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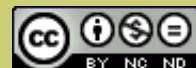
The Canterbury Water Management Strategy: 'Smart management' of collaborative processes (A)

2016-186.1

'You are poisoning our grandchildren!' The woman confronted Dame Margaret Bazley in a Wellington restaurant. It was May 2010; the woman was from Christchurch, her anger an indication of the strength of feelings about the future management of Canterbury's rivers, lakes and waterways. As the chair of a seven-person commission newly appointed to oversee the task, the high level of hostility came as no surprise to Bazley.

The Canterbury community was vociferously divided over the ongoing management of what had once been seen as a limitless regional resource. Farmers wanted irrigation to expand their business, fishers and recreational river users were aghast at reduced and polluted water flows, Māori iwi¹ were furious that traditionally important food sources were being treated like a drain. There was further outrage at the appointment of the Commissioners which followed the dismissal of all 14 elected members of the Canterbury Regional Council (usually known as Environment Canterbury or ECan). People marched in Christchurch carrying a coffin, mourning the Death of Democracy.

This case study was written for Professor Brad Jackson, Victoria University of Wellington (VUW), by Dr Elizabeth Eppel, VUW, and Janet Tyson, Australia and New Zealand School of Government. 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. A major source of material is Elizabeth Eppel, 'Canterbury Water Strategy: a better way?', *Policy Quarterly* Vol 11 No 4 2015, pp49-57. The assistance of Dame Margaret Bazley, Bill Bayfield, Claire McKay, Angus McKay, Christina Robb, Pat McEvedy, David Caygill and David Bedford is acknowledged but responsibility for the content rests with the authors. Cases are not necessarily intended as a complete account of the events described. While every reasonable effort has been made to ensure accuracy at the time of publication, subsequent developments may mean that certain details have since changed. This work is licensed under Creative Commons Attribution-NonCommercial-NoDerivatives 4.0 International Licence, except for logos, trademarks, photographs and other content marked as supplied by third parties. No licence is given in relation to third party material. Version 19102016. Distributed by the Case Program, The Australia and New Zealand School of Government, www.anzsog.edu.au



¹ Tribal groups.

The dismissal of the councillors followed the findings of a report jointly commissioned by the Ministers of the Environment and for Local Government (the so-called 'Creech Report').² Both ministers were concerned at the cumulative problems arising from the fact that ECan, alone among New Zealand's 11 regional councils, had not established a regional resource plan that included water management.

All applications for the use of Canterbury's water were made on a 'first come, first served' basis, under the provisions of the Resource Management Act, which typically drew a number of objections. Those opposing water extraction altogether had to apply for a Water Conservation Order. The water allocation system had virtually come to a standstill, as appeal followed appeal through the courts, and approvals were often hedged with impossible compliance conditions. At any point in time, ECan was at the centre of at least one legal action; for just one river, the Hurunui, decisions were pending on a longstanding application for consent, an objection to proposed planning changes, and a request for a Water Conservation Order.

Against this backdrop, the Commissioners were mandated by the newly passed *Environment Canterbury (Temporary Commissioners and Improved Water Management) Act 2010* (ECan Act) (*Exhibit 1*). The role of the Commissioners was daunting: introduce a more effective and sustainable method for allocating and managing the quantity and quality of water in New Zealand's largest agricultural region.

Pressure on quantity and quality

It was once thought that Canterbury, with its alpine-fed rivers and ample artesian basin, had limitless supplies of fresh water. More recently, a series of drought years, along with instances of over-allocation, was causing decision-makers concern. At the same time, new irrigation schemes were seen as the prime means of boosting agricultural production to meet the government's³ targets of a 25% increase in exports by 2025, largely through changing land use to intensive dairy farming (*Exhibit 2*).

Prompted by severe drought in 1998, the then Ministry of Agriculture and Forestry, the Ministry for the Environment and ECan initiated the Canterbury Strategic Water Study (CSWS). Stage 1, published in 2002, identified some 'water short' catchments and proposed storage to meet future demands – primarily for irrigation. Stage 2 of the study, under the auspices of the 11-member Canterbury Mayoral Forum⁴ identified potential sites for storage areas, assessing the impact on river flows.

Stage 3 of the CSWS was also undertaken for the Canterbury Mayoral Forum in early 2006. This time multiple stakeholders were questioned about the environmental, social, cultural and economic impacts of the identified storage options. The impact on water quality as well as quantity, through land use intensification, emerged as a critical issue, as well as how to maintain or improve flow variability in major rivers. Stage 4 involved consultation with a wide range of stakeholders.

Where most rural people saw intensive dairy farming as increased productivity and economic growth, city dwellers believed increased effluent run-off and nitrate leaching rendered their rivers unsafe for swimming. This was reflected in growing divisions between the members of ECan elected to represent Christchurch on a 'save our rivers [from development]' platform, and those from surrounding rural seats. Time, effort and money were being spent on resource hearings, consents and appeals over water. Everyone agreed about one thing: there must be a better way.

² Creech, W, Jenkins, K, Hill, G and Low, M. *Investigation of the performance of Environment Canterbury under the Resource Management Act & Local Government Act* (Ministry for the Environment) Wellington, February 2010. Wyatt Creech was a recently retired former Deputy Prime Minister in the National Government.

³ A National-led government was elected in November 2008.

⁴ Consisting of the mayors of all territorial local authorities in Canterbury, plus the chair of ECan, and traditionally chaired by the Mayor of Christchurch.

A better way

The better way, building on the CSWS's decade of research and increasingly detailed consultation, was announced in draft form in March 2009 under the new name of the Canterbury Water Management Strategy (CWMS). The 157-page document, developed by the Mayoral Forum and a stakeholder steering group (*Exhibit 3*), proposed the division of Canterbury into 10 water management zones according to distinct catchments and communities (*Exhibit 4*). A local zone committee would have primary responsibility for both quality and quantity of their local water, regional issues would be dealt with by a regional committee, and there would be a dedicated 'water executive' part of – but apart from – ECan. The strategy set out targets in ten subject areas to be worked on concurrently for ultimate completion in 2040. The detailed targets⁵ – including both the protection of indigenous biodiversity and sustainable commercial use – would not be easy to achieve. Some seemed at odds with others, while several zone committees would have to find ways to reduce water usage and/or nutrient discharges to make 'headroom' for new development.

The CWMS owed much to the concept of collaborative governance as espoused by Elinor Ostrom⁶. Championed by Bryan Jenkins as the incoming Chief Executive of ECan in 2003, the concept had already been used at ECan. Former Ashburton ward Councillor Angus McKay recalled how a major irrigation take from the Rakaia River was approved within 75 minutes, because the applicants had previously worked with the community to get buy-in and establish conditions. There was a growing recognition of the need for overall planning of all aspects of water, from biodiversity, through to flood control, through to drainage. Equally important, was a growing realisation of the futility of 'fighting each other' and to move instead to involve interested parties and local communities in finding solutions suiting their collective needs.

