

Report to Healthy Rivers Wai Ora Committee 17 December 2014 – Decision Required

File No: 03 04 14
Date: 2 December 2014
To: Chief Executive Officer
From: Director Science and Strategy
Subject: **Terms of reference**
Section B (for Recommendation to council)

Purpose

The purpose of this report is to formally amend the Healthy Rivers Wai Ora Committee Terms of Reference to provide for deputy co-chairs.

Recommendation:

1. That the report **Terms of reference** (Doc # 3196477 dated 2 December 2014) be received, and
2. That the committee nominate an iwi trustee and a council committee member as deputy co-chairs.
3. That the amended Healthy Rivers Wai Ora Committee Terms of Reference be endorsed and recommended to council for adoption.

Background

The Healthy Rivers Wai Ora Committee was established in December 2013 and consists of five elected members of council and one trustee from each of the five river iwi project partners, being Te Arawa River Iwi Trust Tūwharetoa Māori Trust Board, Raukawa Charitable Trust, Maniapoto Māori Trust Board, and the Waikato Raupatu River Trust.

The purpose of the committee is to fulfil the requirements of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, the Ngati Tūwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010, and the Nga Wai o Maniapoto (Waipa River) Act 2012 by jointly deciding on the final recommendation to the Waikato Regional Council on the content of the Healthy Rivers: Plan for Change/Wai Ora: He Rautaki Whakapaipai.

Discussion

At the last meeting of the committee on 5 August 2014 there was discussion on the structure of the committee, particularly in regard to voting members and alternates. Discussion

included a proposal to appoint deputy co-chairs to the committee who would co-chair the meeting should a co-chair not be able to attend.

Voting and alternates

The committee terms of reference was amended in February 2014 to provide each iwi with the discretion to appoint one alternate member on the Healthy Rivers Wai Ora Committee, and to advise the council of name and contact details upon appointment. For the council, Chairperson Paula Southgate was delegated to act as an alternate should an elected council member not be able to attend a meeting.

Deputy co-chairs

In accordance with discussion at the last committee meeting on 5 August 2014 it is proposed that the Terms of Reference for the committee be amended to include a provision for deputy co-chairs so that in the event of a co-chair being unable to attend a meeting, the appointed deputy-chair could co-chair the meeting. It is recommended that the following clause be added to the Constitution section of the Terms of Reference:

- (iv) *“In the absence of a co-chair for the respective parties, the nominated deputy chair will co-chair the meeting. The confirmed deputy co-chairs will be constant and unchanging.”*

Assessment of significance

Having had regard to the decision making provisions in the Local Government Act 2002 and the council’s Policy on Significance, a decision in accordance with the recommendation is not considered to have a high degree of significance.

Jo Bromley
Project Manager

Tracey May
Director Science and Strategy

Attachment

Attachment 1: Terms of Reference

Healthy Rivers - Wai Ora Committee Terms of Reference

REPORTING TO: Waikato Regional Council (Council)

CONSTITUTION: Equal numbers of:

- (i) Five (5) elected members of Council [being Crs AD Livingston [Co-Chair], TM Stark, ST Kneebone, TS Mahuta, LA Livingston].

That Chairperson Southgate's delegation to act as an alternate for WRC members be acknowledged.

[pt Rec No. HR13/37 dated 16/12/2013; WRC14/34.1 dated 27/2/2014.

- (ii) One (1) Trustee from each:
One (1) Trustee from the Te Arawa River Iwi Trust;
One (1) Trustee from the Tūwharetoa Māori Trust Board,
One (1) Trustee from the Raukawa Charitable Trust;
One (1) Trustee from the Maniapoto Māori Trust Board, and
One (1) Trustee from the Waikato Raupatu River Trust.

That the Terms of Reference be amended to provide each Iwi with the discretion to appoint one (1) alternate member on the Healthy Rivers Wai Ora Committee, name and contact details to be advised to the WRC upon appointment.

[pt Rec No. HR13/37 dated 16/12/2013, WRC14/34.1 dated 27 February 2014].

