

Workshop - Ōtākaro Avon River Corridor Co-
governance Establishment Committee

NOTES ATTACHMENTS

Date:Monday 25 March 2024

Time:10.02am

Venue:Committee Room 1, Level 2, Civic Offices, 53 Hereford
Street

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Rod Donald Banks Peninsula Trust - a successful model?

Avon/Ōtākaro Establishment Committee
Suky Thompson
Retired Trust Manager
13 March 2024



Rod Donald Banks Peninsula Trust Te Pātaka o Rākaihautū

- Established 2010 by Christchurch City Council
- Charitable Trust
- CCO - Council Controlled Organisation



- Funds derived from Banks Peninsula District Council
- Trust operates within the boundaries of the former district

www.roddonaldtrust.co.nz

Rod Donald
banks peninsula trust
te ātaka o rākaihautū

Trust Vision



**TAUĀKĪ TIROHANGA
OUR VISION**

Ko te whakawhanake kaitiaki
taiao nā te whakahōu
ara hīkoi, ara paihikara, te
whakaniko rerenga rauropi,
te whakamana mātauranga
me te mahi tahi ki ngā tāngata
e kaingākau kaha ana ki
Te Pātaka o Rākaihautū hoki.

Developing environmental
guardians of the future
through improved public
walking and biking access,
enhancing biodiversity,
promoting knowledge and
working in partnership
with others who share
our commitment to
Banks Peninsula.

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Summary main achievements

ACCESS
leadership
for improved
public
walking and
biking access
WAIHUI

- 2 family friendly tramping huts
- Te Ara Pātaka tramping network linking craters
- 90 km tracks added or improved

BIODIVERSITY
support for
enhancing
biodiversity
REHenga Raukawa

- 952 ha new reserves protected with public access
- Catalysed Pest Free Banks Peninsula
- Native Forest/Climate Change group formed

KNOWLEDGE
promotion of
knowledge
MATAURANGA

- Mapped and promoted all walks on Peninsula
- Annual Banks Peninsula Walking Festival
- Facilitated 2 major reference books

Reasons for Trust's success

- Independent with a capital base
 - Initial capital \$3.5million
 - Topped up in 2023
- Highly cost effective
 - Core paid staff working on projects, not funding applications
 - Use of contractors to keep costs down
- Maximises Council investment
 - Implement Council strategies with simpler process and requirements
 - More flexible

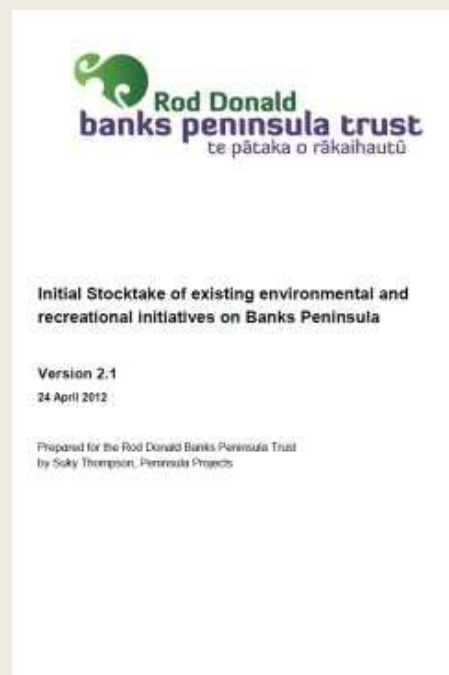
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Highly skilled voluntary governance

- Trustees attracted by the ability to make a difference
- Strategic and considered approach
- Connected to communities and agencies involved
- Independent from Council
- Successful succession



Nimble - Seizes opportunities

- Purchase land to secure access and biodiversity
 - Rod Donald Hut
 - Te Ara Pātaka private land crossings
 - Purple Peak Curry Reserve
 - Te Ahu Pātiki
- Catalyse biodiversity initiatives with seed funding
 - Goat eradication
 - Pest Free



Rod Donald Hut example:
The Trust purchased this when it came on the market.
Opening Rod Donald Hut in 2015 was pivotal to the Te Ara Pātaka project transitioning from aspirational to powering forward.

Attracts Partners

- Purple Peak Curry Reserve - Native Forest Trust
- Te Ara Pātaka - DOC
- Goat eradication/Pest Free BP - Ecan/DOC/CCC



- Five fold gain on investment

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Public support/Crowd funding

- Independent charity able to attract public donations
- Developed a good reputation and track record
- Enough financial security to underwrite projects
- \$900k raised to support Te Ahu Pātiki/Mt Herbert and Bradley purchase



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Discussion/Questions?



