance with both central and territorial government.

7. REGIONAL ORGANISATION MODELS

The present legislation may have to be reviewed to encompass several alternative regional organisation models. Three regional models are suggested here covering the likely range of options:-

Model (1) Free standing and separate regional council providing all the basic regional functions in Group (a), and some optional /discretionary functions from Group(b) and Group(c). This Model (1) is as envisaged in the 1989 'Elwood triangle' and coincide with the present arrangements in the majority of existing regions. The establishment would employ all technical, specialist and administrative staff.

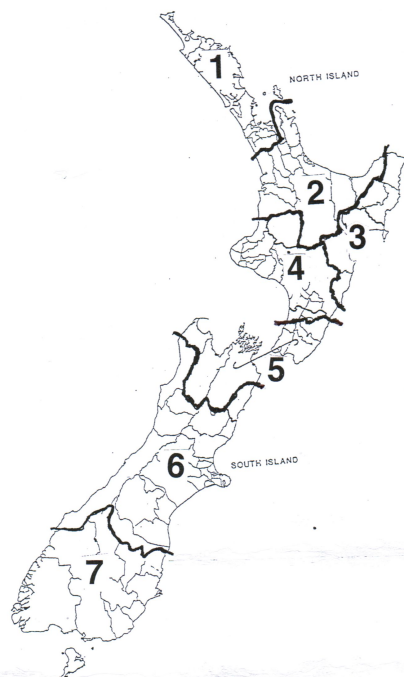
Model (2) Free standing regional council undertaking more limited and modest programmes, compared with those envisaged in Model (1), mostly related to environmental and regulatory functions and RMA consents, with a planning focus on a limited list of selected regional planning activities. For reasons of economy and liaison there could be a sharing of staff, facilities and services with district councils and government.

Model (3) An Authority established as a joint committee with members nominated from the City, District, Unitary Councils, regional organisations and government. The Authority would work cooperatively with an agreement shared by all councils in the region. The Authority would include a regional planning committee, a regional catchment committee and other suitable committees. There could be a sharing of staff and functions with constituent councils. This option is the same as the previous (1979-1989) United Council regional model, under the 1977 TCPA.

It is essential that the legislation and orders in council for each region are explicit as to the type of organisation proposed and the functions allocated. This will also ensure greater certainty in defining the split of functions between regional and city/district/unitary councils.

8. REGIONAL PLANNING BOUNDARIES

How many regions are needed to cover the country and where do the boundaries lie ?' It is evident, from experience over the past 20 years, that in order to gain consistency and share expertise the present 14 local government regions might be merged to half that number. A smaller number of larger regions would be more efficient, make better use of the available regional planning resources and encourage the creation of centres of planning excellence. These larger regions would also lead to a clearer definition of regional functions that compliment the territorial authority's district activities.



PLANNING REGIONS
-7 Region Option -

Fig 2

The best existing regional boundary map is the same as the NZ Transport Agency's present roads districts illustrated in Figure 2. This seven region pattern generally matches the regional planning needs for water, soil, urban settlement, transportation, as well as the wider 'provincial identity', social and economic groupings. The seven regions would also better match the grouping of central government business units and the regions used by some of the nationally established non-government community service organisations .

This interface between NZTA and regional, city and district councils is already an ongoing working interface with government. On this basis the seven local government planning regions and their existing populations would be:-

1. Auckland/Northland	Auckland City & 6 District Councils	(1.65 Million)
2. Waikato/Bay of Plenty	Hamilton City & 15 District Councils	(690,000)
3. Hawkes Bay/Gisborne	Napier City & 4 District Councils	(201,000)
4. Manawatu/Wanganui/Taranaki	Palmerston City & 9 District Councils	(342,000)
5. Wellington/Marlborough/Nelson	Wellington (4) Nelson Cities & 6 Districts	(628,000)
6. Canterbury/Westland	Christchurch City & 10.5 Districts	(595 ,000)
7. Otago/Southland	Dunedin, Invercargill Cities & 6.5 Dists	(305,000)

Some of the regions have natural catchment watershed boundaries of 'separation'. Others have boundaries of 'contact' or 'integration'. However these types of regional boundary relationships have now been established over the past 20 years and are well understood by those involved.

9 CONCLUSIONS

The purpose of this paper is to strengthen and refresh the 'tide of opinion' to support better regional planning as a fundamental local government function. Better regional planning is a catalyst for integrated decision making and is a fundamental function necessary to improved district planning, improved local government and a productive partnership with central government.

This analysis suggests the following five general conclusions should be addressed.

1. It is twenty years since the regions were established under the 1989 reforms and it is timely that the regional planning function and the regional structures be reviewed.
2. There is a need to review and confirm the statutory list of basic regional planning functions that must be undertaken by all regional authorities.
3. Selected discretionary functions should also be identified and undertaken by regional authorities with the agreement of the district councils of the region. In addition the government should consider future devolution of any other suitable functions.
4. The membership of regional councils, and regional authority committees, would be enhanced by including a mix of directly elected regional councillors (say 60%) suitable commissioners appointed by government (say 20%) and appointed community associate members (say 20%).
5. The local government planning regions should be reduced in number and on present evidence the seven NZTA regions appear the best for regional planning purposes.

These matters are emerging as areas for public debate. We should all be concerned to see a satisfactory and positive outcome that enables better regional planning as a normal fundamental local government function.

Selected References

- (1) 'Regional Planning Relationships and Governance' M Douglass background paper to NZPI - Planning Updates/NZPI Homepage (www.planning.org.nz) (1/10/2013).
- (2) 'Local Government in New Zealand - a history of defeat' Dr W.B. Such NZ Institute of Public Administration - (23 May 1956).
- (3) 'The Unfinished Reform of Local Government - The legacy and the Prospect' - R Howell, P McDermott, V Forgie -Dept Environmental Planning - Occasional Paper No 3 Massey University. (1996).
- (4) 'Local Government Strategic Planning - In Theory and Practice' Local Futures Research -Institute of Policy Studies -Victoria University of Wellington. (2011)
- (5) 'Objectives of the Local Government Commission -The new structures and functions' - LGC (28 September 1988).
- (6) 'Report of Regional Government Working Party' - (P. Boag- Chairman) -Report to the Minister of Local Government -Dept of Internal Affairs - Wellington - (1988)

Malcolm Douglass - MSc (Birm), BE (Civil), DipTP (Auck), FNZPI, FIPENZ, SOLGM.

Malcolm is a life member of the NZPI, IPENZ and SOLGM. His technical work includes strategic/regional/town and resource management planning, municipal and transportation engineering. He was the CEO of the Canterbury United Council and Regional Council from 1984 to 1990 and has been actively involved in strategic planning as a senior officer and a consultant serving city councils local and regional councils since 1954. Since 1998 he has been a consultant, a hearings commissioner and a university lecturer.

Email [REDACTED]

Environment Canterbury Review: submission by Margaret Lovell-Smith

I. Return to Full Democracy is Essential:

I reject the proposed 'mixed model' governance structure. There should be no taxation without representation. A return to full democracy in 2016 is essential.

I agree that strong accountability to local communities should be one of ECAN's primary goals: this can only be achieved by the full council of 13 members being democratically elected from electorates that are population and catchment based.

II. There are other ways that the Council can have access to specialist skills and knowledge:

I reject the proposal that there should be members of the Council appointed by the Government. These would inevitably have some political connotations. There are several other ways in which an elected Council can obtain the specialist skills and knowledge it needs:

- By appointing skilled and knowledgeable staff that report to the Council.
- By giving the Council the power to co-opt further members that have the knowledge or skills that are required.
- In addition to population-based democratically elected members of the Council, I suggest there could be appointments as detailed below:
- Research-based organisations that have appropriate expertise, could be required to appoint a representative to the Council. For example as the discussion document notes 'strong environmental stewardship' is essential to the successful running of ECAN. The Parliamentary Commissioner for the Environment could be responsible for appointing a member to the Council.
- The Sustainability Council of New Zealand could also have a seat on the Council. It is vitally important for future generations that any economic growth is also sustainable. As the discussion document notes, 'Climate change could increase the frequency and severity of droughts, flooding and storms in Canterbury'. Frequent weather events strongly suggest that the effects of climate change are already being experienced.
- The partnership relationship with Ngai Tahu should be maintained with places as of right on the Council.

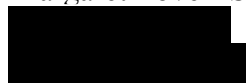
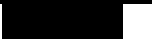
III. Remove the special resource management powers:

The Resource Management Act should be the rule of law as it is in other parts of the country. There is no need for ECAN to retain special resource management powers.

IV. The Younger Generation Must be Involved:

It is our children and grandchildren who will live in the Canterbury environment in the future. The introduction of 'youth seats' on the Council would be an effective way of enabling this future generation to have a voice in the decisions that will so profoundly affect them. Lowering the voting eligibility age for ECAN elections to 16 is another way of enabling more youth involvement and encouraging young people to feel engaged with their regional council.

Margaret Lovell-Smith


Phone 

Dear MFE,

Please consider the following my submission to the Environment Canterbury Review....

If an important part of ECan is to protect our natural resources why does the review not say anything about the effect ECan will mitigate the effects of climate change, sustainability and what protections are there for future generations?

Democracy: All things flow from this.

Canterbury has no effective local or regional government. The result is central government treats Cantabrians like children.

This is seen in the way you are proposing to move from a totally appointed governing body to one of mixed elected / appointed reps.

We appoint staff to provide expertise not government lackeys. We don't need your politically appointed reps.

It says this is to make sure you (central government) have the "correct skills" at governance level, but this is obviously a red herring. It is about the government's wealthy friends retain control while you privatise our water and other natural resources.

The only appointments at governance level we need is to correct the imbalance that has excluded Maori from having effective political say.

Therefore a better proposal is to have 8 elected representatives and 2 Maori appointees. But numbers are a moving feast.

As for the Ward system, 4 wards are proposed. Three rural with only one urban. It is not hard to see where the balance of power will lie is it?

Implementing such decisions is called Gerrymandering isn't it?

Nigel Rushton

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Submission on the Review of ECan

Introduction

I was shocked to have a mixed democracy/autocracy model proposed by government after twice having central intervention in the democracy of Canterbury. Secondly, I strongly resent having to submit on a model which has been presented as a fait accompli by a government which clearly has little respect for the abilities of the people of Canterbury to run their own affairs. No other province has been treated this way – more of this later. Also the 'proposal' is based on flawed opinions and also the facts have been manipulated to suit the requirements of a select few. Even the questions in the review guidelines are designed to elicit the answers that the government want. I write this submission, then, in the knowledge that this process is tinged with a contempt for the opinions of the Canterbury ratepayers and also knowing that seeking those opinions is not the real purpose of this exercise but simply a hat tipping at the idea that democracy is remotely important to the government.

ECan and water matters

The genesis of the 2010 ECan changes was the inability of certain individuals and organisations to source enough water for their planned needs. This inability was due to a number of factors including, and most importantly, the existing over-allocation in much of the Selwyn plains area and uncertainty over the effects that intensification of agriculture could have in terms of water quality. The so-called dysfunctional nature of ECan was a third, and connected, reason for the 2010 ECan Act. I contend that there were other more acceptable methods of improving things. The problems were with the organisation and management and not necessarily with governance. Staff and management abilities, motivation and morale were at the heart and, for example, a less heavy-handed approach would have been the threat of organisational changes should the issues outlined in the Creech report not be addressed. Even a period of commissioner governance sitting beside the council and Chief Executive may have had a positive effect.

The problem was, I believe, one where the government's economic model relies on making more and more simple products and, in Canterbury's case, this was milk powder. Dairy corporates were putting immense pressure on whoever they could to enable huge dairy expansion and our water was already over-allocated so ECan hands were tied. Government attempted to cut those ties and it has taken the best part of two electoral terms for the commissioners to realise that water quantity and quality issues are not easy to fix, the problems are compounding and dairy expansion has not changed NZ Inc into a budget surplus situation. At the same time the over-allocation is aggravated by dairy corporate lack of concern about water issues - as long as they can get more cows on the paddocks.

I believe the continued government intransigence over our democracy is directly related to corporate dairying getting their ear and local farmers either selling up to

them or grabbing their coat-tails, going into huge debt and converting to dairying with the illusive white gold as the interim goal to financial fortunes.

ECan under commissioners

Regional disappointment at government's continued intransigence over our democracy remains. Progress with water management has continued to be slow although the shock of undemocratic change has altered the organisation's make-up and focus more towards corporate water needs and away from wider community concerns. This make-up and focus has not, in the government's apparent opinion, gone far enough yet. Therefore the rush to disestablish democracy and continual prevention of ratepayer involvement has failed to have the desired result – this is why government feels obliged to continue ignoring regional ratepayers.

Much has been made of the 'expert' nature of the present commissioners as a reason for the importance of the government-coined 'transition period'. This is covered in section 2.4 of the review discussion document. I would like government to be open about the experience and qualifications of these people as they relate to the portfolios that they have been allocated. My belief is that the match was never close and the commissioners have learnt, as elected councillors would, as they have gone along. An example, if we need one, is the transport portfolio holder who had some specialist knowledge in the water area and the water portfolio holder was a politician with little specialist knowledge outside the legal profession and politics. I would therefore like to have information on the 'expert' match which we apparently have.

It is clear that the 'specialist skills and expertise needed for good decision-making' mentioned in section 4.4 can, in the Ministers' opinion, only be sourced from those who concur with the government's view on the use of our resources, chiefly water. This goes back to my first point that the government and its advisers were not happy with the availability of that precious resource, on the scale that they wished, and so concocted a scenario to enable water farming to take place here

I contend that section 2.5 of the review discussion document has been compiled as a transparent mechanism to unjustly vilify the council before the commissioners. It is unfair to make such sweeping governance changes which resulted in huge organisational change and then push the assumption that those performance changes would not have happened under a more democratic scenario. The problems which ECan had were sourced in the difficulty of extracting water in the quantities required by some, for the uses that were planned and continue to maintain adequate supplies of good quality water for future generations. The first part of this has been achieved by the changes that the commissioners have wrought but at the expense of the certainty of future water supplies.

