



Healthy Rivers  
PLAN FOR CHANGE

Maniapoto Māori Trust Board  
Raukawa Charitable Trust  
Te Arawa River Iwi Trust

Wai Ora

HE RAUTAKI WHAKAPAIPAI

Tūwharetoa Māori Trust Board  
Waikato Raupatu River Trust  
Waikato Regional Council

# Terms of Reference – Collaborative Stakeholder Group

# Baseline Project Management Plan Approval

We the undersigned confirm our acceptance of this Terms of Reference for the Collaborative Stakeholder Group and agree to the commencement of this process as outlined in this document.

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Signed:	Jo Bromley	Date:	updated 11 June 2014.
	_____		_____
	Project Manager		
Signed:	Bill Wasley	Date:	updated 11 June 2014.
	_____		_____
	Independent Chairperson		

# **Acknowledgements**

The Healthy Rivers / Wai Ora project team wish to gratefully acknowledge the input of many stakeholders in the preparation of this Terms of Reference. We particularly acknowledge the contribution of participants of the Land and Water Forum.

## **Status of the Terms of Reference**

The Terms of Reference has been reviewed by the Collaborative Stakeholder Group and Chairperson and is now final.

## **Status of the Decision Making Process**

The Decision Making Process appended to this document has been reviewed by the Collaborative Stakeholder Group and Chairperson and is now final. However, it sits outside of the Terms of Reference and may be updated by the Collaborative Stakeholder Group from time to time.

## **Status of the Code of Conduct**

The Code of Conduct attached to this document has been reviewed by the Collaborative Stakeholder Group and Chairperson and is now final. However, it sits outside of the Terms of Reference and may be updated by the Collaborative Stakeholder Group from time to time without triggering a review of the Terms of Reference.

## **Status of the Media Protocol**

The Media Protocol has been reviewed by the Collaborative Stakeholder Group and Chairperson and is now final. However, it sits outside of the Terms of Reference and may be updated by the Collaborative Stakeholder Group from time to time without triggering a review of the Terms of Reference.

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# 1 Introduction

## 1.1 Project Purpose

This document forms one of the base documents for the Healthy Rivers: Plan for Change/Wai Ora: He Rautaki Whakapaipai Project.

The primary goal of this project is for Waikato Regional Council and Waikato and Waipa River Iwi to jointly recommend that the Council notify a change to the Waikato Regional Plan. The purpose of this plan change is to address the adverse effects of discharges to land and water in the Waipa and Waikato River Catchments.

Once developed, the plan change will have addressed the requirement to identify values, and to set freshwater quality objectives and limits (recognising and considering interactions with the quantity limits set) in a way that gives effect to the National Policy Statement for Freshwater Management and the National Objectives Framework within it. It will help, over time, to reduce sediment, bacteria and nutrients (nitrogen and phosphorus) entering water bodies (including groundwater) in the Waikato and Waipa catchments.

The project contributes to giving effect to the long term objective to restore and protect the health and wellbeing of the rivers for current and future generations, as required by the *Vision and Strategy for the Waikato River/Te Ture Whaimana o Te Awa o Waikato*.<sup>1</sup> Other issues relating to the health and wellbeing of the rivers, such as fisheries, will be addressed through other means, such as the activities of the Ministry for Primary Industries at the national level; and the implementation of the Pest Management Strategy, at the regional level.

The plan change process is expected to traverse a complex range of issues, targets and policy options. The Waikato is a large diverse catchment – geographically, socially and culturally. The task for the Waikato and Waipa River catchments involves multiple targets across a range of ecosystems (rivers, wetlands, lakes) and communities.

## 1.2 Stakeholder Engagement Strategy

A Stakeholder Engagement Strategy (SES) has been developed for the project, which outlines the approach to working alongside stakeholders and the community during the process. The SES will especially need to be operationalised during the third phase of the project, where options and policy mixes are developed.

The Stakeholder Engagement Strategy describes the decision-making context of the project, together with project phases and strategies to work alongside key people and communities. The strategy can be downloaded from the Waikato Regional Council website by searching using the key words “Healthy Rivers”.

One of the main strategies for working alongside those with an interest in this project is to establish a Collaborative Stakeholder Group (CSG). This Terms of Reference (TOR) implements this strategy.

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<sup>1</sup> Te Ture Whaimana o Te Awa o Waikato – the Vision and Strategy for the Waikato River. The Vision and Strategy is contained in the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, Ngati Tūwharetoa, Raukawa and Te Arawa River Iwi Waikato River Act 2010 and Ngā Wai o Maniapoto (Waipa River) Act 2012. The Vision and Strategy has been deemed to be part of the Regional Policy Statement and is contained in Section 2 of the RPS. The Regional Plan must give effect to the Vision and Strategy (as it would with any other provision of the RPS).

## **2 Collaborative Stakeholder Group (CSG)**

### **2.1 Purpose and role of the CSG**

The purpose of the CSG is to:

- bring stakeholders together early to seek a common path forward
- act as the central channel and ‘brand’ for stakeholder and broader community involvement. The main focus for the broader community involvement will occur during phase three of the project, where options and the policy mix are developed
- intensively review and understand the technical, social, cultural and economic complexity of the project
- inform and guide decision makers.

The role of the CSG is to intensively review and synthesise technical and community material, to form recommendations to inform and guide policy development.

Decision makers can then incorporate this advice and recommendations to the maximum extent possible, selecting feasible policy options to make gains for the rivers. These policy options will be based on sound information regarding social, cultural, economic and environmental values and impacts.

The main features of the CSG are that:

- it is an intensive, facilitated process, with a fair and transparent selection process
- it will receive information from and ask questions of the Technical Alliance, a diverse group of specialists from across a range of relevant disciplines
- the participants must have time to adequately prepare for and attend approximately 10-12 one-two day workshops per annum
- additional small topic-specific working groups may be established from time to time with additional stakeholder representatives
- the CSG will also meet with stakeholders who wish to talk with them to contribute their ideas.

