

## **ECan Act to Continue to 2016**

Important legislation which affects Canterbury regional governance and decision making was passed on 28 February 2013.

The Environment Canterbury (Temporary Commissioners and Improved Water Management) Amendment Act 2012 ("the Amendment Act") extends the application of the Environment Canterbury (Temporary Commissioners and Improved Water Management) Act 2010 ("the ECan Act") from 2013 to 2016. The ECan Act removed elected ECan Councillors and replaced them with government appointed Commissioners. It also altered matters for consideration and removed rights of appeal to the Environment Court in respect of regional policy statements, regional plans and water conservation orders. The provisions of the ECan Act were to expire in 2013 but will now continue until an election of councillors in 2016.

The Amendment Act also requires that the Minister for the Environment and the Minister of Local Government begin a review of ECan on 1 March 2014. The review will cover the governance structure of ECan, the membership of ECan, and ECan's powers and functions in respect of resource consent applications, water conservation orders, and the process for approval of regional policy statements and plans.

The Amendment Act was considered by the Local Government and Environment Select Committee in late 2012. The Committee was unable to agree that the Amendment Act be passed. The need for a consistent approach to planning, stable regional governance and effective leadership were supported as reasons for extending the Act by government members of the committee. Members of the opposition parties opposed extension of the ECan Act, regarding it as a denial of democratic rights, and rejecting justification related to the earthquakes or governance challenges on a scale that sets Canterbury apart from other regions. Despite these concerns the Amendment Act was subsequently passed without change.

Following enactment of the ECan Act in 2010, ECan has notified and made operative the Canterbury Regional Policy Statement. A second generation regional plan, the Canterbury Land and Water Plan, has also been notified and is currently being considered by Hearings Commissioners. A number of sub-regional plans, to sit within the Land and Water Plan and address catchment specific limits and issues, are anticipated and will now be subject to the truncated ECan Act process.

For further information on the Amendment Act or its implications contact Maree Baker-Galloway, Jen Crawford, Mark Christensen or Sarah Eveleigh.

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