

Memo

File No: 23 10 021
Date: 16 December 2015
To: Tracey May
From: Jo Bromley
Subject: **Memo to Project Sponsor on CSG Appointment Process**

Purpose of this report

This document summarises the formation of a group of industry and community representatives by Waikato Regional Council and Waikato and Waipa River iwi in 2012-2013. This group is called the Collaborative Stakeholder Group or CSG and this report is about how it was formed. It includes information about its purpose, design and the way members were selected.

Its purpose is to provide information about the appointment process to assist consideration of concerns raised by environmental groups about candidate selection and CSG membership.

The Collaborative Stakeholder Group

In 2013 the Waikato Regional Council (WRC) and River iwi established a Collaborative Stakeholder Group with the following aims:

- to bring stakeholders together early to seek a common path forward
- to act as the central channel and brand for stakeholder and community involvement
- to intensively review and understand the technical and other complexities of the project
- to inform and guide stakeholders (CSG Terms of Reference, 2013, p.6).

The Governance Structure

The role of the CSG sits within a wider governance and project structure consisting of several layers. Project oversight and decision making is undertaken by Waikato Regional Council and Waikato and Waipa River Iwi through the following committees and groups:

- the former Land and Water Sub-committee
- the former Policy and Strategy Committee
- the current Healthy Rivers Wai Ora Committee
- the project steering group, Te Rōpū Hautū¹.

It was these decision making bodies who oversaw the establishment of the CSG and ensured alignment with a stakeholder engagement strategy and a draft Terms of Reference

¹ TRH members include nominated representatives from the project partners from Tūwharetoa Māori Trust Board, Te Arawa River Iwi Trust, Maniapoto Māori Trust Board, Waikato Raupatu Trust, Raukawa Charitable Trust and the Waikato Regional Council. The Waikato River Authority is a non-voting member of TRH. TRH acts as a project steering group.

(ToR)². Both documents were approved by Council and River iwi and publicly available prior to the formation of the group. Following the strategy and ToR development, the project undertook several key steps to design and form the collaborative group. These are outlined in the next section.

Forming the Collaborative Stakeholder Group

The design and membership of the CSG followed a structured engagement and decision making process, commencing with a large stakeholder workshop. This was followed by a sector and community application process and concluded with final selection the project leadership team, Te Rōpū Hautū. Therefore the three key steps in the process of forming the CSG were:

1. A large stakeholder workshop to recommend parameters such as sector membership and desirable skills of group members – August 2013
2. A sector and community nomination and application process to select the best candidates for the role and to enable a transparent selection process – September-October 2013
3. A council and iwi selection process – November-December 2013.

A stakeholder workshop to guide design of the CSG, held on 28 August 2013. It included information about the project decision making process and 'public participation promise' that council and iwi would take on board the workshop recommendations "to the maximum extent possible"³. Over 120 people attended this workshop, representing a range of interests including 15 people who identified with the environmental sector.

Guided by the results of this workshop, Te Rōpū Hautū (TRH), recommended the size, composition and nomination process for the creation of the CSG to a Policy and Strategy Committee in September 2013. This provided for a group size of 20 members, including one seat for the Environment/NGO sector. This 'sector' was defined at the stakeholder workshop as comprising conservation, Forest & Bird, environmental groups, the Environmental Defence Society (EDS), Fish & Game, enhancement groups, conservation community groups and environmental NGO's. The nomination and application process was advertised widely and the full list of seats and categories is outlined in Appendix 1.

During the application process, concerns about group membership were raised by some environmental interests. Responding to these concerns, WRC invited representatives to a meeting in October 2013 (prior to the close of nominations and applications for the CSG). The purpose was to further understand the concerns raised, such as the balance of environment to economic interests on the CSG, and the collaborative model. While no decisions or agreements were made at this meeting. TRH members and staff deliberated upon what they had heard at subsequent meetings during the CSG selection process.

TRH and co-governors⁴ met to discuss criteria for membership and the principles for allocating seats on the CSG during October and November 2013. Based on the Stakeholder Engagement Strategy, CSG Draft Terms of Reference, as well as feedback received from stakeholders and co-governors, they agreed the criteria for membership on the CSG would be that:

- o Sectors would nominate their own representatives to the sector seats.

For the remaining unallocated sector seats and community seats, they would seek:

² The Draft ToR was one focus of the large stakeholder workshop, and was intentionally retained as a draft to allow the CSG to review once formed.

³ This promise is the International Association for Public Participation body standard known as 'involve'.

⁴ Co-governors are defined as the project partners represented at a board or councillor level

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- a balance across the four wellbeings (social, cultural, economic, environmental)
- a demographic and geographic balance (age, area, gender, culture)
- candidates with the right skills (communicative, consider multiple views, solutions oriented, synthesise technical information, innovative)
- candidates with networks, influence and mandate
- candidates able to maintain a separation between decision making roles and the functions of the Collaborative Stakeholder Group (e.g. they couldn't be people who were represented on Te Rōpū Hautū or Healthy Rivers Wai Ora Sub-committee).