### **2.2 Benefits of the CSG**

The benefits of the CSG are:

- credibility of a group drawn from a range of stakeholders
- ability to have a range of voices in the room, bringing new ideas and innovations – resulting in greater uptake of policy on the ground
- a group able to dedicate a significant amount of time to understanding the wide range of information and views and the technical complexities of this task, to support time-constrained decision makers
- ability to create real solutions that can be implemented, leading to outcomes.

Ultimately the decision makers must understand the issues fully in order to make policy decisions. The CSG is a step along the way, helping to crystallise the issues from a mixed stakeholder perspective, and offering carefully considered views about how to proceed, while recognising that final decisions rest with decision makers. The CSG is one way to lessen the burden on decision makers with some well-thought out ideas.

## 2.3 Membership – makeup and group size

“Stakeholders” in this context refers to representatives of organisations that will be directly or indirectly affected by the plan review process, as well as to other community members who may have skills and perspectives to contribute to such a group. The CSG is representative and skilful, including a wide range of interests from the catchment, a breadth of interests and backgrounds (including age, gender etc), and come from a spread of local communities. Declarations of interest will be stated.

Stakeholders include:

1. Māori Interests<sup>2</sup> (Trusts, farming groups, community committees )
2. Primary industry (industry organisations, farmers, foresters, horticulturalists)
3. Other rural industry and primary industry support (fertiliser industry, banks, insurance industry, quarries, rural supply companies)
4. Central government (ministries, departments and other statutory bodies)
5. Local government (territorial authorities, catchment liaison subcommittees, economic development groups, community boards)
6. Non Government Organisations (environmental groups)
7. Water body users (energy, municipals, commercial, recreational)
8. Other industry and business organisations (tourism industry)
9. Community (ratepayers and residents associations, general public)

Central government will not be members of the CSG, due to their governance role. Research organisations will provide independent input through the Technical Alliance. Educational organisations are not represented formally on the CSG, although a number of CSG members have education experience and networks.

Additional topic specific working groups may be formed from time to time to support the work of the core CSG.

### 2.3.1 Skills and competencies

CSG members bring the following skills and attributes to the Healthy Rivers Wai Ora project:

- the ability to participate productively in a group process, including communication skills (listening and acknowledging what has been said and stating views succinctly and clearly)
- the ability to consider issues from multiple viewpoints and to seek options open-mindedly and cooperatively
- the capacity to synthesise information (cultural, technical and social)
- a commitment to finding an agreed way forward that addresses the social, cultural, economic and environmental values, while advancing the Vision and Strategy for the Rivers.

A further contribution of a CSG member is their credibility and standing in local communities and their ability and authority to ‘make things happen’. This fosters effective engagement with local communities throughout the plan change process, and generates respect for the CSGs’ guidance on decisions and implementation of policy changes.

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<sup>2</sup> Māori interests: are defined as Trusts, farming groups, kaitiaki, community committees, marae, recreation and customary users. In this role, they are not representing Iwi Authorities on the governance body of the project.

There will be a requirement that the stakeholders can commit the necessary time and effort to understanding the issues, considering the input from the engagement processes, and having in-depth discussions about the best ways forward.

## 2.4 Chairperson and facilitator

An interim independent chairperson has been appointed prior to the formation of the CSG by decision makers. The Chairperson will lead the formation of the CSG, with the support of a facilitator, until a permanent chairperson is negotiated between the CSG and decision makers.

The CSG process has been designed to make best use of a Facilitator (with skills in designing meeting processes that will engage all participants in creative ways), and a Chairperson (who will ensure decisions are clearly recorded during meetings and play the primary external liaison role for the group, including with decision makers, key stakeholders and the media). These roles are likely to evolve over the course of the project but it is envisaged that both roles will be necessary and complementary.

The role of the Chairperson is to lead the CSG by:

- finalising this Terms of Reference
- acting as media spokesperson
- liaising with decision makers and stakeholders
- negotiating with project support staff regarding inputs to and outputs from the CSG, including inputs and outputs to and from the Technical Alliance
- assisting the group to develop and sign off on a Code of Conduct
- fostering an atmosphere of enquiry, respect, open-mindedness and group learning, supporting the group to strive for unanimous agreement
- maintaining a focus on outcomes, priorities, plausible results and resource constraints
- ensuring a fair and equitable group process, adopting as neutral a stance as possible
- foster and encourage leadership within the CSG members, as an enabler to establishing smaller working groups (where appropriate) with a leader appointed to drive toward outcomes on specific interest areas
- building the capacity of the CSG to participate in a collaborative process, bring a positive approach, and seek win-win solutions
- ensuring sufficient recording of key agreements
- negotiating, trouble shooting, and developing a conflict resolution process
- attending meetings of Healthy Rivers Wai Ora Committee and Te Rōpū Hautū – the joint steering group
- considering and determining any matters related to the implementation of the Honoraria Policy
- performance managing any member who is not complying with the Code of Conduct or Terms of Reference
- closing the CSG if it is considered no longer fit for purpose

The role of the Facilitator is to:

- design an enjoyable and productive workshop style process to enable the CSG to progress its tasks
- facilitate input from all members of the CSG, so that every voice is heard
- suggest ways to work with differences of views



- support the CSG to continuously improve
- support processes run by any sub-groups formed by the CSG as well as broader engagement processes.

## 2.5 Duration, frequency and attendance

The CSG will be set up with the clear expectation of a finite process, to finish when the CSG makes its recommendations to council. This process is estimated to take approximately 18 months - two years from the first meeting of the CSG. It is expected that members of the CSG will each be available to attend at least 90% of meetings and will have read the background material and workshop agenda documentation supplied prior to workshop attendance.