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Discussion/Questions

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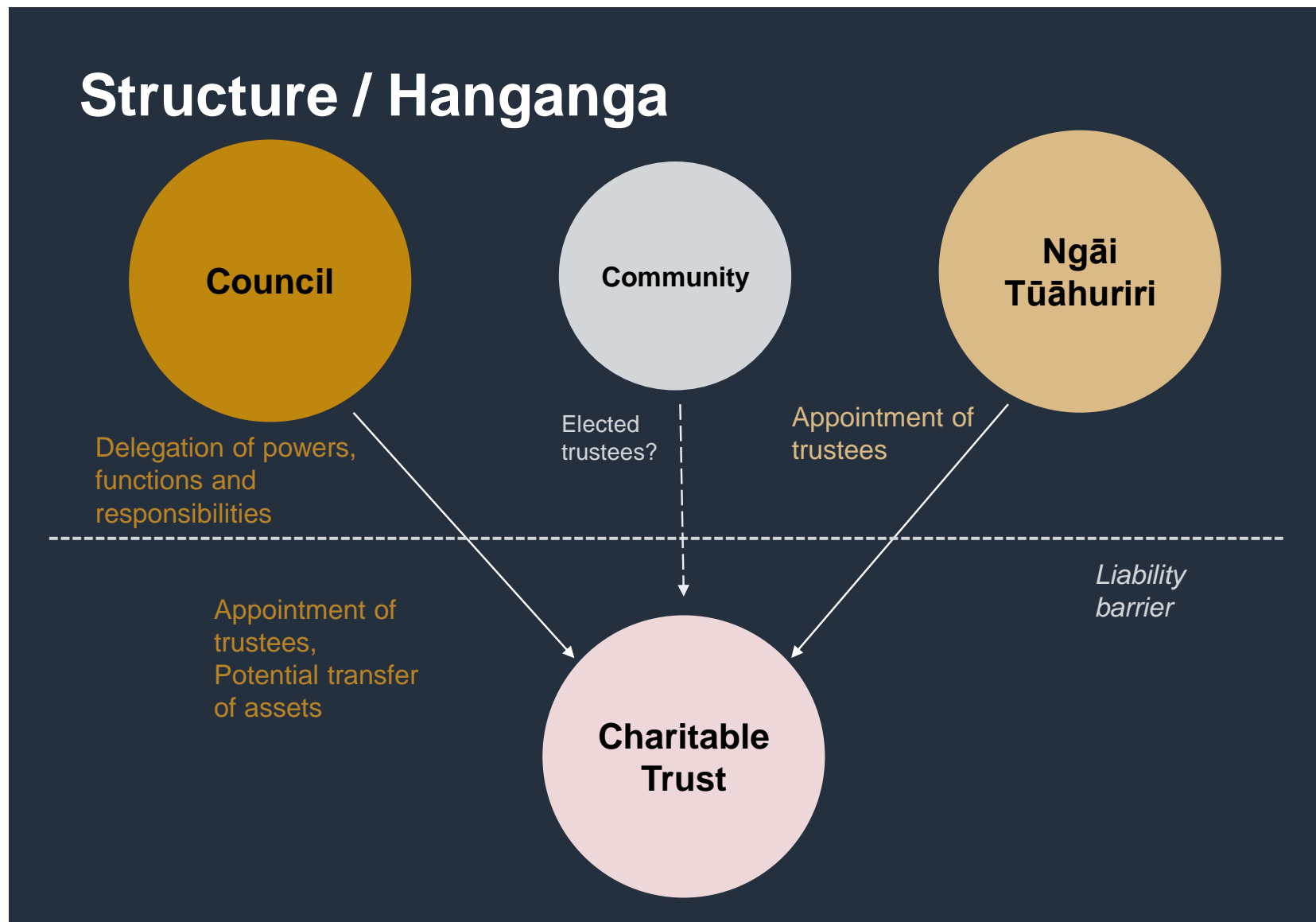
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Ōtākaro Avon River Corridor

