

Report to Collaborative Stakeholder Group – for Agreement and Approval

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To: Collaborative Stakeholder Group
From: Chairperson – Bill Wasley
Subject: Section 32 update
Section: **Agreement and Approval**

Disclaimer

This report has been prepared by Waikato Regional Council policy advisors for the use of Collaborative Stakeholder Group Healthy Rivers: Wai Ora Project as a reference document and as such does not constitute Council's policy.

Purpose

To update the Collaborative Stakeholder Group on progress with the Section 32 report, and to confirm how the rationale for decisions will be recorded for Section 32 evaluation purposes.

Recommendation:

1. That the report [Section 32 update] (Doc #3631813 dated [8 December 2015]) be received for information

That the Collaborative Stakeholder Group:

2. Confirm their rationale for past decisions listed in the report
3. Note that staff will record their rationale for any future decisions in a format suitable for the information to be used in the Section 32 report, and if necessary seek confirmation that this has been recorded accurately and fully.

Background

The Section 32 report is one of the three main outputs of the Healthy Rivers Wai Ora project (along with Collaborative Stakeholder Group (CSG) recommendations to the Healthy Rivers Wai Ora Committee, and the plan change document). At CSG11 the CSG agreed with the layout of the Section 32 template and recommended that Waikato Regional Council (WRC) staff bring this document back to CSG when there is substantive input into it¹.

WRC staff are preparing to work on the content of the Section 32 report, including writing up the sections on project context, the technical process, community engagement and assessment of objectives.

Recording decisions

With CSG now focussed on developing policy options, it is important to record any decisions and their rationale in sufficient detail for the Section 32 report. Section 32 evaluations should

¹ See CSG11 workshop notes #3359918

aim to transparently communicate the thinking behind Resource Management Act (RMA) proposals to the community and decision-makers². In order to do this, the CSG will need a good record of decisions that have been made and the rationale behind them (to answer the question why?). There needs to be a clear link from the values, to the objectives, policy methods and provisions, through to the expected outcomes.

Below are some previous decisions considered by CSG during the project, relevant to the Section 32 evaluation. WRC staff request that CSG confirm that the list of reasons has been accurately recorded, and add any additional rationale that is necessary to justify these decisions.

a. Previous decisions

Previously CSG has discussed both narrative objectives (Water Quality Outcomes) that apply to the entire Waikato and Waipa Catchment, and numerical objectives (Freshwater Objectives) which describe the specific numerical limits and targets, which are informed by the Water Quality Outcomes³.

The objectives are based on the outputs of the scenario modelling, and in particular scenario 1 and the steps to achieve it (10%, 25%, 50% and 75% of scenario 1). In order for WRC staff to write up this part of the Section 32 report, they need a record of the rationale for why scenario 1 has been chosen, why the staged approach is deemed necessary, and why the particular steps have been chosen (see appendix 1 for criteria).

i. Scenario 1

The CSG narrowed down their longer list of options for a number of reasons, including that the CSG was in agreement that scenario 1 represented the ultimate goal in terms of achieving the Vision and Strategy. Conversations were focused on scenarios to model in the re-run that would identify a pathway towards this ultimate goal⁴.

Why are CSG choosing scenario 1 over other scenarios?

- Represents the ultimate goal to achieve the Vision and Strategy; scenarios 2, 3 and 4 (and round two scenarios/cases) do not.
- The Vision and Strategy is mandatory and scenario 1 represents the closest the plan can get to it in terms of water quality⁵
- Within scope of the objectives of the National Policy Statement on Freshwater Management
- Within the scope of the Waikato Regional Policy Statement
- Contributes to and supports river iwi aspirations

ii. Using a staged approach (10%, 25%, 50% and 75% of Scenario 1)

After much discussion and on the basis of feedback from the Technical Leaders Group, the CSG agreed ideas for re-run options were to run Scenario 1 at different steps, namely 10%, 25%, 50%, 75% of the change needed to achieve Scenario 1⁴.

Why are CSG using a staged approach? (from CSG17⁵)

- Scenario 1 requires time to increase implementation capacity and reduce impacts on '~~prosperous~~ communities' (also part of the wider Vision and Strategy)
- There is a need to signal long term change for people who are thinking about major investments
- Provides confidence and clarity for current and future investment
- Will need some land use change and further innovation to achieve Scenario 1

² Ministry for the Environment. 2014

³ See Plan Change Template #3287412

⁴ See CSG15 workshop notes #3490222

⁵ See CSG17 Facilitation notes #3572701

- To have farm plans reflect the longer term actions in place as part of a staged approach towards long term actions
- To ensure that unjustifiably high costs aren't placed on the community or parts of the community
- Minimises social disruption while providing social benefit
- Allows for change and review as new information and issues arise

iii. Timeframes for achieving steps (10% in 10 years etc.)

A report to CSG16b⁶ outlined the feedback from the first intensive engagement period regarding timeframes, which provided information to support the decision. During discussion at CSG17, setting limits and targets provided further rationale⁷.

Note that responses from the intensive engagement quantitative feedback⁸ show 36% of respondents thought the time frames were too slow or somewhat slow, 45% thought about right, and 19% of respondents thought the timeframes were somewhat fast or too fast.

Why are CSG proposing the current timeframes⁵?

- Achievable in first 10 years; hold the line and 10% of Scenario 1 over that time
- To resource, gear up, work with landowners
- Farm plans can signal longer term reductions
- Minimise social disruption and provide social benefit
- Provides realistic timeframes for change

b. Future decisions

To enable WRC staff to write the Section 32 report, it's necessary for them to record rationale of CSG decisions fully and accurately (for the option CSG are choosing, and why they are excluding other options). Staff also need to record CSG discussions that show a link between the public engagement and decision making, to show how stakeholder and community feedback has been taken into account by CSG.

To avoid the need to come back for confirmation by CSG, it would assist staff if CSG clearly outlined their rationale so that it can be recorded (i.e. in a bullet point list). Otherwise a report will need to follow each decision requesting confirmation that the information has been recorded accurately.

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⁶ See Excerpt on timeframes for engagement session #3508501

⁷ See CSG17 Facilitation notes #3572701

⁸ See report to CSG IEP2 quantitative feedback #3615281

Appendix 1

Ministry for the Environment Section 32 guidance⁹ identifies the criteria that objectives need to be assessed against. These are:

- **Relevance**; Directed to addressing a resource management issue, focused on achieving the purpose of the Act, assists a council to carry out its statutory functions, and within scope of higher level documents
- **Feasibility**; Acceptable level of uncertainty and risk, and realistically able to be achieved within council's powers, skills and resources
- **Acceptability**; Consistent with identified iwi/Māori and community outcomes, and will not result in unjustifiably high costs on the community or parts of the community

References

Collaborative Stakeholder Group. 10/11 August 2015. Workshop 11 notes DM #3359918

Collaborative Stakeholder Group. 26/27 August 2015. Workshop 15 notes DM #3490222

Collaborative Stakeholder Group. 1/2 October 2015. Workshop 17 Facilitation notes DM #3572701

Ministry for the Environment. 2014. *A guide to section 32 of the Resource Management Act: Incorporating changes as a result of the Resource Management Amendment Act 2013*. Wellington: Ministry for the Environment.

Report to the Collaborative Stakeholder Group. 11 September 2015. *Excerpt on timeframes for engagement session Collaborative Stakeholder Group workshop 16b* DM #3508501

Report to the Collaborative Stakeholder Group. 17 November 2015. Intensive Engagement Period 2 quantitative feedback DM #3615281

Waikato Regional Plan Change 1 Template DM #3287412

⁹ Ministry for the Environment. 2014