

Report to the Collaborative Stakeholder Group – for Agreement and Approval

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To: Collaborative Stakeholder Group

From: Chairperson – Bill Wasley

Subject: CSG Sub-group Draft Terms of Reference: Waikato Regional Plan Change 1: Waikato and Waipa River Catchments and Section 32

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.

1 Purpose

The purpose of this report is for Collaborative Stakeholder Group (CSG) to discuss what is involved in finalising their recommendations to the Healthy Rivers Wai Ora Committee in May 2016. A draft terms of reference for a sub-group is provided for information

Recommendations:

1. That the report [CSG Sub-group Draft Terms of Reference: Waikato Regional Plan Change 1: Waikato and Waipa River Catchments and Section 32] (Doc #3581840 dated ~~24~~ November 2015) be received, and
2. That the CSG establish a CSG sub-group to provide guidance to staff in respect of drafting of the plan change and section 32 documents, on behalf of the CSG and:
 - a. Confirm the terms of reference for a sub-group in Attachment 1 of this report and
 - b. That CSG members and delegates advise the CSG chair if they wish to be considered for membership of the sub-group by 1 December 2015 (noting the likely time and meeting commitments) with the sub-group membership to be recommended for confirmation by the Chair at the 17-18th December 2015 CSG meeting.

2 Finalising the RMA documents

The CSGs job¹ continues as the plan change and section 32 is drafted by WRC staff. Policy staff are experienced at writing plans, but CSG needs to maintain oversight. At the October 1-2 meeting, the CSG discussed the timeline in a report entitled “Decisions and pathways for CSG’s recommendations on the Plan Change to help achieve the Vision and Strategy Document #3538439 dated 30 September 2015. One outcome of the discussion was that to meet the tight timeline, a small group of CSG members should volunteer to form a subgroup and report back to the whole CSG.

Tasks and decisions for the CSG to complete the plan change once the overall policy mix has been accepted by the Healthy Rivers Wai Ora Committee in March 2016:

1. Complete the Section 32 analysis of alternatives and reasons for each policy provision².
2. Decide final wording of objectives and policies and non regulatory methods.

Assuming the group decides on property plans and catchment wide rules

3. Decide and write up detail of individual rules:
 - a. Should tailored property plans be phased in at different times in different areas
 - b. Where costs lie for developing and auditing plans
 - c. Should the most stringent new catchment-wide rules be phased in
 - d. Confirm and write in methods, support to speed uptake of new rules or what other policy approaches might be needed
 - e. Rules are reviewed (legal).
4. Decide detail of how all provisions fit together
 - a. Overall implementation check with WRC and any other implementing agencies
 - b. Check for inconsistencies with other documents (including definitions)
 - c. Consequential changes to Regional Plan
 - d. What will be part of the full Regional Plan review (underway in 2016).
5. Decide what agreements and processes need to be set up outside the plan change.
6. Decide overall form and content with partners.

Role of the CSG sub-group plan drafting and section 32

In order to meet tight deadlines and minimise re-work by the CSG as it finalises the RMA documents for recommendation to HRWO, the sub-group must have the confidence of the CSG to make many decisions on wording of objectives, policies, methods and rules. Whilst CSG will need to consider and approve the final documentation, the sub-group would need to progress and provide guidance on a range of detailed matters. The attached document refers to this in the objective of the sub-group.

Taking time for CSG members to consider the requirements for the sub-group role and getting the right mix of skills and competencies are key aspects of the sub-group having the confidence of the CSG.

¹ The CSG terms of reference (updated 11 June 2014) in section 4.3 Outputs is “Ultimately, the CSG will submit recommendations for plan provisions to Council and Iwi, with a report explaining key points of consideration and rationale for decisions (document 2194147 page 13).

² This document must be finished and notified with the plan change. In the past WRC section 32 documents run to about 200 pages of background, references, summaries of research undertaken, analysis of the preferred and discarded alternative rules and policies and the associated costs and benefits of each one.