Here is the nub of the issue. The assumption of government that what is good for corporate New Zealand is good for us all is not valid and the trickle down theory has never been proved to work since it was invented in the 1980s. It has certainly suited some politicians because 'right to rule' and 'we know best' cannot survive without it. There is no proof that the rest of us will benefit greatly when corporate dairying has done what it wishes with our water. The trickle down is minimised by the apparent need to maximise the dollars earned, keep wages as low as possible and pay as little for everything as their corporate buying power will allow.

Summary and conclusion

In summary then, the major reason for commissioners being imposed on the Canterbury region is that the potential to harvest our water was being cautiously examined. Caution was needed because of uncertainty surrounding the extent and quality of the resource and the effects on both aspects of unrestrained use in the red-zoned area. This was unacceptable to some who resented the restraint and probably saw it as coming from the uninformed majority who suffered from the politics of envy. If this was the case then this majority should have been informed about the implications of more water use as these people saw it and have received assurances of the community good which would prevail. Problem was that the implications of more water use were not positive for this majority and community good was a very doubtful outcome.

Furthermore, the more that government continues to ignore regional democracy the more difficult any transition will become and the more entrenched will become the government will. If full democracy is not to be allowed in 2016 then the very least we have a right to expect is a guarantee of sameness with other regions in the shortest possible time-frame. Such a guarantee should be binding and therefore unlike the guarantees and promises on this issue made by government in both previous election periods.

There are other flaws in this proposal including the assumption that we would be taken in by the DHB comparison. As I told the minister, I would have few issues with a mixed model if ECan governance was as anonymous as the DHBs and, secondly, if the government paid for the running of ECan as it does the DHBs.

Regards

Peter Hill

[REDACTED]
[REDACTED]
[REDACTED]

Ph [REDACTED]

[REDACTED]

Email: [REDACTED]

SUBMISSION : ENVIRONMENT CANTERBURY REVIEW

Name: Peter Lamsdale

Address: [REDACTED]

Telephone: [REDACTED]

Email: [REDACTED]

My submission:

1. The future management of water and nutrient levels in our waterways, which are ECan's role, is everyone's business and the public at large have an undeniable right to ELECT their representatives to carry out, or delegate those responsibilities.
2. The sham consultation document that has been circulated about the future composition of ECan cannot hide the clear fact of a cynical predetermination regardless of what local councils and the people of Canterbury might think and want.
3. The proposed mixed member model for ECan is an unethical and insulting proposal and any election in such a process should be avoided and ignored as the Clayton election process it is.
4. The notion that society would be morally and materially improved if all the important decisions were taken by a self-replenishing caste of "technocratic problem solvers" is as old as Plato's Republic. Every attempt to apply this idea has resulted in the decisions becoming the same as the interests of the wealthy and disregarding those of the rest of the population. It has always been one of the strongest arguments in favour of DEMOCRACY !
5. Our recent commemorations of Anzac Day should emphasize to you that those volunteers were called upon by the politicians of the day to fight to uphold the principles of democracy. Enacting those principles has been hard won and should be defended with the same hard resolution. "LEST WE FORGET"!

Environment Canterbury Representation

We wish to make the following submission

1. I believe that there should be some elected Councillors and some appointed Commissioners. To go from all Commissioners to all elected Councillors would lose all the knowledge, expertise and rapport that the Commissioners have developed.
2. I believe that before we can have any elected Councillors there needs to be a Person Specification and a position Specification developed.
3. We cannot have people as Councillors who cannot meet deadlines, and who cannot consult with interest groups.
4. The current Commissioners have been very very willing to listen to **AND** act on public submissions made especially in the area of public transport.
5. Through community organisations that we are involved in, we have developed good relationships with the Commissioners and we would be very concerned if this was lost overnight without procedures being put in place.

We wish to be heard in Support of this Submission.

Thank you

Philip and Christine Haythornthwaite
1st May 2015

[Redacted Signature]

Mailing Address

[Redacted Mailing Address]

Submission to The Ministry of the Environment

Representation at Environment Canterbury - Commissioners or Elected Councillors or part thereof

Support for the continuation of Commissioners at Environment Canterbury

I WISH to be heard in support of this submission.

Submitter: Mr Philip Haythornthwaite

Address:



Pages: 002+Cover Page

Proposal: THAT ENVIRONMENT CANTERBURY remain under the FULL CONTROL of Appointed Commissioners OR that a model that is of similar Nature to the Canterbury District Health Board be adopted; That of Part Commissioners and part elected representation.

Reasons in support of the above proposal:

- A) The appointed Commissioners at Environment Canterbury have done a great job in restoring my belief in what Local Government is all about, especially when it comes to the Area of Public Transport.
 - a) The Persons that were chosen and Appointed as ECAN Commissioners have obvious skills in the area that they were appointed to. This has been especially so with regard to Mr Rex Williams in his role as Commissioner - Transport. His knowledge and understanding of the needs of the disability sector has delivered a far better result for the Bus Passenger than just working with the Christchurch City Council.
 - b) I have been and made submissions direct to the ECAN Commissioners and know that I have got a lot further with issues than just dealing with elected Councillors.
- B) UNDER NO CIRCUMSTANCES must ECAN revert to totally elected councillors. This was a total failure to operate and Manage the affairs of the Canterbury resident. The following options should be considered:
 - a) The retention of 100% Commissioners only
 - b) A 50% Commissioners and 50% elected councillors.
- C) The Ministry of the Environment *must not under any circumstances* allow the Christchurch City Council (CCC) to have *full control of the public transport system*, especially when the CCC is the owner of the RED BUS COMPANY.
 - a) The CCC is an inept manager of their part of the public transport system, is totally incapable of ensuring that all bus stops provided are accessible for a person with a disability, they deliberately and knowingly breach the HUMAN RIGHTS ACT 1993 (S21) by ensuring that the disabled person can access the bus and even in recent times have knowingly installed bus stops in dangerous and unacceptable locations.

- b) The Ministry of The Environment should transfer to ECAN the entire maintenance structure of the Christchurch Public Transport System with the power that ECAN can instruct the CCC as to where and when it wants a bus stop installed and that the CCC has to comply with instructions given with in 30 days.

D) CONCLUSION

The Ministry for the Environment must not mess up the very good system that we have operating at ECAN and I hope that we the public do get our submissions taken notice of.

.....
Philip Haythornthwaite

1st May 2015

[REDACTED]
[REDACTED]
Ph: [REDACTED]

1 May 2015

**Ministry For The Environment
Environment Canterbury Review Submission
P O Box 10-362
WELLINGTON**

Dear Sir

Please find attached my submission on the **REVIEW OF ENVIRONMENT CANTERBURY**

Please **RECORD MY REQUEST TO BE HEARD.**

Please also formally advise me in writing of the date and time of the meeting to present my submission(s).

Yours Sincerely

Philip Haythornthwaite
1st May 2015
[REDACTED]

ENVIRONMENT CANTERBURY REVIEW

SUBMISSION FROM ROBERT H M JOHNSTON

Background I served 3 terms (9 years) on the Canterbury Regional Council from 1998 until I retired in 2007. I represented the North Canterbury constituency.

During that time I chaired the Pest Management portfolio, Projects Overview committee, Representation Review Committee, elected Deputy Chairman 2004---2007 and was appointed to both hearing panels for the Natural Resources Regional Plan hearings(NRRP) in late 2006 which concluded in 2010. I served on a host of other committees as well.

I will attempt to answer the “submission questions” first and then make some general comments and observations.

1 Critical Issues for Canterbury Governance

(a) The first fundamental issue is to return Canterbury to a fully elected and representative Regional Council with 8 Christchurch city and 6 rural representatives (as before) plus an independent Government appointed Chair---total of 15. This would remove all the infighting and politicking that surrounds the election of Chair from within the ranks , leaving the elected members free to get on with the job they were elected to do.-- Note--my experience was that some of the tensions created by the scramble to be Chair lasted the life of that term or even beyond, which was most unhealthy . In addition this would provide full accountability to the wider constituency—the ratepayers, something which is totally absent now both from the current Commissioners and importantly from the Zones and their membership , structure and modus operandii.

The mixed member (DHB type) model as proposed is not appropriate or needed long term. It should /could only be contemplated for the first 3 year term and then a return to a fully elected body of 14 + 1 appointed Chair.

(b) Pest Management, both plant and animal, was not mentioned in the discussion document . This has been and will continue to be a very important area of the Councils work. When Regional Councils were established in 1989, they took over the work of the pest boards (rabbits and wallabys) and noxious plants boards (nascella tussock) They have also played an important and successful role in vector control for the TB eradication programme (possums and ferrets) Rabbit numbers are increasing again , Chilean needle grass has been found and other 'environmental' threats abound. The focus must remain.

(c) Soil Conservation and River Control is an area needing more attention. The regional Council took over these responsibilities from the old Catchment Boards who were able to provide advise, subsidy assistance and even service delivery. Central Government funding assistance by way of 'vote Soil and Water' to the Catchment boards ceased long ago and responsibility was transferred totally to the adjoining land owners or 'at risk' communities. Approximately 68 river rating areas were formed which all work well. However the picture is not complete. One river the Ashley , has 2 rating areas between the Coast and the Okuku river confluence but nothing upstream of that. One particular section , on my own river frontage, is subject to river bank erosion in times of heavy flood. A great deal of the protection works we established in Catchment Board days are gone .The Council I was part of wouldn't establish a rating area either for fear of 'conflict of interest'. These commissioners are worse—they are just plainly not interested, but they still have

responsibilities under old Soil and Water legislation as well as the RMA soil conservation provisions. Given this is one of the Region's biggest environmental disasters, with thousands of cubic metres of aggregate being eroded and acres of land lost (around 20) their behaviour and attitude is appalling. This is a 'regional' issue –it is far too big for an individual to fund, Rangiora is at risk, and they have turned their backs on it.

(d) Representation Model. + or -- 10% of average population. Changes to the Local Government Act in 2002 imposed a population model for constituencies for all Councils---City, District, Unitaries, AND Regional, of plus or minus 10%. Sounds fair but this was found to be enormously difficult to cope with during the Representation Review process in 2006/07, particularly for 'Rural Canterbury' to remain properly and adequately represented. District Council boundaries didn't work either. For example the huge Waitaki district only had about 12,500 people and we needed + or -- 10% of 37,500. Could I strongly recommend you seek to have reintroduced –go back to – the formula operating for Regional Councils prior to the 2002 Local Government Act changes. That formula was a weighted calculation of 80% population, 10% area and 10% capital value. And it worked ---it was fair –it provided for the sparsely populated 'Waitakis' and ensured that wider 'Rural' Canterbury had effective representation and accountability. It is also important to recognise that taking account of 'communities of interest' from a District or City Council perspective is vastly different from a Regional perspective.

The proposal to have 7 elected Councillors, 3 of which would be from North, Mid and South Canterbury does not guarantee rural representation. It wasn't guaranteed before but those three representatives could easily be elected from the urban centres of

Timaru, Ashburton and Rangiora. If that eventuated then rural Canterbury would have no representation at all.

(e) The other areas of Ecan's responsibilities are all important and must continue (as illustrated on page 9 of the discussion document) As discussed pest management was missing. However some aspects of water management need an overhaul .

(f) Water Management---- The current structures in place to deliver the vision and ideals of the Canterbury Water Management Strategy (CWMS) are simply not working properly through the 10 Zone Committees. They are all people appointed through an Ecan dominated process, many good candidates don't even make the cut for an interview, it seems only those likely to toe the Ecan line or not challenge the view from on high, stand any chance of appointment . I went through the process for the Regional Committee which could best be described as a pre ordained joke. I was not impressed at all and predictably I was not appointed . But once appointed they are accountable to no body except Ecan at the next 'refreshment' phase. Additionally it is totally undemocratic and not properly representative. The local Zone that I am familiar with, have had only a very few community consultative meetings over the last 4/5 years --one of those was 'by invitation only' —mostly it is a flow of information from the Zone to those attending, with little opportunity to question probe or justify, and if someone does they are quickly put back in the bottle. At their regular meetings often business is conducted with "public excluded" or in workshop mode public often excluded too. The concept of "community collaborative consultative cooperation" is only an Ecan dream and a myth—it doesn't happen in reality. The Zone I am familiar with is effectively an Ecan puppet. If they claim otherwise they are deluding themselves. District Council influence does not appear to manifest strongly

either. There are or will be claims that these Local Zone committees are they way forward for water management and are working well. Disappointingly I have another view.

(g) Canterbury Land and Water Plan and the NRRP

The Canterbury Regional Council was heavily criticized for 'not having a water plan', for poor performance and governance etc etc. which led to it being sacked. I had retired as a Councillor in 2007 but my position as a NRRP Commissioner carried on. We concluded the NRRP process—an enormous task—and handed our 'Plan' to the new Commissioners. The Ministry and the Minister had been poorly advised. Canterbury did have a water plan, operative since the NRRP was notified back in 2004, it had been through a full public consultation process, 3500 submissions were received, 650 wanted to be heard and it was within weeks of completion when the old Council was sacked.

The new Commissioners thanked us warmly then promptly criticized our plan for being too long, disjointed and hard to understand, discarded it and ordered up a new "Proposed Land and Water Plan". This new plan included some from the NRRP, reintroduced some which we had rejected (and failed to bring them to the Commissioners notice for discussion,-- forestry rules) and was concluded hastily without a proper consultation process ---all under the emergency powers granted in the special legislation. And then when the hearing process had been completed, one was only able to object on 'points of law.' You state the Commissioners 'have a high level of specialist skills and expertise'. With respect, I don't believe they had much idea at all of the ramifications to agriculture of what they were introducing. It seems they were guided (or misguided) by staff with another agenda. And now the responsibility is being

shifted to the Zone Committees to develop 'sub regional plans'. The real issue is –Will those on the Zone committees have the skills to do that independently or will they be largely guided by Ecan to achieve and implement what Ecan wants ?

I have real concern about inequities between dry land farming and irrigated regimes, the water allocation maps, the nutrient loading thresholds and the reliance on 'Overseer' as the mechanism for determining them. And for the proposal to use Overseer in the future as a regulatory tool. Overseer has an acknowledged variability of + or -- 30% , that is a 60% variance despite more than \$10 million being spent recently to improve its efficiency. Note ---By contrast in the wool industry, fibre measurement for sale by sample purposes is to within one tenth of one micron (one millionth of a meter) for fibre diameter and one tenth of a percentage point for yield. Both buyers and sellers have confidence in those measurements---no one could have confidence in Overseer.