- (iii) The Committee will be co-chaired by an elected member from Council [Cr AD Livingston] and a Trustee from one of the respective Iwi Trustees (parties to the legislation). The confirmed co-chairs will be constant and unchanging.

- (iv) *In the absence of a co-chair for the respective parties, the nominated deputy chair will co-chair the meeting. The confirmed deputy co-chairs will be constant and unchanging.*

QUORUM Three (3) elected members of Council and three (3) Iwi Trustees.

MEETING FREQUENCY: Quarterly or as required.

PURPOSE: To fulfil the requirements of Section 46(2)(c) of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, Section 48(2)(c) of the Ngati Tūwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010, Section 22(2)(c) of the Nga Wai o Maniapoto (Waipa River) Act 2012 by jointly deciding on the final recommendation to the Waikato Regional Council on the content of the Healthy Rivers: Plan for Change/Wai Ora: He Rautaki Whakapaipai (Appendix 2).

CONTEXT:

As a Committee all parties agree and acknowledge that for co-management to be effective there needs to be a shared respect and understanding for each party's relationship to the Waikato and Waipa Rivers and their catchments.

This Committee provides a co-governance arrangement by which the Council and the five Iwi implement Section 46 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, Section 48 of the Ngati Tūwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010, Section 22 of the Nga Wai o Maniapoto (Waipa River) Act 2012.

SCOPE OF ACTIVITY

Promote the principles of co-management and provide guidance on the Healthy Rivers: Plan for Change/Wai Ora: He Rautaki Whakapaipai to give effect to the Vision and Strategy in relation to managing the adverse effects of discharges on the health and wellbeing of the Waikato and Waipa Rivers.

1. Specific Responsibilities

To oversee the development process of the Healthy Rivers: Plan for Change/Wai Ora: He Rautaki Whakapaipai which includes:

- Provides oversight and amendments thereto.
- Receipt of technical reports.
- Receipt of recommendations and information from the Collaborative Stakeholder Group.
- Receipt of recommendations and information from the Joint Steering Group – Te Rōpū Hautū concluding with a recommendation of the final draft Plan Change to Council for notification.
- Review any provisions which Council may refer back to the Committee for further consideration.
- Report progress and the recommendation to fulfil Section 46(2)(c) of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, Section 48(2)(c) of the Ngati Tūwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010, Section 22(2)(c) of the Nga Wai o Maniapoto (Waipa River) Act 2012 to Council.
- An agreed process by which the five Iwi will participate in making decisions on the notified Plan Change.

2. Power to Act

- Call meetings as required.
- Receive reports as required.
- Discuss and jointly decide and recommend to Council.

3. Process for approving recommendations on the Healthy Rivers: Plan for Change/Wai Ora: He Rautaki Whakapaipai project

1. The Committee will provide recommendations on the project to the Regional Council for approval.
2. The Council may, after considering the Committee's recommendations decide –
 - (a) To approve the recommendations without modification; or
 - (b) To refer the recommendations back to the Committee with a request that the Committee reconsider one or more aspects of their recommendations.
3. If the Council refers the recommendations back to the Committee, this Committee may, after reconsidering the aspects referred back to it by the Council in its request, forward to the Council either or both of the following:
 - (a) Amended recommendations,
 - (b) Any additional information that has been requested by the Council or that the Committee considers will help the council with its decision.
4. If the Council receives amended recommendations, or additional information to support the Committee's recommendations, it will:
 - (a) Approve the amended recommendations, or
 - (b) Convene a meeting comprising full Council and Committee participants to seek resolution of differences.
5. Should Councillors and Iwi members of full Council and the Committee fail to achieve resolution of issues, the Council may dissolve the Committee and all parties may invoke the dispute resolution procedures that prevail in the joint management agreements that each Iwi holds individually with the Council.

This process will also apply to the approval of the final draft Healthy Rivers: Plan for Change/Wai Ora: He Rautaki Whakapaipai Plan for notification.