Between November 2009 and February 2010, members of the Mayoral Forum, led by Christchurch Mayor Bob Parker, signed off on the CWMS, with detailed plans in place including recruiting the first zone committees. By then, frustration with the performance of the elected ECan had boiled over, with a vote of no confidence ousting the chairman Sir Kerry Burke. On behalf of the Forum, Bob Parker wrote to Local Government Minister Rodney Hide asking for action. The response was the Creech Report. The report findings, published at the start of 2010, led to the passing of the ECan Act which not only dismissed the elected council as requested, but went further than the report to override the Resource Management Act by ruling out the right to appeal to the Environment Court of any decision on a plan or proposed plan change.⁷ The Creech report recommended a wholesale re-start of water management in Canterbury but the ECan Act required Commissioners to have particular regard to the 'vision and principles' of the Canterbury Water Management Strategy (*Exhibit 5*) when considering any proposed regional policy statement or plan.

The Act required a range of skills to be represented amongst Commissioners, and their terms of reference included improving relationships with territorial local authorities as well as ensuring that the South Island's major tribe, Ngāi Tahu, could carry out its Kaitiakitanga (guardianship) role in accordance with Tikanga Māori (custom and protocol).

Former public service chief executive Margaret Bazley, whose reputation as a public sector trouble-shooter had been built through reports on police conduct, legal aid, the fire service, and the design of the Auckland super-city, among many others, was preparing to retire 'once again' to her Wairarapa property. However, Environment Minister Nick Smith lured her back to work with the task of chairing the Council. All the other commissioners were based in Canterbury: former Labour Cabinet Minister David Caygill; farming leader Tom Lambie, who was also Chancellor of Lincoln University; businessman

⁵ There were 146 separate targets agreed as part of the CWMS, over the ten areas and four timeframes.

⁶ American political economist and 2009 Nobel Prize winner in Economics for her work on governance of the commons.

⁷ Appeals on points of law could still be made to the High Court, and appeals in relation to individual consents could still be made to the Environment Court.

Rex Williams, Chancellor of the University of Canterbury; Donald Couch, representing Ngāi Tahu; ex Environment Court judge Peter Skelton; and a relatively recent arrival to Canterbury, David Bedford from telecommunications giant Telecom (now Spark) (*Exhibit 6*).

The Commissioners set their course

As she had done throughout her career, Bazley began by taking an overview of every activity ECan was involved in or connected to, setting up a spreadsheet so she could monitor every aspect and ‘make sure it was moving forward...even though it wasn’t in our organisation, I did it to make sure our part of it actually was driven properly’. The Commissioners began work in May 2010, after only brief discussion deciding to work with the CWMS rather than start afresh as the Creech Report recommended. Initially, the Commissioners followed the CWMS proposal to have a separate water executive, but by the time the original appointee retired through ill health, it was decided that water management should be front and centre of ECan’s own role and function, taking priority over putting on hold other initiatives like the Clean Air Campaign.

Margaret Bazley encouraged each commissioner to adopt a portfolio, with specific responsibilities that included attending meetings of at least one of the local zone committees. David Caygill was charged with taking an overall view of water, and attended the regional committee in addition to the local zone committee, while Peter Skelton had the overview of planning and resource consents.

The Commissioners from the outset agreed not to review any application going through the process, or challenge any projects already consented. This meant that proposals such as the massive and widely opposed Central Plains Water Scheme, estimated to cost \$385 million to construct and drawing from both the Rakaia and Waimakariri Rivers, could continue to a decision. As David Caygill said, the CWMS

is fundamentally challenging us to find a way to allow further development without on the other hand damaging the environment. So, at Te Waihora [Lake Ellesmere] it is a question of ‘how can we allow more intensive agricultural land use and at the same time improve the quality of the lake?’

In Margaret Bazley’s view, people could not look to ECan to banish the influx of dairy cows from the pastures once grazed by sheep. ‘I personally saw very early on that you could focus for ever on the environment but the environment was absolutely dependent on the strong economy, and the whole country depends on the economic growth of Canterbury. We have got to somehow get a balance, and get community buy-in to that balance.’ Most zones were already in the midst of polarised debate about water usage and quality; in some catchments over 100% of water was already allocated, and no new development could proceed unless there was an overall reduction in the amount of nutrient being discharged from farms. It was obvious to Bazley that a great deal of work would be needed to build relationships: ‘with mayors, with farmers, with Ngāi Tahu’.

People, relationships and objectives

Her core strategy, honed through years of experience, was to meet the people who would be affected, face to face and in their own context of farm or marae if possible. ‘It is the people, the relationships, not about power, just equal relationships, about communication, about setting very clear objectives of what we are going to do and making sure that they are simple and that everyone knows them. Setting deadlines and making sure they happen.’ And holding people to their word and to the highest standards of performance.

If you just let [unacceptable behaviour] drift, it will never get fixed up, so that’s what I do never, ever. I don’t do the same thing twice. I am being paid a lot of money, and if I do it once, then I expect that’s how it is.

Arguably one of the toughest change processes she was involved in took place in her earliest career as a psychiatric nurse. As matron of the Sunnyside Mental Hospital in Christchurch she worked with a

forward-thinking superintendent to abandon traditional custodial care, open the wards and empower the patients to become a therapeutic community. Over eight years, learning as they went along, they established the revolutionary model of care: ‘We took part of the hospital, trained the staff.... We unlocked all the wards, and we got 300 people out into hospital houses, and grouped them by skills, [each group making up the total skills you needed to survive in the community].’

Lessons from this early experience – such as the core importance of people and relationships, and concern for physical well-being⁸ – stayed with her as her career trajectory took her to become Head of Nursing at the Department of Health, to be the first woman Deputy State Services Commissioner, and to head the Ministries of Transport and Social Development.

She valued informal contacts very highly. To get to know ECan’s farmer stakeholders, she put her gumboots on and walked the paddocks. At marae⁹ she faced up to furious kaumatua¹⁰ with ‘hundreds of years of grievances’ to table. She sought opportunities to present the argument for what she wanted to achieve – offering to speak to Rotary, Probus, community groups. Some Commissioners dined together the night before their regular meetings. Where possible they did the same when on the road, for instance with the Waitaki District Council when in Oamaru to visit the zone committee.

It’s a sensible thing to do. You could spend an hour in council chambers, but it is nice to have a dinner and catch up because you can do much more chatting when having a meal than when working through a fixed agenda.

It could be said that Bazley found relationship-building easiest with the territorial local authorities. Her time as chief executive of the Ministries of Transport and Social Development had given her great respect for the local leadership role of mayors. She faced far greater challenges getting farmers and iwi to reconcile their views. Many farmers were still coming to grips with the fact that Ngāi Tahu had, following its 1998 Treaty Settlement become a significant economic force through Te Rūnanga O Ngāi Tahu (TRONT), which became the vested owner of Te Waihora. Ngāi Tahu had contested a number of water allocation decisions through the courts and was embroiled in a series of appeals against consents granted to the Central Plains Water Scheme.