Also those most affected—the farmers , have had no say in the formation of these thresholds and are having these regimes foisted upon them. Having been one of the NRRP hearing Commissioners, I can say quite clearly that some of the science being touted is pretty suspect. The maps were wrong then and are still wrong. No account is being made for 2nd order recharge water, allowable nutrient levels seem inconsistent. But Ecan seem determined to impose these regimes come what may , and with 10 Zone committees to help them ,they now have 70 + people to educate instead of 14 councillors.

Ecan recently acknowledged some of the shortcomings of the Zone Committees and announced some structural and operational changes which seemed so complicated nobody could comprehend them.

All in all it is a huge disappointment and I really despair for the future

for some of the provisions are so draconian there is a real risk of tipping some farmers over the edge.

The Way Forward for Canterbury Governance.

Question 2

Of course one must agree with all the governance goals that are listed. The issue is rather are they being achieved now under the current stewardship and if so, any better than under the stewardship they replaced?

(a) high quality leadership ---currently not as high as perceived. The present Commissioners enjoy a privileged position protected by special legislation . Some demonstrate leadership qualities others don't. Individually nice people but their collective wisdom is not infallible. It seems they rely heavily on staff and on balance ,they are no better than previous Councils .

(b) economic growth . The reality is that the Regional Council has had only a small influence on economic growth in the past—the main drivers being beyond their influence (exchange rate ,interest rates, international market forces, etc.) However the impact of the provisions of the Land and Water Plan may very well impact on Canterbury agriculture negatively—it's too early to say with any certainty but the potential is there for serious production constraints to comply with some of the nutrient loading rules. This Council no better or worse than the previous one in this regard.

(c) strong environmental stewardship. Important, but this Council no better than the 3 councils I was part of. We had a strong focus and were very pro active with environmental matters—that was our job. These commissioners have failed shamefully and are not doing their job with respect to flood protection—see next para.

(d) strong accountability to local communities ---- A fundamentally important governance goal but sadly lacking with this current regime

. By contrast with the elected bodies I was part of these commissioners are not accountable to anybody save the Ministry and the Minister(s). It took me 15 months of asking to persuade my nearest local commissioner to come and have a look at my river frontage problem. Was he concerned ?—no-- did he do anything? —no did he offer any solution? —no-- His only profound comment was “who is going to pay for it?” Net result ---nothing —they have turned their back on a huge environmental disaster.

(e) given the Commissioners get paid about twice the amount we did I don't believe we get value for money from their efforts. As explained , they operate in a protected environment with virtually no accountability, making decisions and plans that can't be challenged or altered, and are from my perspective, a huge disappointment. They recently announced that they would meet more regularly in private so the 'public ' meetings are really only a rubber stamping exercise.

Question 3 Are some goals more important than others?

There is a massive focus on fresh water management as graphically illustrated in the pie chart (page 9). In my view \$70 + million per year is too much particularly when some Zone Committees (eg my local one) have trouble spending all their allocation ---they just have too much money for the programmes they have underway.

This against a background of neglect of their statutory and legal requirement for river control---As explained they won't even try. With high quality leadership goes accountability (absent) and accessibility (not high)

Also their regulatory attitude toward smoke emissions from log burners is too draconian particularly to those people still suffering after the earthquakes.

Question 4 Is the proposal suited to Canterbury etc?

In a word NO definitely not. The Regional Council receives its funding largely from rates and charges with very little from the public purse of Central Government. There is very little parallel with a DHB type Model to use as the basis for this proposal.

Question 5 Is there a better governance model? YES

In New Zealand we live in and pride ourselves on our democracy. The proposal to embed 6 appointed members for the future is plainly just not acceptable. It would be undemocratic and unrepresentative.

There must be a return to a fully democratically elected council no later than 2019. The two variances that would be useful are (a) have a Government appointed chair increasing the total number to 15, and (b) keeping the current 6 appointed ordinary members for only another term (until 2019) to retain some continuity and institutional knowledge. As discussed the appointment of a chair would instantly remove most of the tensions that surfaced and sometimes didn't go away. As well, with 15 there could never be a tie in a vote. Also somehow there must be found a better way to select /elect/ appoint the members of the Zone Committees.---The current system is wrong, undemocratic with no accountability. It has to change but that will be a job for the new Council I suspect.

As discussed earlier it would be most helpful to return to the old formula of 80% population 10% area 10% capital value to guide the setting of constituency boundaries. As I experienced in the Representation Review I chaired in 2006/07, the simple + or -- 10% is not appropriate for Regional Councils. We had to engage in boundary shifts just to fit in , to retain 6 rural representatives. Thankfully the Local Government Commission agreed with our proposals.

It is important to understand that rural Canterbury is vast---from

Kaikoura to Kurow, and the constituents need to have a Council representative who is local and accessible . My constituency of North Canterbury was very big ,embracing all Waimakariri, Hurunui and Kaikoura District Council areas and it qualified for 2 representatives and we were busy .

Question 6 Are there any other special considerations etc ?
Just a pity you didn't start the transition process in 2013 and elect 7 new councillors then and you would have had your institutional knowledge on board ready for when the current Commissioners retire.----too bad--

How can you retain the institutional knowledge on the one hand if all the current commissioners retire? They would be invited to stay would they not and hopefully some at least would agree . Otherwise you would have 6 new appointed members and 7 new elected members---- no institutional knowledge and totally reliant on staff advise as were the current commissioners until they got their feet under the table. By which time much damage ,not progress, had been done.

Question 7 Retention of Resource Management powers?? --No –
No new arrangement, mixed model or fully elected should retain those special powers which were included in the special legislation. They gave the current commissioners exemption from complying with the requirement for consultation in the formation of a regional plan as contained in the local Government Act
(Note—'consultation' as in the RMA defers to the consultation provisions in the LGA from which this regime was specifically given exemption .)

The other special power which is not appropriate to retain in the future is the inability to appeal on points of substance (in a Plan) but only on 'points of law'. That put this council in a very powerful

position and the new Land and Water plan reflects that. It may well have hastened its passage but it hasn't necessarily made it a better plan,—in fact quite the opposite. There are elements contained therein which haven't been thought through properly and the consequences not comprehended. Others that the staff reintroduced and failed to bring to the attention of the commissioners (the original NRRP had 59 catchments where forestry establishment limits were imposed. We ,as commissioners after hearing all the evidence , found only 9 stood scrutiny and so 50 catchments were deleted . The staff re-included them all again in the new plan carefully, so not to appear obvious and didn't point them out.—quite devious in fact.

Summary

As you can see , I am not enamoured with the current proposal for the long term . I favour a full return to a properly elected council region wide albeit in 2019. Representation and accountability are basic tenants which must be upheld.

You need to understand that Minister Smith did not receive good advice prior to sacking the previous council . Canterbury did have a water plan, only weeks from completion . There was no fundamental justification to sack and appoint . the problems' were more imaginary than real

The council was roundly criticized for poor performance in processing water consent applications. When I joined in 1998 they got around 450 /500 resource consent applications per year . By the time I left the number was 3000. Subtracting 7weeks for holidays statutes and sick leave,that leaves an effective 45 weeks X 5 or 225 days ---- which means completing around 13 consent applications per day or 67 per week-----just physically not possible -- -Those applications were complex and deserved proper consideration. This current council has never had to contend with

that volume of work.

As well , some District Council Mayors were ‘ quite put out’ when their proposals for Regional constituency boundaries were not accepted by the Local Government Commission. Some of those involved at that time had a mistaken belief in their own importance and felt they should ‘control ‘ the Regional council. They then set about an orchestrated campaign of de-stabilization, including venting their dissatisfaction with the contrived letter from the 10 Mayors to the Minister complaining about Ecan. I know one Mayor signed in absentia (he was overseas) ,another just to ‘go along with them’ another without even reference back to his own council. It was an appalling campaign led by the Mayors of Christchurch City , Selwyn, and Ashburton , principally aimed at embarrassing Sir Kerry Burke, and sadly Minister Smith believed them. All the time I was a Councillor and particularly the 3 years I was Deputy Chair we enjoyed a very good relationship with the City and District Mayors, but after October 2007 political forces were at work to embarrass and then de-stabilize .

Thank you for the opportunity to make this submission

Robert H M Johnston MNZM Dip VFM MNZIPIM

[REDACTED]

[REDACTED]

[REDACTED] [REDACTED] [REDACTED]

Phone [REDACTED]

email [REDACTED]

CANTERBURY WATER MANAGEMENT

Response and Comment on circulated pamphlet to Christchurch residents.

From Robert Johnston. MNZM [REDACTED].

October 2010

The Right Honourable John Key . Prime Minister.

Dear Prime Minister,

I feel compelled to make some comment and observations on the pamphlet that you circulated “ to correct misinformation.”

It is neither fair nor reasonable to expect 120,000 Christchurch people to make intelligent replies based on the information as given, some of which is correct, some lacking proper context, and some plainly wrong. Over simplification masks a far more complex situation than that which is outlined in the pamphlet.

I am probably better placed than most to make comment not only on Canterbury’s water and it’s management, but of the machinations of Environment Canterbury itself.

I served 3 terms as a Councillor from 1998 , retiring in 2007 when I was Deputy Chairman. I was Chair of pest management, also the Representation Review Committee and a member of many other committees. I am an accredited RMA Commissioner and was appointed in 2006 as a panel member to both panels of the Proposed Natural Resources Regional Plan hearings process.(PNRRP)

1. The PNRRP----- Previous Councils had developed and put in place the “Regional Policy Statement”—a very comprehensive and overarching document where water matters were very much to the fore. Call it Canterbury’s interim water plan if you like. From the very late 1990’s staff were working on the PNRRP in a conceptual and formative way, and by 2002 the Council was working its way through approval of the volumes of staff proposals on the various components and chapters . In late 2004 these vast volumes went out for public consultation and submission. Over 3500 submissions were received , 650 of which” wanted to be heard”. And with further submissions it all took a great deal of time. In May 2006 two panels were appointed to “hear and decide”.-----with a common chair (independent) and 5 Councillors, two of whom were on both panels ,myself included. The hearings commenced late 2006 and have continued since then, hearing or deliberating ,with the final report(s) to be presented to the new Commissioners in a few weeks following printing. Notwithstanding my retirement as a councillor and 2 panel members losing their seats in the 2007 elections , the

panel stayed intact and the work carried on. Accompanying the 3500 submissions were 34 Chapters of officer reports (some with 450 pages) on all the various aspects of the plan. The compilation of these often caused delays due to their complexity and staff time allocation. The panel's work by necessity had to fit around other Council meetings, commitments and timetables and of course the availability of submitters.

Yes it took that long (since the council was formed) but Canterbury is within a matter of weeks of getting the most comprehensive Natural Resources Regional Plan that was possible. But it was never the fault of the sacked councillors that it took this long----- rather the reasons (not fault) being the complexity of the plan, size of the undertaking and the resources allocated to its progression (CEO decision).

As I told Hon Nick Smith and Hon Rodney Hide at a briefing in March, the council was within a flick of getting their plan. We had all but finished the hearings and were well through the deliberations process.-----but they seemed not to hear.

To now claim you have "fast tracked" a water plan for Canterbury is quite wrong, and quite misleading. Nothing the new commissioners have done or could do would change the timetable ---we have proceeded as rapidly as we have been able. Right now it is all but complete save for the printing and formal presentation to Dame Margaret Bazley and her Commissioners. So please do not now claim that "We appointed new Commissioners in May and here we are today with a water plan!" The water plan would have arrived in Sept/Oct regardless.

Yes it has taken 4 years since the hearings began, but it has been a huge task, almost all consuming for the 6 people involved, and 7,700 decision points later will be a most comprehensive document, unalterable by the new Commissioners unless they want to start the process over again or introduce plan changes. Don't blame the councillors for the process or any delays. Have a look at the complexity of the RMA and the processes required to fulfil its requirements instead.

Commenting further on your pamphlet----

"Ecan was the country's worst Council for processing resource consents." You forgot to mention the reasons.... Ecan has 62% of New Zealand's water consent applications. No other council has had as many, or as many so complex. The pedantic nature of the RMA and the exhaustive processes which need to be followed to comply with RMA requirements, coupled with the volume of applications, made it an almost impossible task (to meet the statutory deadlines). In 1998 the council got 500 consent applications a year. In 2007 when I retired we were getting over 3000. Deduct 5 weeks holidays plus 2 more for statutory holidays and sick leave, and you are left with 45 effective weeks which translates into 67 completed applications per week-----NOT PHYSICALLY POSSIBLE. Improved irrigation technology (drilling, pumping, and delivery) improved dairying prospects and a better appreciation of Canterbury's dairying potential, coinciding with declining profitability of

sheep farming and cropping, all combined to produce this rush of consent applications. The deposed councillors were not to blame for that. The council actually coped quite well given the circumstances.

With respect, your claim that "thousands of consents were being processed in an ad hoc way without proper framework" is absolute rubbish. It is plainly not correct. The RPS was the first policy document, the RMA was the framework, the proposed NRRP in its notified form was an operative document, while the volume of applications was the limiting factor.

I was interviewed by the review team but they seemed not to comprehend that the real problems lay more with management and the culture of the organization--- the way staff implemented policy rather than the councillors themselves. What was needed was a damn good management shake up starting from the top ---sadly this has not happened (yet). I have appraised the new commissioners of this and they understand fully. I also explained where we were at with the PNRRP process---well through--- but that didn't seem to resonate either.

The call for central Government intervention by all those disaffected parties named in the pamphlet also had its roots in the culture of the place, (something I had spent 9 years trying to change without much success) rather than the councillors. People had had a overdose of arrogance, exorbitant charges, and being given the run around – something the CEO was either unwilling or unable to fix, or both- ---but it was clearly his responsibility not the councillors. And he is still there. That was the driver for the almost universal view that intervention was needed.

The views of the "10 Mayors" should be regarded with much caution. They have for years had an inflated opinion of their role with regard to "controlling the regional council" They were still smarting from the 2005 R M A amendment Act requiring Districts and Cities to "give effect to" regional policies rather than "have regard for." Quite a sore point indeed. Adding to their disaffection with Ecan was their failure to convince us and then in turn the local Govt Commission of the merits of their proposals for constituency boundaries under the representation review process. They simply did not understand how the new + or -- 10% rule applied. As chair of the Representation Review committee I can tell you the behaviour of some of them was shocking.---- Now this was their chance----- it was payback time----- Not that it mattered that some didn't understand the issues and were encouraged to "follow along", or that another was overseas and authorised his support and use of his electronic signature without his council's approval or indeed even their knowledge, and by his own later admission didn't have a good grasp of the issues---- Just appalling. They tried the same "10 signatures on the letter "tactic over the boundaries review in 2007, but it didn't wash with me or the Local Government Commission. But sadly the angst remained towards Ecan.