CSG membership will be reviewed at a frequency agreed with the CSG. Because of the complexity of the issues that the CSG will discuss delegates are to be only accepted for sector representatives. Delegates can attend meetings as passive observers (no speaking or voting rights), to enable them to keep up to speed with the project. Delegates will cover their own costs.

Expected frequency of meetings is monthly (e.g.1 - 2 full-day workshops per meeting) but could vary with the task at hand. Meetings will be a facilitated intensive working-party style.

Specific tikanga/protocols and ground rules for meeting process have been agreed as part of developing the Code of Conduct at the first meeting (refer to the Code of Conduct). The Code of Conduct sits outside this Terms of Reference.

The CSG will develop protocols to promote transparency of their processes (e.g. large stakeholder forum; e-newsletters; regular chairperson summary reports; CSG members attending existing stakeholder meetings; press releases and meeting directly with their sector or community representatives).

## 2.6 Principles to guide input and participation

Some key principles to guide effective participation and input among CSG members include:

- patience and listening ability
- respect for the ability to present alternative views and approaches
- restraint from being judgmental on input of others
- being prepared to reach common ground and positions
- being brave
- willingness to engage and participate in discussions that may be out of their comfort zone
- commitment to evidence based approach to guide and inform policy development
- being pragmatic
- putting issues on the CSG table
- early warning of emerging issues that could impact on the work of the CSG
- doing what you say you will do and not undermining the process
- continual focus on the common goal
- ensuring all CSG members have base level of information and understanding of relevant matters
- agreeing on the circulation of meeting notes, materials and associated matters.

The application of these principles will give rise to:

- building trusting relationships through well run processes, positive behaviours such as providing feedback, adequate information, time and support, active listening and space to understand the issues
- achieving quality engagement and maintenance of open, honest and transparent communication
- development of evidence based approaches involving understanding of the problems, how they may be addressed and encouragement of innovative solutions
- sustaining the momentum through acknowledging achievements, reinforcing the positives focusing on the outcomes and asking "can we move on"?

### 3 Reporting and linkages

Figure 1 shows the relationships between the CSG, Technical Alliance and decision makers.

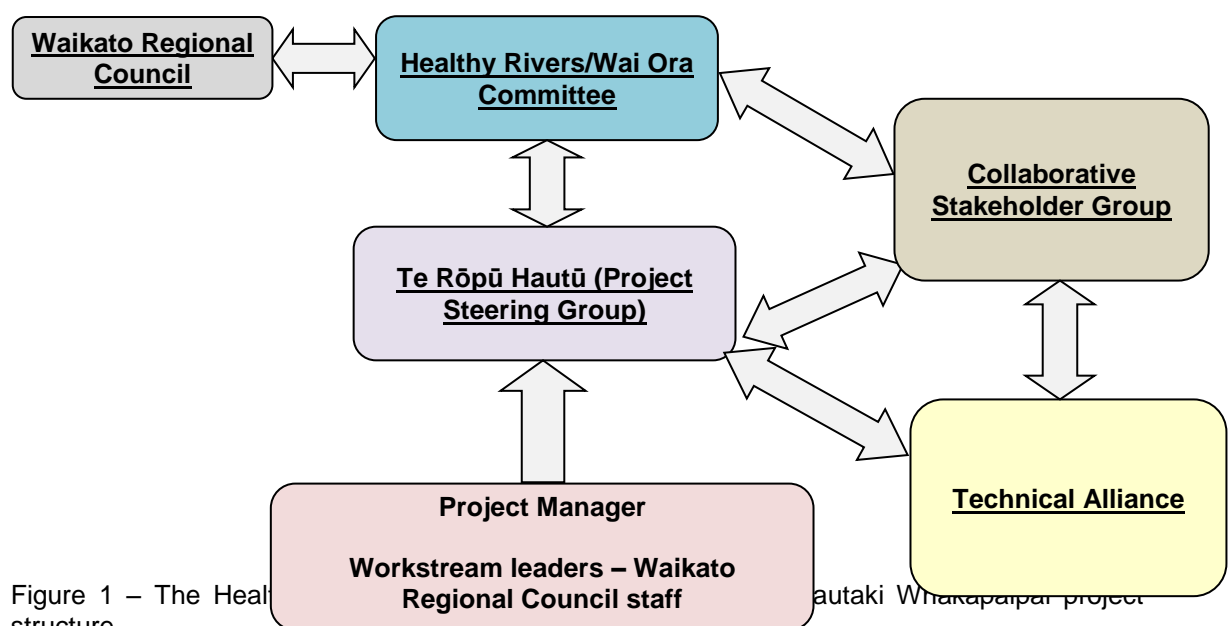


Figure 1 – The Healthy Rivers/Wai Ora Project Structure

**Council and River Iwi and CSG:** A strong and regular two way communication process is vital between decision makers, and the CSG. The CSG will report to Council and Iwi co-governance through the Chairperson and Project Manager. Membership of the CSG includes tāngata whenua, while maintaining a separation of the decision making roles. Decision makers will:

- make time to hear from the spokesperson of the CSG; and consider CSG proposals to the maximum extent possible
- attend CSG meetings as active or passive observers (on agreement from the chairperson), but will not participate in the decision making parts of the CSG
- may attend and support the CSG in community engagement processes that members of the CSG organise.

**Form and frequency of reporting:** Decision makers, the CSG and the Technical Alliance will agree on the most appropriate form and frequency of reporting, including reporting to the broader communities and stakeholders interested in this project.

**Technical Alliance:** The CSG will receive information from, ask questions of and discuss the outputs from the Technical Alliance within the parameters agreed above and in section 4.1 below (Givens). The Technical Alliance includes the Technical Leaders Group and the Technical Support Group,

**Broader engagement process:** The CSG will:

- support briefings of elected representatives as part of their broader communication roles. However this is not a formal reporting relationship
- support and brand further stakeholder or community engagement events to gather more input. Decision makers may attend these processes.