Following development of this selection criteria, a TRH sub-group was appointed to work through the nomination process, holding three intensive full day meetings to consider the membership. The selection process was complex because it needed to consider several different categories of seats, including:

1. Sector and Māori interest seats - candidates were nominated by the sector/interest
2. Unallocated sector seats - an additional opportunity for any sector/interest to put forward a worthy candidate
3. Community seats – an open public application process for the general public.

Most sectors settled on their preferred candidate, resulting in automatic entry into the CSG. However some sectors did not settle on one candidate and/or applied for more than one category of seat. These sectors or interests included local government, Māori interests and rural advocacy. In these cases decision making defaulted to TRH who applied the criteria outlined above to these nominations in order to settle on the sector and māori interest candidate.

Nineteen nominations were received for the three unallocated sector seats. Expressions of interest included conservation, energy, environment, fertiliser, forestry, health, local government, Māori interests, rural advocacy, sheep and beef, and tourism and recreation. The following people relevant to the Environment/NGO sector were nominated:

- Environment/NGO sector seat – Mr Alan Fleming (Forest & Bird)
- Tourism & Recreation, Environment/NGO and Unallocated Sector Seat – Mr Ian Rodger (NZ Federation of Freshwater Anglers)
- Unallocated sector seat – Mr Tony Roxburgh (Chair of the National Wetland Trust)
- Unallocated sector seat – Mr Angus Robson (Ecologic Foundation)

After applying the criteria for membership and ensuring a balance of cultural, economic, environmental and social values on the group (known as the 'wellbeings'), the TRH sub-group recommended that the unallocated sector seats be allocated to Māori interests and the environmental sector. This increased the number of Māori Interest seats from one to three and the number of environmental/NGO seats from one to two seats.

The TRH sub-group applied the criteria for membership to the nominations received from the environment sector, and recommended Alan Fleming and Tony Roxburgh fill the two environment/NGO seats on the CSG. This process was repeated for Māori interests. The additional nominations from the Freshwater Anglers Federation and Ecologic were declined, along with a number of other nominations for these seats from a range of sectors.

A similar process was followed for applications received for the community seats. A rural professional seat was also recommended by the TRH sub-group, in recognition of the important role these professionals played in communicating water quality policy to the rural community; as well as their detailed knowledge of farm systems.

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TRH met in November 2013 to consider the recommendation from the TRH sub-group and the CSG size and composition was confirmed by the Healthy Rivers Wai Ora Committee in December 2013 (Council delegated this confirmation to the Committee).

Appendix 1: The processes and decisions in detail

This appendix provides further detail about the processes and steps taken in the formation of the CSG and outlined in the main body of this memorandum. The key steps undertaken in the process were:

1. A stakeholder workshop was held on 28 August 2013 to commence design the CSG

This workshop was attended by over 120 people representing a range of interests, including approximately 15⁵ people who identified with the environmental sector; these people are listed in Appendix Two.

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The workshop resulted in a list of sector groups who should be represented on the CSG and included a sector named 'Environmental/NGO's'. A description of the Environmental/NGO's sector was as follows: "Conservation, Forest & Bird, environmental groups, EDS, Fish & Game, enhancement groups, conservation community groups and environmental NGO's". The workshop was asked to suggest their preferred size of group based on effectiveness and representativeness. The range suggested was from 15 to 30 and the preferred size for the CSG was 20; this included one Environment/NGO sector seat. Additional information about this workshop is included in Appendix 3.

2. Recommendation to Policy & Strategy Committee on size, composition and nomination process for the CSG, 2 September 2013

The outcomes of the August workshop and a subsequent Te Rōpū Hautū meeting culminated in a report to the Policy & Strategy Committee⁶ recommending, amongst other things, the group size (20 members), composition (including the following sector members; 1 Environment/NGO, 1 Tourism and Recreation and 1 Māori interest), that each sector be invited to nominate a representative and were requested to provide evidence of support from other stakeholders within their sector. Applications would be called for from members of the public for the community seats and a formal application and selection process undertaken.

3. An environment/NGO sector meeting, 18 October 2013

A meeting between the Environment/NGO representatives, WRC and TRH members was held on 18 October 2013⁷ (Appendix 4 has the list of attendees). The purpose of this meeting was to further understand concerns raised by Mr Guy Salmon, Ecologic, (and supported by the meeting participants) to WRC Councillors (24 September 2013) and the Project Manager (27 September 2013) and from Mr Angus Robson (3 October 2013) about the method to establish the composition of the CSG and the composition of the CSG⁸. The concerns raised in these emails are summarised below:

"..your recommended CSG departs from the established collaborative governance model successfully used in the Land and Water Forum, the Auckland Transport BCG and the Mackenzie Accord, as well as in the Nordic countries... There is an established methodology and structure for those using collaborative processes that must be followed to achieve acceptable outcomes for all affected parties and Healthy

⁵ See #2794015 for the full list of attendees to the August 2013 workshop

⁶ See Report to Policy & Strategy Committee 2 September 2013 #2825456 for the outcomes of the August 2013 workshop and recommendation on size, composition and nomination process for the CSG

⁷ See #2915024 for meeting notes

⁸ See #2855283 Guy Salmon email and corresponding information to WRC Councillors & Project Manager and #2855438 Angus Robson email.

