

Report to the Collaborative Stakeholder Group – for Agreement and Approval

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Date: 25 February 2015
To: Collaborative Stakeholder Group
From: Chairperson, Collaborative Stakeholder Group – Bill Wasley
Subject: **Template for Waikato Regional Plan Change No. 1 -
Waikato and Waipa River Catchments**
Section: **Agreement and Approval**

1 Purpose

The purpose of this report and associated plan change template is to set out, for the Collaborative Stakeholder Group:

1. What the end products of the Healthy Rivers project will be and why, and
2. Provide a plan change template that contains notes about the purpose of each section of the plan change, where the CSG Policy Selection Criteria apply, as well as some initial text in the background, issues and objectives sections that CSG can discuss and give policy staff further guidance on.

Recommendation:

1. That the report [Template for Waikato Regional Plan: Waikato and Waipa River Catchments Plan Change 1] (Doc #3248906 dated 25 February 2015) be received, and
2. The recommendations are:
 - a) That the CSG agree to adopting or amending the headings in the template as shown in Doc# 3287412 as a guide to what the Waikato Regional Plan: Waikato and Waipa River Catchments Plan Change 1 (“the plan change”) will look like.
 - b) That the CSG agree on a process for debating and progressively populating the template sections at future CSG workshops.
 - c) That two additional templates be provided so the CSG so can see what the other end products of Healthy Rivers project may look like. These are the CSG Recommendations Report to Healthy Rivers Committee and the Resource Management Act Section 32 analysis of alternatives and reasons for the content of the plan change that will be publically notified with the plan change.
 - d) That the CSG seek input from Te Rōpū Houtū (notably River iwi partners) on ideas about the general form and content of the plan change. This feedback is to be provided to CSG at the April workshop.

Note: The plan change template will go to Te Rōpū Houtū 19 March 2015 to provide feedback to CSG in April. CSG may wish to provide this template to the June Healthy Rivers/Wai Ora Committee meeting.

2 Background

CSG requested (CSG9) a plan change framework document. This is referred to throughout this report as a template (pattern or model) for the plan change, so the group:

- Can see the structure of the RMA document.
- Can see linkages, where relevant, to the Policy Selection Criteria.
- Has a place to write in content of the plan change, perhaps by including draft text written by staff for CSG to look at and discuss at future CSG workshops

At this stage the plan change template contains:

- a) Standard headings and hypothetical examples of background, issues and objectives sections
- b) For each of the different sections of the plan change, an indication of which of the CSG's Policy Selection Criteria are likely to be most useful for deciding on the content. Other criteria (e.g. section 32) and technical information will also inform these considerations.

3 Deciding the form of the plan change

The CSGs recommendation to the Healthy Rivers Committee on the plan change document, will need to consider how the text will fit into the rest of the Waikato Regional Plan.

Important elements of the CSG recommendation on the form of the Plan change:

1. Waikato River legislation states that the Council and each River iwi must jointly decide on the **general form and content** of the RMA document. The CSG must keep the project partners up to date with its ideas about the form of the plan change. River iwi on Healthy Rivers/Wai Ora Committee may wish to have input throughout 2015 (for the relevant Waikato River legislation wording see Appendix 1).
2. The text of the plan change has to fit into the Waikato Regional Plan, so that there is no confusion for plan users or legal inconsistency. The Plan is operative, with a review of both the Coastal Regional Plan and the Regional Plan commencing in late 2015 (refer to Appendix 2 for a discussion on the need to fit Plan Change 1 into this process).

At CSG5, the CSG adopted an initial report containing suggested headings for the plan change, with a view to using and updating it as needed (refer to Appendix 3 for overview of the reports already received and recommendations passed by the CSG).

The plan change template document provided (Document number 3287412) aligns with the existing Waikato Regional Plan and contains the headings from the earlier reports to the CSG.

