

Whangarei Harbour Catchment Advisory Group: Proposed Terms of Reference

Background

The Whangarei Harbour Catchment is located on the south-east coast of Northland and has an area of approximately 300 km². The catchment flows to a drowned river valley/large estuarine harbour of approximately 105 km², which is highly valued for its ecological, economic, recreational, and cultural values. The catchment has heterogeneous geology, soils, and land uses, and is comprised of a number of smaller sub-catchments. The catchment contains much of Whangarei city urban area.

In their jointly prepared Whangarei Harbour Water Quality Improvement Strategy (2013), Whangarei District Council and Northland Regional Council (the councils) agreed to the following short term (0-3 years) actions for improving the water quality management framework for the harbour and its catchment:

- Form a Whangarei Harbour and Catchment Advisory Group to confirm/amend the proposed water quality objectives for the Whangarei Harbour and establish catchment-specific objectives for the Whangarei Harbour sub-catchments (Action 22).
- With the Whangarei Harbour Catchment Stakeholder Advisory Group translate catchment-specific objectives into water quality limits and targets (Action 23).
- Assess the need to amend current policies and rules and/or develop new policies and rules to manage direct and diffuse source discharges to achieve catchment specific objectives (Action 24).

The key action within the Whangarei Harbour Water Quality Improvement Strategy of forming a collaborative stakeholder advisory group will enable the councils to collaborate with the community in decisions on catchment-specific water management.

The Whangarei Harbour Catchment has been identified as a priority catchment by Northland Regional Council in its Waiora Northland Water programme for implementing the National Policy Statement for Freshwater Management.

Terms of Reference

The Collaborative Stakeholder Advisory Group for Whangarei Harbour will be known as the Whangarei Harbour Catchment Group (the Group).

The councils will look to the Group for advice and innovation in formulating solutions. Advice and recommendations made by the Group will be incorporated into decisions of the councils to the maximum extent possible.

Purpose:

The purpose of the Group is to work collaboratively to make consensus recommendations on maintaining and improving the state and management of water resources in the Whangarei Harbour and its catchment.

Specific functions

1. To assist both councils in communicating with the community on the state of the harbour and actions being taken to achieve water quality objectives
2. To advise the Northland Regional Council and its Environmental Management Committee (EMC) on the delivery of the Waiora Northland Water programme in the Whangarei Harbour catchment.
3. To develop and recommend water management objectives, policies and rules for the Whangarei Harbour Catchment to be included in the relevant regional or district plans.
4. To help coordinate efforts to maintain and improve the quality of water in the Whangarei Harbour and its catchment by leveraging public and private resources and fostering cooperation and joint responsibility among stakeholders, including by making recommendations to the Whangarei District Council on water infrastructure management and land use development decisions.

Establishment and Reporting:

The Group is established as:

1. A sub-committee of the Northland Regional Council Environmental Management Committee under the Local Government Act 2002
2. An advisory group to Whangarei District Council; and

The Group shall report to the Whangarei District Council District Living Committee and the Northland Regional Council Environmental Management Committee.

Membership:

Composition

Membership of the Group will reflect a balanced cross-section of interests in the Whangarei Harbour and its catchment. It is expected that members will engage with their organisations and wider networks to share information and to bring forward knowledge and information to the Group. The composition of the Group is as follows:

- One member appointed by the Environmental Management Committee (an elected councillor of Northland Regional Council preferably residing within the Whangarei Harbour catchment)
- One member appointed by Whangarei District Council (an elected councillor preferably residing within the Whangarei Harbour catchment)
- Four members nominated by hapū/iwi that affiliate with the Whangarei Harbour catchment
- Two members nominated by dairy farming interests
- Two members nominated by dry stock farming interests
- One member nominated by forestry interests

- One member nominated by fisheries interests
- One member nominated by other business/industry interests
- One member nominated by recreational interests
- One member nominated by environmental interests
- five members from the community at large:
 - Three from the sub-catchments of the upper harbour
 - Two from the sub-catchments of the middle/lower harbour.

Additional members

The size of the Group will achieve a balance between representation of interests and the need for an efficient process to fulfil the group's functions.