Rivers does not use it, or appear to want to use it... [That] the proposed composition of the CSG reflects an imbalance of representation on the central issue, that is, between those placing pressure on the water resource, and those advocating to reduce that pressure... if WRC wants to see significant improvement in the Waikato and Waipa Rivers, it will need to fortify the representation of the [environment/recreation and iwi] representatives...”

Ecologic also commented on the provision for four community seats on the CSG, saying that “these seats lacked accountability” and that better ways of picking up wider community perspectives included “incorporating a public consultation phase into the CSG’s work” or including these community representatives as “non-voting members of the CSG.” Ecologic went on to say that the CSG’s consensus plan can only succeed if it has the backing of the majority of regional councillors, to whom it will ultimately be submitted”. Ecologic also commented that “...the purpose and role of the CSG does not say that it is mandated to achieve a consensus among the stakeholder organisations on a policy framework... this document encourages both CSG members and councillors to think that the CSG is just a consultative group.”

At the meeting, key areas of discussions focused on:

- the areas of concern noted above
- a desire to get a greater environmental balance on the group
- the river settlement legislation⁹ for the Waikato and Waipa river catchments and key provisions related to decision making for Waikato and Waipa river iwi and council and co-management/co-governance structures
- what a successful process would look like.

No agreements were made at this meeting and the Environmental/NGO participants were encouraged to nominate candidates. Appendix 6 provides further information about the Healthy Rivers Wai Ora Collaborative model and contrasts it with the Land and Water Forum Collaborative one.

Decision process for the composition of the CSG

TRH confirmed the recommendations from the TRH sub-group in November 2013. In confirming the CSG composition and size it considered the balance of wellbeings across the CSG with 20 seats and with 25 seats (given the nominations received). Appendix 5 has one aspect of the analysis that was conducted in order to inform this decision. It shows the possible impact of the five additional seats against location and wellbeing.

In December 2013 the newly established Healthy Rivers Wai Ora Committee¹⁰ considered and approved the following recommendations:

- a) That the three unallocated sector seats be filled by representatives from Māori Interests (2) and the Environmental/Non Government Organisations (NGO) sector (1).
- b) That, should the Committee wish to increase the size of the Collaborative Stakeholder Group, the composition comprise these seat allocations:
 - i. a newly created fourth unallocated sector seat to be filled by a representative of the Rural Professionals (1) sector; and
 - ii. an additional four (4) community seats.

⁹ River settlement legislation includes: Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, Ngati Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010 and the Nga Wai o Maniapoto (Waipa River) Act 2012.

¹⁰ Its responsibility is to oversee the development process and provide guidance on the project. This committee provides a co-governance arrangement whereby the following sections of the river settlement legislation are met: section 46 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, Section 28 of the Ngati Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010, and section 22 of the Nga Wai o Maniapoto (Waipa River) Act 2012.

b) That the membership¹¹ of the Collaborative Stakeholder Group, as stated below, be recommended to Council:

Sector representatives	Previously allocated (13 seats)	Māori interests	1. Topia Rameka Delegate: to be confirmed
		Dairy	2. Rick Pridmore 3. George Moss Delegate: Charlotte Rutherford
		Sheep and beef	4. James Bailey Delegate: Erica Van Reenen
		Forestry	5. Patricia Fordyce Delegate: Sally Strang, Kelvin Meredith
		Horticulture	6. Chris Keenan Delegate: Eamon Balle
		Local government	7. Sally Davis Delegate: to be confirmed
		Energy	8. Stephen Colson Delegate: Angus Judge
		Environment/N GOs	9. Alan Fleming Delegate: Jim Crawford
		Tourism and recreation	10. Alastair Calder Delegate: Kiri Goulter
		Water supply takes	11. Garry Maskill Delegate: Ilze Gotelli
		Industry	12. Ruth Bartlett Delegate: Mike Carrol
		Rural advocacy	13. James Houghton Delegate: Paul le Miere
	Allocated by selection panel (3 seats)	Māori interests	14. Weo Maag Delegate: to be confirmed
		Māori interests	15. Gina Rangi Delegate: to be confirmed
Environment/N GOs		16. Tony Roxburgh Delegate: David Campbell	
Possible new seat	Rural professionals	17. Phil Journeaux Delegate: to be confirmed	
Community representatives	Existing seats and possible new seats		Jason Sebastian
			Brian Hanna
			Gayle Leaf
			Evelyn Forrest
			Hone Turner
			Gwyneth Verkerk
			Ruthana Begbie
			Matt Makgill

The CSG size and composition was confirmed by the Healthy Rivers Wai Ora Committee in December 2013 (Council delegated this confirmation to the committee). Note that the representatives of some of these sectors and seats have changed since project inception.

¹¹ Refer to the link for an up-to-date membership list of the CSG <http://www.waikatoregion.govt.nz/Council/Policy-and-plans/Plans-under-development/Healthy-Rivers--Plan-for-Change/Collaborative-Stakeholder-Group/>

Appendix 2: Environmental/NGO representation, August 2013 workshop¹²

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¹² This is not necessarily a full list of those who were invited to participate in the large stakeholder workshop as the email invitations were forwarded to others electronically or communicated through network meetings and other forms of personal communications.