As noted above, Council and each River iwi must jointly decide on the general form and content of the RMA document. One suggestion is for CSG to keep the river iwi up to date with its ideas about the form of the plan change through reports and discussion with the Healthy Rivers/Wai Ora Committee. In the meantime, river iwi staff on Te Rōpū Houtū will be briefed on the recommendations in this report around template development at their next meeting on 19 March 2015.

4 Outputs of Healthy Rivers Wai Ora project

The CSG findings during the policy process of Healthy Rivers Wai Ora will end up in different project outputs. As well as the Plan Change document itself, much of the information debated by the CSG will be recorded in the section 32 document which accompanies the plan change. In addition, there will be CSG findings which fall outside these Resource Management Act documents but still be relevant to implementing its recommendations.

As of February 25th 2015, it is anticipated there will be three main outputs of the Healthy Rivers Wai Ora Project. These are:

- 1. Collaborative Stakeholder Group Recommendations to the Healthy Rivers Committee.**

Other Regional Councils who have followed collaborative processes have had groups who produced a publically available report written for a general audience that contains recommendations and reasons for limits, targets, objectives, as well as detail about how these will be implemented. This report is necessary to provide the direction for final drafting of the RMA documents. It is also a place to clarify which recommendations will be implemented by the Resource Management Act Plan change, and which will need to be implemented by other means. For instance, non RMA implementation may be through ongoing agreements about how and when different agencies will implement changes on the ground, as well as ideas for future funding that have to be decided upon under other legislation and formal and informal arrangements.

- 2. Plan Change document.** This will be signed off by the Healthy Rivers Committee and then adopted at a Waikato Regional Council full council meeting, after which the document is publically released for submissions and then further submissions.
- 3. Plan Change Section 32 analysis.** This document follows the same formal process as the Plan Change document.

5 Plan Change template

A plan change template document (Document number 3287412) accompanies this report. As a way of illustrating the type of content the CSG will need to discuss, staff have written some text in the background, issues and objectives sections of the plan change. These are either examples from relevant planning documents, or hypothetical but based on the project and discussions the CSG have had to date.

The CSG Policy Selection Criteria relevant to each section of the template are shown. It is the CSG's role to instruct staff on content of each section (noting the requirement to record alternatives and reasons for selection of options in the RMA s32 document). The CSG Policy Selection Criteria are relevant across all the stages of limit setting and policy development. For more information on where the CSG's Policy Selection Criteria may fit in the stages of limit setting and policy development refer to Appendix 4.

In addition to the CSG's Policy Selection Criteria there will be other considerations and information that inform the development of the plan change content (e.g. section 32 requirements). These have not been referred to in the provided template.

Examples of operative plans, plan changes or variations will also be made available on the portal, with printed copies to be available at CSG workshops.

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Appendix 1: Waikato River legislation

The following wording is contained in the three river iwi acts:

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

1. *This section applies to preparing, reviewing, changing, or varying a [Resource Management Act 1991](#) planning document to the extent to which those processes relate to the vision and strategy*
2. *The part of the joint management agreement on preparing, reviewing, changing, or varying a [Resource Management Act 1991](#) planning document must provide—*
 - a. *that, before the preparation, review, change, or variation commences, the local authority and the Trust must convene a joint working party to discuss and recommend to the local authority—*
 - i. *the process to be adopted for the preparation, review, change, or variation; and*
 - ii. ***the general form and content of any document to be drafted for the purposes of consultation or notification under clause 5 of Schedule 1 of the Resource Management Act 1991***

s46 Waikato- Tainui Raupatu Claims Waikato River Settlement Act 2010
s48 Ngati Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010
s22 Nga Wai o Maniapoto (Waipa River) Act 2010
(Emphasis added)

This has been incorporated into the Joint Management Agreement that council hold with Waikato Raupatu River Trust, Te Arawa River Iwi Trust, Raukawa Settlement Trust and Maniapoto Maori Trust Board (2013, 2012, 2012 and 2013 respectively). At the writing of this document Tuwharetoa Maori Trust Board did not have a joint management agreement in place and so revert to the wording in the legislation.

