

**Workshop - Ōtākaro Avon River Corridor Co-
governance Establishment Committee**
NOTES

Date: Monday 25 March 2024
Time: 10.02am
Venue: Committee Room 1, Level 2, Civic Offices, 53 Hereford Street

Present

Co-Chairs	Lianne Dalziel and Dr Te Maire Tau
Members	Kelly Barber
	Julyan Falloon
	Hayley Guglietta
	Tutehounuku Korako
	Dr John Reid
	Dr Cynthia Roberts

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Please Note:

This forum has no decision-making powers and is purely for information sharing.

The agenda was dealt with in the following order.

1. Apologies Ngā Whakapāha

There were apologies for absence received from Thomas Hildebrand and Tania Wati.

2. Ōtākaro Avon River Corridor Enduring Governance Recommendation

The Workshop began with the Chair outlining the background to the workshop and points established in the previous workshop on the 12 February 2024.

Presentation by Suky Thompson (see Attachment A)

The Committee inquired as to the structural mechanisms used by the Trust to protect the land they owned.

The Committee noted that it was important for the Trust to have trustees who were willing to put in significant time and effort in order to accomplish the mission as well as having a contracted manager to drive the Trust's activities.

Presentation from Mark Odlin on Charitable Trust law (see Attachment B)

The Committee commented that it was important to steer clear of an incorporated society option.

The Committee noted that the registration process to gain charitable trust status and the importance of carefully drafting the purpose to ensure this status is granted.

The Committee noted that the charitable purposes would be community and education.

The Committee noted the following benefits of a charitable trust status:

- Ability to accept donations.
- Exemptions from paying taxes.
- Tax benefits for those who donate to the trust.

The Committee noted that if the trust is gaining revenue from a multitude of different avenues it could be advisable to incorporate a company under the trust which would separate out the commercial activities.

Discussion of Draft Recommendations to Council (see Attachment C)

The Committee discussed the membership of the Council Committee and trustees of the charitable trust and made the following requests and comments:

- Dr Tau stated that Ngāi Tūāhuriri will use one of their appointments to select a representative from the Papatipu Runanga.

The Committee made the following comments and requests regarding the question of "what level of decision-making power should be delegated to the interim committee":

- Delegated decision-making powers under the RMA would only be beneficial if ECan was to transfer its consenting and plan change functions to the Committee.
- Consenting processes in the past have not had positive outcomes with regard to tangata

whenu interests.

- Noted staff advice that authority to decide on resource consent is a technical expert driven process rather than governance decision.
- Requested that the Co-chairs meet with ECan before the next Committee meeting to investigate whether ECan would be interested in transferring powers to the governance entity.
- Noted that plan change powers could not be transferred to a trust.
- Noted that a decision regarding whether to recommend plan change powers be transferred to the Governance Committee was not reached.

The Committee made the following comments regarding decision making related to building and changing stormwater and flood protection infrastructure and third-party developments:

- The Committee noted that if they were to be in a position of making a recommendation to Council rather than a decision it would greatly impact the rate at which work could be carried out.
- The Committee noted staff advice that decision making in this area would be best situated in one location, either with the Council or with the Governance Committee.
- Noted that no decision on was reached this matter.

The Committee noted the advice from Chris Finlayson that the transfer of regulatory powers from the governance committee to the trust should be done slowly to allow time for the trust to get underway and establish a reliable track record.

The Committee noted information from staff that the Council was working on a submission on the Fast-track Approvals Bill and that the submission might include a request for a fast-track process for some works in relation to the OARC. The Committee requested that if the draft submission does include the request that staff circulate the draft submission to the Committee in order for them to review and provide feedback before the Council lodges the submissions.




The Committee noted that Ngāi Tūāhuriri, staff and Council lawyers were to work together to draft have a draft of the Trust Deed available for the Committee resolutions.

The Committee made the following decisions on the recommendations to be included in the report.

- Council immediately resolve to establish a Council Committee and registered charitable trust.
- The Trust's charitable purpose will be community and education.
- The Council will include funds for setting up a charitable trust in the draft Annual Plan 2025-2026; and
- Council request staff to work on obtaining registered charitable status as soon as possible after the Council resolution to establish a charitable trust.
- The Council establish the charitable trust within a year from 1 July 2025 if the Council provides funds for it in the 2025-2026 Annual Plan.
- Council establish a Governance Committee in in which four members are appointed by Council and four are appointed by Ngāi Tūāhuriri.
- The TOR for the Committee require at least one Council appointed member and one Ngāi Tūāhuriri appointed member be present in order to form a quorum.

The Committee requested that a draft of those recommendations be circulated to the Committee for input prior to their next formal meeting.

Attachments

- A Suky Thompson Presentation [⇒](#) 
- B Buddle Findlay Presentation [⇒](#) 
- C OARC - Compiled Presentation [⇒](#) 

The Workshop adjourned at 10.55am and reconvened at 10.57am.

Meeting concluded at 12:15pm.