The Zone Committees

It was in the zone committees that farmers wanting to build their business would have to find common ground with iwi wanting to preserve water quality, and anglers and kayakers wanting free-flowing rivers, who might well want to close down dairy farms. They would have to come to agreement on local priorities to achieve the ten targets to be implemented in the Zone Implementation Programme or ZIP (*Exhibit 7*).

Each committee was to have between 7 and 10 members, locally based or with a special relationship with the zone. As well as representatives from ECan and the territorial local authorities, members were drawn from Ngāi Tahu/rūnanga and to cover a range of community interests, including consent-holders. A community member would usually be appointed as Chair. Members would be appointed, rather than elected, following a selection process designed to provide wide representation and a balance of opinions; selection included a practical test of applicants’ ability to work collaboratively. Support for the committee would come from a specialist facilitator and experts such as scientists and water engineers from ECan or other organisations, as required. Despite the modest remuneration of \$2,000 a year, many people responded to advertisements calling for expression of interest.

Selection criteria, according to ECan’s Director of Strategy and Programmes Jill Atkinson, included geographic spread and sector representation, and gender mix was ‘really important because [men and women] hear different things in the community.’ As the aim was to reach a mutually acceptable

⁸ She was famous for ensuring that staff working long hours were well-fed, often herself baking scones.

⁹ Māori meeting places.

¹⁰ Māori elders.

agreement, it was essential to have people with flexibility, who would not 'die in a ditch' to defend a position. Also important was the intellectual capacity to grasp complex issues, including 'that what was poured into the upper aquifer forty years ago is only just coming out now, or [that] in fact your actions are not going to yield their results for thirty years in some catchments' so conditions could become worse before getting better. If there was no place for them on the committee, the selectors made every effort to retain people with interest and qualification in other roles.

It was inevitable, as the CWMS noted, that one person could represent a range of different interests, some of which might conflict but more would be in common. As Pat McEvedy, the Selwyn District Council nominee who became chair of the Selwyn/Waihora Committee, said:

We all live in the zone, and our interests are linked whether we like it or not, our families are here and we wish them to stay close. For that we need a strong economic future, but an environmentally sustainable one. Our children and their children are the common bond of our zone committee members.'

Early zone committee meetings saw many disagreements and misunderstandings, despite expert facilitation. Hurunui faced unique time-pressure to have a ZIP by October 2011 after the Hurunui Water Project, seeking to dam Lake Sumner, and the NGOs Fish and Game and Forest and Bird each agreed to drop their legal action in exchange for a 12-month moratorium on development.¹¹

Around the table

Dairy farmer Claire McKay became chair of the Waimakariri Zone Committee and was also selected as a regional representative. Her involvement was driven by concern about 'a growing percentage of the public in Christchurch who were getting quite anti farming and irrigation'. Some of those people faced her across the committee table.

I was the only dairy farmer, the only farmer, and I can recall, in the initial stages over the first two or three meetings feeling quite sensitive to anything about dairying or effluent, and setting out how I felt and what dairy farmers had done. And other people expressed their own thoughts as well. In those early days there was quite a bit of laying your cards out on the table, letting everyone have their say, and listening and understanding each other. That happened reasonably quickly. We developed respect for each other and respect for each other's approaches and where they were coming from.

It was a slower process for Selwyn/Waihora, one of the earliest zone committees to be active. Six different Ngāi Tahu rūnanga¹² had interests in the lake Te Waihora, the much-degraded traditional food source at the mouth of the Selwyn River. Each rūnanga was represented on the zone committee, while its dedicated Commissioner was Ngāi Tahu representative Donald Couch. The 2010 community membership included the vice-chairman of the Central Plains Water Scheme, a future Green Party MP, and a dairy farmer who also happened to be the electorate chair for the National Party's Selwyn MP, Amy Adams (later to become Environment minister).

Chair Pat McEvedy said they first worked with focus groups to identify what the community was likely to support. 'Would it be acceptable to close down all farms – no. Is it acceptable to continue as we are – no. That gives you some reference points, and then you get a bit more sophisticated and fine grained in the questions asked. That went on for about 18 months to two years'.

He watched attitudes evolve from 'there is no problem' or 'there is a problem and this is the nature of the problem and this is how we think it should be fixed' to 'perhaps we got that slightly wrong and we would like to think that perhaps you can do this.' Eventually it became 'Yes there is a real problem and how are we going to address it?'.

¹¹ The exception to the rule of non-intervention was proposed by Environment Minister Nick Smith and negotiated by Commissioner Peter Skelton over a series of meetings with affected parties.

¹² Sub-group of the iwi or tribe.

Before that stage was reached, dairy farmer John Sunckell had complained loud and long to his MP Amy Adams about the number and influence of Māori on the Selwyn/Waihora committee. At the same time, rūnanga representative Charlie Crofts told Margaret Bazley the only way forward was to close dairy farms down. She said to him: 'You realise that if you don't reach agreement, you have to start again.' He was horrified. 'I have spent hours educating John Sunckell, and I am not going to start again with another pakeha'.¹³ Eventually, McEvedy was relieved to hear a rūnanga representative saying, 'I think we need to listen to our chairman¹⁴ and follow him.'

Relations with Ngāi Tahu

Margaret Bazley reflected that relationships with the Ngāi Tahu rūnanga were initially the most difficult to establish (though ultimately perhaps the most productive). 'The Māori people had to be brought in, but the pākehā farmers have been adaptable. They periodically stand up and have a protest meeting but on the whole they have been incredibly compliant in adapting to what they have had to do, because they know it is the only way that the world they are in can continue'.

On the other hand, 'At times I nearly tore my hair out over Te Waihora. .. We had ten million dollars, of which six million came from the government to restore Te Waihora, conditional on us getting a governance agreement. One woman would not come to the table. When I said, "you won't get the money", she said, "the money is not important and [it wouldn't matter] if we lost the money by not agreeing to this"'.

With the assistance of Ngāi Tahu's kaiwhakahaere (chair), Mark Solomon, resolution was eventually reached. Typically, Bazley had approached him soon after her appointment. Noticing that ECan's Māori Affairs Committee was chaired by a person from the (East Coast North Island tribe) Ngati Porou, she requested a meeting with Solomon. 'We sat down saying, we want to know how to work together with him, and not with a committee chaired by Ngati Porou.' Only a handful of ECan staff, and no councillors, had visited a marae before, and there would still be a number of angry and hostile meetings, but with persistence, after countless visits, Bazley earned the welcome accorded to 'a favourite aunt'. She instigated a cultural induction that ensured that every new ECan staff member would have a marae experience, and staunchly maintained the principle of including the relevant rūnanga in every consultation. Any ECan staff member who neglected or bypassed this consultation would be 'hung out to dry. They will get the message, if they don't take me seriously. I am quite ruthless about these sorts of things'.