**Relationship with policy staff:** Staff of WRC may draft proposals, policies and options on behalf of the CSG as negotiated between the Chairperson and Project Manager. Similarly, staff of stakeholder organisation's may assist the CSG in various support roles, such as participating in specific working groups established by the CSG from time to time.

## 4 Project Scope

The scope of the project is:

- to develop draft recommended water quality limits and targets, issues, objectives and policy methods (including timeframes) for the Waikato and Waipa River Catchments, and to work out how to manage within those limits given the values that are present. A key part of this will be determining how to address the adverse effects of discharges to land and water in the Waipa and Waikato River Catchments.
- Once developed, the plan change will have addressed the requirement to identify values, and to set freshwater quality objectives and limits (recognising and considering interactions with the quantity limits set) in a way that gives effect to the National Policy Statement for Freshwater Management and the National Objectives Framework within it. It will help, over time, to reduce sediment, bacteria and nutrients (nitrogen and phosphorus) entering water bodies (including groundwater) in the Waikato and Waipa catchments.
- the development and recommendation of a plan change to the Healthy Rivers Wai Ora Committee in a collaborative manner involving key stakeholders
- to address the adverse effects of point and non-point discharges to land and waterbodies in the Waipa and Waikato River catchments
- the focus is on improving water quality, taking into account all of the influences on water quality
- understanding the wide range of values associated with these waterbodies, including how values vary in different parts of the river catchments
- understanding the national frameworks and how they potentially impact on the project scope
- looking at subsets of catchments, where appropriate – 'horses for courses'.
- understand and consider the benefits and costs of the environmental, economic, social and cultural effects that are anticipated from the solutions developed by the CSG.

An integral purpose of the plan change is to:

- contribute to giving effect to the Vision and Strategy for the Waikato and Waipa Rivers
- meet the requirements of the National Policy Statement for Freshwater Management and the provisions of the Waikato Regional Policy Statement
- to understand the range of information and technical advice related to these matters – rural and urban.

### 4.1 Givens

Decision makers will outline project givens, including:

- the scope of issues to be addressed in the plan change including the consideration of any recommendations from the CSG
- the resources and milestones will be defined by decision makers and negotiated by the Chairperson and Project Manager
- compliance with any relevant legislation and standards required of a statutory plan will be the responsibility of Waikato Regional Council staff, supported by the CSG
- the CSG will be the central channel for stakeholder and community engagement up until notification, and will design the wider engagement process, liaising with the Project Manager regarding resources and timelines.

## 4.2 Activities

The CSG will implement the Stakeholder Engagement Strategy by:

- reviewing existing information on iwi, stakeholder and community values
- receiving and considering technical advice, including from the Technical Alliance
- having an opportunity for any member of the CSG to provide a presentation on the project scope and to receive considered feedback from the CSG
- focusing discussion on the substantive issues facing the project
- gathering and receiving further input, including by designing and leading local community events and meeting with and hearing from people and groups involved with the Waikato and Waipa Rivers and their catchments
- discussing and synthesising technical and community information
- exploring implications of different options and striving for unanimous agreement
- guiding decision makers, including on the key information needs of each phase of the project including engagement processes, policy selection criteria, appropriate targets and best policy options.

Tasks will relate to the phases of the project outlined in the Stakeholder Engagement Strategy, including:

- reviewing community values and identifying gaps
- developing policy selection criteria
- synthesising technical and community input
- identifying information gaps
- designing and leading broader stakeholder and community events
- informing and guiding decision makers.

It should be noted that:

- formal decision making rests with Council and Iwi (see Stakeholder Engagement Strategy and Footnote 1)
- project support staff (Council/Iwi) will work in partnership with the CSG to provide analysis, reports and draft plan provisions, while also ensuring compliance with the standards required for a statutory plan.

## 4.3 Outputs

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.

Milestones along the way are those required in each of the phases outlined in the Stakeholder Engagement Strategy, including:

- a community engagement plan to gain wider input
- recommended policy selection criteria
- analysis of scenarios under different targets and policy methods, including a synthesis of community and technical information
- recommended targets and policy approaches.

## 4.4 Communications

The Chairperson will be the sole point of contact with the media. Other arrangements may be negotiated with the Chairperson as the process requires.

A press release and e-newsletter will be produced following each CSG workshop to keep broader stakeholders up to date. Notes of the workshop will be publicly available and placed on the WRC website once confirmed by the CSG. The content of these press releases and e-newsletters will be based on the summary points agreed at the end of each CSG workshop; the Chairpersons summary reports (when available); and the needs of the community engagement plan. Members of the community and stakeholders interested in receiving the e-newsletter should register at [www.waikatoregion.govt.nz/healthyrivers](http://www.waikatoregion.govt.nz/healthyrivers).

## 4.5 Evaluation and feedback loops

The following evaluation and feedback activities will take place:

- The CSG process will include an opportunity for CSG members to provide reflections and comments on progress every 3-4 meetings with the results reported to the Chairperson in the first instance. The evaluation team will also provide 6 monthly reports to TRH and Healthy Rivers/Wai Ora Committee, after these reports have been discussed with the CSG.
- Project support staff will attend the CSG as observers/resource people and feed back into their organisations.
- Regular feedback to decision makers will occur through the Chairpersons summary report every 1-2 meetings.
- Updates to community and stakeholders will be regularly undertaken, with support from the Project Manager, and following presentations to decision makers
- Peer review processes will be developed to ensure robust stakeholder and community engagement processes are followed, and to enable the engagement process to be adapted along the way.