Establishment of Enduring Collaborative
Governance Entity

March 2024

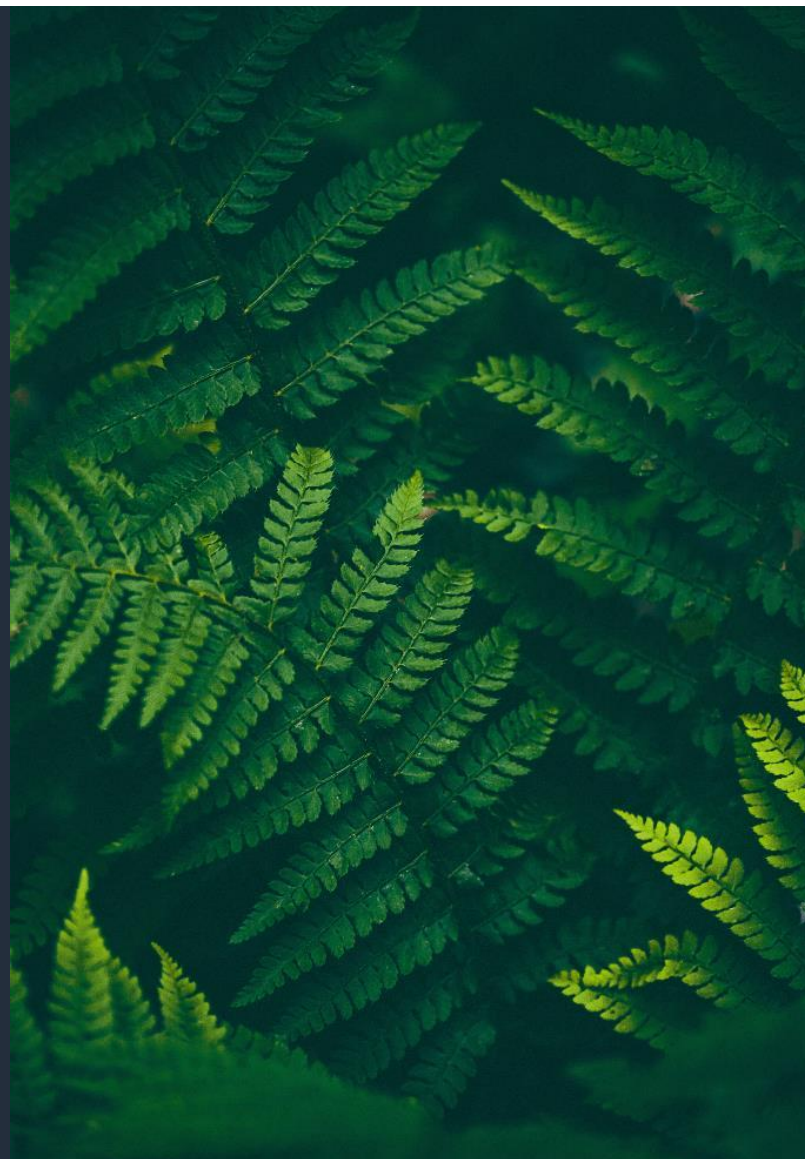
BUDDLE FINDLAY



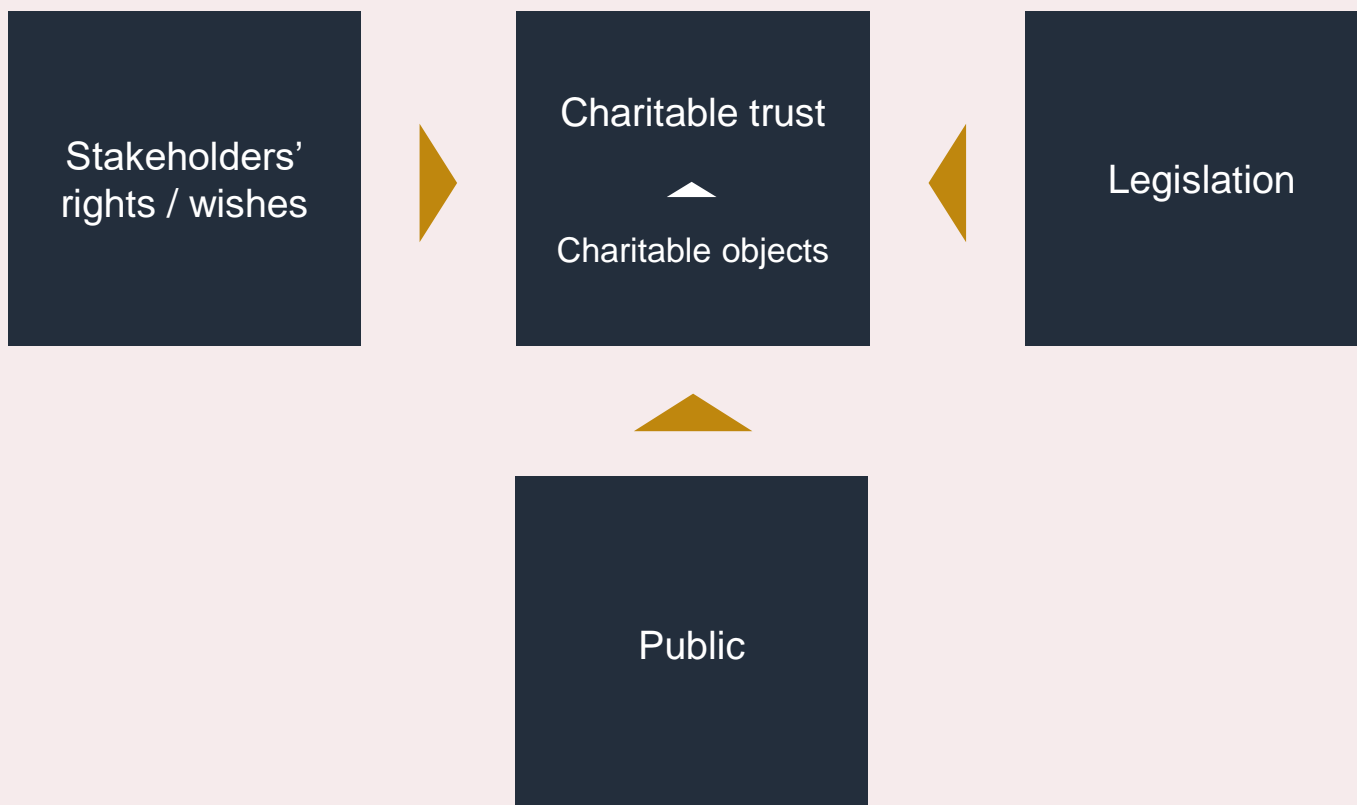
BUDDLE FINDLAY

A charitable trust

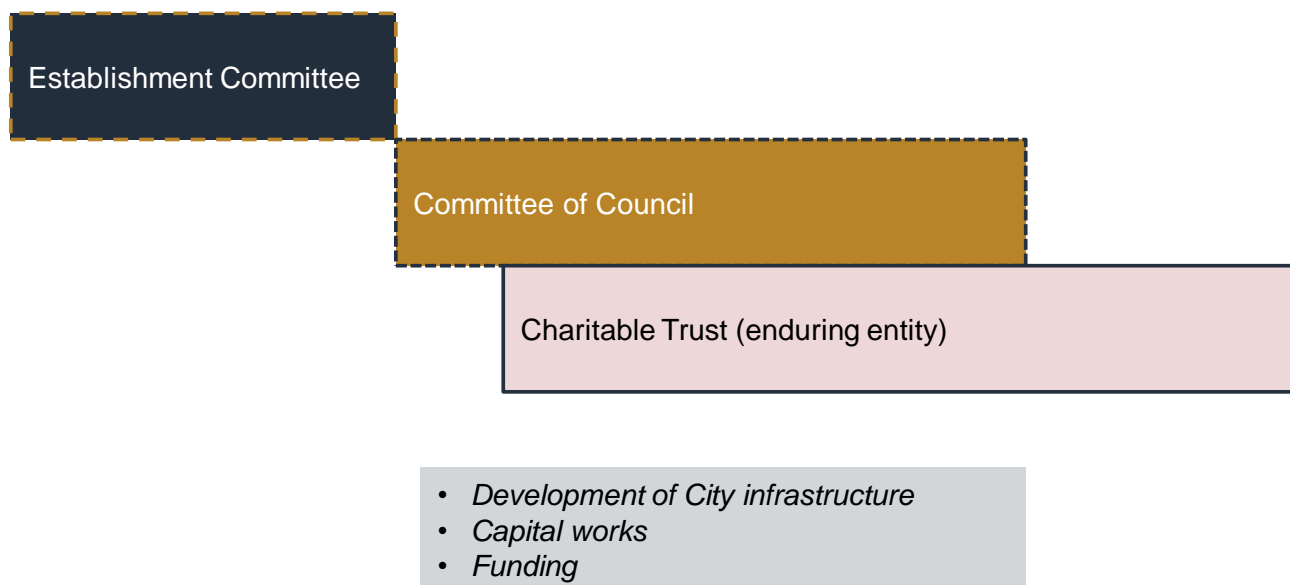
- Is a separate legal person
- Limited liability for associates and stakeholders
- Must pursue its charitable objects
- Does not have to be a registered charity.



Influences / considerations / Whaiwhakaaro



Timeline / Rārangi wā





Pātai / Questions?