4. Meetings of the Healthy Rivers: Plan for Change/Wai Ora: He Rautaki Whakapaipai Committee

- The meetings are to be hosted by the Council and the five Iwi on an alternating basis to be decided at each meeting.
- Members will receive an agenda for each meeting at least 10 working days prior to the meeting.

5. Principles for reaching resolutions

- The parties agree to address the resolution of issues between them in a constructive, co-operative, and timely manner consistent with the principles outlined in their respective legislation.
- All parties agree that any decision made at a meeting will be made with the highest level of good faith and by way of consensus decision-making.

6. Resourcing

- The Council and the Trust participants will each bear its own costs of participation.
- Council will provide the Secretariat for the meetings.

7. Communication

Communications with the media and the wider public will be in accordance with an agreed communications protocol to be approved by the Committee.

8. Meeting procedures

In accordance with the New Zealand Standard Model Standing Orders (NZS9202:2003 incorporating Amendment No.1).

9. Review of the Committee

A review of the Committee's terms of reference will be undertaken when the regional plan is notified or at the triennium, whichever comes first.

Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010**46 Preparation, review, change, or variation of Resource Management Act 1991 planning document**

- (1) This section applies to preparing, reviewing, changing, or varying a [Resource Management Act 1991](#) planning document to the extent to which those processes relate to the vision and strategy.
- (2) The part of the joint management agreement on preparing, reviewing, changing, or varying a [Resource Management Act 1991](#) planning document must provide—
 - (a) that, before the preparation, review, change, or variation commences, the local authority and the Trust must convene a joint working party to discuss and recommend to the local authority—
 - (i) the process to be adopted for the preparation, review, change, or variation; and
 - (ii) the general form and content of any document to be drafted for the purposes of consultation or notification under [clause 5](#) of Schedule 1 of the Resource Management Act 1991:
 - (b) that the local authority and the Trust must decide jointly on the final recommendation to the local authority on whether to commence a review of, and whether to make an amendment to, a [Resource Management Act 1991](#) planning document:
 - (c) that the local authority and the Trust must decide jointly on the final recommendation to a local authority on the content of a [Resource Management Act 1991](#) planning document to be notified under [clause 5](#) of Schedule 1 of the Resource Management Act 1991:
 - (d) that the local authority and the Trust must discuss the potential for the Trust to participate in making decisions on a [Resource Management Act 1991](#) planning document under [clause 10](#) of Schedule 1 of the Resource Management Act 1991.
- (3) The part of the joint management agreement on preparing, reviewing, changing, or varying a [Resource Management Act 1991](#) planning document must also provide a mechanism for the Trust to participate in processes under [Part 2](#) of Schedule 1 of the Resource Management Act 1991.
- (4) The local authority and the Trust each bears its own costs of complying with this section.
- (5) [Schedule 7](#) of the Local Government Act 2002 does not apply to the local authority and the Trust when, under the joint management agreement, they carry out the duties and functions or exercise the powers described in this section.

Ngati Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010

48 Preparation, review, change, or variation of Resource Management Act 1991 planning document

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- (4) The local authority and the Trust each bears its own costs of complying with this section.
- (5) [Schedule 7](#) of the Local Government Act 2002 does not apply to the local authority and the Trust when, under the joint management agreement, they carry out the duties and functions or exercise the powers described in this section.

Nga Wai o Maniapoto (Waipa River) Act 2012

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 - (a) that, before the preparation, review, change, or variation commences, the local authority and the Trust must convene a joint working party to discuss and recommend to the local authority—
 - (i) the process to be adopted for the preparation, review, change, or variation; and
 - (ii) the general form and content of any document to be drafted for the purposes of consultation or notification under [clause 5 of Schedule 1](#) of the Resource Management Act 1991:
 - (b) that the local authority and the Trust must decide jointly on the final recommendation to the local authority on whether to commence a review of, and whether to make an amendment to, a Resource Management Act 1991 planning document:
 - (c) that the local authority and the Trust must decide jointly on the final recommendation to a local authority on the content of a Resource Management Act 1991 planning document to be notified under [clause 5 of Schedule 1](#) of the Resource Management Act 1991:
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