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Attachment 1 – Draft Terms of Reference CSG sub-group Waikato Regional Plan Change 1:
Waikato and Waipa River Catchments and Section 32.

Attachment 1: DRAFT Terms of Reference CSG sub-group Waikato Regional Plan Change 1: Waikato and Waipa River Catchments and Section 32

24 November 2015

CSG sub-group – plan change & s32 documents

REPORTING TO	Collaborative Stakeholder Group (CSG)
CONSTITUTION	<p>CSG sub-group – Waikato Regional Plan Change 1 Waikato and Waipa River Catchments and s32 document (referred to as ‘the sub-group’).</p> <p>Self-nomination by CSG members and their delegates (membership is not to exceed 5). CSG Chairperson to recommend final appointment, based on skills criteria set out in Attachment 1.</p> <p>Chaired by the CSG Chairperson Bill Wasley. The CSG facilitator (Helen Richie) may be called on from time to time to participate.</p> <p>Attendees at meetings to assist the CSG sub-group:</p> <ol style="list-style-type: none">1. Every meeting: Council policy staff who have responsibility for drafting the plan change document (Waikato Regional Plan: Change 1 Waikato and Waipa River catchments) and section 32 documents will attend meetings. River iwi partners and the Waikato River Authority (Te Roopuu Hautuu members and the river iwi technical advisor) can choose to attend. Legal drafters to promote good quality plan writing throughout its development.2. As required by CSG sub-group Council staff who are subject matter experts, or members of the Technical Leaders Group (or their representative).and Team Leader Water Policy and / or Policy Manager will attend as required
MEETING FREQUENCY AND ESTIMATED TIME COMMITMENT	<p>As required but likely weekly meetings, between late February – end of April 2016, then occasional meetings as needed, to make any wording changes to the final package of RMA documents in the full council agenda in mid 2016.</p> <p>The time commitment is estimated to be approximately 10 -12 hours per week for 6 weeks. Each meeting is expected to be a half day. Between meetings, sub-group members will be expected to review sections of the plan and section 32 documents and provide written feedback.</p>
TIMELINE FOR THE SUB-GROUP	<p>CSG will decide on the overall recommendation to Healthy Rivers Wai Ora Committee (referred to as the policy mix³ in communications material) at their March 2nd– 3rd 2016.</p> <p>The sub-group’s work will begin once the Healthy Rivers Wai Ora Committee has given feedback to the CSG on the policy mix.</p>

³ See definitions

Key Healthy Rivers Wai Ora Committee and CSG meetings that the sub-group will work within, are set out below:

March 18th 2016 HRWO Committee meeting

HRWO committee meeting to approve the CSG recommendations on the policy mix (see definitions). CSG sub-group begins its work once the HRWO Committee has accepted the policy mix.

March 21st - May 2nd CSG Sub-group meetings

Weekly half day meetings (dates to be scheduled but potentially every Wednesday)

April 28 – 29 CSG

CSG sub-group report back to CSG and work through any changes requested to the drafted up plan change and section 32 documents.

May 9 CSG

CSG finalise wording of plan change and section 32 document. CSG-subgroup and staff make any final amendments.

May 23rd HRWO Committee workshop

HRWO committee workshop to discuss the CSG recommended plan change and section 32 document.

May 30th CSG

Holding date for any changes requested by HRWO Committee.

17th June HRWO Committee meeting

Meeting to approve CSG recommended plan change and section 32 document.

30th June Council

Meeting to adopt plan change and section 32 document for public notification.

OBJECTIVE

To guide staff drafting of the plan change and section 32 documents, on behalf of the CSG.

In order to meet tight deadlines and minimise re-work by the CSG as it finalises the RMA documents for recommendation to HRWO, the sub-group must have the confidence of the CSG to make many decisions on wording of objectives, policies, methods and rules. These decisions must be in accordance with the statutory requirements of the RMA and the CSG recommended policy mix confirmed by HRWO Committee in mid March 2016.