OARC Establishment Committee Workshop 25 March 2024

1

Presenters

Andrew Rutledge/Brent Pizzey (Council)

Suky Thompson (about Rod Donald Banks Peninsula Trust)

Mark Odlin/Samantha McArthur, Buddle Findlay (legal, charitable trusts)

Christopher Finlayson KC (legal, general governance guidance)

Other Council staff? Dave Little (OARC manager); Sylvia Maclaren; Rakihiia Tau (Strategic Advisor, Te Tiriti Partnership)

Topics to be addressed today – answering questions from February workshop (Attachment A)

1. Interim governance and enduring entity: Council Committee and Charitable Trust?

- Presentation on Rod Donald Banks Peninsula Trust from Suky Thompson;
- Charitable trusts – Attachment G - presentation from Buddle Findlay;
- Membership – Council and Ngāi Tūāhuriri nominees (options in Report 6.7-6.13)
- Timing of setting up charitable trust - options in report Part 4:
 - Concurrent?
 - Funding in annual plan?

2. What decision making will the governance entity have –

- Infrastructure - slides; attachments M & D - draft Terms of Reference
- RMA - Slides, Report Part 5; Attachment M

3. Transfer of RMA powers from Council/s to an iwi authority - Attachment I - Ngāi Tūāhuriri

4. Local Act - Examples and more assessment (Report 6.4 and 6.5).

3

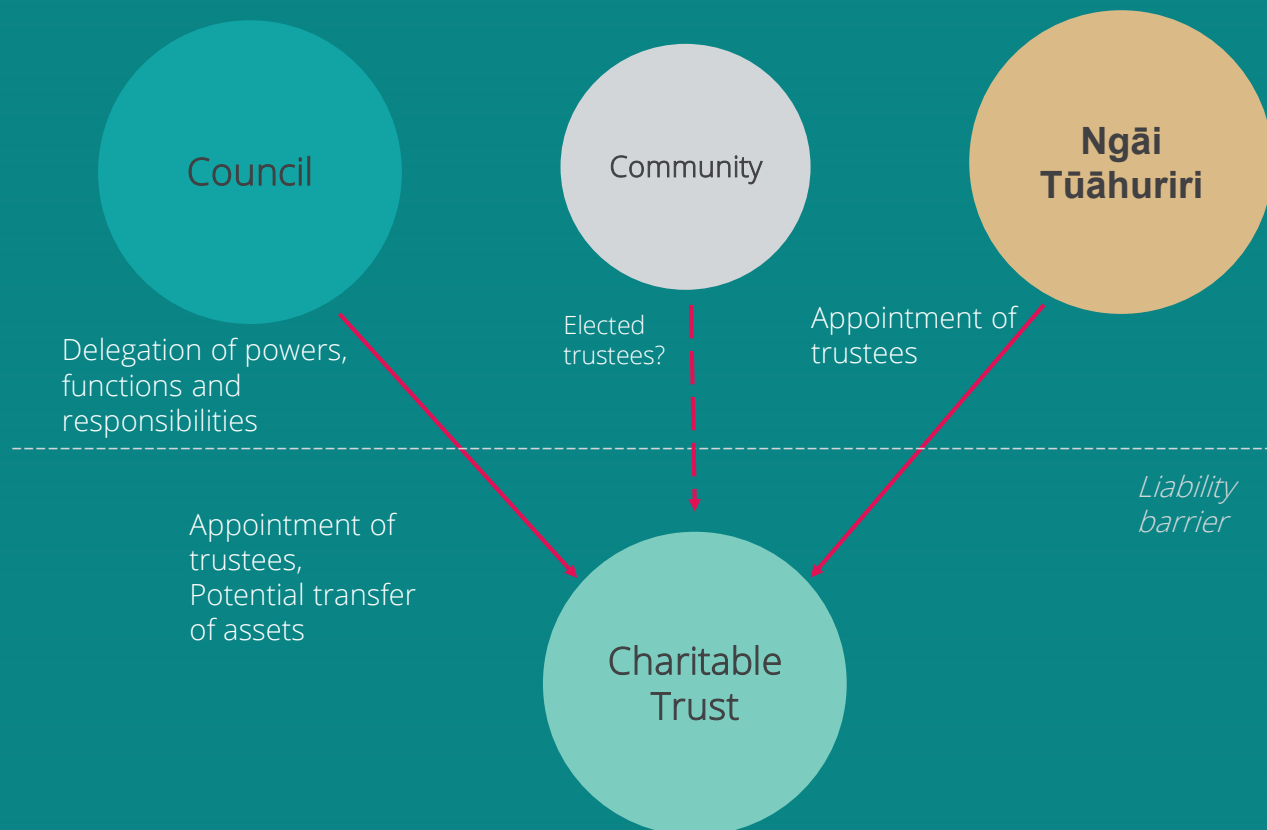
Suky Thompson Presentation...

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Charitable trusts: Mark Odlin Presentation