RVSP Acceptances & Attendee List							
Organisation	Sector	Surname	Given_name	Position_title	Email	Phone	Did they show?
Forest and Bird (Waikato)	Environmental	Fleming	Alan	Field Officer	a.fleming@forestandbird.org.nz	021 988 295	
Farm Environment Trust (Waikato)	Environmental	Neeley	Andra	Chair	neeleys@farmside.co.nz	07 873 6946	
Ecologic Foundation Inc	Environmental	Robson	Angus	Waikato Representative	apr@xtra.co.nz	021 963 109	
Niwa	Environmental	Parshotam	Aroon		aroon.parshotam@niwa.co.nz		
Lower Waikato River Enhancement Society	Environmental	Metcalfe	Dawn	Chair	ametcalfe@xtra.co.nz	07 828 4888	
Fish & Game NZ, Eastern Region	Environmental	Herbert	Eben	Fish & Game Officer	eherbert@fishandgame.org.nz	07 357 5501	No
Farmers Lake Ohakuri Watch	Environmental	McFadden	Gifford	Chairman	g.r.mcfadden@clear.net.nz	272814364	
Lake Taupo Protection Trust	Environmental	Fleming	Graeme	Chief Executive	Graeme.Fleming@ltp.org.nz	07 839 0991	
Forest and Bird (Waikato)	Environmental	Crawford	Jim		j.m.crawford@xtra.co.nz	07 889 7739	
ACRE	Environmental	Silvester	Linda	Member	lgsilvester@gmail.com	021 112 3791	No
Maungatautari Ecological Island Trust	Environmental	Anderson	Malcolm	General Manager	malcolm@maungatrust.org	78705180	No
Little Waipa Stream care Group	Environmental	Bennett	Martin	Chairman	mjbennett@xtra.co.nz	07 883 5630	
Statfishtics Ltd	Environmental	Taylor	Paul	Director	statfishtics@actrix.co.nz	027 495 0525	
Waitomo Catchment Trust	Environmental, Central Government, Community	Smith	Dave	Biodiversity Programme Mgr, Maniapoto	dwsmith@doc.govt.nz	07 8781050	
Waikato Environment Centre, also Waikato Forest and Bird, Tui 2000	Environmental, Community	Hay	Katherine	Manager	katherine@envirocentre.org.nz	07 839 4452 021 267 2773	
Waikato River Care	Environmental, Community	Hutchinson	Kevin	Operations Manager	khutchinson@waikatorivercare.co.nz	027 601 6446	
Waikato Biodiversity Forum	Environmental, Community	Cursey	Moira	Co coordinator	m.cursey@xtra.co.nz	027 222 3791	
Auckland/Waikato Fish & Game	Environmental, Recreation & Tourism, Central Government	Daniel	Adam	Fisheries Manager	adaniel@awfg.org.nz	8491666	
Auckland/Waikato Fish & Game	Environmental, Recreation & Tourism, Central Government	Wilson	Ben	Chief Executive	bwilson@awfg.org.nz	8491666	
Pirongia Te Aroaro o Kahu Restoration Society	Environmental, Recreation & Tourism, Community	St Pierre	Clare	Chairperson	clare.stpierre@gmail.com	07 8719133	

Commented [WB7]: Jo – the contact details of these people need to be taken out. Can't see Landcare Trust on this list. May be worth double checking this content. Not sure Niwa was invited, but they may have registered on their own or wearing another hat

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RSVP DECLINES

Organisation	Sector	Surname	Given_name	Position_title	Email	Phone
Mangakotukutuku Streamcare Group	Environmental	Blackie	Grant	President	mangacare@gmail.com	
Environment Protection Authority	Environmental	Parkes	Phil	General Manager, Policy and Legal	phil.parkes@epa.govt.nz	04 916 2426
Sustainable Waikato	Environmental	Moselen	Kelly	Regional Coordinator	kelly@sustainable.org.nz	09 826 0394
Sustainable Business Network	Environmental, Community	Jackson	Julia	National Coordinator	julia@sustainable.org.nz	021 686 673

Appendix 3: The stakeholder workshop, 28 August 2013

This appendix contains additional information about the large stakeholder workshop held in August 2013 to assist with the design of the CSG:

- Was attended by approximately 128 people representing a wide range of interests in the project and approximately 30 representatives of the project partners.
- The workshop was asked to identify the size of group that would be most effective and representative. The range was from 15 to 30, with one outlier of 180 (representing all those present). The preferred size for the CSG was 20. This also included a 20 per cent (or 4 seats) allocation for community seats to ensure a balance of perspectives and demographics around the table.
- Participants were asked to identify key stakeholder groups drawing on the suggestions in the draft Terms of Reference (TOR). In general, it was agreed that a wide range of representative parties should be involved in this project due to its far-reaching implications and it was recognised that a joint approach to seeking solutions for the project would be required. In some cases the sectors identified are not mutually exclusive. For example both Industry and Water Supply Takes potentially overlap with other sectors, which may present some coordination challenges for those sectors.
- A wide ranging discussion was held on the skills that would be required in order to best inform this project. Common themes included: communication skills, strategic thinking, being able to consider others' positions, flexibility, focused on solutions, leadership, innovative.
- Two options for nominating members to the CSG were discussed, with advantages being identified for each option. The preferred option was that stakeholders would take on the responsibility of discussing within their sectors and choose their own representatives for nomination onto the CSG. It was clear that skill sets and time commitments would be significant matters to be considered within each sector.