Appendix 2: Fitting the plan change into the Waikato Regional Plan

When a change or a variation to a Regional Plan is publically notified, its structure and numbering is set up so that once it is operative, the text fits straight into the rest of the plan.

There are two operative Regional Plans. The Waikato Regional Coastal Plan covers the coastal marine area from mean high water mark to the seaward boundary of New Zealand, and the Waikato Regional Plan covers all other matters.

The operative Waikato Regional Plan is split into seven modules covering aspects of land, water, air and geothermal resources. Within each module, chapters cover different aspects. For instance, the water module had nine chapters when it was first notified in 1998, and when the Lake Taupo Catchment Variation 5 was made operative, the provisions became chapter 10 of the Water module.

A region-wide review of all aspects, except water quality and water quantity, of the two regional plans is due to start in 2015/16 financial year. Preparatory work is being undertaken now, but it is too soon for any decision on how the two plans will be joined together.

Appendix 3: Summary of relevant CSG work in 2014 on the form of the plan change

Two reports on what the plan could look like were produced for CSG 4 and 5 in 2014. These are:

- CSG 4 Report:** Introduction to planning requirements for developing Waikato Regional Plan Change 1 - Waikato and Waipa River Catchments” (document number 3088942).
Topics covered included:
 - Introduction to the policy design process.
 - Guidance from the National Policy Statement for Freshwater Management (NPS-FM) 2011.
 - River legislation requirements relevant to making changes to Resource Management Act 1991 (RMA) plans.
 - Minimum requirement of items to be included in an RMA plan and a list of other items the CSG may decide to include.
- CSG 5 Decision Report:** Introduction to Planning Requirements (Part 2) Waikato Regional Plan Change 1 - Waikato and Waipa River Catchments and RMA Section 32 analysis (document number 3119268 dated 30 July 2014). This document contained two draft contents pages – one for the plan change document and one for the Section 32 analysis document that is notified with the plan change. CSG decided that it would use the draft contents page contained in the decision report as a starting point.¹ The relevant text is reproduced below.

Contents page of Waikato Regional Plan Change 1 - Waikato and Waipa River Catchments

- 1.0 Introduction to the Plan Change
 - Map of the geographic area covered
 - Vision and Strategy
 - Relationship to the remainder of the Waikato Regional Plan
 - Summary of issues
- 2.0 Objectives
 - Catchment wide objectives
 - Specific objectives for each Freshwater Management Unit
- 3.0 Policies
 - Catchment-wide policies
 - Specific policies for each Freshwater Management Unit
- 4.0 Methods
 - Non regulatory methods
 - Rules
- 5.0 Glossary of terms
- 6.0 Detailed maps showing Freshwater Management Units
- 7.0 Consequential amendments to remainder of Waikato Regional Plan

¹ The recommendation is:

That the Collaborative Stakeholder Group receives the two draft contents pages contained in this report (the contents pages refer to two documents yet to be written, that will be publically notified by Waikato Regional Council and are the Waikato Regional Plan Change 1 - Waikato and Waipa River Catchments and the associated RMA Section 32 analysis), and

- Uses the context pages outline as a basis for checking off the aspects it must cover in forming its recommendations to Healthy Rivers Wai Ora project decision-makers and;
- Updates as needed the draft contents page for the Waikato Regional Plan Change 1 - Waikato and Waipa River Catchments.

Appendix 4: CSG Policy Selection Criteria and the stages of policy development²

CSG have drafted, tested with stakeholders and refined a set of Policy Selection Criteria. This set of criteria will help guide the selection of policy for the plan change. Evaluations as part of the section 32 may present other criteria to consider at each stage of policy design. The criteria are drafted as a series of questions which act as filters to assess policy options against.

