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Workshop - Ōtākaro Avon River Corridor Co-  
governance Establishment Committee

NOTES ATTACHMENTS

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Date:	Monday 12 February 2024
Time:	10.06am
Venue:	Committee Room 2, Level 2, Civic Offices, 53 Hereford Street

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# OARC Establishment Committee Workshop 12/2/24

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## Context

Have had several meetings and workshops since 2021.

We have an agreed decision making framework to ensure that regeneration of OARC results in a healthy delta environment (Critical Outcome) .

Last workshop meeting November 2023, at which the Committee requested:

- **December:** *a workshop for agreeing on a governance option;*
- **February:** *Committee meeting to formally resolve preferred options;*
- **March:** *Committee to recommend its preferred option to a Council meeting.*

This is the workshop that was intended for December to seek agreement on a governance option.

## Governance options considered, on a spectrum

- No change
- Agreement/Memorandum of Understanding
- **A Council Committee**
- **A new entity – Trust, or a Company**
- A Local Act of Parliament (also in combination with another option)
- Legal personality for the OARC

## Staff recommend a two stage approach

- Stage 1 – A committee of Council with delegated powers
- Stage 2 – Consider Charitable Trust in the Future

## Why staff recommend Council Committee for first stage

- Simple/quick: Council resolution to establish it
- Equal collaborative decision making between Mana Whenua and Council representatives
- No impact on rates in the upcoming Long Term Plan, in a financially difficult environment
- Existing resources already available to support the Governance committee
- Don't need a Local Act of Parliament for it, and the accompanying delays in getting that.

## Development stages

There are existing obligations to deliver projects, and each project includes 3W, Parks and Transport

While these initial projects are being developed and there is some uncertainty regarding delivery risks, diverting resources to establish a new governance structure other than Council Committee is considered by staff to be an inefficient use of ratepayers' funds.

A Charitable Trust could be established after this infrastructure development is done, and responsibility for completed projects transferred to it aligned to a future Long Term Plan to ensure the required resourcing is available to support it.



## Phase 1 - What powers for the governance body to have initially?

All possible powers under the Local Government Act 2002 and Reserves Act 1977 if able to be subdelegated, subject to budgets set by Council, but excluding:

- Power to permanently dispose of land,
- To decide if all or some of the OARC land is a strategic asset,
- Powers and duties under the Resource Management Act 1991

Committee ability to propose Reserve status would limit Council's ability to dispose of the land.

## Second stage – a Charitable Trust and Local Act

Charitable Trust option for long term was favoured in Mr Finlayson's KC advice

Legal status for OARC?

- *Mr Finlayson KC recommended against this: new legislation, not needed, doesn't add anything to the collaborative governance body, and the river isn't part of the OARC.*

Local Act – not essential (Finlayson KC) but helps set the governance structure in place, and could include protections (preventing sale of land, land use controls)

## Questions from the 19 October and 20 November workshops

**Transfer of powers under RMA?** Is possible. Staff recommend against doing it.

**Joint management with ECan?** Is possible, but hasn't been explored with ECan, and doesn't add value in the first stage (ECan is regulator). Committee and Council can engage on Regional Policy Statement development.

**Risks and liabilities?** If a Council Committee, these rest with Council. If a Trust, they rest with the Trust.

**Does the governance structure prevent Council (or governance entity) from selling land?** No. A law change is needed for that – a Local Act or change to the LGA would be required to prevent sale of the land.

But reserve status - in power of the Committee - would help prevent sale of the land.

## Questions continued

**Enshrining the OARC Framework in the new structure?** It can be in the Terms of Reference for the Committee, and be in the documents establishing the Trust.

**How will commercial activities in the corridor be governed?** By the decisions delegated to the Committee and then Trust (see draft ToR and Delegations)

**Powers of the entity?** Discussed above and in the draft report.

**Legal personality for OARC?** Discussed in the draft report, its appendices, and above. Not practical.

Questions?

Next steps?

Guidance from the workshop to staff on the draft report, and a Committee meeting date set.