A full report on the workshop and feedback received was completed by WRC staff.

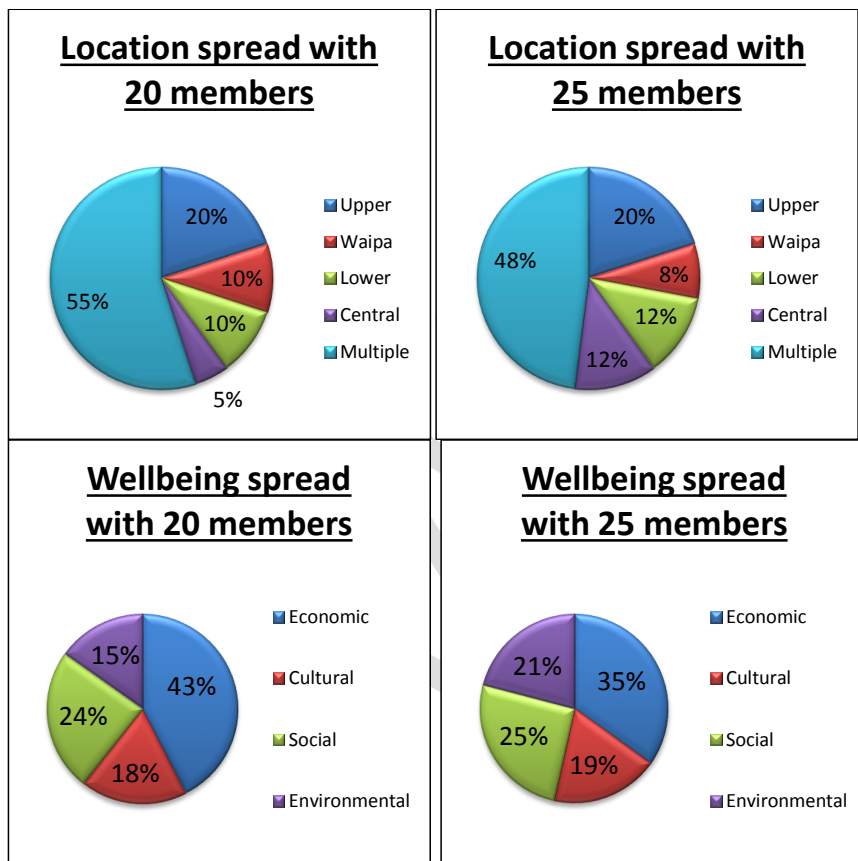
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Appendix 4: Attendees environment meeting, 18 October 2013

- | | |
|-------------------------------------|---|
| 1. Waikato Biodiversity Forum | Moira Cursey |
| 2. Waikato Environment Centre | Katherine Hay |
| 3. Forest and Bird | Kevin Hackwell |
| | Alan Fleming |
| 4. Ecologic Foundation Inc | Guy Salmon |
| 5. ACRE | Leo Koppens |
| 6. Te Rōpū Hautū | Chris Koroheke |
| | Dylan Tahau |
| | Tamara Mutu |
| | Philip Burton (Waikato River Authority) |
| | Stephanie O'Sullivan |
| 7. Waikato Regional Council | Jackie Fitchman |
| | Jo Bromley |
| | Wendy Boyce |
| | Janine Hayward |
| | Tony Petch |
| | Justine Young |
| Invited but could not attend | |
| 8. Ecologic Foundation Inc | Angus Robson |
| 9. Independent adviser | Helen Ritchie |
| 10. Landcare Trust | Nick Edgar |

Appendix 5: Analysis of five additional seats against location and wellbeing

Set out below are graphs showing the impact on the CSG at 20 or 25 members assessed against members likely contribution to local area knowledge and social, economic, environmental and cultural wellbeing.



Key points

Increasing the group size from 20 to 25 members results in greater representation from the central area (Karapiro to Ngāruawāhia); and an increased number of members who are likely to be able to contribute knowledge of environmental wellbeing¹³. It particularly strengthens knowledge from local communities, as all the community candidates are involved in local activities on or around the Rivers. The areas outlined in the location graphs above refer to:

- Upper – the area of the Waikato river catchment from Taupo to Karapiro; Waipa – the Waipa river catchment
- Lower – the area of the Waikato river catchment from Ngāruawāhia to Port Waikato
- Central – the area of the Waikato river catchment from Karapiro to Ngāruawāhia

¹³ This refers to any member of the CSG who is likely to be able to contribute knowledge around environmental wellbeing as part of their role, such as a community seat holder who is a member of an environmental or recreation group.