Establishment of Enduring Collaborative
Governance Entity

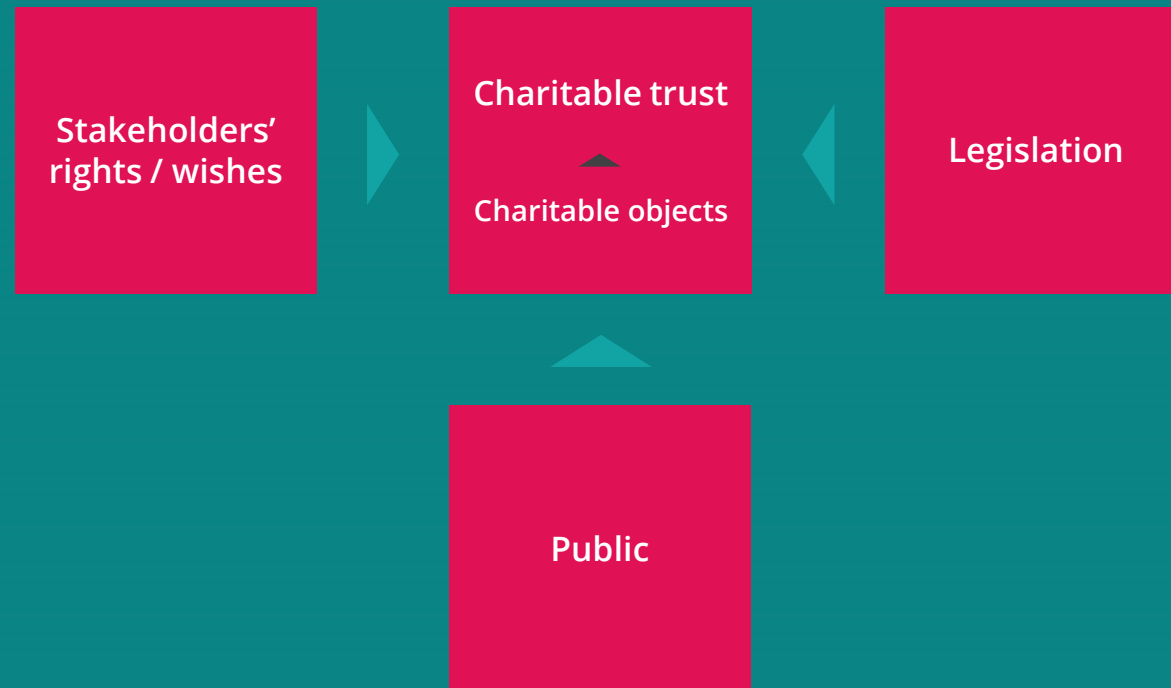
Structure / Hanganga



Charitable Trusts v Trusts

Incorporated Charitable Trust	Other Trusts
Incorporated and therefore: <ul style="list-style-type: none">• Separate legal personality• Limited liability for stakeholders• Perpetual succession	Unincorporated and therefore: <ul style="list-style-type: none">• No separate legal personality• Confined to legal/ equitable relationships• Maximum duration of 125 years
Must pursue charitable objects	Trust assets held on trust for beneficiaries
Governed by: <ul style="list-style-type: none">• Charitable Trusts Act 1957• Trusts Act 2019• Common law	Governed by: <ul style="list-style-type: none">• Trusts Act 2019• Common law

Influences / considerations / Whaiwhakaaro



Timeline / Rārangi wā

Establishment
Committee

Committee of Council

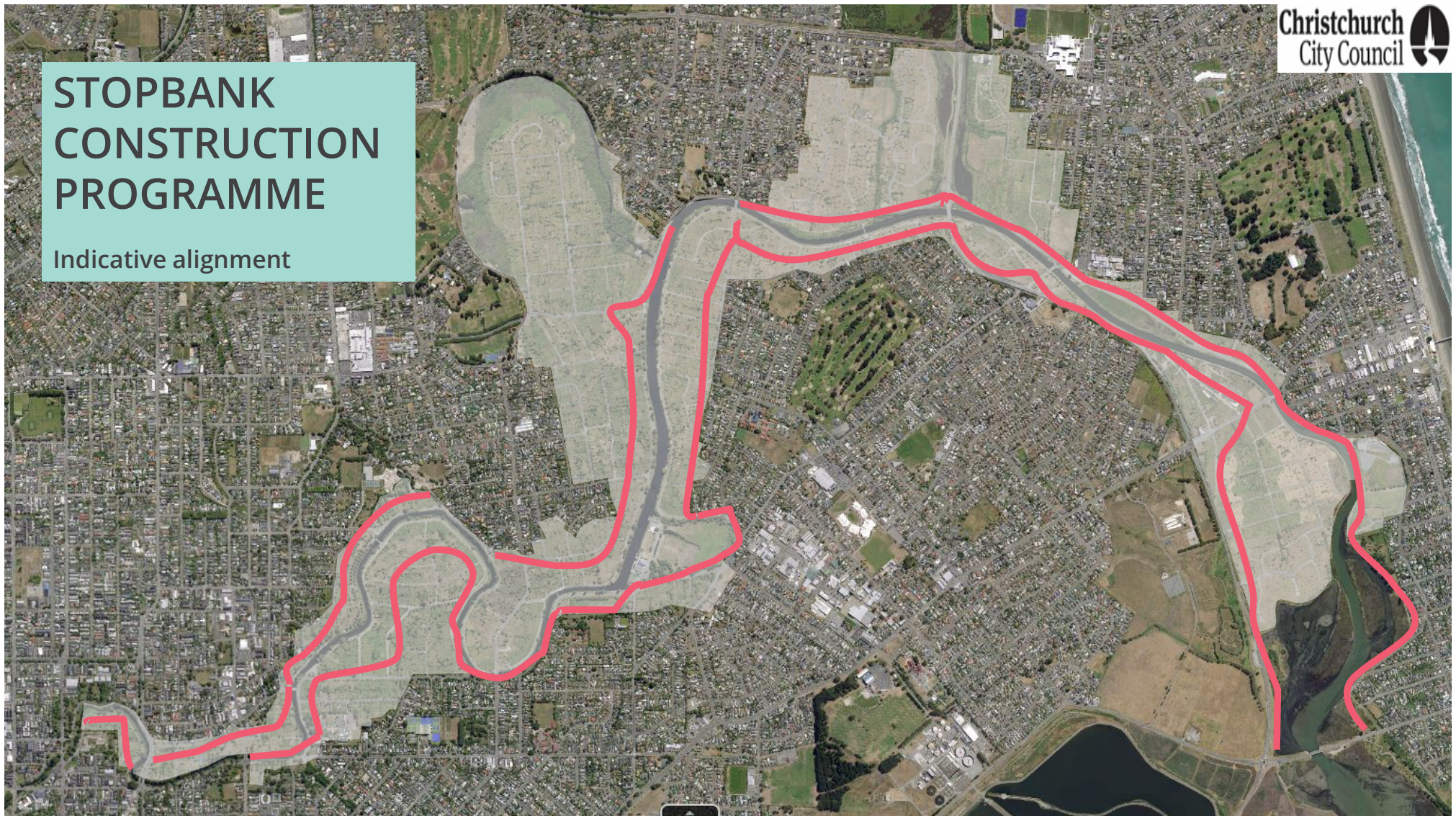
Charitable Trust (enduring
entity)

- *Development of City infrastructure*
- *Capital works*
- *Funding*

Pātai /
Questions?