The collaborative process

By late 2011 most of the zone committees were moving into a more constructive phase, putting together their ZIPs. Selwyn/Waihora's Pat McEvedy saw

people who would not even talk to each other at the start, now respecting each other and joking and laughing with each other. They still respect that they have differences, but we all want to get to the same place and we are just arguing about how we get there and what vehicles we use. [However] there are still some real challenges about expectations of where we can get to.

McEvedy and Margaret Bazley were among those astounded and delighted when dairy farmer John Sunckell, once the harshest critic of the committee process, leapt to his feet to defend the finalised Selwyn/Waihora ZIP being presented to a gathering of sceptical farmers. 'It's our plan, based on our report, and we have got to make it happen. We have got to move forward and implement it,' he said.

¹³ Widely accepted description for non-Māori, especially of European descent.

¹⁴ Bayfield took up his appointment in June 2011. His predecessor and the architect of much of the CWMS, Dr Brian Jenkins had left the previous year, the Commission supporting his move to take up a dedicated professorial fellowship at the new Christchurch Waterways Centre for Freshwater Management, jointly sponsored by Lincoln University and the University of Canterbury.

His fellow committee members joined in to point out that what was in the plan was what they had agreed should be there, after months of discussion and negotiation.

‘Nothing in my life had ever told me collaboration would work...you had people make decisions, others have to get on with it,’ Commissioner David Bedford reflected. He became a convert to the collaborative process and found himself working with the Hurunui/Waiapu zone facilitator and planner on ways to ensure it would be effective.

At first I found out, communities didn’t know how to step up, they didn’t have the resources, no one had ever asked them. They had got used to people making decisions for them, they just had to grizzle and groan and carry on, and here we were saying take part in shaping the future. Though a lot of people came to meetings I don’t think they really believed us [at first].

He came to question how national offices – people in Christchurch, Wellington, or Hamilton – could write rules that would work across catchments and communities that were individually different. The views of national bodies like Dairy NZ and Federated Farmers should be carefully weighed against the views of local people once they were resourced to make their own decisions. By contrast, some of the most effective advocates were local NGOs ‘like the man who came along to every zone committee meeting to make sure that the values of kayakers were recognised. [Local] People from Fish and Game and Forest and Bird came, they were passionate and committed, and their message that the environment counts got across to farmers’.

While the Commissioners could support and encourage the development of Zone Implementation Programmes, there was little they could do to help when those programmes went forward to be translated into rules through the traditional planning process of the Resource Management Act. This would prove one of the biggest challenges for Environment Canterbury, the organisation, although it had been almost totally transformed during the time of the Commissioners.

Exhibit 1: Excerpts from the Environment Canterbury (Temporary Commissioners and Improved Water Management) Act 2010

Part 1 Preliminary provisions

3 Purpose

The purpose of this Act is to—

- (a) provide for the replacement of the elected members of the Canterbury Regional Council with commissioners who will act as the Council's governing body until new elected members come into office following the next election; and
- (b) provide the Council with certain powers that it does not otherwise have to address issues relevant to the efficient, effective, and sustainable management of fresh water in the Canterbury region.

Appointment of commissioners

14 Commissioners must have collective knowledge and expertise in certain matters

- (1) The responsible Ministers must appoint commissioners who collectively have knowledge of, and expertise in relation to, the following matters:
 - (a) organisational change; and
 - (b) fresh water management; and
 - (c) local authority governance and management; and
 - (d) tikanga Māori, as it applies in the Canterbury region; and
 - (e) the Canterbury region and its people.
- (2) However, nothing in subsection (1) affects the validity of the appointment of a commissioner once made.

Functions of commissioners

20 Commissioners constitute governing body of ECan

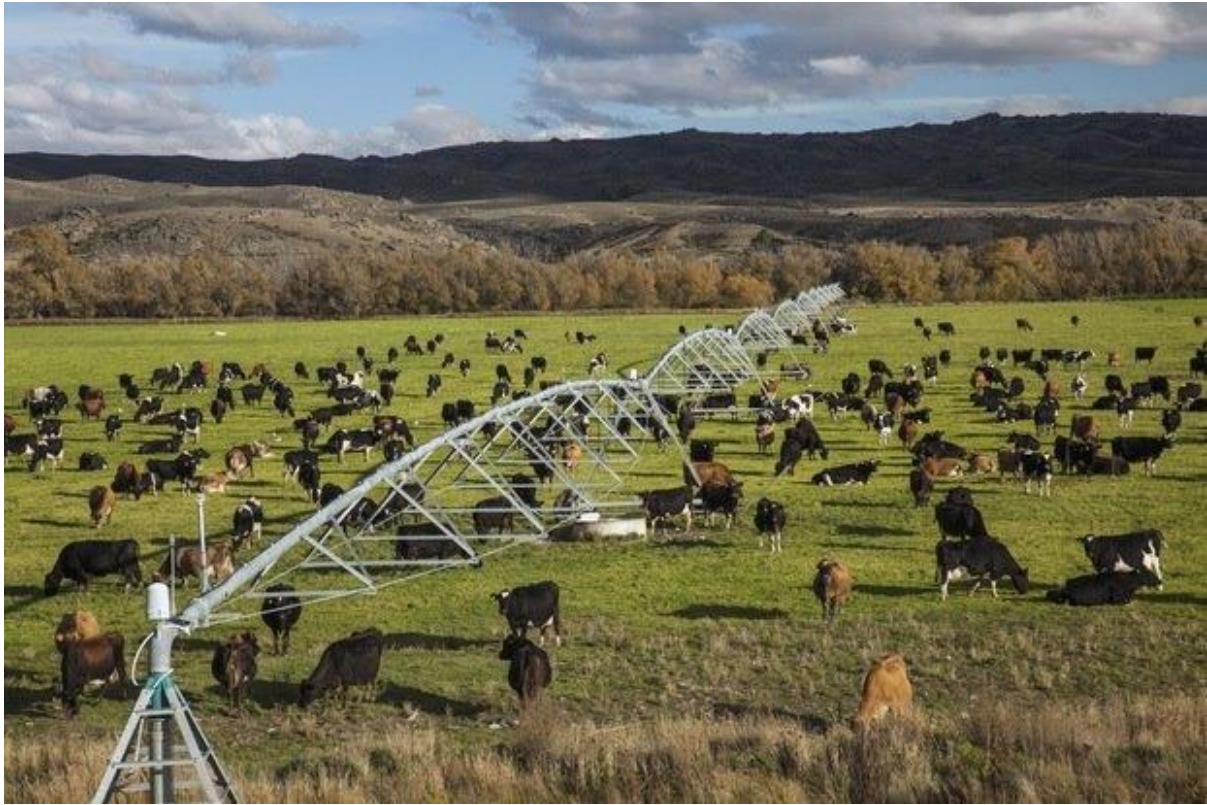
During their term of office, the commissioners constitute the governing body of ECan and must—

- (a) perform all the functions, responsibilities, and duties, and exercise all the powers, of the governing body; and
- (b) perform any other functions, responsibilities, or duties specified in the terms of reference for the commissioners; and
- (c) exercise the powers and perform the functions set out in Part 3; and
- (d) comply with the terms of reference for the commissioners.

