

Report 17.70
Date 30 March 2017
File CCAB-8-1039

Committee Council
Author Cr Chris Laidlaw, Council Chair

Proposed amendments to Te Upoko Taiao - Natural Resource Management Committee

1. Purpose

For Council to discharge the current non-Councillor members of Te Upoko Taiao – Natural Resource Management Committee and approve an updated draft terms of reference for Te Upoko Taiao – Natural Resource Management Committee.

2. Te Upoko Taiao – Natural Resource Management Committee

2.1 Background

At the start of each triennium, the Council undertakes a review of its committee arrangements. As an outcome of the review for this triennium a number of proposed changes have been identified to the terms of reference for Te Upoko Taiao – Natural Resource Management Committee (the Committee).

2.2 Non-Councillor appointments to the Committee

The Committee is currently in a period of transition. It is moving from the development of the Natural Resources Plan for the Wellington Region to matters associated with the implementation of the Plan later in 2017.

Given this transition, now is an appropriate time to provide the opportunity for the non-Councillor membership of the Committee to be refreshed. Several iwi authorities have sought the opportunity to make a fresh nomination and several non-Councillor members have been considering their future involvement on the Committee due to their other commitments. Therefore, I propose that Council discharge all non-Councillor members of the Committee and invite the region's iwi authorities to each put forward a fresh nomination for appointment to the Committee. Each iwi authority will be informed that they are welcome to nominate the person who has been discharged from the Committee. The

discharged members will be informed of their discharge and their entitlement to nominate themselves to their iwi authority.

In anticipation of the non-Councillor members being discharged, I have written to the six iwi authorities that Council has a partnership relationship with, asking them to identify a nominee for the Committee.

In line with the fact that Wellington Regional Council has an iwi partnership relationship with six iwi authorities in the Wellington Region, it is also proposed to change the membership requirements in the terms of reference to reflect this. The total number of non-Councillor members of the Committee would change from seven to six, meaning each iwi authority recognised under the memorandum of partnership would nominate one non-Councillor nominee to the Committee. To balance this, Council has appointed six Councillors to the Committee for this triennium.

2.3 Other changes to the terms of reference

The following changes are also recommended to ensure that the Committee can undertake its functions appropriately.

Addition of oversight of Whaitua process

Oversight of the Whaitua process will be added. Regulatory proposals arising from the Whaitua process will be an important area of focus for this Committee in the years ahead.

Oversight of GWRC's resource consenting functions and associated delegations

At the start of the 2010-13 triennium, following its review of Committee arrangements, the Council added oversight of GWRC's resource consenting functions under the Resource Management Act 1991 (RMA) into the responsibilities of the Committee. This addition included a comprehensive suite of delegations pertaining to the resource consent function; these delegations have never been exercised by the Committee, and it is envisaged that they would not be exercised by a committee at any time in the future. Given the status of the delegations, and the good practice of maintaining a separation between RMA plan development and RMA consenting, monitoring and enforcement oversight, I propose that the Council remove this function from the Committee. This effectively returns the Committee to the functions allocated to it when it was first established in 2009.

The Council has already placed the oversight of the RMA consenting function within the ambit of the Environment Committee.

At its meeting on 24 May 2017 the Council is scheduled to consider a report relating to the Resource Consent Hearing Appointments Group; this group is referenced in the current terms of reference of the Committee although its function is discrete from that of the Committee.

Ara Tahi Chair

The current terms of reference provide that if a non-Councillor appointee to Te Upoko Taiao – Natural Resource Management Committee is also the Chair of Ara Tahi they will automatically assume the role of non-Councillor co-Chair of the Committee. As there is no direct functional relationship between Ara Tahi and the Committee I propose that this provision be removed.

The Committee's current terms of reference are attached as **Attachment 1** and the draft updated terms of reference are attached as **Attachment 2**.

The iwi authorities have been informed of the proposed changes.

2.4 Legal review

The draft updated terms of reference have been reviewed by Simpson Grierson. Simpson Grierson provided comprehensive legal input for the process of establishing the Committee in 2009, including the development of the initial terms of reference. The draft updated terms of reference incorporate recommendations by Simpson Grierson to ensure alignment with current legislative requirements and best practice.

2.5 Proposed timeline for implementation of changes

5 April Council discharges current non-Councillor appointments and agrees updated draft terms of reference for consultation with the six iwi authorities.

12 May Nominations (including a CV and contact details), and comments on the draft terms of reference due.

24 May Council meeting adopts updated terms of reference and appoints non-Councillor members.

15 June First meeting of Te Upoko Taiao – Natural Resource Management Committee for the 2016-19 triennium.

3. Communication

Communication with the six iwi authorities in the Wellington Region that Wellington Regional Council has an iwi partnership relationship with is outlined in section 2 of this report.

4. The decision-making process and significance

The matter requiring decision in this report has been considered against the requirements of Part 6 of the Local Government Act 2002.

4.1 Significance of the decision

Officers have considered the significance of the matter, taking into account the Council's significance and engagement policy, and decision-making guidelines.

Due to the procedural nature of this decision officers recommend that the matter be considered to have low significance.

A formal record outlining consideration of the decision-making process is not required in this instance.

4.2 Engagement

Engagement with iwi authorities will occur as an outcome of the decisions recommended in this report.

5. Recommendations

That the Council:

1. ***Receives the report.***
2. ***Notes the content of the report.***
3. ***Discharges the current non-Councillor members of Te Upoko Taiao – Natural Resource Management Committee.***
4. ***Approves the draft updated terms of reference for Te Upoko Taiao – Natural Resource Management Committee for consultation with the six iwi authorities of the Wellington Region.***

Report prepared by:

Cr Chris Laidlaw

Chair

Attachment 1 Current terms of reference for Te Upoko Taiao – Natural Resource Management Committee

Attachment 2: Draft updated terms of reference for Te Upoko Taiao – Natural Resource Management Committee