- Multiple – refers to members whose mandate encompasses a wide geographic area.

Nomination panel (TRH Sub-group)

A sub-group of eight delegated members of TRH met for three intensive full day meetings in October and November 2013, completing the following tasks:

- Design of the criteria for selection to be applied to nominations to the unallocated sector seats, community seats as well as any oversubscribed nominations to the sector seats.
- Identification of potential conflicts of interest.
- Application of the selection criteria against the nominees and applicants for the unallocated sector seats, community seats and any oversubscribed sector seats.
- Interviewed short-listed applicants for the community seats, where appropriate.
- Made a decision on over-subscribed sector seats, when sectors did not come to an agreement about their representative.
- Ensured a balanced membership representing the diverse values of the catchment¹⁴.
- Recommended CSG composition to governance (Healthy Rivers Wai Ora Committee) and Waikato Regional Council.

Criteria for membership

TRH incorporated the following selection criteria for membership to the Collaborative Stakeholder Group, based on the advice from the multi-stakeholder and governance workshops outlined above:

- sectors will nominate their own representatives to the sector seats
For the remaining unallocated sector seats and community seats, seek:
 - a balance across the four wellbeings (social, cultural, economic, environmental).
 - a demographic and geographic balance.
 - candidates with the right skills (communicative, consider multiple views, solutions oriented, synthesise technical information, innovative).
 - candidates with networks, influence and mandate.
 - candidates must be able to maintain a separation between decision making roles and the functions of the Collaborative Stakeholder Group.

These criteria were derived from three sources: the Draft Terms of Reference for the CSG; a multi-stakeholder workshop on 28 August 2013 and a co-governance workshop on 25 September 2013.

Co-governors said that candidates who 'ticked all the boxes' of the criteria should be prioritised. For example, a candidate who understands farming, forestry and environmental stewardship - and also brings complementary skills or perspectives to the group - should be considered more favourably than a candidate without the same breadth of knowledge.

Nomination process

Twenty-six nominations were received for the proposed four community seats. Community seat holders were required live in the catchment and complement sector representatives. An important part of their role would be to ensure community connections were maintained in the project, and a wide range of perspectives and skills are brought to the table.

The community seats were also intended to achieve:

¹⁴ In other words, having representatives who were focussed on the social, economic, environmental and cultural wellbeing of the communities and rivers impacted by the project.

- a balance of people representing all the wellbeings (i.e. social, cultural, economic and environmental values)
- a balance of people from different parts of the catchment, a mix of age ranges, a greater gender balance and a range of rural and urban locations.

Candidates were short-listed based on the selection criteria and interviews were conducted with a selection of the shortlist. TRH noted that it was not intended to allow delegates for the community seats on the basis that these applications have not come from a sector.

Decision to increase the community seats

Reflecting the quality of the applications received, TRH considered it desirable to allocate four additional community seats to the CSG. This reflected the applicants:

- networks, connections and accountability to their communities
- local knowledge and track record of action
- complementary skills and perspectives
- willingness to contribute their time and skills to the project.

TRH acknowledged that some sectors may be concerned about the accountability of those occupying the community seats. However, TRH considered that these representatives were strongly connected to their communities, and brought balance and diversity to the group. On balance, TRH considered that the advantages of including additional community seats outweighed the disadvantages. They considered that the cost of the additional community members was moderate.

Further analysis was conducted on the impact of adding these community seats, in terms ensuring a balance of members and perspectives around the CSG table. This analysis was conducted on the impact of the increased group size (from 20 to 25 members). It indicated that the additional members would lead to:

- a more balanced representation from the central area (Karapiro to Ngāruawāhia)
- an increased number of members who can contribute knowledge of environmental matters
- a stronger knowledge of local communities
- an increase in the number of younger people on the CSG.

Nominations received

Sixty-five nominations were received for the proposed 20 seats. Three full day workshops were held by the TRH sub-group, in addition to interviews, to apply the selection criteria against the nominations.

This resulted in TRH recommending an increased group size of 25 members, representing the wide range of values and interests in the Waikato catchment and the significance of the policy to these communities. In coming to this conclusion, TRH acknowledged that some sectors may be concerned about the accountability of those occupying the community seats.

In recommending the four additional community seats, TRH considered that these representatives were strongly connected to their communities and that the advantages of including additional community seats outweighed the disadvantages.

Moreover the calibre and experience of these community representatives strengthens the connections and accountability back to the broader community, thereby overcoming some of the concerns of broader community connectedness highlighted at the August 2013 stakeholder workshop.