When developing policy it is helpful to divide the policy development process into three separate stages (Kaine 2014). The three suggested stages of policy design for the Healthy Rivers/Wai Ora project are:

1. Setting water body limits and targets

The initial task is to weigh up the environmental, economic, social and cultural benefits and costs of alternative uses of the river, and choose appropriate limits (Kaine 2014). In making this decision the CSG will be considering the Vision and Strategy, values, uses and aspects that are important to the community, and the work the Technical Leaders Group (TLG) is doing on attributes and scenarios.

2. Selecting a policy instrument

The next task is to select one or more policy instrument(s) that will lead to the necessary changes in how people use the resource (including how many and how quickly people will need to change) (Kaine 2014). The CSG will consider which options are feasible given the policy problem they are dealing with, the desired policy objective to be achieved and the contaminant to be addressed.

3. Sharing the costs equitably

Finally, once the implications of the desired limits and ways to achieve them have been investigated, the third stage is to evaluate the fairness of the distribution of costs and benefits of the change. The CSG will consider how the costs should be shared. This will involve selecting a package of support measures to assist in the implementation of the primary policy instrument and achievement of the objective.

The CSG Policy Selection Criteria outline key considerations from all three stages of policy design. Table 1 shows which of the three stages the CSG's criteria best fit in to, and these linkages are shown pictorially on page 10. Note that some criteria can fit into more than one stage.

The following criteria (from "Gives positive social and community benefits" and "Supported by clear evidence") can be considered process criteria, so apply to the way policy design is done, rather than to decisions in any of the three stages:

- Result in outcomes people can identify with, own and feel proud of
- Transparently show the costs for meeting the outcomes
- Set transparent limits and definitions

² For the discussion on this topic see Facilitation session notes CSG workshop 8, 2014

Table 1: CSG's Policy Selection Criteria applied to policy design stages

Stage	CSG's Policy Selection Criteria
Setting the limits and targets	<p>Achieves the outcomes of the Vision and Strategy and the RMA (including the NPS Freshwater Management)</p> <ul style="list-style-type: none"> • Give effect to the Vision and Strategy for the health and wellbeing of the Waikato and Waipa Rivers • Comply with the RMA (including the purpose of the Act) • Set out clear and balanced objectives • Take account of existing policy frameworks • Achieve the range of values identified <p>Provides for Māori cultural aspirations</p> <ul style="list-style-type: none"> • Provide for Māori to retain and use their taonga • Provide beneficial cultural outcomes <p>Achieves the restoration and protection of native habitats and biodiversity</p> <ul style="list-style-type: none"> • Support resilient ecosystems and healthy populations of indigenous plants and animals <p>Gives positive social and community benefits</p> <ul style="list-style-type: none"> • Minimise social disruption and provide social benefit³ • Enhance peoples' use of the river • Take account of unique features and benefits
Selecting policy instruments	<p>Realistic to implement, monitor and enforce</p> <ul style="list-style-type: none"> • Able to be measured, monitored and reported • Implementable and technically feasible • Administratively efficient <p>Allows for intergenerational flexibility</p> <ul style="list-style-type: none"> • Foster innovation • Encourage positive actions being taken • Allow for change as new information and issues arise • Provide flexibility of future land use (including the return of Treaty settlements land) • Provide flexibility for future review <p>Optimises environmental, social and economic outcomes</p> <ul style="list-style-type: none"> • Aim for least cost solutions • Provide confidence and clarity for current and future investment • Provide realistic timeframes for change <p>Supported by clear evidence</p> <ul style="list-style-type: none"> • Take an evidence-based and knowledge-based approach⁴ • Prioritise efforts to achieve catchment solutions
Equity and fairness	<p>Acceptable to the wider community</p> <ul style="list-style-type: none"> • Achieve sound principles for allocation⁵ • Recognise effort already made • Exhibit proportionality (those contributing to the problem to contribute to the solution) <ul style="list-style-type: none"> • Minimise social disruption and provide social benefit

³ This criterion could apply in both the limit setting stage and the equity stage, if social disruption includes considerations such as flow on effects of changes in the size of the industry sectors.