### 4.5.1 How will we know if the CSG is successful?

The CSG process will be considered successful if:

- the CSG membership covers a range of interests, including Māori interests and landowner interests, drawn from a broad range of stakeholder groups as well as broader community representatives
- the process is productive, where the CSG strives to reach unanimous agreement on ways forward at different stages of the policy making process, and writes up and presents these proposals to decision makers as recommendations
- advice and recommendations are technically sound, and advance the Vision and Strategy for the Waikato and Waipa Rivers and give effect to the National

Policy Statement for Freshwater Management, with consideration of the social, cultural, economic and environmental values and impacts

- CSG members can articulate to decision makers, communities and stakeholders the basis for their recommendations
- recommendations receive serious consideration by decision makers
- decision makers understand the issues from all sides, and a balanced view is gathered of the challenges facing communities in the Waikato and Waipa catchments if different land management scenarios are put in place
- policy changes are seen as practical and achievable by local communities
- lasting solutions will be generated and the process will be considered to be credible because of the intensive involvement of stakeholders
- there is dialogue with Technical Alliance to fill information gaps
- the CSG is inclusive – people feel safe, happy and part of the process; all the voices are being heard, with no one individual dominating; CSG members stay in the process; the CSG is working well together towards a goal
- CSG thinking is broad and opportunity focused
- the CSG is satisfied with the Chairperson; and the CSG is effective within the project structure, including the relationships between the governance, technical and steering groups
- progress is being made; unanimous agreement is actually being sought and reached; agreed outcomes are being achieved; the rivers are at the heart of everyone's thinking and actions; sound policy outcomes are agreed; there is a balance between rules and no rules; and decisions are made that make a difference;
- information is available to CSG members and their networks and the community is being effectively brought along, overcoming the logistical challenges of bringing people along
- any potential situations or issues that might derail this process are identified early and the CSG takes on the feedback from the evaluation/reviews
- the process runs to plan: quality, time (including pro bono time), costs and outcomes.

## **5 Resources to support the CSG**

The CSG will require:

- a clear brief and understanding of the scope of the plan change, and the role of the CSG
- a clear understanding of co-governance and co-management, the Vision and Strategy
- information from the Technical Alliance in a timely manner and form that is easily understood
- summaries of existing information on iwi / hapū, stakeholder and community values
- strong facilitation, chairing, staff and administrative support
- Waikato Regional Council policy staff will play an active role in supporting the CSG process, providing information inputs, analysis and reporting, as discussed and agreed with the Chairperson and Project Manager
- resources, including operating budget as negotiated between the Chairperson and Project Manager.
- CSG may seek to supplement the advice of the Technical Alliance with information sourced from their own networks, where gaps are evident, provided strong linkages are maintained with the Technical Alliance.

An honorarium may be available to those who would not otherwise be able to participate.

# Appendix 1: Decision Making Process for the Collaborative Stakeholder Group

This process will be used as a framework by the CSG to make decisions. It sits outside the Terms of Reference and may be adapted from time to time.

## What is collaboration?

This project uses the definition of collaboration of the International Association for Public Participation (IAP2).

The IAP2 defines five levels of public participation possible in any policy process. Collaboration describes the process of working intensively with a range of stakeholders in each aspect of a decision making process, including the development of alternatives and the preferred solution(s).

The IAP2 goal for collaboration is:

to partner with the public in each aspect of the decision, including the development of alternatives and the identification of the preferred solution.

This means that the commitment by project partners River iwi and council, to the collaborative stakeholder group is to:

...look to you for advice and innovation in formulating solutions and incorporate your advice and recommendations into the decision to the maximum extent possible (see also Appendix 2).

## How will we make decisions?

CSG members will base their decision making process on the following framework. They have defined consensus in the context of the Healthy Rivers Wai Ora project as “unanimous agreement”.