Environment/NGO representatives

The Environment/NGO sector nominated the following people:

- Environment/NGO sector seat: Al Fleming (Forest & Bird) and delegate Jim Crawford (Treasurer of Waikato Forest & Bird branch). Mandated to represent: Forest and Bird (Nancy Ward - CEO), Tui2000 Inc (Moira Cursey), Waikato Environment Centre (Katherine Hay - Manager)
- Unallocated sector seat: Tony Roxburgh (Chair of the National Wetland Trust) and delegate David Campbell (National Wetland Trust). Mandated to represent: DOC (Greg Martin - Programme Leader, Delivery), Waikato Environment Centre (Katherine Hay - Manager), Forest & Bird (Al Fleming – Central North Island Field Officer), Waikato Biodiversity Forum (Moira Cursey).
- Unallocated sector seat: Angus Robson (Ecologic Foundation). Mandated to represent: Guy Salmon (Ecologic Foundation), Gary Taylor (Environmental Defence Society)
- Tourism & Recreation, Environment/NGO and Unallocated Sector Seat: Ian Rodger (NZ Federation of Freshwater Anglers) for Tourism & Recreation, Environment/NGO and unallocated sector seat). Mandated to represent: NZ Federation of Freshwater Anglers (David Haynes President), Auckland Conservation Board (Ross Aitken Chairman), Auckland/Waikato Region of Fish and Game NZ (Ben Wilson, CE)

Fish & Game (Ben Wilson) advised¹⁵ that he had discussed their potential involvement in the CSG and their Council. The Fish & Game Council was not willing to reallocate staff time due to their commitments in the Auckland Region with the notification of the Proposed Unitary Plan. He also stated that the Council considered that as a Crown entity it would be inappropriate for Fish & Game to represent the Environment/NGO sector.

The selection process

Nineteen nominations were received for the three unallocated sector seats. Expressions of interest were received for the unallocated sector seats from representatives from conservation, energy, environment, fertiliser, forestry, health, local government, Māori interests, rural advocacy, sheep and beef, and tourism and recreation.

After applying criterion ii above, to balance the wellbeings, it was decided that the unallocated sector seats be allocated to Māori interests and the environmental sector. TRH recognised that the representatives for the Māori interest seats brought forestry, agricultural, horticultural and environmental experience and networks to the CSG, in addition to cultural knowledge. In this way they met the co-governance recommendation of 'ticking all the boxes'. Or, in other words, of each representative bringing a wide range of knowledge, experience and connections to the CSG table.

¹⁵ See email #2876287

Appendix 6: Further information about the HRWO collaborative model

This appendix provides supplementary information about the HRWO collaborative model and outlines some of the features of other models promoted in New Zealand.

Land and Water Forum collaborative model

In recent years collaborative initiatives have been put in place to address hard to solve water management issues in New Zealand. One of the leaders in this approach is the Land and Water Forum (the Forum). The Forum is a non-profit Trust whose purpose is to assist government with the development and delivery of water policy. Their brief includes recommending Resource Management Act (RMA) reform to incentivise collaboration. The details of their preferred model are outlined in the 'Second Report of the Land and Water Forum'. It recommends the use of a collaborative process which:

- takes account of different viewpoints
- facilitates effective communication, learning and understanding between different elements of the same communities
- ensures that values and interests which are visible or relevant at broader scales (national or regional) are appropriately addressed in local or catchment-level decisions, or locally-driven collaborative processes
- ensures that community or catchment level values, interests and objectives have an appropriate degree of influence.

We believe that done well – and effectively “dovetailed” with existing legal processes – a collaborative approach to freshwater governance has the potential to lead to longer term solutions that are more resilient and adaptive to change, and avoid more costly, drawn-out and divisive decision-making processes (Land and Water Forum, April 2012, p.ix).

Alongside these collaborative principles, a key feature of the Forum model is the criteria for membership of the core group of people doing the collaborating. The Forum proposed that those stakeholders who typically take legal action on regional plans should be the core participants in a collaborative process, e.g. Ecologic, Federated Farmers. The aim being to develop binding agreements on matters such as water quality limits and targets early in the process. These agreements would be binding in the sense that the proposed reform of the RMA would not allow them to be relitigated. The details were expected to be part of the September 2013 RMA reforms. However, due to national elections, they weren't advanced through government and today the Forum continues to advocate for reform in favour of collaborative approaches.

The collaborative approach favoured at that time by the Forum has been shaped by Ecologic Foundation and modelled on their international research. It should be noted that collaborative practices have advanced substantially since the Forums second report. The most recent and fourth report of the Land and Water Forum makes no comment on the form a collaborative process should make. It recommends that the collaborative process is monitored by the government.

In terms of the current status of RMA reform, the MfE indicates that incentivising collaboration is still on the table, with the possibility of allowing councils to choose between a collaborative or traditional planning process (MfE, 2013, Summary of Proposals). The traditional planning process is sometimes also called the Schedule 1 process, because it follows the steps outlined in Schedule 1 of the RMA. Schedule 1 is a formal legally focussed process with stakeholders contesting the plan clause by clause.

The second leading promoter of collaborative approaches to water management in New Zealand is the Canterbury Regional Council.

Canterbury Regional Council collaborative model

Since 2009, Canterbury Regional Council (CRC) has been influential in shaping collaborative approaches to water management. Canterbury uses a different collaborative model to the Forum (Canterbury Regional Council, 2015, Telling Our Story) with a community focussed criteria for membership of the core collaborating group. The main difference is that the people designing water policy in Canterbury are independent community members, rather than stakeholder representatives. These community members go through an intensive selection process to become members of the decision-making bodies, known as Zone Committees. Canterbury has recently released details of their processes on their website. A WRC delegation travelled to Canterbury in 2012 to investigate this model and reported the details of this process to their council as part of the development of the HRWO collaborative model (WRC, 2012).