21 Commissioners must establish advice process

The commissioners must as soon as practicable establish a process for seeking advice from the mayors of the territorial authorities in the Canterbury region on local issues that affect the exercise of the powers, and the performance of the functions, of ECan.

Exhibit 2: Irrigation and intensive dairy farming in Canterbury



Irrigation boom and dairy cattle

Table 1: Dairy Cattle in New Zealand 1994-2013 (Source Statistics NZ)

Region	As at June 30 1994	As at June 30 2002	As at June 30 2003	As at June 30 2004	As at June 30 2005	As at June 30 2006	As at June 30 2007	As at June 30 2008	As at June 30 2009	As at June 30 2010	As at June 30 2011	As at June 30 2012	As at June 30 2013	% Change 1994-2013
Southland	114378	356220	347793	349021	348075	375911	432642	495971	589184	599198	614648	670581	615428	438.1
Otago	82173	204802	181484	174253	161616	180734	218264	232905	257049	262417	307817	336278	367292	367.0
Canterbury	212492	542610	556339	599643	604756	655676	754937	831666	918480	938453	1006742	1200293	1304618	514.0
West Coast	79251	124640	122572	141401	142370	148730	152481	152869	179416	160791	179308	173651	178907	125.7
Marlborough	22648	32526	28233	26831	30604	25783	23899	33544	..	25980	30012	33218	27811	22.8
Nelson	1412	..	..	..	..	..	1862	..	..	..	..	..	1259	-10.8
Tasman	49092	67473	71206	70848	67535	65994	63849	70689	86531	71088	72803	71956	76283	55.4
Wellington	83935	111180	111973	95021	95274	103290	92787	103525	85331	92375	114120	108174	108647	29.4
Manawatu-Wanganui	308022	416802	408986	381464	410765	390125	393453	425484	424880	478514	472992	475466	448030	31.2
Taranaki	599083	651700	623459	664922	615592	598667	589573	571505	607436	645891	625315	604383	595014	-0.7
Hawkes Bay	31707	88982	92852	91786	82772	79419	80200	99931	93871	113465	90655	93047	95098	200.0
Gisborne	6226	12533	6969	..	..	..	7891	16432	..	10535	17806	17095	19332	210.5
Bay of Plenty	285752	331410	326885	320923	329776	300509	299013	315183	299696	306884	331536	312326	314679	10.1
Waikato	1437630	1663446	1679882	1685661	1726323	1735353	1669472	1717421	1786579	1757624	1795785	1832380	1837858	27.8
Auckland	168754	150089	167559	141618	122015	122234	113344	115883	94391	98416	129768	117281	110288	-34.6
Northland	356561	405387	374019	399064	343195	378152	367183	392193	392577	353314	384636	397764	383057	7.4
New Zealand Total	3839184	5161589	5101603	5152492	5087176	5169557	5260850	5578440	5860776	5915452	6174503	6445681	6483600	68.9