Where it is evident that an important interest or perspective is not represented on the Group, the councils will consider adding another member(s), taking into account their skills and knowledge, their availability, and the need to keep the group to a size that can effectively and efficiently work together.

The Group may establish working groups to advance work on specific topics and may request expert advice through the Technical Advisory Group.

Chairperson:

The subcommittee may select its own chair, but in the event the selected chair is not a regional councillor, the appointment must be confirmed by the regional council.

If it is in the interests of the Group, the councils will appoint an independent facilitator to support the Chairperson, or to fulfil the role of Chairperson, for an open or fixed period.

The role of the Chairperson/Facilitator is to:

- Ensure a fair and equitable group process
- Create an environment where members can work together in good faith, with respect and with an open mind
- Facilitate input from all members of the group so that every voice is heard
- Ensure that the Catchment Group operates in accordance with its principles
- Ensure that the group has adequate support and information to efficiently and effectively carry out its terms of reference
- Provide or acquire guidance on collaborative decision making techniques, including constructive ways to voice disagreement and negotiate potential outcomes.

Meetings - Frequency:

Its specific tasks will likely demand a significant amount of time of the Group. Members should anticipate a commitment of approximately two years comprised of 6–10 meetings per year.

The Group will need to decide on a frequency of meetings that is adequate for its tasks.

Quorum

A quorum shall include the Chair or Deputy Chair and a minimum of 50% of the normal membership.

Collaborative decision-making:

A credible commitment to a collaborative process is required of the Group. Decisions must be made by consensus (or near consensus) not majority rule.

Consensus is defined as every member of the Group agreeing that they can accept a decision / recommendation.

Because the Group is undertaking a collaborative exercise based on consensus decision-making, at the end of a process, members will be asked to declare whether they can support the outputs and recommendations to the councils. Members will be expected to promote outputs and decisions to the interests, organisations, and constituents that they represent.

Operating principles:

All members will:

- Recognise that ecological, social, cultural and economic considerations are all an integral part of collaborative catchment planning.
- Develop and maintain effective and inclusive working relationships through open communication, respect, trust, and cooperation.
- Commit to collaborative discussions and decision making.
- Follow Chatham House Rules: Members are free to discuss matters with other parties (except the media), but are not to attribute people to the opinions or options being discussed.
- Contributions are made without prejudice i.e. notwithstanding any recommendations or agreements reached by the group, nothing said within the group process may be used in subsequent planning or legal processes.
- Not make any public statements on, or relating to, the workings of the Group without agreement from the Chairperson. (This also applies to technical advisors, staff and others who attend the meetings in support of the Group).
- Support decisions and recommendations reached by consensus by the group in subsequent public discussion, including appearing at any subsequent hearing if requested. Members will however be permitted to submit individually on decisions of either council on matters that the Catchment Group was unable to reach consensus on.

Key tasks:

1. To identify uses and values of water in the Whangarei Harbour and its catchment
2. To develop catchment objectives (desired environmental outcomes) relating to the identified uses and values
3. To determine water quality and quantity limits/targets that specify the maximum or minimum conditions to meet the water management objectives
4. To determine the policy and management options (regulatory and non-regulatory) to achieve the catchment objectives, including by reviewing the respective actions of the councils, set out in the Whangarei Harbour Water Quality Improvement Strategy 2013.
5. To make recommendations on aligning the maintenance and provision of water infrastructure and future development planning with catchment objectives.

Key outputs and Timeframes:

Reports to the Environmental Management Committee and District Living Committee recommending catchment objectives, limits, and management actions; details on the key points of deliberation and rationale for decisions, and any areas where consensus could not be reached.

[Initially suggest July 2015, however the deliverables could be staged over a period of time leading up to this date].

Administration and support:*Administrative*

The councils will provide secretariat and administrative support.

Independent facilitator

The Group may request an independent facilitator to assist or fulfil the role of the Chairperson for fixed period or the full period of the group.

Technical Advisory Group

The Group will be supported by a Technical Advisory Group made up of technical advisors from a range of fields relevant to the functions of the Group, to be set up by the councils.

Application:

To fulfil its functions the term of the Group is expected to be at least two years.

These terms of reference will be reviewed on an annual basis by the Group and the councils and will be updated or modified as required.