HRWO collaborative model

The HRWO collaborative model drew on both the Land and Water Forum and Canterbury experience, as well as internal and external engagement specialists¹⁶, applying them to the Waikato situation. The consideration of approaches by WRC and subsequently River iwi, was extensive, with options and possible approaches reported through WRC decision making layers at each step of the design process. The final step was the approval of a stakeholder engagement strategy and terms of reference outlining the rationale for the approach taken¹⁷.

Alongside this strategy, WRC and River iwi established a comprehensive co-governance and project management structure for the project which included oversight and decision making by:

- Waikato Regional Council (through the former Policy and Strategy Committee, and the current Healthy Rivers Wai Ora Committee, as well as the project steering group, Te Rōpū Hautū)
- Waikato River iwi (through the Healthy Rivers Wai Ora Committee and Te Rōpū Hautū).

Following the establishment of this platform, the Waikato Regional Council and River iwi established a Collaborative Stakeholder Group (CSG) with the following aims:

- to bring stakeholders together early to seek a common path forward
- to act as the central channel and 'brand' for stakeholder and community involvement
- to intensively review and understand the technical and other complexities of the project
- to inform and guide stakeholders (CSG Terms of Reference, 2013, p.6).

The criteria for membership of the CSG is detailed in the main body of this memorandum and includes stakeholder and community representatives. A team of independent evaluators are tracking progress and contributing to the continuous improvement of this collaborative model.

Concerns of Ecologic

The HRWO collaborative approach has been a topic of discussion in some arenas, such as the Forum, with both expressions in support of this approach, as well as against it. Supporters refer to the expertise and commitment of the CSG members as well as to the transparency and leadership of the co-governors. Those disagreeing comment on the membership criteria and potential for power imbalances in the group. The most noticeable

Commented [WB9]: Optional, Jo – check exact date of this committee report. Will be under my name and will have Canterbury in the title. I think it predated the L&W Sub-cte and went to Policy.

Commented [WB10]: Jo, is there anything on record in favour that we could reference? An email? The evaluation? Lower priority

¹⁶ Engagement specialists advising the project included Wendy Boyce (M.Phil, IAP2 member), Dr Helen Ritchie and Ms Vivien Twyford. The CSG was evaluated by specialists, Kate McKegg, Judy Oakden and Debbie Goodwin of the Kinnect Group.

¹⁷¹⁷ www.waikatoregion/healthyrivers

disagreement with the HRWO collaborative model has come from Ecologic Foundation. Ecologic consider that HRWO has:

1. Excluded certain environmental representatives from the HRWO collaborative process. Their candidate was not successful in the selection process and they are concerned that there is a resulting imbalance of power in the CSG.
2. Used a collaborative model inconsistent with that proposed in 2013 by the Forum. They believe that the HRWO collaborative group should not include voting community representatives due to their 'lack of accountability' to a specific stakeholder organisation.

Responding to these points of concern, the Project Manager has outlined the selection process undertaken by the HRWO co-governance in the body of this memorandum. The memorandum emphasises the robustness of the selection process and the focus on appointment of community representatives with extensive networks, expertise and accountabilities at the local level.

This appendix has provided additional context about the HRWO model to further expand discussion in NZ about what most appropriate collaborative models for different contexts and locations. The final section summarises the key differences between the Forum and the HRWO context.

Summary of differences

There are some important differences in the circumstances that influence the HRWO project compared to the model proposed by Ecologic and the Forum. These include:

1. Statutory context –WRC must comply with statutes such as the Local Government Act; Local Government Official Information and Meetings Act (LGOIMA); settlement legislation with Waikato-Tainui, Ngāti Tūwharetoa, Raukawa, Te Arawa and Maniapoto; and the current Resource Management Act. These statutes guide what processes must be followed, what principles should be applied to a process and how decisions should be made. In contrast, the Forum is a Trust with different legal accountabilities, funding structures and reporting obligations.
2. The HRWO project must produce a statutory plan change to create new laws for the management of rivers and lakes in the Waikato catchment. In contrast, the Forum is responsible for providing non statutory guidance to government on the future development and delivery of water policy reform at the national level.
3. The HRWO project will impact directly and potentially extensively on approximately 5000 landowners in the Waikato catchment. Diverse rate paying communities throughout the Region can be expected to contribute significantly towards the costs of managing these impacts. Effective design and implementation of water quality policy in the catchment will depend on the buy-in, resourcing and up-take of these landowners and communities.

Conclusion

There are many different approaches to collaborative water management in New Zealand, leading to different criteria for membership on the collaborative groups. Collaboration on complex matters is necessarily innovative and adaptive. The HRWO project reflects this unique context and thoughtfully designed a collaborative approach that was appropriate to the Waikato catchment.

Concerns about fairness and effectiveness of the current approaches are important and should be part of the ongoing development of collaborative practice in NZ. However no

single, static collaborative solution exists. Each project and context will need to develop its own solutions, and revise these as situations change and circumstances allow.