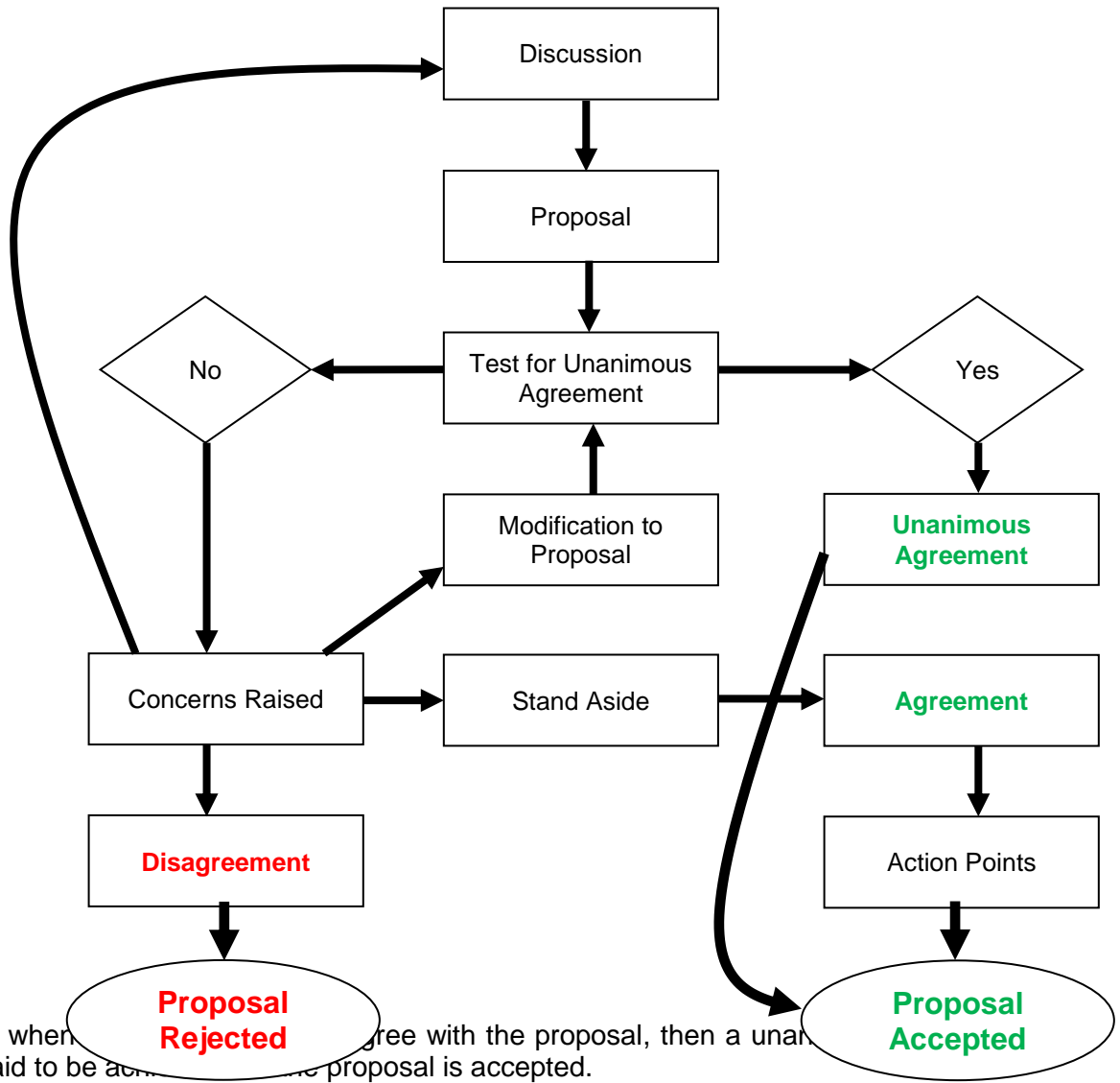
## The process

When the group has discussed the issue fully and a clear proposal is put forward for resolution, the proposal is tested with the whole group to see the level of agreement. The three possible responses to the question about agreement with the proposal are:

- I agree
- I stand aside (don't agree but understand and can live with the proposal)
- I disagree with the proposal.

The group will strive for unanimous agreement. The Chairperson will have an active role in assisting the group to decide upon when a sufficient level of agreement has been met, and in ensuring all voices are heard throughout the decision making process.





If unanimous agreement is not achieved:

1. Those who have concerns must articulate them.
2. If the concerns are shared, then the proposal may be modified to alleviate them or the concerns explained away to the concerned member's satisfaction.
3. The proposal (either original or modified) is again tested for unanimous agreement. If all members agree with the proposal then a unanimous agreement is said to be achieved and the proposal is accepted.
4. If the proposal is not agreed unanimously but there are no members who disagree, i.e. some members choose to stand aside, then an agreement is said to be achieved and the proposal is accepted.
5. If the proposal is not agreed unanimously and there is at least one member who disagrees with the proposal then the group has to decide whether the level of disagreement is sufficient to warrant:
  - a. further modifications to the current proposal
  - b. disagreement and thus rejection of the proposal. This will result in further discussion, another potential solution and new proposal
  - c. Agreement and thus acceptance of the proposal.

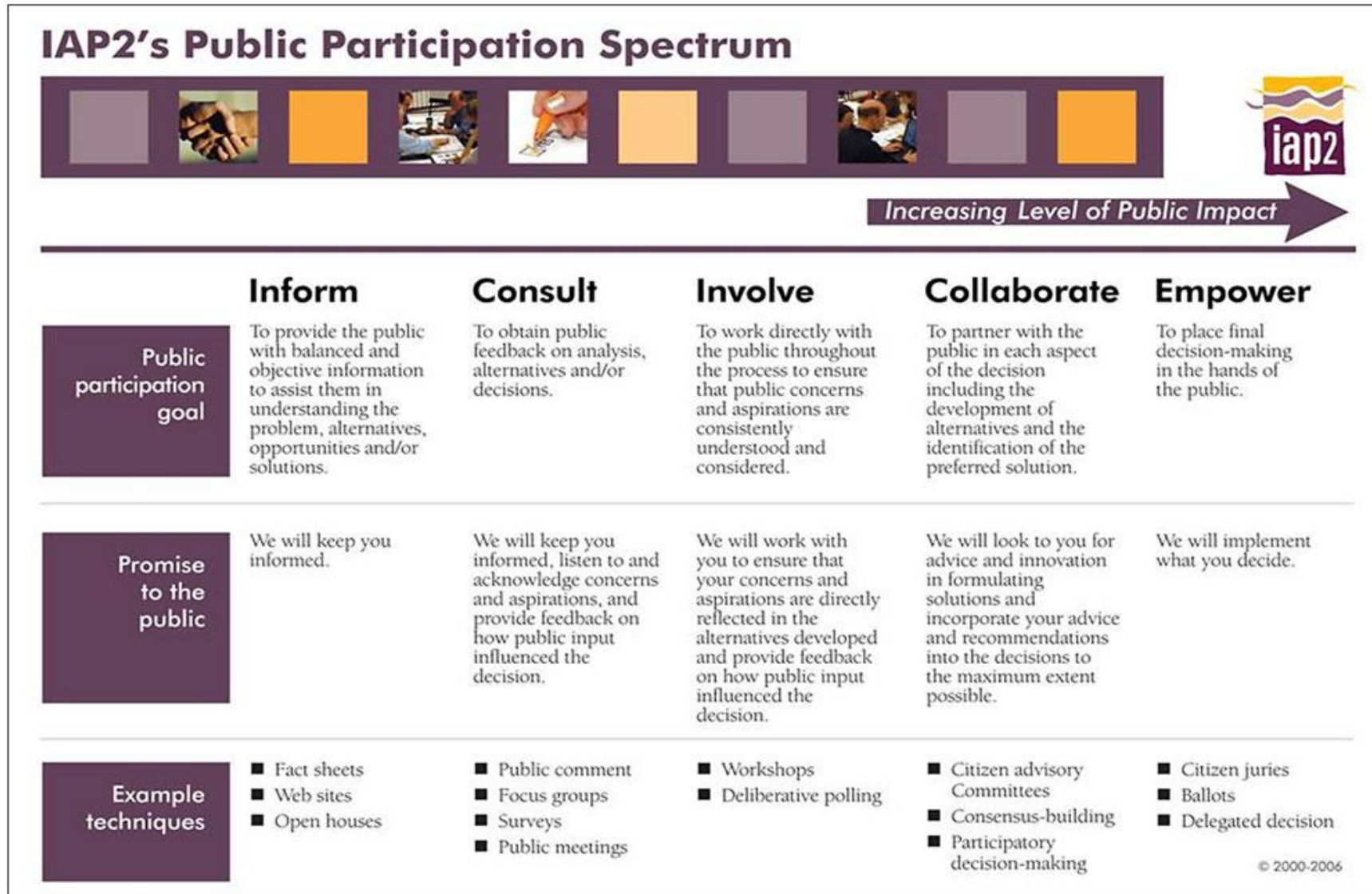
Those who disagree must articulate their concerns and genuinely work with other group members to see whether these concerns can be alleviated through modifications to the proposal, or through increased understanding as a result of more information.