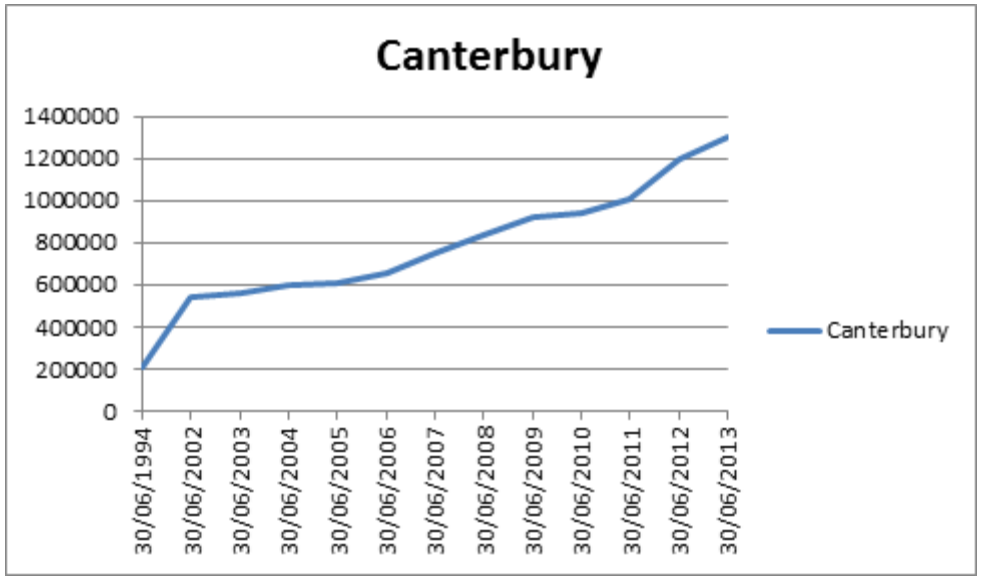


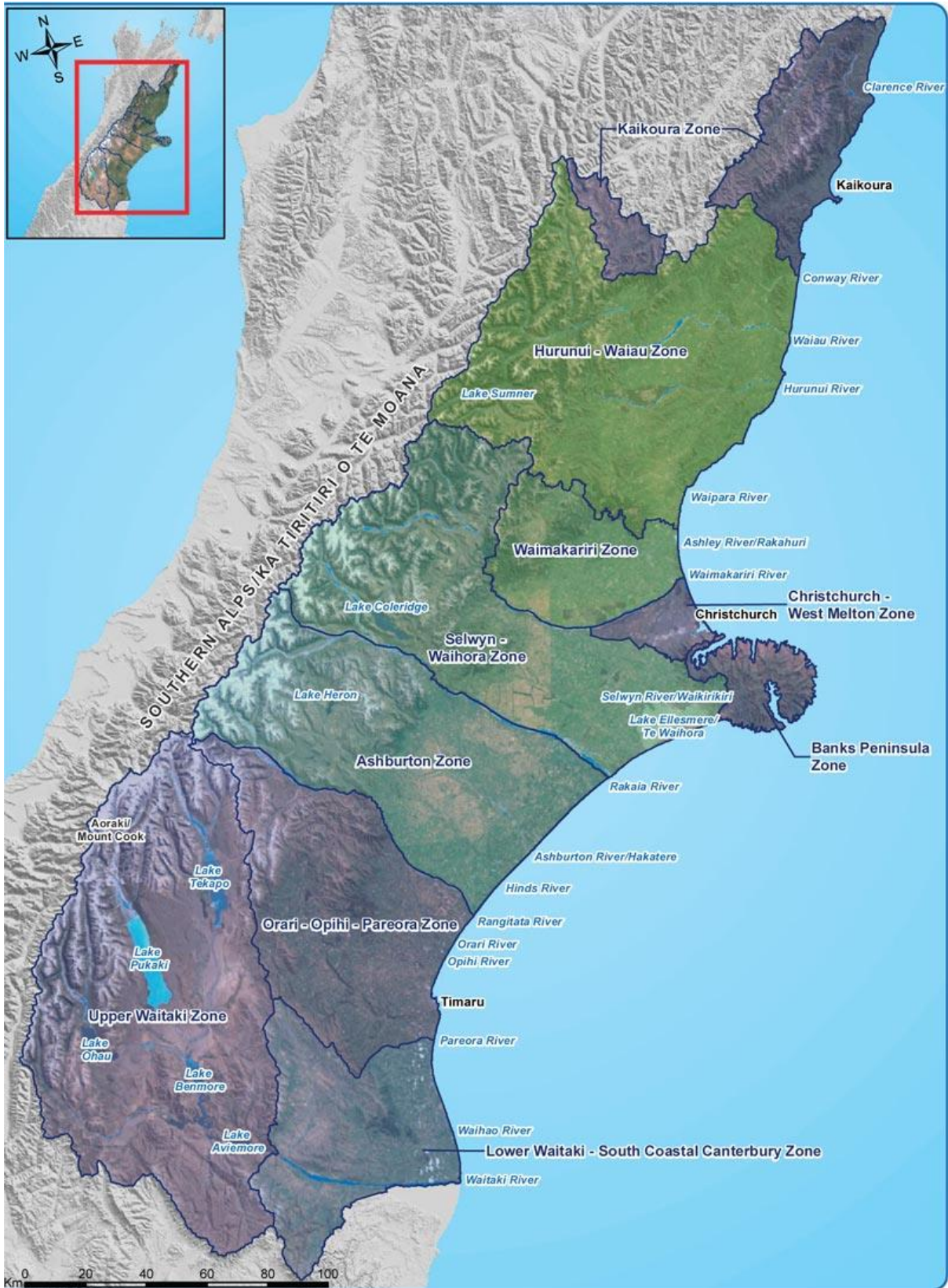
Exhibit 3: Mayoral Forum and Steering Group members involved in preparing Canterbury Water Management Strategy

Canterbury Mayoral Forum:	
Ashburton District Council	Bede O'Malley (Mayor), Brian Lester
Christchurch City Council	Bob Parker, (Mayor) (Chair); Tony Marryatt
Environment Canterbury (ECan)	Sir Kerry Burke (chair); Dr Bryan Jenkins
Hurunui District Council	Garry Jackson (Mayor); Andrew Dalziel
Kaikoura District Council	Kevin Heays (Mayor); Stuart Grant
McKenzie District Council	John O'Neill (Mayor); Glen Innes
Selwyn District Council	Kelvin Coe (Mayor), Paul Davey
Timaru District Council	Janie Annear (Mayor); Warwick Isaacs
Waimate District Council	John Coles (Mayor); Tony Alden
Waimakariri District Council	Ron Keating (Mayor), Jim Palmer
Waitaki District Council	Alex Familton (Mayor), Michael Ross

Steering Group:	
Canterbury District Health Board	Alastair James, Chair
Central government agencies	Mike Jebson
Chief executive representatives	Brian Lester; Bryan Jenkins
Community/Water Rights Trust	Murray Rodgers
Environment Canterbury councillor representatives	Angus McKay, Eugenie Sage
Fish and Game New Zealand	Martin Clements
Forest and Bird and conservation representative	Edith Smith
Historical knowledge of water management in Canterbury	Grant McFadden
Industry representative/regional/economic	Peter Townsend
Irrigation New Zealand:	Graeme Sutton
Opuha Water Supply Partnership and southern region representative	Peter Scott
Kayaking, recreation and tourism representative	Hugh Canard

Officials' Group:	
Ministry of Agriculture and Forestry	Murray Doak (Convenor)
Department of Conservation	Poma Palmer
Environment Canterbury	Marcus Langman; Ken Taylor, Jackie Curtis, Christina Robb, Melanie Schauer
Hurunui District Council	Helga Rigg
Independent contractor	Simon Whiteley
Network PR	Geoff Henley
Selwyn District Council	Ray Anderson
WaiGroup	Adrienne Anderson
Waimakariri District Council	Mary Sparrow

Exhibit 4: Water management zones



Source: Environment Canterbury

Exhibit 5: Annex to ECan Act

Schedule 1 ss 4, 6, 34, 50, 63

Vision and principles of Canterbury Water Management Strategy—Strategic Framework, November 2009

Part 1

Vision and principles

Vision

To enable present and future generations to gain the greatest social, economic, recreational and cultural benefits from our water resources within an environmentally sustainable framework.

Fundamental principles

Primary principles

1 *Sustainable management*

Water is a public resource which must be managed in accordance with sustainability principles and be consistent with the Resource Management and Local Government Acts.

2 *Regional approach*

- The planning of natural water use is guided by the following:
 - first order priority considerations: the environment, customary uses, community supplies and stock water
 - second order priority considerations: irrigation, renewable electricity generation, recreation, tourism and amenity
- A consistent regulatory approach to water is applied throughout the Canterbury region, recognising these principles
- Both surface and groundwater are given equal importance
- Further development of scientific knowledge of the region's water resources and the impacts of climate change are given priority
- The actual or potential cumulative effects the taking and using water can have on waterways are recognised and managed within defined standards
- A cautious approach is taken when information is uncertain, unreliable, or inadequate
- The need for efficient use of water in existing and new infrastructure is recognised
- There is strong emphasis on the integration of water and land management including protection of indigenous biodiversity and enhancement of water quality
- Current and potential effects of land use intensification is an integral part of decision-making on water takes. This may mean amending regional and district plans.

3 *Kaitiakitanga*

- The exercise of kaitiakitanga by Ngāi Tahu applies to all water and lakes, rivers, hapua, waterways and wetlands, and shall be carried out in accordance with tikanga Māori .

Supporting principles

4 *Natural character*

The natural character (mauri¹) of Canterbury's rivers, streams, lakes, groundwater and wetlands is preserved and enhanced:

- Natural flow regimes of rivers are maintained and, where they have been adversely affected by takes, enhanced where possible
- the dynamic processes of Canterbury's braided rivers define their character and are protected
- environmental flow regimes are established for every waterway where abstraction occurs
- that restoration of natural character and biodiversity, is a priority for degraded waterways, particularly lowland streams and lowland catchments
- the interdependence of waterways and coastal ecosystems is recognised.

5 *Indigenous biodiversity*

- Indigenous flora and fauna and their habitats in rivers, streams, lakes, groundwater and wetlands are protected and valued.
- The aims of the Canterbury Biodiversity Strategy are recognised and supported.

