



ANZSOG Case Program

The Canterbury Water Management Strategy: 'Smart management' of collaborative processes (B)

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For Environment Canterbury, the Canterbury Water Management Strategy is our top priority, and integral to its success is the way we work – both with Ngai Tahu as well as the way we collaborate with the community and stakeholders. Staff know that these are the cornerstones of success for the CWMS and it our expectation that they will go the extra mile to understand the Ngai Tahu culture and to embrace collaboration. So we have had a huge culture change programme across the whole organisation – massive, massive change. CWMS has been the catalyst in many ways but this has spread beyond just water. *Jill Atkinson, Environment Canterbury Director Strategy and Programmes.*

The May 2010 replacement of an elected Regional Council with appointed Commissioners at Environment Canterbury signalled huge change for its 500-odd staff. The Canterbury Water Management Strategy's collaborative approach implied a significant shift in mindset for an organisation that had operated as a regulator, prescribing, implementing and monitoring compliance with rules.

Within six months of the Commission taking over, Bryan Jenkins, ECan's chief executive since 2003, had left the organisation. A principal architect of the CWMS, he moved with the public endorsement of the Commissioners to a newly created position at the Centre for Freshwater Management, jointly funded by Lincoln and Canterbury Universities. While the Commissioners would follow the letter and spirit of most of the CWMS, they soon put a line through the idea, championed by Jenkins on behalf of the Canterbury Mayors, of a separate and independent water executive within ECan. They wanted improved water management to be seen as core ECan business.

This case was written by Dr Elizabeth Eppel, Victoria University of Wellington (VUW), and Janet Tyson, Australia and New Zealand School of Government (ANZSOG). It has been prepared from field research as a basis for class discussion rather than to illustrate either effective or ineffective handling of a managerial situation.

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Around the same time, external events impacted on relationships with territorial local authorities. Immediately after the destructive but non-fatal earthquake of 4 September 2010, Christchurch Mayor Bob Parker switched his focus entirely to the city's recovery. As chair of the Mayoral Forum, Parker had been a driving force in the development of the CWMS and played a leading part in the dismissal of the elected regional council. A skilled communicator, the former television presenter was a reassuring presence who was easily re-elected as mayor in October 2010. He was subsequently knighted for his role in leading the city through the series of quakes that persisted after the much more devastating shock of 22 February 2011.

Parker's active input to the Mayoral Forum ended, as did Christchurch City's collaboration with neighbouring districts of Selwyn and Waimakariri, which also sustained significant damage. The traditional deference by other local authorities to the Christchurch City Council began to dissipate, while trust in ECan began to rebuild.

A new chief executive for ECan

ECan was operating with an acting chief executive when the earthquake of 22 February struck, causing the loss of 186 lives along with extensive damage to properties and infrastructure. However, recruitment of a new Chief Executive was well underway, with interviews with the preferred candidate due the same week. Two weeks later, Bill Bayfield came to a rescheduled interview at ECan's temporary premises. Asked whether he still wanted the job, he said he was very keen to work in 'the number one place where water management was happening'. As if to test his resolve, on June 13, the day he took office, a big aftershock hit, introducing him to the task of digging out liquefaction silt.

Bayfield was previously the head of Environment Bay of Plenty, where he had had some success in introducing collaborative processes to try and lift the water quality of the Rotorua lakes. He was keen to take the concept further. Having worked with several elected councils, he was also attracted by the idea of working with the Commissioners. As he said:

Dame Margaret told me that my job as Chief Executive is to embed zone committee and collaborative process thinking across the organisation, so that ECan can be seen as a smart manager of collaborative processes.

From CE down, this called for some completely new skills and competencies. ECan as an organisation had been dominated by scientific and technical experts, and by planners working to the rules-based Resource Management Act. Many of them were graduates who had come to study at Canterbury or Lincoln for the recreational opportunities, and there was a distinctly 'green' tinge to their thinking.

Under the CWMS, ECan experts were there to enable the zone committees to come to informed decisions: 'people-focused' skills, agility and an ability to quickly change priorities, were essential. The newly recruited facilitators were fundamental to the effective operation of the committee meetings, where, with technical experts and advisors there might be up to 30 people in the room. A diverse group, whose backgrounds included teaching and a doctorate in ethics, the facilitators reported to Programme Manager Christina Robb, working as much behind the scenes as in the meetings. In her view:

Their expertise went into the Terms of Reference and has been critical to the whole process. You might see a zone committee meeting where the facilitator doesn't do anything but they will have done a whole lot of work beforehand with the chair, the members and each of the presenters.... A lot of their stuff is not at the meetings; it is the design of the meetings and the design of the meeting processes.

The facilitators also worked with ECan's scientists and technical experts on presenting information in a way that 'puts the committee in a position where they can make some of the value judgements,'

Robb said. Some found this change in role and function not to their liking, moving on from ECan, while others revealed hidden talents for communication in community processes.

A mental shift, a different model

The planners had to make one of the biggest mental shifts. 'We have restructured our planning team completely, and brought on board planners who embrace collaborative planning. They are extremely good planners, but they also understand that the community drives their work,' said Director Strategy and Programmes Jill Atkinson.

Traditionally, the planner as expert puts together a plan which is presented to the public who are invited to comment, CE Bill Bayfield said. The role is reversed with the zone committee meetings where 'the planners have to hold their tongue and are kept busy writing furiously, noting down what is said and what decisions are reached. It is then their role to put these community-based solutions into a workable Zone Implementation Programme (ZIP) for approval by the zone committee,' and then for the planning elements to move through the Resource Management Process. By 2010 ECan, under the Commission, had successfully completed the Natural Resources Regional Plan, ten years after it was started.