Those who stand aside accept the proposal despite having reservations or concerns and share the responsibility for the decision-making. The number of members who stood aside will be noted.

The group sometimes may decide to proceed with the proposal even though there are disagreements. In this case there would need to be a clear record of the identity of those disagreeing, their concerns and the reasons for these concerns. The Chairperson will have a key role in judging when to proceed.

Adapted by Twyfords and the Healthy Rivers Wai Ora Collaborative Stakeholder Group from Consensus Decision Making <http://www.seedsforchange.org.uk/consensus>.

## Appendix 2: Spectrum of Public Participation, including a definition of collaboration



## Appendix 3: Glossary

**Collaboration:** This project uses the goals and definition of collaboration of the International Association for Public Participation (IAP2). The IAP2 defines five levels of public participation possible in any policy process.

The IAP2 goal for collaboration is:

to partner with the public in each aspect of the decision, including the development of alternatives and the identification of the preferred solution.

This means that the commitment by project partners River iwi and council, to the collaborative stakeholder group is to:

...look to you for advice and innovation in formulating solutions and incorporate your advice and recommendations into the decision to the maximum extent possible (see Appendix 2).

Collaboration describes the process of working intensively with a range of stakeholders in each aspect of a decision making process, including the development of alternatives and the preferred solution(s). Collaboration provides a greater level of input into the design of the approach and the options and solutions identified than consultation and many other forms of public engagement (LaWF, 2012). Collaborative approaches use active facilitation to ensure the most constructive use of all participants time.

**Consensus** – CSG members have defined consensus in the context of the Healthy Rivers Wai Ora project as unanimous agreement (please refer to Appendix 1 –Decision making process).

**Stakeholders:** Refers to representatives of those who will be directly or indirectly affected by the plan review process.

**Decision makers/ project partners:** Under recent legislation, Waikato Regional Council and Waikato and Waipa River Iwi are the statutory decision makers and therefore project partners on this project. The underlying purpose of the three acts is to protect and restore the health and wellbeing of the Waikato and Waipa Rivers.

The acts set out a process to be used before the preparation, review, change, or variation of RMA planning documents. The council and each of the River iwi must discuss and recommend to council the process to be adopted for the preparation, review, change or variation and the general form and content of the plan.

The legislation requires that joint recommendations are made by each River iwi and council. These are 1) to commence the process to prepare, review, amend and/or vary a RMA planning document; and 2) to notify the draft RMA planning document. Waikato Regional Council retains final sign off authority to the plan change, providing that such decision making is consistent with the Vision and Strategy.

**Joint Steering Group / Te Rōpū Hautū:** This is the group that is responsible for the overall success of the project, Its members include executive representatives of the project partners (Waikato Regional Council, and Waikato and Waipa River Iwi).

**Māori interests:** are defined as Trusts, farming groups, kaitiaki, community committees, marae, recreation and customary users. In this role, they are not representing Iwi Authorities on the governance body of the project.

**Municipals:** local government facilities such as drinking water and waste water processing facilities.

**Vision and Strategy:** Te Ture Whaimana o Te Awa o Waikato - the Vision and Strategy for the Waikato River is intended by the Crown to be the primary direction-setting document for the Waikato River and its catchments (including the Waipa River). It was initially given statutory recognition via the two Waikato River Acts in 2010, and subsequently extended to incorporate the upper reaches of the Waipa River through the passing of the Waipa River legislation in 2012. It can only be altered by a change to the legislation or by the Waikato River Authority, as the statutory body appointed by the Crown. The Vision and Strategy is deemed in its entirety into the Proposed RPS and regional and district plans must give effect to it. Importantly, if there is any inconsistent provision in any RMA planning document, including any national policy statement, the Vision and Strategy prevails.

# Attachment 1: Code of Conduct (sits outside Terms of Reference)

## 1. Purpose and status

This document outlines how the Collaborative Stakeholder Group (CSG) will work together and the ground rules for communicating both internally and externally, over the course of the process. All CSG members and delegates are bound by the Code. The Code of Conduct sits outside the Terms of Reference, to enable it to be updated from time to time, without triggering a review of the full Terms of Reference.

## 2. Principles of working together

The CSG members will:

- i. Always act in good faith, be polite and courteous
- ii. Respect each other's opinions, even when disagreeing with them
- iii. Be open and honest with each other and commit to demonstrating a high standard of integrity at all times
- iv. Undertake to ensure a 'no surprises' situation for one another
- v. Strive towards a working environment in which each individual member feels safe, included and comfortable to speak their mind
- vi. Ensure that only one member speaks at a time and that each member has a chance to speak
- vii. Endeavour, when sharing information, to allow for equal access to the information whilst ensuring that it is presented in a way that is simple and understandable for everyone
- viii. Respect mātauranga Māori and take a long term view when finding solutions
- ix. Ensure that when talking about agreed outcomes of the group they take care to only talk about what was said and not who said it.
- x. Ensure that all decisions have been made after careful consideration and opportunities for feedback
- xi. work towards a balance between ensuring transparency with the community without inhibiting the ability of the CSG to have free and frank discussions.

