

Report to the Collaborative Stakeholder Group – for Agreement and Approval

File No: 23 10 02
Date: 10 April 2015
To: Collaborative Stakeholder Group
From: Chairperson – Bill Wasley
Subject: **Template for Collaborative Stakeholder Group Recommendations Report to Healthy Rivers Committee and template for section 32 report**
Section: **Agreement and Approval**

1 Purpose

The purpose of this report is to ask for feedback from the Collaborative Stakeholder Group (CSG) about two of the outputs of the Healthy Rivers project including:

1. Topic headings the CSG would like to see in the Collaborative Stakeholder Group Recommendation Report.
2. The general layout of the Resource Management Act Section 32 Report that is publically notified with the plan change, including which sections should include the CSG Policy Selection Criteria and Ministry for the Environment guidance criteria for analysing objectives and policy provisions.

Attachments to this report include:

- i. A template for the Collaborative Stakeholder Group Recommendations Report (attachment 1) with headings and notes about the purpose of each section.
- ii. A recent example of a recommendation report done by a collaborative group in a similar limit-setting process in Canterbury (attachment 2).
- iii. A template for the section 32 Report (attachment 3) that has:
 - o headings and notes about the purpose of each section
 - o Where the CSG Policy Selection Criteria apply and Ministry for the Environment guidance criteria for analysing objectives and policy provisions
 - o How the hierarchy of legislation and advisory documents fit together.

Recommendations:

1. That the report [Template for Collaborative Stakeholder Group Recommendations Overview Report to Healthy Rivers Committee and Template for section 32 Report] (Doc #3346179 dated 10 April 2015) be received, and

The recommendations are:

2. That the Collaborative Stakeholder Group
 - a) agree to adopting or amending the headings in the template as shown in Doc# 3351821 (attachment 1), in order to guide what the Collaborative Stakeholder Group Recommendations Overview Report will look like
 - b) agree on a process for debating and progressively populating the template sections at future CSG workshops.
3. That the Collaborative Stakeholder Group
 - c) agree to adopting or amending the headings in the template as shown in Doc# 3306075 (attachment 3) in order to guide to what the Section 32 Report will look like
 - d) agree on a process for reviewing staff input into the Section 32 template.

2 Background

The CSG has made a start on the Waikato Regional Plan Change document. In February it approved a first draft of a template and agreed to populate it as the project progressed.

There are three main documents that the CSG will produce in the Healthy Rivers Project. These are:

1. CSG Overview of reasons and recommendations
2. Waikato Regional Plan Change 1: Waikato and Waipa River Catchments Section 32 analysis of alternatives and reasons.
3. Proposed Waikato Regional Plan Change 1: Waikato and Waipa River Catchments

Section 32 documents are required by the Resource Management Act (RMA), and there is a substantial amount of council policy staff experience in creating these reports, as well as central government guidance material and case law.

In contrast, there is no legislative requirement for an overview report containing a summary of collaborative group findings. This gives the CSG the freedom to determine what they want to see in the report, starting with agreement about the purpose and the audience for the report.

The sections below give a short description of both of these documents.

3 Section 32 Report

Section 32 of the Resource Management Act 1991 (RMA) requires an evaluation of the objectives, policies, and methods to be included in an RMA planning document.

How the CSG will produce the Section 32 Report

The audience for the Section 32 report is any person who wishes to understand why the particular objectives, policies and methods in the publically notified plan change were chosen. It is useful for anyone who makes a submission on a plan. Information in it is often referred to in the formal RMA process, including at the Environment Court. For these reasons, the document has to be easy to navigate, but also very thorough and well referenced.

In the Healthy Rivers project, the Section 32 is owned by the CSG up until the council takes it over, but is not written by anyone on the group. Instead, it will be written by policy staff. The CSG deliver the Section 32 to the Healthy Rivers Committee alongside the plan change

document. In order for the Section 32 and Waikato Regional Plan Change 1 to be publically notified, the Council has to approve both RMA documents at one of their Council public meetings.

Creating the Section 32 Template

Section 32 of the RMA lists what is required and introduces a number of terms such as appropriateness, efficiency and effectiveness.

To create the template, staff have used:

1. Guidance from Ministry for the Environment (A guide to section 32 of the Resource Management Act, December 2014). The Resource Management Amendment Act 2013 introduced new requirements under section 32. The MFE guide explains these new requirements and will help practitioners and decision-makers undertake good practice section 32 evaluations.
2. Guidance from a WRC template.
3. Examples of other council templates were assessed for reader useability and compliance with the amended RMA, and
4. Staff workshops between policy and economics staff with experience in preparing section 32 evaluations.

Attachment 3 to this report is the Section 32 template for Waikato Regional Plan Change 1 – Waikato and Waipa River Catchments.

4 CSG Recommendations Report

This report is an overview of the CSG findings on the project. Because it is not required by legislation, the CSG could choose to concentrate solely on drafting the Plan Change and Section 32. However, the benefit of producing an overview report, is to:

1. Have a clear summary of where the CSG has got to. This will be useful for a number of audiences, including Healthy Rivers Committee, sector and community groups and wider public.
2. Guide the final drafting of the detailed RMA documents. Some people in the catchment will not venture far into the plan change or section 32 documents. For instance, because rules in a Regional Plan must be legally watertight, parts of RMA plans are difficult for a general audience.
3. Indicate which CSG findings will need to be implemented outside the RMA. This will help manage expectations about what is able to be contained in the plan change.