6 *Access*

- Public access to and along rivers, lakes, waterways and wetlands is maintained and, where appropriate, enhanced. Access may need to be limited in situations including where environmental risk, public safety, security of assets, cultural values, biodiversity and farm management require.

7 *Quality drinking water*

- All those living in Canterbury have access to high quality drinking water:
- The region's high quality aquifer-sourced drinking water is protected.
- Where Canterbury's drinking water is currently untreated and safe for drinking, it is maintained at that high standard.

8 *Recreational and amenity opportunities*

- Rivers, lakes, groundwater and wetlands provide opportunities for enjoyment, recreation and tourism:
- High quality water ensures contact recreation such as swimming, fishing, boating and other water sports are able to be enjoyed throughout Canterbury.
- Adequate environmental flows should ensure that recreational users and tourists can enjoy Canterbury rivers.
- Eco-tourism opportunities are recognised and encouraged.

9 *Community and commercial use*

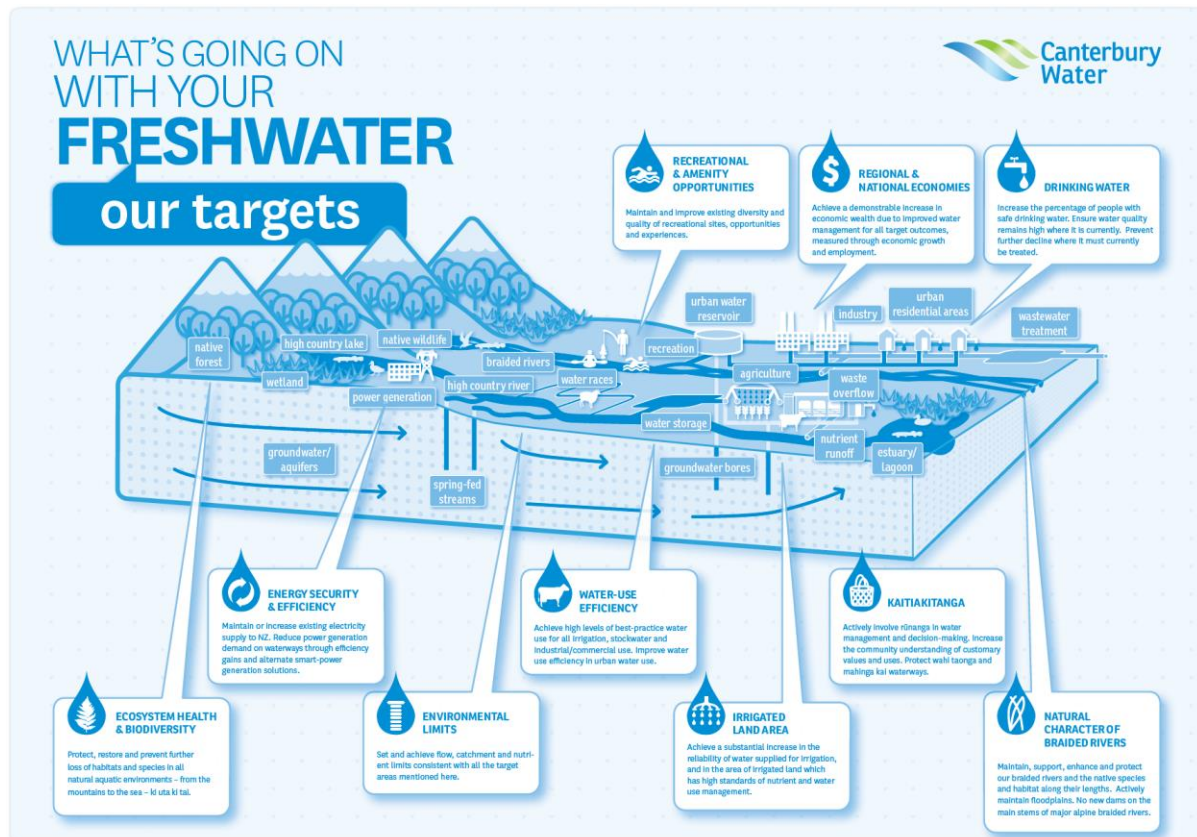
Water resources are used sustainably to enhance quality of life:

- where water is abstracted, it is used effectively and efficiently:
- land use, industry, and business practices to not adversely impact on natural water quality:
- discharges to waterways are minimised and do not compromise quality:

- land use practices are monitored and best practice approaches are required:
- agricultural stock is excluded from all waterways in catchments where irrigated farming is practised and all lowland streams:
- where acclimatised wildlife in lowland streams cause contamination, they are appropriately managed:
- degraded waahi taonga are enhanced to restore tangata whenua cultural wellbeing

Source: Canterbury Water Management Strategy—Strategic Framework, November 2009 (CWMS).

Ten target areas



Source: <http://ecan.govt.nz/publications/General/fresh-water-our-targets-diagram-up.pdf> Accessed 13 July 2016

Exhibit 6: About the Commissioners

The government has selected experienced and capable commissioners with first-class public service, governance, judicial and business skills. It has ensured a balance of agricultural, environmental and electricity expertise to match the challenges facing Environment Canterbury. It has endeavoured to maximise the number of commissioners from Canterbury and ensured representation from both North and South Canterbury communities.

Completing a resource management plan for water in Canterbury has been made an urgent priority in the terms of reference.

The commissioners are also required to improve relations with Canterbury's 10 territorial councils, to build on the work of the Canterbury Water Management Strategy and to meet all the statutory obligations of the Resource Management and Local Government Acts to consult with the Canterbury community. These measures are intended to improve the performance of Environment Canterbury.



Environment Canterbury Commissioners, from left to right, front row: Elizabeth Cunningham, Dame Margaret Bazley (Chair of Commissioners), David Caygill (Deputy-Chair). Back row: Peter Skelton, Rex Williams, David Bedford, and Tom Lambie.

Biographies

Dame Margaret Bazley, ONZ, DNZM, Hon DLit (Chair)

Dame Margaret has a long and distinguished career in public service and held the positions of Secretary for Transport and Director General of Social Welfare. She has also been the Registrar of Pecuniary Interests of Members of Parliament, Chair of the NZ Fire Service, Deputy Chair of the State Services Commission and Chair of the Foundation for Research Science and Technology.

Dame Margaret has experience as a commissioner, having headed the inquiry into Police Conduct, the Review of Legal Aid and as a member of the Royal Commission on Auckland Governance.

Dame Margaret brings a wealth of experience both in management and governance of large organisations and has specialist skills in organisational structure and change management as well as a long history in working with Māori communities at whanau, hapu and iwi level. For ten years, she was a member of the Waitangi Tribunal.

Dame Margaret was awarded the Peter Blake Medal in 2011.