## 3. Attendance

- i. The CSG members will strive to attend, and be punctual to, the CSG meetings. In the event that a CSG member cannot attend, their delegate (if they have one) may attend in their place.
- ii. Delegates may attend the CSG meetings as passive observers (no speaking or voting rights), to enable them to keep up to speed with the project. Delegates will cover their own costs. CSG members are responsible for adequately briefing their delegates. Delegates are bound by this code of conduct.
- iii. Members of the public may not attend CSG meetings as observers.
- iv. Contact information for each CSG member will be available on the members portal.

## **4. Ground rules for communication**

### **Communicating with each other**

- i. When communicating with each other both in and out of workshops, CSG members are to follow the principles of working together as set out in this document.
- ii. Draft notes from the workshops will be placed on the members portal of the website as soon as possible after the CSG meeting. These notes will be confirmed by CSG members at their subsequent meeting. These notes will be made available to members of the public once they have been confirmed by the CSG.
- iii. All powerpoints and key documents will be loaded onto the members portal.

### **Communicating with the project partners**

- i. The Chairperson will be the sole reporting line from the CSG to the project partners, at both a governance and staff level.
- ii. There will be times when it is beneficial to have decision makers (at either or both a staff or governance level) in the room. This will be at the request of the CSG.

### **Communicating with sectors and communities**

Summary points will be agreed upon at the end of each workshop. These summary points will be available to the public and be able to be used by CSG members to communicate with their sectors and communities. To support this, progress reports will be developed by the Chairperson 1-2 monthly, which will be available to the public and be able to be used by CSG members to communicate with their sectors and communities.

### **Communicating with the media**

The Chairperson will be the sole point of contact for the media regarding the CSG. The CSG speaks with one voice and the Chairperson is the representative of that voice. From time to time CSG community representatives may utilise the media as a method for communicating with their communities. However any communication between CSG members and the media must be agreed upon by the Chairperson.

## **5. Compliance**

- i. Every CSG member and delegate must comply with this code.
- ii. If a CSG member is not complying with this code, it is the responsibility of the CSG chairperson to intervene.
- iii. If the member continues to not comply with the code, the next step will be to contact the nominator(s) of the member to involve them in the situation.
- iv. If the member still continues to not comply with the code, the final step will involve the member facing consequences. These consequences will reflect the severity of the breach of the code and will be determined by the CSG chairperson. The ultimate consequence will be the expulsion of the member from the group.

# Attachment 2: Media Protocol (sits outside Terms of Reference)

## Introduction

The Terms of Reference for the CSG envisage that the Independent Interim Chair will:

- act as the CSG's media spokesperson
- be the sole CSG point of contact with the media (although other arrangements may be negotiated with the Chairperson as the process requires).

The following is suggested as a more detailed media protocol for the actual operation of the CSG from its first workshop in 2014. It is designed to provide a structured approach to media relations for the CSG and to support its work, while acknowledging that individuals and organisations will still be discussing water issues publicly outside the CSG.

This protocol assumes media and public access to most CSG workshops will be declined to allow the free and frank exchange of ideas. However the CSG also recognises that transparency and access to information by non CSG members is highly desirable. Therefore notes of the workshops will be made available to the public on the Healthy Rivers/Wai Ora website, once confirmed by the CSG.

## PROTOCOL:

### Underlying principles

The principles underpinning this protocol are that:

- CSG members are committed to working together closely to design solutions for restoring and protecting the health of the Waikato and Waipa rivers.
- Trust and appropriate confidentiality are necessary if the CSG is to be a forum for the meaningful sharing of information and discussion of issues.
- A structured approach and a 'no surprises' policy should operate as far as possible amongst members when it comes to media comment affecting each other.

### Media access to CSG meetings

Media representatives and the public will not be allowed to attend CSG meetings so as to allow for the free and frank exchange of ideas and sharing of potentially confidential information, except in the circumstances outlined below.

### Media confidentiality

All information provided in confidence to the CSG and specific discussions within CSG will remain confidential and not be shared with media without the agreement of the group and/or Chair. The Chair will judge whether there is agreement to release such information, taking into account the views of all members.

### Written and verbal media statements prior to recommendations being made

#### 1. General information

The Chair can provide media with general information via written and verbal media statements about the CSG process and its objectives. They will be the sole media contact



(with support from communications staff) on these issues, unless specific arrangements have been made for CSG members to engage with the media.

## **2. Individual CSG member comments and raising concerns publicly**

It may be difficult for the CSG to strive for unanimous agreement while members are engaging in media debate on the issues it is trying to resolve. Also, in the course of their deliberations participants may be made privy to confidential information, whether from each other or from the council. For both these reasons, participants will avoid public comment on the CSG's current process. To the extent that such comment is necessary, it will come from the chair.

It is true, however, that participants in the CSG may need to comment to media on water issues from time to time. In doing so, they will support the unanimous agreements or agreements that the CSG has already reached. They will discuss any comment on other participants in the CSG with them in advance and take into account their feedback.

All participants will seek through their words and actions to assist, and not to complicate, efforts to reach unanimous agreement.

### **Meetings where recommendations are being formally decided on and statements afterwards**

Workshops where recommendations are being formally decided on should be publicly notified and open to media and the public.

The Chair will be responsible for approving and/or making any public statements on behalf of the CSG after such a decision is made.

### **Media relations support**

The Chair will be provided with media relations support by WRC's senior media advisor Stephen Ward (07 859 0782 and 021 756 310 or [stephen.ward@waikatoregion.govt.nz](mailto:stephen.ward@waikatoregion.govt.nz)) or through any alternate arrangement agreed by the Chair.