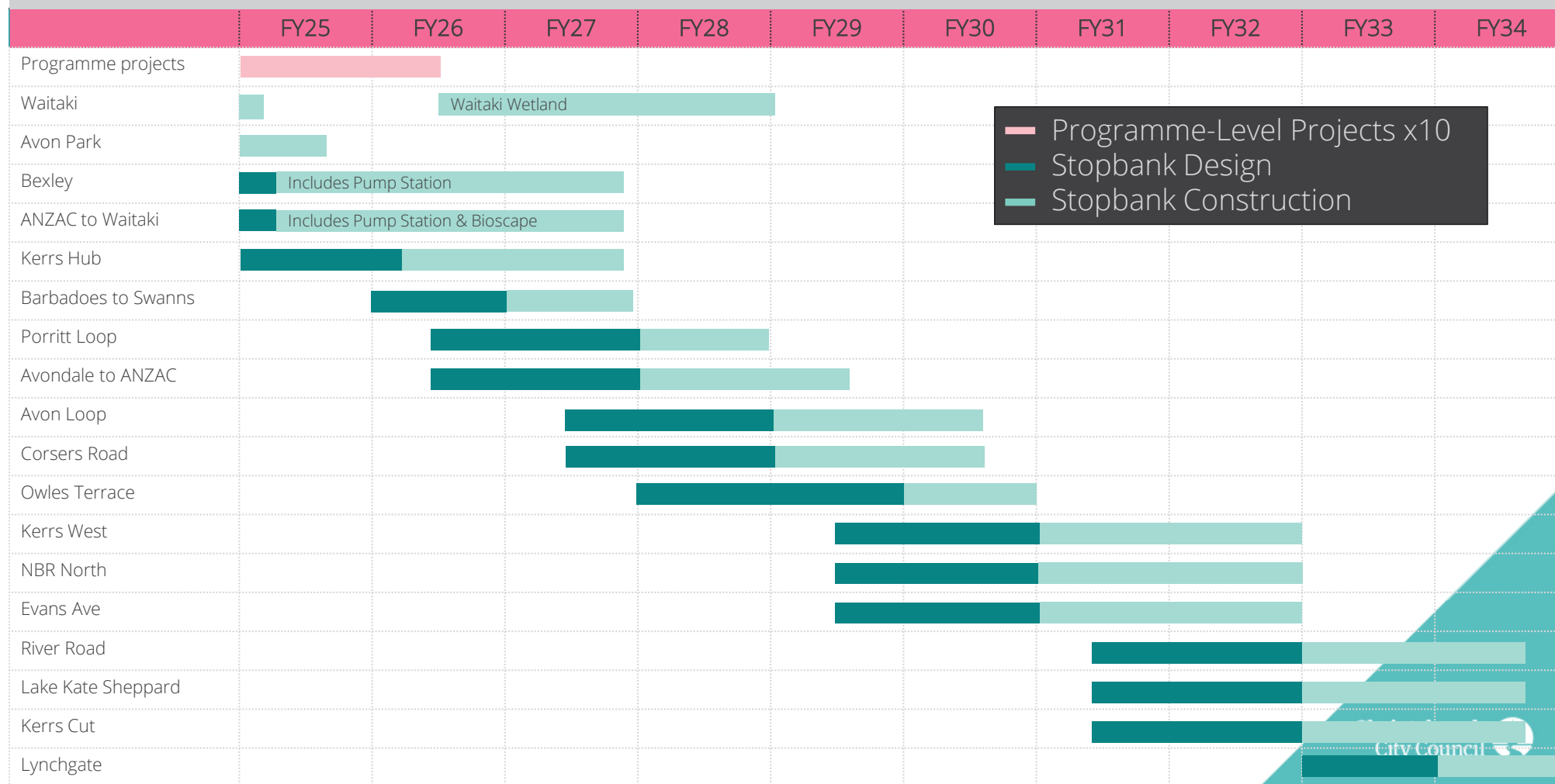
Infrastructure – Development and Decision Making