Yes , the Council was highly politicised and divided, far more so than with previous councils . From 2004 to 2007 with a labour chair, --Sir Kerry Burke and a conservative deputy --myself, there was a great deal of stability and a good council .After 2007 elections no less than 8 new faces arrived and the fun started ,with the naked ambition of certain people (both red & blue) to become chair fuelling much of the bickering and some others not knowing which side was up. Sadly some saw the regional council as a vehicle to further pursue Wellington politics. My view always was that regional government had more important matters to get on with than to waste time being consumed with Wellington politics , red, blue or green.

Suggestions for the future ----- De-politicise the position of Chair ----The responsibility and privilege to elect the Chair from within their own ranks should be removed ,and either (a) elect the Chair at large(which would almost guarantee a Ch-Ch person) or (b) the Govt appoint the chair , but importantly retain the 6 rural and 8 city balance .This means increasing the total number of councillors by 1 to 15. In one move you would de-fuse potential conflicts surrounding the chair. And that would be progress!

Also scrap the + or - 10% of population formula for constituency boundaries (for Regional councils) which caused so much grief for the other T A's. The old formula worked well and fairly for Regional Councils-----that was 80% population 10% area and 10% capital value.--- --much the best system. More progress!

Making Progress (in the pamphlet)----Canterbury Water Management Committee----Zone Committees The jury is still out on this and public acceptance of the process is hard to find. With all being appointed (most of whom hardly anyone knows) and none elected, and many very good people failing to make the cut for no apparent reason, the perception of appointing only those "they want" is widespread. And particularly the view that the staff has the ability to wield a big influence does not go down well at all .

Reduction in Rates to just 3.3% (rather than 8.7%) And about time , but that is only the General rate. You forgot to mention the introduction of a UAGC ,(Uniform Annual General Charge), and a new water management charge, and the increase in targeted rates plus outrageous charges for consent hearings -----\$6500 to \$7500 per day. The council has grown from 300 staff when I left 3 years ago to 500 today --- the new Commissioners need to rein in the expansive CEO. . But most ratepayers will be paying a fair bit more . An increase of 3.3% this year is only the start. All up my rates cost me \$30,000 per year (\$575 per week) and I struggle to see the value of the service delivery.

The Hurunui River Moratorium. You will see that our NRRP panel addressed this issue and the future (damming) of this river.

Introduction of E P A concept to have a greater role in setting stronger environmental standards is a real worry to many people . Is that not the role and function of the R M A ? Just how one may ask ,do you plan to amend the RMA on the one hand ,deliver the full

potential of our water resource on the other , and implement an E P A as well ?

We are grossly over governed environmentally now with the RMA being implemented by District, City and/or Regional Councils, often on the same parcel of land by two of those three , not to mention unitaries. Additionally DOC extend their influences out on to private land in an appalling and arrogant manner. Will an EPA be in substitution for some activities already in place or in addition to? Nobody knows and we ,the community, haven't been consulted at all. It is just being imposed . And don't forget the Ministry for the Environment setting national standards for others (councils) to implement. Do we actually need an EPA , & where will it fit in to the big picture.?

There was no credible reason to sack the councillors other than to send a clear message to the council management team to get their act together and for the councillors to stop scrapping amongst themselves. With the exception of future water storage opportunities, (which weren't on the radar screen of the council I belonged to), all the other water matters were well and truly in hand. The brochure /questionnaire is a poor attempt to justify your actions to 120,000 householders by supplying them with some facts , some half truths and some plainly incorrect statements. I cannot believe you could be so badly informed as to put out such a publication. From whom did you obtain your advice? Or was it produced by the Ministry for the Environment ?

I joined the National Party in 1957 and apart from a short period in the 1990's when they lost their way, have been a loyal supporter all that time ,serving as divisional policy chair and electorate deputy chair at various times. This effort (the brochure) does no body any credit--- is far too late-- indeed it could well be counter productive. You would do well to temper any positive response you do get with the knowledge you sent out much mis-information in the brochure on which 120,000 people will base their views.

There are many people out there with a great knowledge and understanding of many of these matters, willing to give advice, only a phone call away ----Why don't you use them ?

Please feel free to contact me if you wish to further discuss any matter.

Yours faithfully

Robert Johnston MNZM Dip VFM MNZIPIM

c c

Hon David Carter	Minister of Agriculture
Hon Nick Smith	Minister for Environment
Hon Rodney Hide	Minister of Local Government.
Hon Kate Wilkinson	Minister of Conservation

Hon Gerry Brownlee	Minister of Economic Development etc etc
Ms Nicky Wagner	MP
Mr Colin King	MP
Ms Amy Adams	MP
Ms Jo Goodhew	MP
Ms Jacky Dean	MP
Mr Mark Oldfield	Commissioner. NRRP

[REDACTED] [REDACTED] [REDACTED]
Phone [REDACTED]
Cell [REDACTED]
Email [REDACTED]

Canterbury Regional Council -----Environment Canterbury

Proposed Canterbury Land & Water Regional Plan

Presentation to Commissioners in support of my written Submission

1 My name is Robert Hugh Merrell Johnston

My address is

[REDACTED]

Occupation Retired Farmer, Councillor, & Commissioner

2 Background-----As detailed on page 1 of my submission, I have had a long record of public involvement, mostly elected , some appointed , principally in the wool industry, farming and local government areas.

3 My most recent significant contribution was as a Commissioner on both panels of the NRRP hearings process ----from late 2006 until October 2010.

4 From my perspective, such were the shortcomings of this Plan before you, Mr Chairman and Commissioners, in terms of formulation, assumptions, content, ramifications and processes, that I felt compelled to re-engage and submit, notwithstanding my official “retired” status.

5 As explained bottom of page 1, I included my independent view as a commissioner, appended to the NRRP Plan on 2 subjects-----Nitrate levels in drinking water and afforestation in ‘sensitive’ catchments, copies of which I attach.

6 I must also now explain that my acceptance and inclusion of “Overseer TM” as a tool in the Water Quality section of the NRRP was based , in good faith , not on my/ our knowledge of ,or confidence in, the programme, but rather on and acceptance of staff assurances that this (Overseer TM) was robust and defensible ----both now known not to be the case. We were it seems , somewhat misled.

7 On page 2, I note some of the essential ingredients needed in any plan ----1 (a) to 1(f)

8 And on pages 2 & 3 , I discuss firstly the praise ,followed by the unwarranted criticism of the NRRP by both staff and Commissioners. Thankfully this has now stopped with recognition being given to the 80% -85% of the LWP, now under your consideration, having come from the NRRP. The linkages with the CWMS and the new Regional and Zone committees, coupled with giving effect to the edicts from the Land and Water Forum in Wellington are the only tangible additions to give any substance and a 'raison d'être' to this plan. Just having a plan that is shorter and easier to read doesn't in itself make it better.

9 Consultation . Turning now to the consultation process , or in this case the lack thereof, I discuss this at some length on page 4. This plan had its genesis in the flawed notion that " Canterbury had no water plan". So the call went out to get a plan prepared poste- haste, and the process completed by October 2014.

10 Having been so closely involved as a Councillor and Commissioner for the previous decade , I had some knowledge of the consultation process that is required for plans ,both District and Regional, specified under the RMA, which then defaults to the Local Government Act 2002 ---section 82. As explained, Ecan was clearly in breach of its legal obligations, but forged ahead anyway. I went to one of the few meetings before the cut off date for public input in early May 2012 at Cheviot. I was dismayed with the presentation and wrote a long letter to Peter Constantine (copy to all Commissioners),outlining my concerns. It was never replied to, and two Commissioners later told me they had not received a copy, so I presume no one did.

11 The deadlines and timelines imposed might have suited this process and the 'master plan,' but failed under 'Natural Justice' and the consultation undertaken did not, in my view meet the legal requirements. Looking back you could almost say there was carefully planned avoidance. The Council seemingly didn't want to engage on an widespread basis until after the Plan was notified.-----hardly a basis for confidence .

12 By their own admission some Commissioners had little knowledge or comprehension of some parts of the plan. eg the forestry restrictions had never been thoroughly discussed or debated.

13 Having explanatory meetings after the closure of public input is fine, but doesn't change anything—the path has by then been charted,--- any change is now left to people such as myself to convince you , Mr Chairman, and your Commissioners, of the merits of our concerns.

14 Rules and Compliance Criteria-----Point 1 (d) page 5----I bring this to your attention and emphasise the need for regulatory compliance criteria and dates to be more precise-----people need to know and importantly need to have total confidence that the tools ,systems and criteria are fair, accurate and defensible. The non enforcement “window’ until 2017 is fine but also lulls people into a false sense of security. And you can't endorse any plan which relies on “hope,” ---hope, for example, that the shortcomings with Overseer TM will be overcome by then.

15 Planning Maps. 1 (e) page 5---- Similarly, the planning maps need to be revised---- they are not defensible. I know they came across from the NRRP ,but the bar has been lifted since then and there is now clearly a regulatory purpose and use as well as an allocation and/or availability one. To have Red Zone foothill country, for example, is quite wrong . And a 10% change in nitrate leaching based on an unreliable Overseer AND suspect maps is plainly wrong and unacceptable.

16 Revision is essential.-----these are the “First Order “ maps, produced for NRRP purposes which was based on a very simple premise.----- vis ---33% only of all rainfall is available for groundwater recharge. The balance flows to the ocean or is lost by way of evaporation. THEN, taking the ‘precautionary’ approach, only HALF that 33% is available for allocation across a water zone. Hence take a rain fall of say 24 inches per year, multiply by 33% = 8 inches. HALF of that = 4 INCHES or 100 mm is then converted into litres per sec per annum and therefore available for allocation to irrigation.

17 Importantly , no account is taken of “ Second Order “ water ---that is the water from the alps that has taken hundreds of years to filter through and down to the alluvial gravels under the plains, or the hydraulic recharge of

those gravels from the river systems ,large and small, that dissect the plains. Proper account must be taken of these water sources and reserves and added to the rainfall recharge figures to give a more accurate and defensible volume.

This could increase water availability for irrigation by a huge amount.

Additionally you might like to consider whether simply halving the residual rainfall (on the grounds of taking the ‘ precautionary approach’) available for groundwater recharge is in itself robust and defensible. There is no science attached to it ----it seems totally subjective.

18 I commend to your attention my thoughts on page 6 & 7 on the subject of National Regional and Local rules and consistency, the Regional and Zone Committees structure ,functions and responsibilities. The concept of local empowerment is fine, however the reality is a lot different with the so called “ open collaborative consultative community “ involvement mostly a joke--- certainly with the Zone in my area . There hasn’t been a public feedback meeting for over a year ,and for example, no one knows what’s happening with the Lees Valley dam proposals. The minutes show quite a few “public excluded” sessions, which raises many concerns.--- One wonders what could be so important at local Zone level as to require the exclusion of the public!

19 They, the Zones, seem to be totally dominated by Ecan, not just agenda and programmes, but down to the membership, with many worthy people not even getting an interview to fill a vacancy. It is a totally undemocratic process with all members being ‘appointed’ and then only those who Ecan deem to be “suitable” get considered. However well intended it is a most inappropriate process and should be changed.

20 The real worry will be their influence in developing local Zone criteria, rules and standards, which I understand will then take precedence over the determinations which your panel may come to. Staff advise me some of the criteria may then be even tighter than that which is proposed now. That is the reason I submit and draw your attention to the last paragraph in the middle of page 7.

21 ‘ Nutrients’ and ‘Allowable Nutrient Levels’---- I discuss this under ‘Shortcomings’ pages 7&8 of my submission. And in further detail on page 14

There seems to be an underlying theme that nitrates and other 'nutrients' are 'poisons'. Perhaps at extreme levels they might be, but where are those levels and the limits? It seems that the 20kg/ha limit of nitrate leaching and the 10% change trigger, were just plucked from somewhere as convenient figures. Where is the quantified science behind these levels? I ask you to explore the science behind both and justification of and for them. Why 20kg per ha and not 25kg or 30kg? Why 10% change and not 15%? And what is the linkage, or is there a linkage with the 20 kg back to the WHO 22.6 ppm standard, or our NZ standard at half that, of 11.3 MAL for drinking water? This is far more complex than just measuring 1 or 2 relationships --- the more parameters you attempt to measure the more difficult and less precise it becomes. Until we understand the actions and inter-reactions we can't be sure that reality will reproduce the scientific expectations. At this point it seems clear that Overseer is too imprecise, too variable and unreliable to be used for anything other than managerial assistance-----certainly not for regulatory purposes. A lot more good science is needed. More on Overseer on page 7.

22 The nitrogen cycle and the (in)valuable contribution made by legumes, has been the very foundation of all agriculture since mankind began tilling the soil thousands of years ago. The legumes "fix" the N which is then available to enhance plant and grass growth. During a fallow, the bacteria in the soil break down the fibrous matter, releasing N which is then available for the next crop----grass, grain or fodder crop. Also and not widely known, even snow flakes have the capacity to capture atmospheric N-----which accounts for the old shepherds saying "That the best spring always follows the harshest winter." I have submitted that all 'free' and naturally produced, leguminous N be excluded from consideration.---- And don't forget that gorse and broom are also legumes!!!

23 Flow Sensitive Catchments -----I discuss this at some length on pages 8 ,9, 10, & 11 ,with a list , A to H, of submission points. This subject had been the subject of exhaustive debate and examination both in the formative stages going in to the NRRP Water Quality chapters and then in the submission and deliberation process which followed. On balance and after all the evidence and science was considered and further

examinations made----all but 9 catchments were excluded. ie, the balance, approx 50 ,didn't stand scrutiny ---they didn't then and I submit they still don't.