The CSG has made a start on what will be contained in the plan change. Non RMA implementation may be through ongoing agreements about how and when different agencies will implement changes on the ground, as well as ideas for future funding that have to be decided upon under other legislation and formal and informal arrangements. Sometimes Regional Plans contain methods describing aspirations for funding or ongoing landowner engagement, but these are often outdated well before the plan able to be changed through a formal public process. Placing topics like funding and industry and landowner agreements outside the Regional Plan allows the council and other agencies to adapt the method as needed. Public accountability and transparency can be achieved by consulting about any public funding through annual plans.

4.1 Examples to consider when developing a template for CSG recommendations

Three documents are briefly described below. Two contain collaborative groups findings and the third is prepared by Te Arawa River Iwi Trust.

1. Hawkes Bay Regional Council 2014

See www.hbrc.govt.nz

The Regional Council is reviewing the way land and water resources are managed in the Greater Heretaunga and Ahuriri area – where most of the Hawke’s Bay population live and work. The area encompasses the Tutaekuri, Ahuriri, Ngaruroro and Karamu catchments (‘TANK’), plus the Heretaunga Plains aquifer system.

A report was prepared by council staff on behalf of the collaborative group, entitled “Collaborative decision making for freshwater resources in the Greater Heretaunga and Ahuriri Region TANK Group Report 1 Interim Agreements Oct 2013 - Dec 2014”

This 72 page report summarises the collaborative groups initial findings. It doesn’t go as far as the report to be produced by the Healthy Rivers Wai Ora CSG because the Hawkes Bay collaborative group has not finished and will spend 2015 and part of 2016 filling information gaps and developing the detail that will go into the plan change document. Instead, it sets out:

- An executive summary with the list of the interim agreements by topic area
- Description of the project, decision making process and roles
- Values, region-wide objectives and an indication of how the group will know these are being achieved.
- Region-wide topics. A description followed by interim agreements. For instance “wetland management’ contains a description of the state and extent of wetlands then two agreements including *The TANK Group recognises the importance of wetlands in the Greater Heretaunga and Ahuriri region and believes that measures should be undertaken to support the preservation of remaining wetlands (page 48).*
- Catchment-specific topics, broken down by area (freshwater management unit). A description followed by interim agreements.

2. Canterbury Regional Council

See www.ecan.govt.nz

Canterbury Regional Council has collaborative group processes underway (Zone Committees) that work with the community to develop water quality and quantity limits for different catchments. A Zone Implementation Plan is developed and limits and methods written into an addendum, which is developed to deliver the community’s aspirations for fresh-water use. The results of two of these processes are now publically notified as variations to the regional plan and are part way through the formal consultation.

The Selwyn Waihora area takes in the area to the south of Christchurch including the major shallow lake Te Waihora (Ellesmere). Diffuse discharges of nitrogen, sediment, phosphorus and microbes are a concern in this area, as well as the amount of water available.

The context setting and water quality sections of this Zone Implementation Plan Addendum report are reproduced in [attachment 2](#). For the full report, and to see other examples of Zone Implementation Plans, see www.ecan.govt.nz and follow links from ‘regional plans under development’.

3. Te Arawa River Iwi Trust Environmental Plan

Another recent report that the CSG could look to as a template is the Te Arawa River Iwi Trust Environmental Plan 2015 – 2025 “Whakamarohitia nga Wai o Waikato” (Rejuvenate the Waters of Waikato). As well as the subject matter of this document being relevant, the report is useful as an example of a template because it successfully takes a complex problem and sets out actions for the future in a way that can be easily picked up by a general reader. A limited amount of paper copies of this recently launched document will be brought to the CSG April workshop.

See www.tarit.co.nz

This 69 page report focuses on the health and wellbeing of the Waikato River. It is a ten year strategy that includes:

- Scene setting, the area of interest for Te Arawa River Iwi Trust (TARIT) and a summary about the people, that is, each of the three Te Arawa River Iwi.
- Expectations and outcomes for consultation and relationships
- Summary of the significance of the River and current state of natural resources

The two key parts of the document which CSG could follow in terms of formatting and clarity are Parts Five and Six of the document, entitled ‘Our Policy’ and ‘Action Plan.’ These sections contain:

- Explanation of terms
- Detailed issues, objectives and ‘how we should get there’, which is a table format of a policy and several methods for each different topic area.
- Table of actions, including who should be the lead agency.

In summary, the documents reviewed and described briefly above, are all useful examples to consider as the CSG reviews the draft template in [attachment 1](#) and decides what it would like to see in the Collaborative Stakeholder Group Recommendation Report.

5 Summary

In the Healthy Rivers project, the Section 32 is owned by the CSG up until the council takes it over, but is not written by anyone on the group. The template attached has been developed by WRC policy and economics staff, using the extensive guidance and experience available in New Zealand. The CSG will be interested in whether the extensive amount of information and analysis in this report can be easily navigated and the places that its Policy Selection Criteria will be part of the analysis.

The CSG Recommendations Report is publically available report written for a general audience that contains key recommendations and reasons for limits, targets, objectives, as well as detail about how these will be implemented. It needs to be able to take a complex problem and set out actions for the future in a way that can be easily picked up by a general reader.

Justine Young
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**Attachment 1 Template for the Collaborative Stakeholder Group Recommendation
Report to Healthy Rivers Committee**

Document 3351821

Attachment 2

Excerpt of the Canterbury Regional Council Zone Implementation Plan Addendum for the Selwyn Waihora Catchment

Downloaded from Canterbury Regional Council website www.ecan@govt.co.nz 8 April 2015.
Excerpt is summary (pages 1 – 7) and then Water Quality chapter (pages 29 – 43).

Attachment 3 Template for the Section 32 Report

Document 3306075