11



OARC STOPBANKS PRIORITY PLANNING

March 2024

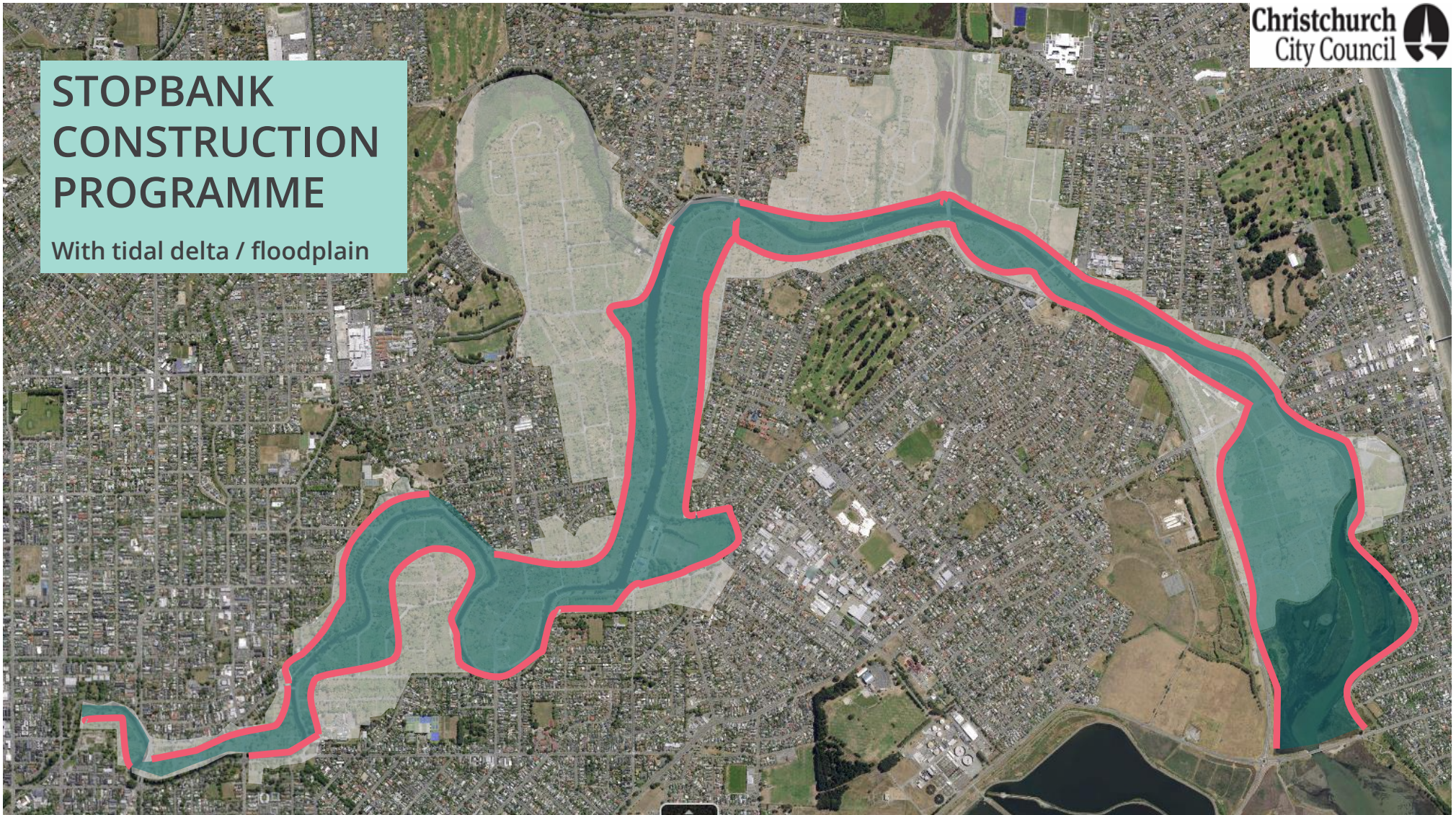


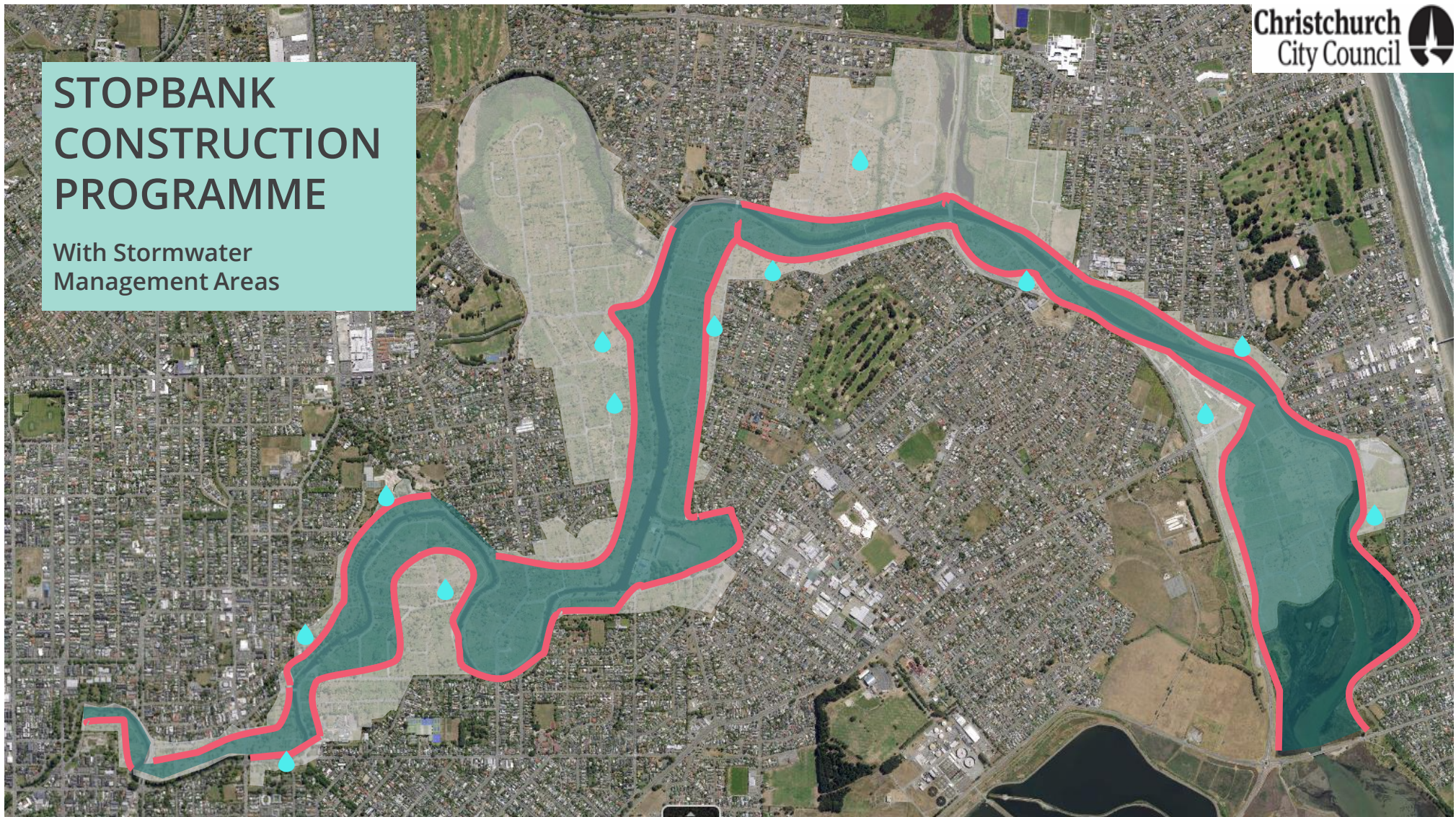
Item 2

Attachment C

STOPBANK CONSTRUCTION PROGRAMME

With tidal delta / floodplain





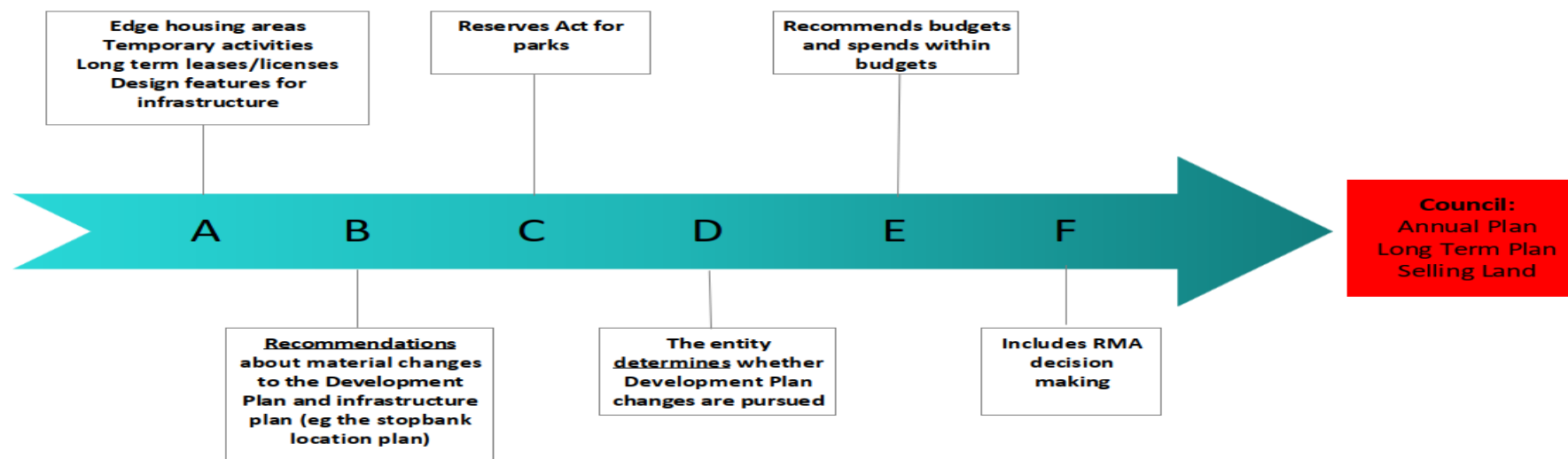
OARC Entity Role re Council Functions and Powers

Council Function/Power		
	Council OARC Committee	Charitable Trust
LGA/landowner:		
Edge housing	Yes	Yes
Temporary activity	Yes	Yes
Long term leases/licences that do not impact on infrastructure construction	Yes	Yes
Bylaw powers: Parks and Reserves; Marine, River and Lake	Yes	Yes
Allowing activity that would constrain infrastructure development	Is this appropriate?	Is this appropriate?
Technical functioning of stormwater, flood protection and traffic infrastructure	Is this appropriate?	Is this appropriate?
Landowner approval for significant changes from the OARC Development Plan	Recommendation, or Approval?	Recommendation, or Approval??
Design framework for infrastructure	Yes	Yes

OARC Entity Role re Council Functions and Powers

Deciding whether land is a “strategic asset”	No – s76AA LGA requires that this be in the Council’s significance and engagement policy and consulted on in a special consultative procedure.	
Setting Annual Plan/ LTP budgets	No – cl.32 Sch 7 LGA requires this be by Council	
Spending within Council’s budgets, but not including on infrastructure	Yes	Yes
Selling land	No – cl.32 Sch 7 LGA requires this be by Council	
Recommendations to Council on exchanging publicly and privately owned land within the OARC	Yes	Yes
Reserves Act:		
Seeking reserve status for greenspace areas	Yes	Yes
RMA:		
Resource consent decisions	Not recommended – not a governance role	Not recommended
Recommendations to Council on proposing plan changes for the OARC	Yes	Yes
Decision maker on plan changes for the OARC?	Is this appropriate? Could be affirmed/supported in a joint management agreement with Ngāi Tūāhuriri under ss36B-36D RMA.	No – s33 RMA does not allow transfer of powers to a Trust.

Infrastructure in the OARC - spectrum of governance role for the entity



	Option	Entity role	Discussion	Committee and trust suitable?