24 Ecan Commissioners, senior staff, even Peter Constantine, could not answer my questions on the subject. They were either deflected or they just did not know. I was astounded. Quite simply ,I believe the original architects of this policy were so disappointed with our (NRRP) determination to reduce the restricted catchments to 9, and seeing their chance, grabbed it and hence the re-inclusion-----back to 59 approx ----- carefully, subtly and under the radar, hardly telling a soul and you might almost say, surreptitiously sprinkled throughout the new document, hoping they would go un-noticed ---- -well they nearly did.

25 I have reserved my harshest criticism of this plan for this subject and its architects. This subtle, almost secretive re-inclusion of these catchments coupled with the absence of any meaningful consultation with those most likely to be affected---forestry interests and hill country land owners, resulted in a widespread lack of knowledge and understanding including both Ecan Commissioners and other staff. Very few knew of this re-inclusion. That would, in my view, have to rank as one of the most devious and duplicitous acts ever perpetrated by this (or perhaps any other) Regional Council. Even Mr Bayfield ,CEO told me recently that this (the re-inclusion) had managed to get through without hardly anyone (that mattered) knowing and "raised a few eyebrows".

26 That is why I submit that you revert to the 9 catchments that have stood the scrutiny previously, Importantly I submit that any restrictions on catchments re-included, must be by "catchment" and not by "title". And I am happy to discuss the reasons for this further if you wish. Also I submit that you can now factor in the positives for forestry so far as Carbon Sequestration and the ETS are concerned,-----matters which the panel I was a member of could not.

27 Further ,I suggest that if you wish to corroborate my evidence and views , then you should consider inviting Dr Brett Cowie ,chair of both NRRP panels, to outline to you from his perspective, of why we discarded all but 9 catchments.

28 Is there not a universal right for every human being to use the rain that falls on their property ? Nowhere in the world can you find a government or local body that claims ownership of rain then disperses it unevenly to its constituency with no recompence-----hence my submission for you to adopt the Canadian model-----downstream users (of a water resource) compensate upstream providers if they have been denied or deprived of that use. This is more than just guaranteeing environmental flows—this is about guaranteeing water to some while denying it to others.

29 Other benefits to consider that forestry provides include-----
(a) buffers in times of heavy rain-----reducing impact of sudden floods
(b) reduced sedimentation downstream-----improved water quality
(c) delayed run off maintaining flows in creeks and streams for longer.

30 National Importance . Forestry is now New Zealand's 2nd or 3rd most important export earner, just behind dairy products.
The sheep industry is languishing with vastly reduced numbers and price levels so low that vast areas of hill country (traditional sheep country) is reverting with production falling . Long term, perhaps the only viable land use alternative for much of this land in the future, will be forestry.
Why restrict an industry which has such an important role to play in our future?

31 Overseer TM
I am sure by now that you will be very familiar with Overseer TM and the concerns many people have about its suitability ,capabilities and accuracy.
My submission---pages 11 ,12, & 13--- encapsulates my thoughts and concerns.

32 It seems to me that the architects of water quality improvement have seized on this imprecise, unproven, and unreliable computer technology to not only measure the “nutrient status “ of our properties with variations or exceedences from imposed levels, triggering enforcement even prosecution , but also the requirement for a resource consent , and/or restricting a future farming practise or opportunity.

33 As explained , the levels of variability with Overseer are acknowledged as huge (up to + or – 30 %), by contrast with the wool industry

Objective Measurement standards where 0.1 of a micron for fibre diameter and 0.1% for yield and VM, which together make up 90 % of the factors affecting price, are the measurement parameters and acceptable industry tolerance levels.

34 Two other regulatory tools we are familiar which have penalties for exceedences , speed detection and breath or blood alcohol levels for driving. Both have a level of accuracy which stands scrutiny and society accepts. By contrast Overseer does neither. And by extension, it is proposed to be used to determine future land use options as well as regulatory exceedences. It can't be.

35 You can tell -----I have very little faith in Overseer , however well intentioned it may be.-----I simply say this -----

--- Don't ask the farmers of Canterbury to have imposed on them and be forced to accept a mechanism so imprecise and inaccurate as to give a variability range of 60% (+ or – 30%)----some suggest even more.

--- Don't ask me to be reassured that the \$10 million the three owners of Overseer are about to spend to make improvements will solve the problems.

--- Please don't impose ridiculous impositions on all 17,000 rural land owners ,9,000 of which are around 4ha , to provide a "nutrient budget" and setting thousands of small block holders up to be non compliant.

--- Please don't approve a regulatory system which will grow expedientially, require a small army of monitoring and enforcement staff, but which will still not be able to cope.

--- Don't be surprised if when 2017 arrives there will still be dismay, distrust, lack of knowledge and acceptance resulting in non compliance.

--- Don't be impressed by those who see great "opportunities " flowing from the introduction of the plan ,more particularly Overseer.-----The biggest opportunity will be to those engaged in the professional consultancy business-- --a lot of work for them and the cost will be born by the farmers,---- for the practitioners (of Overseer) will need to be licensed.

--- Don't ask me to be reassured that exceedences of this or that parameter can be overcome by getting a resource consent. If it is that simple, then the effect on the environment wouldn't have been too adverse in the first place! And that (consent) would only come at further cost to the applicant.

36 It is only fair Mr Chairman and Commissioners that I urge you to introduce some common sense and delays ,at least until the technology can be improved to an accuracy of that in the wool industry .In the meantime revert to an" input" basis to control nutrient management. The one under consideration is far too flawed.

37 I discuss my thoughts on compliance monitoring Regulation and Enforcement on page 15 ---and I ask that you give them consideration . Many have been touched on in this presentation, but there is a compelling need to clarify for farmers just what the regulatory expectations will be.

38 Similarly on page 16 ,under the heading 'Enabling or Restrictive' My summary of this is ,as things stand ,after careful analysis, there will be very little coming out of this plan that can be described as enabling ,any that are have many qualifications attached to them immediately negating the 'enabling' aspect . Sadly and by contrast by far the biggest impact will be restrictive leading me to the view that much of the impact, while well intentioned for the environment, will have serious and negative, not to mention expensive, ramifications for farmers and the future of Canterbury agriculture.

39 Summary I include by way of summary the same one as that which I included in my submission.

Thank you Mr Chairman and Commissioners for the opportunities to make this presentation to you today.

Robert H M Johnston. MNZM Dip VFM MNZIPIM

20th May 2013

Attachments--- Letter to the Prime Minister, October 2010

Covering letter to Commissioners 2013, Submission to Commissioners 2013

TO WAIMAKARIRI DISTRICT COUNCIL

4th APRIL 2015

SUBMISSION TO LONG TERM COMMUNITY COUNCIL PLAN (LTCCP)

Submission from Robert Johnston, [REDACTED].

1 Ashley Gorge Reserve ---The Reynolds Heritage Building (the old Log Cabin)

The Council have been appraised of the back ground and history of the old Log Cabin , its deterioration and neglect, the focus and efforts of the Advisory group to restore it in a modified form as an information centre and in so doing retain some of the history associated with this building.

So bad had the building become that it was past restoration in its previous form so a decision was taken to deconstruct the old building down to the concrete and stone walls (retained) and to then erect a roof structure on poles under which could be set up an information centre. This deconstruction was completed in 2013 and as well the Advisory group have been actively fund raising for the past couple of years, and busy getting plans agreed and drawn up for this new structure. Approximately \$13,000 is in hand.

What started out conceptually as a simple "hayshed type " roof structure with a likely cost of around \$30,000 has now escalated to, it seems, more like \$100,000.---this because of engineering and planning requirements and the strengthening of regulations post Earthquake. Effectively this has put the project out of reach of this small committee.

I believe and I submit that the Council should make provision to fund the building /re-building of this structure in its Long Term Planning process it is now engaged in. That would be for \$100,000, going on present estimates . If that was done then the funds raised by the Advisory group could be better utilized in the creation of the information panels under the roof structure.

The Gorge has a rich history, is a most attractive picnic and holiday destination with increasing popularity----peak days have seen around

5000 people there over the summer and it is listed as one of the top five holiday spots in the country. The Advisory committee is planning a series of tracks in the bush on DOC land on the north side of the river just over the bridge and this will add a further dimension to available activities for visitors.

This revamped information centre would then become a valuable community facility and could only enhance and enrich the appeal of “The Gorge” in this Waimakariri District. I support the submission being made by Sis Johnston, Chair of the Advisory Group on this subject.

2 Ecan Structural Review

The Waimakariri District Council has an important role to play in expressing its view on the future structure of Ecan and the return to a full democratically elected Council as soon as possible.

Leaving aside the question and issue of the sacking of the old council, the appointment of the replacement Commissioners was to be for 3 years only and then extended to 6 years with a return to democracy in 2016. The discussion paper and latest Government view now it seems, is for only a partial return with elections for 7 new members (4 urban and 1 each in North, Mid and South Canterbury) and the remaining 6 still being appointed.

Fundamentally I support a return to a fully elected Regional Council. However, this Council’s view of supporting this proposed partial return to democracy with 7 elected Councillors in 2016 and a return to a fully elected body in 2019 has some merit.

I do not believe a mixed model of appointed and elected members should be set in place permanently for many many reasons, not least of which are accountability and representativeness. Further, a DHB type structure is quite inappropriate for a local body like Ecan, who derive their income from rates, and not as with Health Boards from Central Government. The only credible argument there is in support of retention of these appointed Commissioners (for one further electoral term only) is that of retention of intellectual knowledge.

As a former Regional Councillor I know first hand the complexities of the portfolio of Ecan's twelve distinct areas of responsibility and the time it takes a new councillor to get a good understanding of them all.

Much has been made of Ecan's so called dysfunctionality ---most of which was more imaginary than real. The three principal problems Ecan faced were (a) a huge number of water consents impossible to process in the required time frame, (b) a determined attempt by "the 10 Mayors" led by Bob Parker and 3 others to destabilize Ecan and get rid of its Chairman, and (c) the naked ambition of two or three to become Chairman.

Could I submit to you that you give serious consideration in your submissions on Ecan to having the Chair person appointed That would mean an extra member but in one stroke all the positioning jockeying and infighting would disappear, leaving members free to get on and apply themselves to the job they were elected to do.

3 Zone Committees, Water Management and The Democratic Process.

The 10 Zone Committees and over-arching Regional Committee, were set up as collaborative, community driven advisory mechanisms to oversee the future water management on both a regional and sub-regional basis . That was the concept----the reality is vastly different. Increasingly more responsibility has and will be placed on those Zones Committees to set sub regional standards and parameters. This Waimakariri zone is short on members, is unrepresentative and conflict of interest is a real issue with one member wearing four hats. Fortunately in this Zone this Council has a representative in Cr Felsted, I have attended many local Zone meetings, not all, but sadly I am quite dismayed, particularly by what appears to be almost a total dominance by Ecan ---- from the appointment process of membership, the agenda, the flow of information and the programmes up for discussion. This despite WDC influence. Community engagement has been woeful ,(sometimes 12 months between meetings and then they stooped to "invitation only", but always Ecan driven by way of passage of

information, by contrast with seeking peoples views . For example, the people affected have had no say in Nutrient management levels or maps of red /orange areas ---they are all imposed and the Zone committees are in reality an Ecan puppet, there to translate Ecan policy into reality. **And then recently to have the gall to tell an audience that it was “your “ plan “the community plan”.** Given that this Council is intrinsically bound up in the structure and representation and supplies a huge amount of administrative support to make it all function, **I appeal to you to take immediate steps to effect some improvements. For a start the Zone members should be elected not appointed and accountability should be guaranteed**----currently there is no accountability to anyone other than Ecan, certainly not to the people they are purported to represent and on whose businesses they will be sitting in judgement.

After 4 years of operations I would rate them at about 3 out of 10.

- 4 Ward Boundaries.----I would submit that you retain this Oxford Ward as near as is possible to the existing boundaries. Additionally the Oxford Eyre Ward Advisory Board should be elevated to a full Community Board---They do a very good job.

5 Ashley River flood Risk (Gorge to the Okuku)

The Waimakariri District Council has had one of its structural assets (the Deep Creek Diversion outflow channel) washed away progressively by recent floods in the Ashley river. I know that river protection is not your responsibility but the Deep Creek Diversion Channel is (a WDC responsibility) and this Council should take a more active interest in the river and its recent antics.

I am appealing to you to use your influence to persuade Ecan to set up a rating area between the Ashley Gorge bridge and the confluence with the Okuku.

I note several million dollars was spent on strengthening stopbanks recently to help protect Rangiora but there is a stubborn refusal to do anything upstream where the real issues are and the downstream

problems begin (with my cliff face aggregate donated free of charge).

I have lost around 5 more acres this last two years on top of 15 or so over the years , with 10 more sitting in the line of fire at real risk waiting for the next flood. Despite the tens of thousands of dollars I have spent on river protection going back to the 1950's , the problem is bigger than one individual can or should confront.


The old Catchment Board were excellent---

The Ecan neglect on this portion of the Ashley river is appalling --- quite irresponsible and shameful really.

This Council should take a more proactive approach to what in my view is one of, if not the biggest environmental disaster certainly in this District if not the whole Region. Your own Assets are and have been affected.

I want to be heard and make this presentation in person.

Robert Johnston MNZM Dip VFM MNZIPIM

 3/04/2015

Submission on Proposed Canterbury Land and Water Plan

My name is Robert Hugh Merrell Johnston

Address [REDACTED]

Occupation Retired Farmer / Commissioner / Councillor

Background After primary and secondary schooling in Christchurch, I went to Lincoln College, graduating with a Diploma of Valuation and Farm Management in 1961. After a comprehensive 4 month agricultural study tour of the eastern half of Australia in early 1962, I entered a farming partnership with my father in the middle of that year. Following his death in 1970, I assumed ownership and control of Ashley Gorge Station.

From 1973 I was elected to and spent the next 10 years as a grower representative on various boards, bodies and committees in the Wool industry both in New Zealand and internationally.

In 1998 I was elected as a Regional Councillor (North Canterbury constituency) and retired after 3 terms in 2007 (deputy chair 2004/07). Appointed by the Council as a Commissioner for both panels in the Natural Resources Regional Plan (NRRP) “hearings” process, I remained in that capacity until that was completed in October 2010. So as a Councillor I had had a part to play in the formation and development of that plan from 2000/2001 through to notification in 2004 and then as a Commissioner from 2006/10. There were over 3500 submissions, 650 of which wanted to “be heard”. It was a most comprehensive and detailed analysis of the plan and the various points of view expressed about it, which formed the determinations we collectively came to in the completed chapters as presented to the new Commissioners in Oct 2010, Some 7,000 decision points later.