Hon David Caygill, CNZM (Deputy Chair)

Mr Caygill's governance experience includes Chair of the ACC Stocktake Group, Chair of the Education New Zealand Trust, Chair of the Advisory Committee on Official Statistics, Associate Member of the Commerce Commission, Board member of the Energy Efficiency and Conservation Authority and Trustee of the Electricity Commission.

More recently Mr Caygill has led the panel established to review the operation and effectiveness of the New Zealand Emissions Trading Scheme.

Mr Caygill had three terms as a Christchurch City Councillor and six terms as a Member of Parliament where he held Ministerial portfolios in Trade and Industry, Health and Finance before reverting to the law as a partner in Buddle Findlay.

He brings a significant background in politics at both local and national level as well as strong management and governance skills. His work in the electricity sector will be valuable when working through the issues of water allocation.

David Bedford

Mr Bedford owns a small vineyard in North Canterbury which he manages with his wife and son. He is a Trustee and former Chair of Enterprise North Canterbury.

Mr Bedford has an extensive history initially in human resources and change management and latterly in senior management of large enterprises. He was Chief Operating Officer Australia for Telecom before retiring in 2003. He had previously held senior management roles in Telecom New Zealand and, prior to that, the former Electricity of New Zealand.

Mr Bedford's experience in corporate management and his ability to manage culture change programmes to improve service delivery in large organisations will be essential to the Commission.

Elizabeth Cunningham*

Elizabeth Cunningham (Ngāi Tahu/Ngāti Mutunga) was appointed in August 2015 as a representative of Te Rūnanga o Ngāi Tahu.

She has a wide variety of business and governance experience, including in business consultancy, managing health research at the University of Otago and an extensive career in Māori health management for the Canterbury District Health Board's previous entities, the Southern Regional Health Authority and the Health Funding Authority. She was also an elected member of Environment Canterbury for three years from 2004 and was a ministerial appointed member of the Canterbury District Health Board from 2008–13.

She comes from Port Levy and is a director of Koukourarata Development Corporation, is a registered Resource Management Act Commissioner, Justice of the Peace, a life member and President of the Rapaki Branch Māori Women's Welfare League and the Chair of the South Island Māori Cancer Leadership group.

* Elizabeth Cunningham replaced Donald Couch in 2015.

Honorary Professor Peter Skelton, CNZM

Professor Skelton is a former Environment Court Judge and Associate Professor of Resource Management Law at Lincoln University. He presided as an Independent Commissioner over the hearings by Environment Waikato into Variation 5 to the Waikato Regional Plan concerning the control of nitrates entering Lake Taupo and, as an Independent Commissioner appointed by Environment Canterbury, has been completing a series of decisions on Lower Waitaki Catchment water applications.

With more than 20 years as a Judge of the Environment Court and having presided over the Lower Waitaki hearings, Professor Skelton brings the depth of knowledge and experience required for the Commission to fulfil its role in Water Conservation Order matters and the development of water management plans for Canterbury.

Rex Williams

Mr Williams is Chair of H W Richardson Group and in the past has had the roles of Chancellor of Canterbury University and Chair of the West Coast District Health Board.

Mr Williams was the Managing Director of Holcim Cement and has more than 30 years' experience in senior management positions. He has served on a number of boards across a range of activities.

Mr Williams was involved in the founding of the environmental lobby group The Water Rights Trust formed in 2002 to address increasing concern about poor water management and deteriorating water quality in Canterbury. He is a keen recreational angler and enjoys a number of outdoor sports.

Tom Lambie, ONZM

Mr Lambie owns a 415 hectare dairy farm at Pleasant Point South Canterbury which is BioGro organic certified. He is Chancellor of Lincoln University and Chair of Opuha Water Limited. Until recently he has been a trustee of the Todd Foundation and of Motu, Economic and Public Policy Research Trust, and Chair of the HikuraNgāi Foundation.

Mr Lambie has a long history of farming politics and was National President of Federated Farmers from 2002-2005. His long involvement with the farming sector and in particular his close association with the development of the Opuha Water Storage Dam makes him an ideal candidate for the Commission as he has an in-depth understanding of the economic and environmental benefits of good water management.

Source: www.ecan.govt.nz accessed 13-05-2016

Page created: 7/05/2010. Last updated: 26/02/2016. Department: Communications

Exhibit 7: Role of the zones

The **zone implementation programmes** will address matters such as:

- environmental restoration and development
- land use intensification/reduction
- land use practices
- zone scale infrastructure, and its environmental impact
- reconfiguration of allocations between surface and groundwater
- water brokerage and efficiency improvement
- water quality and quantity
- customary use
- recreational and amenity provision.

The **regional implementation programme** will address matters such as:

- environmental limits for surface and groundwater quality and quantity
- “at risk” catchment determination in relation to environmental limits and cumulative effects
- protection of natural character, natural features and areas of conservation value, such as braided rivers
- biodiversity issues that cross zone barriers
- water demand and storage and distribution options that cross zone boundaries
- rules to ensure water allocation is managed in the public interest, including levies to fund environmental restoration
- water brokerage, transfer/allocation of consents and charging regimes to encourage reconfiguration of existing consents, and to drive efficiency of water use
- ensuring relevant Iwi Management Plans are taken into account in water
- management planning.

The programmes will be reviewed every three years and rolled forward. They will avoid over-prescription and instead as far as possible specify performance criteria, such as nitrate leaching rates, within which land owners should operate. Incentives and charging mechanisms, rather than compulsion will be used as far as practicable to deliver change over time.

Water governance structure

At local level a **Zone Water Management Committee** will be established for each zone to co-ordinate the development of the zone implementation programme. Zone committees will comprise some 7-10 members who are locally based or have a special relationship with the zone. Members will be drawn from Environment Canterbury, territory authorities with an interest in the zone, Ngāi Tahu/rūnanga, consent-holder representatives and stakeholders, and respected members of the community. A single person may have several different interests. The Chair will be a stakeholder representative appointed by the Committee. In practice, the members of the Zone Committee will need to create networks around them. (It will also be possible to co-opt ex officio members onto the committee where expertise is required which is not available from locally based people.)

This will be the level at which many decisions affecting water management can be made efficiently and effectively.

A **Regional Water Management Committee** is also proposed to handle issues that are common across the region or cannot be managed satisfactorily at zone level. This committee of between 10 and 20 people will bring together representatives of local government, central government nominees, Ngāi Tahu and stakeholders. The Chair would be nominated by the Canterbury regional and district councils.

There is also a need for **national tripartite forum** to address issues that are unlikely to be resolved by the zone and regional committees. These issues include:

- the expression of the rights of Ngāi Tahu as protected by the Treaty of Waitangi, and the operation of a Treaty based relationship over Canterbury's water
- integrating the strategy with water conservation orders, national policy statements, national environmental standards
- other national strategic issues, such as the integration of water allocated for hydro generation and irrigation.

This Forum would be made up of the relevant Cabinet ministers responsible for the national policy issues together with representatives of Ngāi Tahu and the Canterbury regional and district councils.