A	Control over: (i)Edge housing areas; (ii)Temporary activities and long term leases/licences; (iii)Approval framework for design features of infrastructure.	Approval as landowner for edge housing development, temporary activities anywhere and long term leases/licences. Landowner policy approval for infrastructure design features eg signage, lighting, tree removals, planting types, walkway design, seating areas	Limited role “around the edges” and for interim community uses. Governance role over what happens where, but not if it impacts on the operation of transport, stormwater or flood management. Activity might still need resource consent or plan change. Limited role for infrastructure: design aspects that do not impact on their functioning as infrastructure. Governance by setting design expectations, not specific approvals. Does not provide resource consent or change to the District Plan – that stays with councils. This requires a shift in delegated authority from Community Boards.	Yes
B	As above plus recommendations about material/significant changes to the Development Plan	Council staff take proposed changes (which will also all need plan change or resource consent) to the entity for views and	The change to the Development Plan proposed by staff could be for technical reasons, budget/efficiency, or ecological/community benefit. It involves the entity in governance decisions by the entity making a recommendation before the	Yes

	Option	Entity role	Discussion	Committee and trust suitable?
D	As for B+C, except the entity determines whether changes are pursued	Council staff take proposed Development Plan changes (which will also all need plan change or resource consent) to the entity for approval whether to seek the change – egs constructed or natural wetland at Waikākāriki; changing stopbank location; relocation of stormwater area. The RMA approvals/changes are not sought unless the entity approves.	<p>Increased governance role giving initial approval for infrastructure. Would influence whether the Council can achieve its statutory requirements to provide flood protection, and stormwater discharge consent obligations. This will require a technically competent entity for technically sound decision making. It is approval for the Council. Is not RMA approvals. Does not include the budget for the work. The entity would be deciding whether infrastructure that the Council's technical advisors say is necessary should be built. Potential liability risk for the entity if it breaches a duty and flooding occurs. Liability risk for breach of the resource consent would remain with the Council as consent holder.</p> <p>This is the level of governance proposed in the draft staff report to the Establishment Committee.</p>	Yes
E	As for B or D, plus	It determines budget for	Staff produce a proposed Long-Term Plan	Yes