As was my democratic right, I included by way of appendices to the plan, my own independent views on (a) afforestation in sensitive catchments and (b) nitrate levels in drinking water. These views I do not resile from and being absolutely relevant to this plan and these proceedings, I attach them also for your consideration.

In the New Year Honours of 2008/09 I was awarded a Member of the New Zealand Order of Merit (MNZM) for services to Agriculture, Local Government and the Community.

My submission covers the following topics.

- (1) The essential ingredients needed in a plan or its revision.
- (2) Some shortcomings of the plan and its proposals
- (3) Flow Sensitive Catchments
- (4) Overseer TM
- (5) Allowable nutrient Limits
- (6) Compliance Monitoring ,Regulation and Enforcement.
- (7) Enabling or Restrictive ??

1 The essential ingredients needed in any plan. These must include.

- (a) There must be sound reasons to 'create' or 'revise' a plan in the first place and its preparation must be sound and thorough.
- (b) The policies and strategies need to be factually based, scientifically sound and defensible, and be achievable by way of practical application and implementation with realistic objectives.
- (c) A wide and comprehensive consultation process must have been conducted both before and during the development and re-write of the plan to establish and ensure the maximum confidence of affected parties and the wider public of the ramifications and implications which will follow.
- (d) Rules, and other compliance criteria, need to be realistic, achievable and enforceable.
- (e) Planning maps need to be accurate and defensible.
- (f) National , regional and /or local consistency ----Just how important is this and how can it be incorporated?

1 (a) The need for sound reasons---and its preparation. In this case the ink was hardly dry on the NRRP (indeed before its completion)before the critics, staff and new Commissioners were laying the foundations for a radical re-write / new plan development on the grounds the NRRP was constrained by pre 2004 thinking,--things had 'moved on' and new concepts developed, the NRRP was ,quote 'too long ,complex also contradictory----In fact they would have you believe there wasn't much right about it, what was needed was something

simple easy to read and more 'enabling'. *In my view the NRRP had not been given a chance before it was being dismembered. The only valid reason for any additions or supplements was to embody and link the CWMS and new Zone committee concepts together within the plan ,and also give effect to the decrees from Wellington ministries and ministers, flowing out from the Land and Water Forum. Yes it was long and also complex ---no apologies--- and reflected the size, nature and complexity of Canterbury's Natural Resources, land and water. Having been a commissioner on both panels, I know the depth of examination we went to in crafting a plan that was credible, practical and had had regard for all the many and diverse views expressed in the submissions. The fact there were only 6 appeals speaks volumes for the integrity of the NRRP. Firstly praised, then it was roundly and publicly criticised . Thankfully those critics have now been silenced, with the error of their ways being pointed out, and acknowledgement now given that 80% to 85% of the 'new' Land and Water Plan having come across from the NRRP. But shortening and simplifying the text in itself does not make a better plan—It is what it contains that really counts and the practical application and ramifications that follow.*

1 (b) Policies to be factually based and scientifically and strategically sound.-----
Most of course are ,but in my view others are not.-

Example (i)---- the issues relating to nitrate levels in drinking water human health are as much based on emotion as they are on science. As revealed in the NRRP hearing process and explained in my attached appendice, only one 'blue baby ' has reportedly died in New Zealand, and only those infants younger than 6 months and bottle fed could be at risk ----with effects able to be mitigated by breast feeding or the use of bottled water. The World Health Organization standard is 22.6 ppm . We are setting the limit at 50% of that ,11.3 ppm with the alarm bell ringing at half that again – 5.6 ppm. I am unclear of the (scientific) linkage if any with this figure and the 20 kg per ha of leached nitrogen chosen as the threshold before excedences occur. See further discussion under 2 page 7

Example (ii)--- Flow sensitive catchments. The re-inclusion of 55 catchments or sub catchments as being flow sensitive defies belief and in my view is without foundation. The NRRP Commissioners had sound reasons to discard 50 plus (leaving only 9 with planting restrictions) No one in Ecan has been

able to answer the simple question –why?---and all seem to be clearly avoiding discussion on the topic—commissioners and staff..I will further discuss this under Para 3 page 8

Example (iii)---The requirement to use “Overseer” to determine the nutrient loss and status across a farm is at best imprecise and fraught with problems. This will be discussed further under Para 4 page 9

1 (c) A comprehensive and wide consultation process needs to be undertaken to ensure input from affected parties and a high degree of understanding of the contents and ramifications of the proposed changes. ***Several points----***
It would seem the development process and changes and additions were made quietly and almost under the radar. 99% of people, even the Zone committees, had very little ,if any, idea of what was being prepared. The cut off date for public input was 7th May after which it defaulted to those on the First Schedule(RMA). I know of 3 meetings just prior to that date –Cheviot Lincoln and I think Timaru. I went to the Cheviot one on 2nd May---12 farmers and 12 Ecan. I commented to Commissioner Bedford that I hoped he didn’t regard this as proper consultation. I also asked questions about the forestry issues I had ,which no one could answer then or since. I submitted a 4 page submission of my concerns on the 7th May to staff (cc to all commissioners) and never heard any more –I am since advised by 2 commissioners they never received it. Since notification on 11th August some public meetings have been held (I have been to 2 or 3) and other more ‘closed’ ones with interested parties, eg federated farmers. And I am sure a lot more I know nothing of. But these cannot be construed by any means as being true ‘consultation’, rather they were passage of information and explanatory and while they were certainly welcome, they were a hurried and belated attempt to make good a serious shortcoming. The reality is that the whole consultation process was rushed and woefully inadequate and the vast majority of people just had no idea what was happening and still don’t.. The consultation requirements for new Regional (or District) Plans as contained in the RMA default to those contained in the Local Government Act 2002 (Section 82) which are very precise and clearly Ecan was in breach of these—there is absolutely no question of doubt about that. ***The notification process allowing for public submissions and this public hearing on those submissions is a small comfort, allowing you Mr chairman and your***

panel of commissioners the opportunity to cure any breach that may have occurred through an inadequate consultation process.

1(d) Rules and other compliance criteria need to be realistic ,achievable and enforceable. There are provisions and guidelines in place up to 2017 after which tighter conditions will apply. This on the face of it might seem fair ---- allowing farmers for example a period of ‘grace’ to improve their practices or change their systems, but being lulled into a false sense of security after which compliance will tighten and enforcement action could well be taken. And no one actually knows exactly the degree of breach which will trigger enforcement action. The breadth and scope of some provisions is almost unenforceable----eg---- to expect all 17,000 land occupiers in Canterbury (9,000 of which are 4ha blocks) to submit a nutrient budget is quite unrealistic. Has the Council got the resources to monitor ,manage and enforce that requirement?

1(e) Planning maps. These need to be accurate and defensible . The Nutrient allocation Zone map (page 4.8) is a case in point , for pretty much the whole of the plains and reaching back into the foothills is included in RED ZONE . It is explained that these maps came straight across from the NRRP. Their credibility could be questioned then ,but even more so now given the use they are now being put, ie to form the basis for boundaries for nutrient limits and the strategies developed for the future within those zones. Some of the land included extends back into the foothill country. Some of this I am very familiar with---much of it is in indigenous scrub or forest cover, some in gorse and broom, some in exotic forestry with the balance being grazed in an extensive low stocking rate, hill country grazing regime. The water run off from these areas would be as pure as you would get and it defies all levels of understanding to try and figure out how they could be improved (because the standards are not being met) The only explanation I have been given is that because the Plains areas were deemed to be RED, therefore the catchments should be included too. Also to have 75% of that huge area south of the Rangitata coded as at “ risk” , much of it mountainous areas going back to the main divide, just cannot be correct. This particularly so when moving north up the alpine chain the zone is coded green (meets the water quality outcomes)

My view is and I submit that , given the purpose for which these maps are NOW being used ,ie implementation of nutrient levels and budgets etc, they should be reviewed so they are credible ,defendable and ‘fit for purpose’.

1(f) National, regional and/or local consistency. My understanding is that all Regional Councils and Unitary Authorities (17 in all) are required to produce their own water plans addressing the core issues of water quantity and water quality by such and such a date .This flows out from the Land and Water Forum. But other than all complying with the standards set in the National Environmental Standards (NES),really set by central Government through its Ministries, all these bodies have the autonomy to prepare their own plans in their own way for their own region. Hence Southland is different from Otago, different from Canterbury etc .Same in the North Island. Sounds fine in theory, but just how defendable or good is it to have major differences emerging (as they are) between neighbouring regions. We won't change that. But turning to the local scene, and the new concept and structures of the Zone Committees and over arching Regional Committee. Again the concept is that local conditions and differences can be reflected and incorporated and indeed local aspirations and status levels for nutrient levels and water quality. And this, through “community collaborative participation” giving “empowerment” to those local communities.----- I am extremely concerned. A few points----- None of the members of the 10 zone committees or the Regional Committee are elected -----they are all appointed, and while purported to be ‘representative’ they are arguably not. The selection /appointment process ensures that it is Ecan driven with a bit of help from the local District Council ensuring only people Ecan want ,make the cut. To be truly representative and a proper democratic process, some at least of the membership should be elected. I know of several very good people who didn’t even get an interview Also with 10 Zones with an all up membership of about 10 ,that means we now have 100 people to be brought up to speed on all the issues . The only body able to do that is Ecan itself so the staff support required to make the Zones run smoothly is considerable. Add to that the Regional committee with a membership of around 24 (half from the local zones) and the task gets even bigger. NOTE. I understand from the minutes of my local Zone, that the large Regional committee very often can’t even manage a quorum and is considering ways of restructuring.-----

that has to be a worry at this early stage of the life of these new initiatives. So the reality is we now have new structures in place whose membership, agenda and information base is Ecan dominated, and the outcomes will be almost pre –determined as being what Ecan wants . So much for ‘community empowerment’---I believe that will be more imaginary than real. Notwithstanding they are public meetings ,very few go, and the reality is only a handful of the ‘community’ know what is going on---less than 1%at best. As it is now , and with no disrespect, it is a charade, notwithstanding the ideals and good intent.

I submit that you should examine these structures ,their membership , the appointment process, their role and devise a better way, if true ‘community empowerment’ is the objective. And determine whether the real possibility for different levels and standards in neighbouring areas is acceptable or even desirable.

2 Shortcomings

Nitrate Levels in ground water

Further examination following on from 1 b example (i) on page 3

The fundamental basis for the policies and rules concerning nitrate levels and leeching into ground water are based on the premis that nitrates in drinking water are harmful to human health. That may be partially true (with qualifications) but is also flawed. In and by themselves they are NOT harmful and can only have a detrimental effect when associated with microbial contamination----(That evidence emerged from the NRRP hearing process and was the basis of my independent view attached to the final NRRP documents in 2010) My contention therefore is quite simply that all atmospheric ‘N’ fixed by legumes of whatever sort should be removed from consideration. The ‘N’ fixing capability of legumes , principally clovers and lucerne, which in turn is then utilized by grass plants and grain crops is at the very foundation of Plant Science and New Zealand’s agricultural economy The principles of the ‘Nitrogen Cycle’ is one of the first things agricultural students are taught. That atmospheric Nitrogen is free and has been captured by farmers for hundreds of years . Winter fallow was the traditional way of allowing the breakdown of plant material and the release of ‘N’ for subsequent uptake by

following crops. That practise is now discouraged'.—bad for the environment! Mr chairman, I would challenge and question , and I submit that you and your commissioners also challenge and question, the legitimacy of the claims that nitrates in any water are necessarily detrimental to human health. I would further submit that you discard from consideration all naturally produced Nitrates that cannot be associated with microbial contamination Note As explained in a David Attenborough documentary on the annual migration of whales ,Nitrates particularly as well as other nutrients in the water, are the key elements necessary for the whole marine food chain and life cycle to flourish ----without 'N' there would be no plankton—then no krill ---and then no food source for the whales. ----- We should not be regarding them as a poison but quite the contrary ,a huge asset For all life on this planet is dependant on them. Note also There are only two small areas in Canterbury where high N levels have been measured---- they are two very small plumes ,down slope from two freezing works where waste water from those plants was irrigated on to their holding paddocks for decades. NOTE this has relevance for the section on accuracy of the planning maps. Refer 1 e page 5

3 Flow Sensitive Catchments.

Further examination following on from 1 b example (ii) on page 3

Much of the Canterbury foothills and catchments were forest in both pre and post European settlement times. Evidence shows that much was cleared by fire, by both Maori and more recently by European. Banks Peninsula is one whole block of hill country that was pretty much all in bush at the time of European settlement, so to restrict afforestation to 15% of a title in 8 catchments in this area defies logic. (NRRP left only 2) Similarly with the Ashley catchment----one of the highest rainfall areas in the region. Note -- our family rainfall records for the past 90 years at Ashley Gorge, show an average rainfall of 1250 mm (50 inches). Hardly a sensitive catchment from a water yield point of view !!!. The NRRP as notified contained 60 plus catchments. We , NRRP Commissioners, examined and discarded all but 9 . These are included by way of an attachment. To those remaining 9 we applied some exhaustive science and analysis to establish the 7 day MALF (mean annual low flow) producing areas of each catchment and then applied

the planting restriction percentages accordingly. We did not, because we could not, consider any other matter other than water yield---such were the constraints of the proposals in that plan. On balance our panel could find justification, on water yield grounds alone, for only 9 catchments to have restrictions. Not totally agreeing, I provided my independent opinion. Additionally we thoroughly examined the questions of restrictions by 'catchment', by 'property' or by 'title' and the clear answer was by catchment. As not all farmers are foresters and likewise not all foresters are farmers, having by 'catchment' allows a skilled and enthusiastic farmer to plant at his discretion, while his neighbour plants nothing (at his discretion) The per 'property' option precludes a farmer selling off a corner to a forestry concern who may wish to put it all into trees, as only 15% would be allowable. Likewise the same restrictive result when it is per 'title' You would, under the present rules, finish up with the nonsensical situation of 15% of 15% or just 2 and 1/4 % of a property. Now that can't be good planning. WHERE ELSE IN THE WORLD IS A LAND OCCUPIER NOT ALLOWED TO MAKE USE OF THE RAINFALL THAT FALLS ON HIS LAND BY THE GROWING OF PLANTS CROPS OR IN THIS CASE TREES??