SCOPE OF THE CSG SUB-GROUP

- 1 To champion the plan change and s32 documents with the CSG and project decision makers from the time the CSG policy mix is agreed by HRWO Committee in March 2016, through to adoption of the Resource Management Act documents for public notification in mid 2016 . This includes:
 - a) Leading discussions and forming draft recommendations for CSG to consider on the plan change and s32 documents.
 - b) Leading presentations and discussions on the plan change and s32 documents with CSG members, Te Roopuu Hautuu, HRWO committee and any other parties (with support from council staff).
- 2 To generally oversee and monitor the drafting of the plan change and s32 documents by Council staff, in accordance with CSG policy mix agreed to by the Healthy Rivers Wai Ora Committee in mid March 2016. This includes:
 - a) Making choices about wording of objectives and policies and non regulatory methods in the Plan change, and consequential changes to the Waikato Regional Plan, and reporting these back for CSG approval and any changes at CSG meetings.
 - b) Clarifying CSG reasons for choosing or setting aside objectives or policy provisions in the section 32 document.
 - c) With assistance from the CSG chairman, making any minor changes⁴ requested by the HRWO Committee at their 17th June 2016 meeting to approve CSG recommended plan change.

PROCESS MATTERS

- 1 The CSG Terms of Reference (#2194147) applies to the operation of this sub-group and includes but is not limited to the following matters. This document is located on the project website <http://www.waikatoregion.govt.nz/Council/Policy-and-plans/Plans-under-development/Healthy-Rivers---Plan-for-Change/Collaborative-Stakeholder-Group/>
 - a. The sub-group decision making process
 - b. The role of the CSG
 - c. The role of the Chairperson and Facilitator
 - d. Principles to guide input and participation
 - e. Project scope
 - f. Outputs
- 2 Availability – CSG sub-group members must be available between late February until end of April 2016 to meet weekly. They should also have sufficient time available to be able to review, edit and email documents back to the sender, with a turnaround time to be agreed by the sub-group.
- 3 Sub-group members can include CSG members and alternates. A balance of CSG representation with no sector dominating the sub-group.

⁴ See definitions

4 Skills and competencies for the sub-group are in addition to those set out in the CSG terms of reference, and should include:

The following skills and abilities will need to be represented within the 5 person sub-group who volunteer to be part of the sub-group:

- a) Ability to quickly synthesis complex and sometimes conflicting information and suggest a pathway forward
- b) Ability to check whether all relevant information has been considered by the group before an interim decision is made
- c) Understanding of the change in behaviour that needs to occur to improve water quality and a strategic approach to phasing in the changes over time so that the Healthy Rivers Wai Ora contribution to achieving the Vision and Strategy is fully realised.
- d) Relevant technical / subject matter expertise. For instance, understanding of farm and primary industry production systems; knowledge and understanding of the Resource Management Act; technical information and its use in regional plans.

DEFINITIONS

The **policy mix** is the overall recommendation to Healthy Rivers Wai Ora Committee. It is a document setting out the RMA approach to be taken in the plan change, including the phasing of outcomes sought and an outline of the objectives, policies and methods and rules to achieve outcomes, plus recommendations on any industry agreements or funding needed that is outside RMA documents.

With reference to a situation where the HRWO Committee asks for changes at their meeting to approve the Plan change and section 32, **minor changes** are those that do not change the intent or meaning of a provision in the plan change and the section 32 documents.

REFERENCE

Description	Date	Decision
Decision to establish a CSG sub-group for the plan change and s32 documents	24/11/15	Majority (workshop notes p.24 #DM ref 3629626
Decision for nominated CSG members on this sub-group	XXX	Majority and membership are the following CSG members and alternates: <ol style="list-style-type: none">1. XX2. XXX3. XXX4. XX5. XX (workshop notes p.X #DM ref