

Priority Routine

THE DEPARTMENT OF INTERNAL AFFAIRS

Te Tari Taiwhenua

## Local Government Briefing

**Hon Rodney Hide**  
**Minister of Local Government**

Copy to: Hon John Carter  
Associate Minister of Local Government

**Title:** Update on work to consider requests for Ministerial intervention in Environment Canterbury

**Date:** 2 October 2009

### Key Issues

This briefing provides an update on work to consider requests for Ministerial intervention in Environment Canterbury.

### Action sought

**Note** the contents of this briefing; and **agree** to meet with Alec Neill, Chairman of Environment Canterbury, to discuss the actions and directions he intends to take and implement at Environment Canterbury.

### Timeframe

At your convenience

### Contact for telephone discussion (if required)

Name	Position	Telephone		Suggested first contact
		direct line	after hours	
Antony Moss	Manager (Regulatory Policy)	(04) 494 0636	027 476 0361	
Danny Shaw	Policy Analyst	(04) 494 5703		✓

Return to: Danny Shaw  
DMS file reference: LGC200903207  
Ministerial database reference: PLG-2500-3\_4 - 620708DB

## **Purpose**

1. This briefing provides an update on the Department's consideration of requests for Ministerial intervention in Environment Canterbury (ECan)

## **Environment Canterbury**

### *Background*

2. On 18 September, Canterbury Mayors wrote to you outlining a number of serious concerns about ECan. Issues included concerns with resource consent processing and monitoring, water allocation planning, lack of consultation, poor decision-making and leadership, and a generally inflexible and confrontational approach to issues. Although the Mayors have not asked for any specific action, we are investigating whether their concerns, and any other issues relating to ECan, meet the threshold for initiating the statutory process for appointing a review authority under section 254 of the Local Government Act 2002 (LGA02).
3. On 24 September, Sir Kerry Burke was replaced as ECan Chair by Alec Neill. Hon John Carter, as Acting Minister of Local Government, wrote to Mr Neill inviting ECan to provide the Department with information in response to the Mayors' concerns. This letter is not part of the statutory process but gives ECan an early opportunity to comment. We are expecting ECan to respond on 2 October.

### *Investigation of ECan's resource consent processing functions*

4. The Minister for the Environment has decided to exercise his powers under section 24A of the Resource Management Act 1991 (RMA) to investigate ECan's resource consent processing functions. The Ministry for the Environment (MfE) has indicated that this investigation could commence in late October and report back to the Minister for the Environment by the end of the year. The RMA process is not subject to a consultation period like the 20 working day statutory consultation required under the LGA02.

### *Update on current work*

5. The Department and MfE are developing a co-ordinated approach to possible investigations under the LGA02 and the RMA. A review authority would have a wider mandate than the RMA investigation. The review authority could consider ECan's overall functionality, but could also consider the outcomes of the RMA investigation to inform its review.
6. We are preparing advice on whether we consider there are sufficient grounds for you to initiate the formal process for appointing a review authority for ECan. We will review the material provided by the Canterbury Mayors and ECan, and any other relevant material, to inform our advice. We have developed an indicative timeframe that provides for the possible appointment of a review authority in late November or early December.

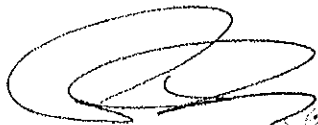
### *Meeting request from Alec Neill, Chairman of ECan*

7. Alec Neill has requested to meet with you to discuss the Department's initial investigation and outline the actions and directions he intends to take and implement at ECan. We consider that a meeting would be beneficial as it would provide ECan with another opportunity to respond to the Canterbury Mayors' concerns, and could further inform your decision on the need to appoint a review authority.

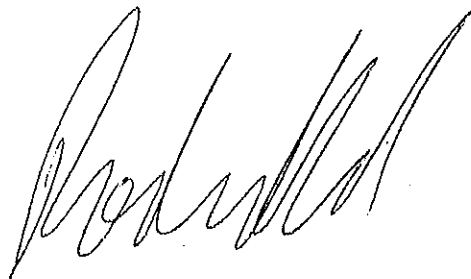
**Recommendations**

11. The recommendations are that you:

- a) **note** the contents of this briefing; and
- b) **agree** to meet with Alec Neill, Chairman of Environment Yes/No Canterbury, to discuss the actions and directions he intends to take and implement at Environment Canterbury.



Marilyn Little  
Director Policy  
Local Government & Community Policy



Hon Rodney Hide  
Minister of Local Government

5/10 2009