-----To be having regard for environmental flows is one thing and supportable, but to restrict planting to protect the rights and use of future authorised takes and use and allocation status, is not. Quite apart of accepting that the science surrounding the effect of forestry on water yield is sound, (which it is not), that is quite simply denying one land occupier a land use and economic opportunity to protect the same (opportunity) of another occupier downstream. There is a well established principle in Canada whereby the downstream user (beneficiary) of a resource, actually pays a fee or compensation if you like, to the person so denied upstream.

----- The Science—Just how sound is or was it on which the whole issue of forestry restrictions is based? Let me explain-----The main case was built around a 12 or 15 year trial in the Upper Moutere,, where half a small (1ha) catchment was planted in pine trees and the other half was left in pasture. Water yield measurements were taken and small water flow loss was measured. Then that has been extrapolated to Canterbury catchments, not of 1 ha, but 1000 ha or 200,000ha and everything in between. That is not good science and does not stand scrutiny. Let me just say, from my own

observations and experience on my own property, in the two worst droughts we have experienced certainly in my lifetime,(autumn 1998 and autumn 2001) the streams which continued a steady flow right through three ,then four months of drought, were those coming from heavily forested (native) catchments. This in contrast to streams from clear tussock country which ceased flowing after 6-7 weeks. I can only surmise that the forested catchment had the capacity to 'store' water and then allow its slow and steady release. Again I would challenge the whole basis on which these policies are founded.

Also this plan should have ,and could have, given consideration to two other important matters -----(a)-Carbon and the ETS provisions and objectives and (b), the declining economic contribution some of this hill country can make through low wool and sheep meat prices .

Firstly (a) Carbon, Central Government has been encouraging the planting of new forests all over the country with the objective of increasing carbon sequestration to better position the country to meet its Kyoto Protocol commitments with tens of thousands of hectares being planted in the past 3 years.(Some of this by way of subsidy money administered through regional councils including the CRC .)Farmers with forests have been encouraged (or even required) to register and partake in the scheme. As well ,others on marginal ,reverting hill country can voluntarily either plant for a carbon production (rather than timber) perspective OR if it meets certain criteria put their country into a permanent forest sink (PFS) So the great irony is we have central govt encouraging forestry on the one hand while this Land and Water Plan is busy trying to restrict it . Remember it is a LAND plan as well (b)economic contribution-----Much of this land either has or is reverting to indigenous scrub and the economic return from sheep particularly is such that it is uneconomic to attempt to arrest this change. Forestry offers another opportunity and while the door is not shut, neither should it be restricted to 15 % of a title and 2mtrs +80% canopy (rule 5.110 page 5.26) without then defaulting to 5.111 (page5.26) and with it falling into the restrictive discretionary activity which will then require a consent to plant I presume. The control that this leaves with the council is huge and the hurdles required to leap by an applicant are almost impossible to attain. Conditions 1 and 2 could only be a subjective assessment at best -----no private person would

have the resources to provide an objective assessment of conditions 1&2--- and I doubt it could be done anyway even by a forestry corporate . Conditions 3&4 are acceptable (just) but condition 5 leaves the council free to decline an application , again on the basis of their subjective assessment.

I submit that the following

A the name of this section “flow sensitive catchments” be changed to “catchment forestation”

B that all but the 9 catchments remaining and contained in the final copy of the NRRP be removed. (List of the 9 catchments attached.)

C Conditions 1 and 2 of 5.111 be amended to make them achievable or else deleted.

D that the ‘restricted discretionary activity’, status accorded to those areas covered in 5.111 (or those remaining 9) be changed to ‘discretionary’ ie with thresh-holds which can be met and hurdles not impossible to leap.

E due and full consideration be given to the Carbon and ETS benefits of forestation in the hill country.

F That any restrictions on remaining catchments be just that ---on the catchment-----not on the property or the titles within.

G In the event the panel decides to make no change and confirms the provisions of the plan as proposed , then a compensatory scheme be devised to recompense those upstream land owners /occupiers for the land use and economic opportunities being denied them by downstream takes and users.

H The panel re-examine the science (so called) on which this whole philosophy is based. I would contend that it is flawed.

4 Overseer TM-----Is it defensible ?

As you will know ‘Overseer TM is the computer programme developed over several years to measure nutrient losses from the soil profile . It is owned by Ag Research the Fertilizer Industry and the Government It is under constant development we are told and version 6 has just been released.(Each version better than the one before). Its use is a requirement under the plan to measure the nutrient losses from a property or part of a property and its

status, more particularly nitrogen at this stage, but it has the capability for many other elements eg phosphorous and magnesium ***Many concerns are being expressed***

With the N level threshold being set at 20 kg per ha and exceedances above this figure requiring a plan and/or a consent,(which will be declined in all RED zone areas) in reality pretty much the whole of the Canterbury plains, the accuracy and credibility of the results coming from the programme are crucial. Crucial because the results will form the basis of what avenue of production, or changes thereto, can be employed above the ground and therefore what fertilizer input can be applied.

Variability and Accuracy The problem ,concern and criticism is the variability of results and credibility of accuracy. Both licensed practitioners and farmers familiar with its use, all say that it has a range of variability of + or _ 20 % to 30% that is potentially up to 60% variation! That is huge. Even if was only half that, it would still be too high to accept as an 'objective' measurement. Apparently its inaccuracy increases with complex operations eg dairy, dairy support and arable ,all on the one property and also the difficulty with trying to factor in the benefits of the use of Nitrogen inhibitors like Eco N. The results and variability don't stand scrutiny. In reality, is it much better than a 'back of the envelope-look out the window approach'? I would hope so . The dependence on its use needs to be re-evaluated. Importantly also, it is or will be a requirement for every rural property (including 4 ha blocks) in Canterbury to have their nutrient status assessed by 'Overseer' and submit those reports to Ecan on request. Note. that is around 17,000 properties, including 9,000 small (4ha) blocks. There will be huge non compliance –Is it quite an unrealistic requirement and expectation ? So at best Overseer TM is a very imprecise tool which this plan insists being used to provide unreliable information. Even staff acknowledge that it is only the 'best they have got'.

Note Around 40 years ago wool scientists and physicists developed 'Objective Measurement' as the means to measure the important parameters affecting wools processing capabilities and hence its value (fibre diameter, yield, vegetable matter, staple strength, colour and length) This was to replace the old hand and eye appraisal that had operated for hundreds of years. It took well 10 -15years from conception through to

introduction as the basis for the sale of wool. -----“Objective measurement and Sale by Sample” arrived in 1975/76----- and only then after exhaustive trials and much refinement to gain the credibility and confidence of all sectors of the wool trade --- from growers and right through the processing chain all over the world. I was very involved in the industry during the final development stage and through to its introduction. It took a huge leap of faith-----every one in the industry had to have confidence that the measurements were accurate. And they were accurate, with variability in measurements and therefore tolerances ,of only a fraction of a micron ,or a fraction of a per cent of yield or vegetable matter.

By contrast, the variability that is freely acknowledged that is flowing from ‘Overseer TM’ is just not acceptable----as mentioned earlier--- plus or minus 20%---30% (a 60% possible variability) cannot be countenanced. Particularly when as proposed, it will form the base line for allowable limits, compliance or non- compliance for nutrient discharges, a Nutrient Discharge Allowances (NDA) and farm environment plans.

How the architects of nutrient management requirements (MfE and the Land and Water Forum)could conceive such plans and controls and approve methods with such imprecise tools and science is almost beyond comprehension.

So---Is the use of and reliance on ‘Overseer TM’ defensible? The short answer is NO--- and the argument that has been proffered that by 2017 ,(when the transition period ends) it will be much improved is not acceptable. The ramifications and effects on production systems is too great and too far reaching to be controlled or set by inaccurate technology with a huge co-efficient of variation.

I submit Mr Chairman that

A----- You suspend reliance on ‘Overseer TM’ as the basis for nutrient status, and discharge compliance until its accuracy can be improved and independently verified as no more than plus or minus 2 ½ % (a variability of 5%)

B-----You encourage the owners of ‘Overseer TM’ to speed up the development of a much more accurate and less variable version.

C-----In the meantime you revert to input based guidelines to influence nutrient status.

5 Allowable Nutrient levels

Unless I am mistaken the only nutrient status parameter that has been included for future adherence is for Nitrogen or Nitrates and the maximum retained allowable levels are ,or will be 20 kg per ha. Levels above that will trigger non compliance in a red Zone or inland lake area or necessitate a consent or farm nutrient plan . And then there is the issue of the 10% latitude allowed before a change of use is declared.-----How appropriate are these thresholds? No-one I have spoken to ,or presentation I have been at, has explained either. Where did the 20kg per ha come from? Is there science behind that figure and if so what is it? Earlier I asked whether there was a linkage with 20kg per ha and the 5.6ppm of nitrate in drinking water. A cynic would say that on the face of it, the figure has been conveniently ‘arrived at’ which will suit the purpose of satisfying critics but also stifling production and constraining agriculture at the same time----- similarly with the 10%-----where did that figure get plucked from?? And where is the rationale behind it ? Why not 20% ? Even a change in winter feed crop type and a couple of good seasons could trip the 10% trigger. And if you are in a red zone you would be in trouble. It is not good enough for the Council /Plan to say that during each of the Zone discussions with their “community “ those figures could be changed to what the ‘community ‘ want ----That is no comfort. Remember that none of this was widely canvassed with the wider community by way of a proper consultation process. So these two figures have not been widely discussed or agreed and nobody really understands the science behind them or if there is any.

I therefore submit that

A The panel seek from Council officials the rationale and justification for choosing those two figures (20 kg per ha and 10 %) and directs the Council to publicize that rationale

B Given the absence of any definitive science substantiating both those figures ,they be raised to 25 kg per ha and 20% respectively.---this to provide some latitude for adjustment to production systems.

Note *I have already submitted that all the naturally produced 'N' be taken out of contention .*

6 Compliance Monitoring Regulation and Enforcement.

Throughout the plan ,on the various components discussed there are permitted activities ,discretionary activities ,restricted discretionary activities, and of course some prohibited ones.

Some require the land occupier to obtain information and supply it on request--- eg-- nutrient losses from 17,000 land occupiers.

Some are less clear --- eg-- the rolling average figure on nutrient loss and the 10% exceedence latitude which would trigger a consent or a farm environment plan or what ever. that implies those nutrient levels be measured each year

Also-- eg --In the forestry restriction section, base line data will have to be assembled for every property in 55 catchments or sub-catchments.

Ecan deputy chair David Caygill told an audience at Lincoln on Wed 26th Sept that the council weren't in the business of prosecuting people ---rather they were there to help people comply---certainly reassuring remarks.

Several points *In answer to one of my questions at Cheviot 2nd May. I was told that the council didn't have the staff resources to gather the baseline data on forest plantings for the 9 catchments remaining after the NRRP process.. A fair question would be therefore ----How ,if it lacked the capability to gather information for 9 catchments, could it possibly do it for 55?? And how long will it take? and how many staff will be needed?*

And how will all the nutrient status compliance regimes be administered by the council ? And how many staff will be needed. Even with a lead in time until 2017 , I fear there will be a huge issue with non participation of what is expected of land owners ----therefore non compliance. Or will there be no compliance monitoring (of nutrients) until after each Zone has completed its own thresholds and parameters.?

These are important issues ,for given Ecan's record in the regulatory department can be quite unforgiving at times, there are 17,000 land occupiers ,large and small who need to know where they stand.

I submit that

A The panel clarify for land occupiers what the regulatory expectations will be for the various compliance regimes, rules and time-lines, interspersed throughout the plan

B Instruct the council to adopt a ‘helping hand ‘ approach to regulation rather than an ‘iron fist’

NOTE The modus operandi and tough stance (in some cases quite unnecessarily) taken in the past did not serve previous councils well in the good will stakes. In fact in some cases any respect just disappeared all together.

7 ‘Enabling or Restrictive’ ??

The way the plan is constructed would at first glance give the impression that it is very ‘enabling’. That is the word Commissioner Skelton has used in public statements. As well Commissioners Williams and Caygill have both said “we don’t want to control what people do on top of the ground –only to make sure what comes through it is acceptable”, or words to that effect. “and we told staff to prepare the plan around those two principles”. Sounds great. BUT

On closer reading of the plan , many of the activities allowed or ‘enabled’ have qualifications attached to them which would be well nigh impossible to achieve, supply, adhere to, comply with ,or whatever, as the case may be. In which case the ‘enabling’ philosophy becomes ‘restrictive’

Some examples

(a) Nutrient zones----4.34----page 4.9 for an applicant to demonstrate that would be an almost impossible task to accomplish-----perhaps it was meant to be. I submit you more closely examine it to make it achievable

(b) Flow sensitive catchments 4.64 page 4.12 I submit this overarching policy should also include carbon and ETS considerations and economic opportunity considerations.

(c) Farming 5.39 through to 5.49 I submit all these rules need to be placed on hold and re-evaluated for they rely on what I contend is imprecise science (nitrate harm to human health) and variable and inaccurate tools (Overseer TM) as discussed earlier.

Summary

I support fully the 'higher level' work being done by the Regional Zone Committee on future water storage options and possibilities.

I believe the Zones ,if not fully elected ,should at least have a fair measure of elected representation---say 75 % for local and 25% for regional (as 50% of regional are reps from the local zones.)

The plan is not as enabling as is claimed and relies on imprecise science, flawed data and (at this stage) not properly developed and imprecise technology.

In over turning some sections of the NRRP (re-inclusion of 45 catchments for water yield) it has failed to understand /comprehend some of the wisdom behind the NRRP determinations and confined its considerations to too a narrow base.

The council was too hasty and most neglectful in not conducting a full and proper consultation process with affected parties, particularly the rural community who are the most affected, before and during the development stages and before notification.

Under the RMA full consideration has to be given to all 4 pillars---cultural , environmental, social and economic .The first two have clearly been considered---social never easy,-- but completely missing is any analysis of the economic ramifications particularly if opportunities are shut down or compromised on the RED Zone plains areas.

I am fearful the CRC does not have the staff resources, by numbers or skills, to properly implement ,monitor and guide this plan into reality.

Thank you for the opportunity to present.

Robert Johnston. MNZM Dip VFM

ENVIRONMENT CANTERBURY REVIEW

SUPPLEMENTARY SUBMISSION FROM ROBERT JOHNSTON

I wish to emphasise a few important points and add a few new ones.