Chair of one of the first committees to present its ZIP, Pat McEvedy from Selwyn/Waihora worried about its fate when it met the existing resource planning model:

This collaborative model is absolutely different to anything that has been done before. When you take the result of it and plug it into something [the existing resource planning model] that has had no changes [and which], to a certain degree you could term archaic alongside the collaborative model, it hasn't integrated well.... The CWMS is thinking outside the square...so why can't we think outside the square around writing the rules? I know that it is around the legal challenges and getting these rules to a final destination where they can actually be enforced. But I think we have bright enough and organised enough people that we should have been able to handle this.

McEvedy thinks it is essential, and will be inevitable, to have greater flexibility in the formal planning process, making it possible to go back and quickly make changes based on what has been learned since the original plan was finalised. In 2013 Selwyn/Waihora produced a lengthy addendum to their ZIP which was eventually approved. He envied those zone committees still working on their first plan:

By the time we get to 2018 and Orari-Opihi-Pareora are putting their plan in place, they might be getting the Rolls Royce while we will still be driving the Morris Minor down here, but we helped develop the technology that allowed them to build the Rolls Royce.

Down to the wire

Bill Bayfield acknowledged there have been tensions at the interface between the new and existing planning processes. But he sees it as healthy because it has come about because the Commissioners have kept to their word to accept and back recommendations made by the local zone committees. Environment Canterbury Director Strategy and Programmes, Jill Atkinson said:

We have been extremely fortunate to have a set of Commissioners who were prepared to take that right to the wire...When a Zone Committee says this is our ZIP addendum, the Commissioners don't go –'thank you – that's all fine but we don't like this and this.' They go right, that's yours, that's fine, we will work with that.' I don't think we realised just how powerful that would be.

As Commissioner David Caygill said, it does not matter if, in recommending nutrient limits, for example, one zone might be more concerned with current land uses, and another suggests setting a minimum allocation for everyone. 'If you end up with different bargains in different areas, does that really matter, if local people are comfortable with their particular bargain between different interests? That is what I took from Elinor Ostrom's work: the diversity of approaches, and the absence

of common patterns to the management of common resources, other than the requirement for buy-in’.

The ZIPs typically are saying things like, by this date, farmers should be expected to be discharging no more than x [amount of nutrient]. That will need to be an enforceable rule. It may affect all sorts of behaviour, but fundamentally the zone committee is asking ECan to adopt rules limiting nutrient losses. The significant thing about CWMS is...that we Commissioners have simply said that we will not second guess such recommendations. We will in good faith translate them as directly as we can into proposed rules. But then rules are rules. They will be enforceable as such.

Bill Bayfield credits each of the commissioners with rebuilding and increasing respect for the planning process. ‘Because of their personal strength, they have huge respect for each other, and they have huge respect for the people who come before them – whether they are staff or a member of the public – and it really shows.’

Jill Atkinson says credit is also due to Christina Robb and her team of facilitators, ‘a huge catalyst to the collaborative process.’

The people that she has drawn around her really ‘get’ giving the community some rope, letting them run, not getting afraid of the speed wobbles This approach has maintained the buy-in through some really difficult and contentious conversations.

Bill Bayfield agrees, saying that ECan’s facilitators have become experts at reading the mood of a meeting and seeing where intervention might be needed. ‘Out of ten zone committees at any one time, six will be doing OK, two doing brilliantly, and in two it seems the wheels are about to fall off. But they never have...and every six weeks the relative positions will shift. And overall you can’t believe how balanced people are in what they want for their community.’

Trust and confidence

While some participants think that zone committees will disperse once they reach the end of their natural life, others feel they have an ongoing role to monitor the ZIP implementation in practice. Margaret Bazley thinks they could provide a model for how Canterbury will deal with other community issues such as air quality, and sees many linkages with the Regional Economic Strategy being developed by the Canterbury Mayoral Forum.

In 2013, the Mayoral Forum unanimously voted Dame Margaret Bazley to be their new chair, a role never before held by the chair of ECan. She would lead a comprehensive new regional development strategy. It was a stunning turnaround in trust for the government-appointed head of the Commission that three years earlier had ousted the elected ECan council, and one of many measures of the positive impact of the Commission. Another was the transition in the rūnanga attitude from adversarial to collaborative.

‘Now they want to talk through to find a solution,’ Bazley said, ‘whereas with the previous process they would be in the courts for a decade. Farmers would tell you the same thing, as Ngāi Tahu, they would tell you the millions they have spent in court’. Bill Bayfield agreed. ‘We currently don’t have a single appeal from Ngāi Tahu across our broad RMA framework and that is a testimony to the strength of the relationships developed.’

The success of collaborative processes at ECan is likely to have far-reaching implications for some national initiatives, not only in regard to water management. As David Caygill points out, an informed and empowered community can’t be fooled. ‘We recently had occasion to write to Ministers and say: you can settle with iwi all you like, but if you are proposing to give them some water from a catchment that is already over-allocated, then the promise has no value. And the locals will know that. And the locals will not think that there is any good reason to do that for iwi and not for

everybody else. Not that I want to upend their process. I just want them to understand some of the intractable things they are running into.'

In October 2016, the ECan Commissioners will cease to hold office, after their term was extended from the original end of 2013. The local body elections will bring in a new 'hybrid' Canterbury Regional Council, with a mix of appointed and elected representatives. Margaret Bazley will (again) retire to her garden.