⁴ This criterion could also be interpreted as a process criterion.

⁵ This criterion could be included in stage two if 'sound' is interpreted as encompassing measurement.

The Collaborative Stakeholder Group's Draft Policy Selection Criteria

31 October 2014

Achieves the outcomes of the Vision and Strategy and the RMA (including the NPS Freshwater Management)

Does the policy:

- give effect to the Vision and Strategy for the health and wellbeing of the Waikato and Waipa rivers?
- comply with the RMA (including the purpose of the Act)?
- set out clear and balanced objectives?
- take account of existing policy frameworks?
- achieve the range of values identified?

1

Provides for Māori cultural aspirations

Does the policy:

- provide for Māori to retain and use their taonga?
- provide beneficial cultural outcomes?

Gives positive social and community benefits

Does the policy:

- minimise social disruption and provide social benefit?
- enhance people's use of the river?
- take account of unique features and benefits?
- result in outcomes people can identify with, own and feel proud of?

Achieves the restoration and protection of native habitats and biodiversity

Does the policy:

- support resilient freshwater ecosystems and healthy populations of indigenous plants and animals?

Realistic to implement, monitor and enforce

Is the policy:

- able to be measured, monitored and reported?
- implementable and technically feasible?
- administratively efficient?

Allows for intergenerational flexibility

Does the policy:

- foster innovation?
- encourage positive actions being taken?
- allow for change as new information and issues arise?
- provide flexibility of future land use (including the return of Treaty settlements land)?
- provide flexibility for future review?

2

Acceptable to the wider community

Does the policy:

- achieve sound principles for allocation?
- recognise efforts already made?
- exhibit proportionality (those contributing to the problem to contribute to the solution)?

3

Optimises environmental, social and economic outcomes

Does the policy:

- aim for least cost solutions?
- provide confidence and clarity for current and future investment?
- provide realistic timeframes for change?

Supported by clear evidence

Does the policy:

- take an evidence-based and knowledge-based approach?
- transparently show the costs for meeting the outcomes?
- prioritise efforts to achieve catchment solutions?
- set transparent limits and definitions?

Process

References

Facilitation session notes from CSG workshop 8. (2 and 3 December 2014) Day 2 3 December 2014 Section 13: Policy options 1. Document #3237737.

Kaine G 2014. "Choosing policy instruments to change the use of natural resources" [Powerpoint slides]. Document #3232616. Presented 3rd December 2014 at CSG workshop 8.

Maniapoto Maori Trust Board, Waikato Regional Council, Otorohanga District Council, Waikato District Council, Waipa District Council and Waitomo District Council 2013. Joint Management Agreement. Section 6.3.1

Nga Wai o Maniapoto (Waipa River) Act 2012. (No 29)

Ngati Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010. (No 119)

Te Arawa River Iwi Trust and Waikato Regional Council 2012. Joint Management Agreement. Section 6.1.3

Te Poari Matua o Raukawa (Raukawa Settlement Trust) and Waikato Regional Council 2012. Joint Management Agreement. Schedule Two, section 3.2

Waikato Raupatu River Trust and Waikato Regional Council 2013. Joint Management Agreement. Schedule 2, section 4 Table 1, point 2

Waikato Regional Council 2014. Introduction to planning requirements for development Waikato Regional Plan Change 1 – Waikato and Waipa River Catchments. Dated June 2014. Report to CSG workshop 4. Document #3088942.

Waikato Regional Council 2014. Report to the Collaborative Stakeholder Group – for agreement and approval. Introduction to planning requirements (Part 2) Waikato Regional Plan Change 1 – Waikato and Waipa River Catchments and RMA Section 32 analysis. Dated 30 July 2014. Report to CSG workshop 5. Document #3119268.

Waikato-Tainui Raupatu Claims (Waikato River Settlement Act 2010. (No 24)