- 1 In addition to the other positions held while a Councillor/Commissioner, I was also an accredited RMA commissioner and chaired or sat on many hearings on a host of issues for many years.
- 2 The points made in my letter to the Prime minister in October 2010 , copy already forwarded,(particularly those on pages 2&3) relating to Ecan's performance, the volume of consents to process and the call from ' disaffected parties'--- the '10 Mayors'---whose behaviour was quite disgraceful. There always had been, at the begining of each triennium, a signed agreement between Ecan and each of the other Councils, City or District, to engage in and uphold a "No Suprises "policy. This was to allow any Council with any problem to openly have a discussion with the Regional body to find a resolution in a professional manner. These " 10 Mayors" broke that agreement with their letter of disaffection to Minister Smith in 2010 calling for Evan to be sacked. It needs to be understood that they were still smarting from having their Regional constituency boundaries submission rejected in 2007 by us (and then that decision upheld by the Local Govt Commission). Additionally they had never recovered from the 2005 amendment to the RMA requiring District and City Councils to 'give effect to' rather than 'have regard for' Regional policy statements and plans. Individually and collectively they were not a happy group and that wasn't any fault of Ecan, rather forces we could not control.
- 3 Hence they sought to take control of Canterbury's water by taking control of the CWMS and effectively side lining the Regional Council. The outcomes and ideals of the CWMS are those which the Minister now wishes to see completed and hence his desire to continue with appointed Commissioners till 2016 and now the proposed model.
- 4 The CWMS ,in my view, has many flaws. (a) It was contrived by a select little group who were unrepresentative, (b) there was no consultation with the wider community and interest groups as I recall,(c)It gave

priority ranking to Environmental and Cultural considerations firstly with all other matters taking a secondary position. This in direct contrast to the RMA which requires a balance to be struck within and between Environmental ,Cultural ,Economic and Social considerations. So a whole new pecking order was established without anyone knowing about it and now it is being implemented.

- 5 The CWMS also established the principle of the 10 Zone Committees and the overarching Regional Committee. I have already explained my disaffection with them---undemocratic, unrepresentative, and effectively there to do Ecan's bidding.. they are a sham ,a charade and a disgrace. This was clearly evidenced at a meeting I attended in Oxford last Wednesday with the Zone "engaging " with the community. The meeting was told QUOTE " this is not Ecan's plan , this is not the Zone committee's plan , this is your plan" It is really quite sad when they can't even tell the truth. More particularly when to effect any change ,a community will have to firstly convince the Zone committee to recommend any changes , then the commissioners will have to agree , a hearing panel will have to agree .and as it stands there will be no appeal other than on points of law. A tortuous path to unravel a mess.
- 6 One very serious problem for some 'dry land ' farmers in an irrigated area is that of devaluation of their asset. One such person explained to the meeting last week that he has low nutrient leaching now (about 4 or 5 kg / ha) , can't change his farming production practices if they would result in increased leaching , his property is unsaleable except at a discount---no dairy farmer would want it as a run off because they couldn't develop it. He is grossly and unfairly disadvantaged.
- 7 The Prime Minister and the Minister have called for an increase in irrigated areas and production on the one hand, while pursuing the implementation of the CWMS with all its deficiencies on the other. Achieving success on both fronts concurrently is going to be an enormous challenge if not well nigh impossible. The two ideals are almost incompatible ---it's as if they are talking with forked tongues.
- 8 The reality is that these proposals were developed in a consultation vacuum by commissioners who (mostly) did not understand agriculture

or the ramifications of their proposals , and then those affected were only able to appeal on points of law. Quite unfair .

- 9 It is and has been a cleverly crafted strategy designed to implement political aspirations while sidelining democracy and open debate.
- 10 The final point is ‘what is so unique about Canterbury?’ If this mixed model proposal is so good , why then is it not being proposed for all other Regional Councils? Or is it that the Ministry / Minister does not trust the democratic system. Is it a fear that some democratically elected body might start to undo some of these autocratically imposed regimes ?
- 11 The sooner the current system is scrapped and Canterbury is returned to a full and democratically elected body , the better.

Thank you for the opportunity to convey my views. There is huge disquiet out there in the community but most people haven’t got a full understanding of the effects ,so are not voicing their concerns (yet).

Robert H M Johnston MNZM Dip VFM
1 st May 2015

Environment Canterbury Review

Submission by Robert Tobias

Return to democracy is essential

I am strongly opposed to the undemocratic arrangements proposed for ECAN in the Discussion Document. ECAN is a territorial authority funded out of our rates. It is **not** a district health body and there is no justification for its removal from the control of Canterbury citizens. As Churchill is reported to have once said "Democracy is the worst form of government, except for all those other forms that have been tried from time to time."

The discussion document is one-sided

The discussion document prepared for this review does not encourage open discussion and debate. It is in fact a highly politicised and extremely one-sided document which presents one particular point of view and set of arguments and disregards entirely other perspectives and viewpoints. **A balanced document would present various points of view and several alternative proposals.** For example the history presented is highly selective. It fails to refer to any of the achievements of ECAN prior to 2010 (including the fact that the Water Management Strategy was largely developed at that time!). It also fails to refer to the wider context over the preceding decades including the rapid growth of the dairy industry in Canterbury.

Critical issues and goals

As far as critical issues and goals for Canterbury governance are concerned, I believe that the need to preserve and enhance our environment and particularly our land, water and air for future generations must receive the highest priority. However I reject the notion that this can be best achieved by undemocratic and autocratic means! The demands of **long-term** environmental and economic sustainability should never wittingly be sacrificed on the altar of **short-term** economic or political interests.

The proposed mixed-governance model is deficient in a number of respects:

Firstly, no strong case is made for the mixed model. This is not self-evidently the best model, and I am not aware of any New Zealand precedent for such a model for a

territorial council dependent on rate-payer funding. I reject the idea of taxation without adequate representation.

Secondly, assuming that there were to be a mixed model, there are a number of further questions that need answers:

- **What is the basis for the recommendation that there should be 7 elected and 6 appointed members of the Council?** No arguments are presented regarding this.
- Also **questions may be raised about the balance achieved by the proposed four constituencies.** The four constituencies would inevitably result in an overweighting of rural as against urban voters. I would suggest that what would be **needed is a larger number of constituencies and elected representatives** and a **fairer balance between the demands of universal enfranchisement and the need to ensure regional representation.**
- Thirdly further attention would need to be given to the question of **who would appoint the appointed members and according to what criteria.**

Concluding Recommendations

In the light of all the above arguments I would recommend:

- **The immediate return of full democratic rights** to the people of Canterbury people to elect their representatives to the Canterbury Regional Council;
- The negotiation of a new clear statement that the Council's primary function is to **seek to secure the long-term environmental and economic sustainability of the Canterbury region;**
- The **overwhelming majority of representatives (say 11 out of 15) should be elected,**
- They should be **drawn from a larger number of constituencies to secure a fair and equitable balance** between the demands of universal enfranchisement and the need to ensure regional representation within Canterbury;
- In addition two or three members who should be **appointed by Ngai Tahu;** and
- Two or three should be **appointed on the basis of their precisely defined areas of relevant expertise.**

Robert Tobias

[REDACTED]

Tel [REDACTED]

29 April 2015

Submission to the Ministry for the Environment
On the matter of:
Environment Canterbury Review

This submission is by:

Roger Fagg

[REDACTED]

[REDACTED]

H: [REDACTED]

C: [REDACTED]

E: [REDACTED]

Question raised in the discussion Document, which I believe are relevant

Critical issues for Canterbury governance

In your view, what are the most significant regional issues for Canterbury (for example, resource management or governance issues)? Please explain.

Answer: Governance

For the correct actions to have any creditability to communities, strong governance is needed with appropriate checks that can only be achieved by a full elected council.

The way forward for Canterbury governance

Do you agree with the goals for ECan's governance? (These are: high quality leadership, economic growth, strong environmental stewardship, strong accountability to local communities, and value and efficiency for ratepayer money.) Please explain.

Answer: Yes but arranged in different order. The preferred order is ; high quality leadership; strong environmental stewardship; economic growth, strong accountability to local communities, value and efficiency for ratepayer money

In your view, are some of the goals more important than others?

See answer 2

In your view, is there a governance model that better addresses the goals for ECan?

Answer: A fully elected council, is the only model that provides strong accountability to local communities and reflects the issues that are of concern to local communities.

Signed

RW FAGG

Dated: Thursday, 30 April 2015

Environment Canterbury Review

Submission by Ronald M Blackstock – 60 year resident of [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Question 1:

I presume the elected members will come from 2 members from North Canterbury, 2 from Mid Canterbury, 2 from South Canterbury and 1 from Christchurch. I do not agree to the 6 members appointed by government. They would have too much influence on the decision making. A better mix would be 6 elected members plus 3 government appointed members plus 1 member from Ngai Tahu. This would reduce the risk of the government appointees over riding decisions of the elected delegates and covering up years of criminal neglect since the days of the old Catchment Commission. From my own experience, the destruction of hundreds of acres of ten thousand year old soils from the Quailburn Stream fan near Omarama, which is still continuing to present day despite me historically spending \$100,000 trying to prevent it.

Question 2:

I don't think any ratepayer would not object to the objectives, especially to strong accountability to local communities and value and efficiency for ratepayer money.

Question 3:

No, for the long term benefit of this country, control of land and water must be equal priority otherwise this whole operation becomes a farce. This I have already explained in question 1.

Question 4:

I think I will have to pass on this question as I am not in a position to assess the need of the rest of Canterbury.

Question 5:

In view of my lack of knowledge of the requirements of the rest of the region, I am not qualified to comment on this question.

Question 6:

Yes. If the elected members are not fully informed as to what has taken place in the last 40 years, the errors of that period of the time especially so far as the Ahuriri River is concerned will continue to be repeated. One only has to go back to the December Upper Waitaki Water Management Committee of Environment Canterbury which highlighted the appalling ignorance of some of the committee members. A classic example was the concern over the invasion of Russell Lupin and how it was a dangerous plant threatening native plants. It was quite apparent that none of them had heard of Dr David Scott, the recognised expert on High Country plants who has established an approximately thirty acre plot consisting of Russell Lupin and ryegrasses and their comparison trials with traditional grass swards and their relation on lamb growth rates. These trials were located near Lake Alexandrina.

Question 7:

Yes, I could not agree more and I suggest they be retained for a minimum of five years to enable the new council to investigate what went wrong with the old administration.

Question 8:

Yes, it is about time the government acted up to their responsibilities and returned the Ahuriri River to its 10,000 year old bed and stop procrastinating over the destruction of the 10,000 year old soils on the Quailburn Fan near Omarama.

Submission - Ecan Review

Contact information

Name	Rosalie Snoyink
Organisation (if applicable)	
Address	
Telephone	
Email	

Critical issues for Canterbury governance

1. In your view, what are the most significant regional issues for Canterbury (for example, resource management or governance issues)? Please explain.

The most pressing regional issue is to restore full democracy to Canterbury. There is no compelling reason to delay democracy any longer.

The way forward for Canterbury governance

2. Do you agree with the goals for ECan's governance? (These are: high quality leadership, economic growth, strong environmental stewardship, strong accountability to local communities, and value and efficiency for ratepayer money.) Please explain.

The goals under Ecan's current governance are not being achieved. There are no grounds to support the proposed **mixed** governance role. The current regime is not truly collaborative, is not maintaining or enhancing the environment. Environmental targets for 2015 will not be met. Red zones still exist. Water quality/quantity is still declining. Without the right to vote there is no accountability to local communities. Ratepayers are in the repugnant position of having to pay Ecan rates without any representation or voice.

3. In your view, are some of the goals more important than others? Please explain.

4. Do you think the proposal is suited to Canterbury and meets the goals for ECan? Please explain.

The proposal is not suited to Canterbury. Cantabrians have a wealth of knowledge and understanding of natural resources, and in particular water and its management, and do not need people appointed from Wellington to make local decisions. There are people well placed to represent Cantabrians. The new model will create problems such as elected councillors working to undermine the authority and role of the appointed. A

mixed governance model is likely to result in a 'dysfunctional' council. Cantabrians want full democracy restored.

5. In your view, is there a governance model that better addresses the goals for ECan? Please explain.

Yes, there is a better model, a fully democratic process which exists in the rest of the country. ...by the people for the people.

6. Are there any considerations we need to give when transitioning to the proposed mixed- model governance structure? Please explain.

There is a need to scrap the transitioning process for a fully democratic process which has successfully operated in NZ for over 170 years.

7. Should the mixed-model governance structure retain the special resource management powers currently used by the commissioners? If so, for how long? Please explain.

There is nothing to suggest there is a crisis of such significance that special powers and legislation need to be used in Canterbury. It's obvious the Govt is using these powers to facilitate irrigation schemes and water storage projects. It is highly questionable that democratic rights need to be curtailed to achieve these objectives. To accelerate irrigation, especially when the economic viability of such schemes is dubious, is not in the public interest. I consider the current legislation which denies a proper assessment and evaluation of RMA decisions in the Environment Court to be one of the most serious aspects of the Commissioners' 'special powers'.

Other comments

8. Is there any further information you wish the Government to consider? Please explain.

When your submission is complete

Email your completed submission to ecanreview@mfe.govt.nz or post to ECan Review, Ministry for the Environment, PO Box 10362, Wellington 6143.

Submissions close 5.00pm 1 May 2015.

Name:- Trevor Owen

Address:- [REDACTED]

Phone:- [REDACTED]

Email:- [REDACTED]

Date:- 29/4/2015

Submission:- Environment Canterbury Review

I Oppose any further Government control of ECan.

I believe the Temporary ECan 'governance' to be of much lower quality to the democratic model we deserve and had before.

Real ECan members can now be voted in by the public to enable our personal views to be taken into account. There needs to be no 'transition' process, involving appointed members.

A mixed model with Government appointed members is not wanted as it could sway the regional democratic process to an undesired result like we've had since the temporary commissioners were installed.

The Temporary ECan commissioners have recently admitted to be failing the Canterbury residents by not being able to meet it's 2 yearly environmental limit coming up in June 2015 for setting water quality limits based on nutrient levels. I suggest the previous democratic model be put back in place to allow faster and better improvements to our environment.

T Owen