

Terms of Reference: Waitangi Catchment Group

Purpose: To work collaboratively to maintain and improve the state and management of the Waitangi Catchment's fresh and coastal water.

To work with the Northland Regional Council and its Environmental Management Committee in Waitangi Catchment to deliver the Waiora Northland Water programme, including the review of the freshwater provisions of the current Water and Soil Plan for Northland to give effect to the Freshwater NPS.

To discuss and develop potential objectives, policies and rules to be included in the Water and Soil Plan for Northland (or other relevant regional plan) and other related actions for recommendation to the Northland Regional Council and others.

The Waitangi River drains an area in the Mid-North from near Kaikohe in the west, Okaihau in the north and just north of Moerewa-Kawakawa in the south, and out to the Bay of islands via a narrow strip between Kerikeri and Paihia.

Water quality issues in the catchment may increase due to the potential for dairy conversions increasing the current number of dairy farms (22). There are also some intensive beef units where stocking rates would match dairy units. Inherently, the catchment has sediment issues due to large areas of erosion susceptible soils in the upper catchment.

The catchment is highly allocated, primarily due to water consent holders/users located outside of the catchment - being the public water supply for the communities of Waitangi, Paihia and Opuia, and the irrigation scheme.

Under the National Policy Statement for Freshwater (Freshwater NPS), councils must set freshwater objectives, and water allocation and water quality limits for all waterbodies in Northland so that the overall quality of freshwater in the region is maintained or improved.

Councils will remain responsible for preparing resource management plans and plan changes to give effect to the Freshwater NPS (in particular setting freshwater objectives and limits). Work on this in Northland will commence during 2013-14 when the Council has made decisions on the Proposed Regional Policy Statement and the review of regional plans begins.

The Waitangi Catchment has seen a groundswell of local involvement in collaborative water quality improvement, with the establishment of NZ Landcare Trust's "Waitangi River Catchment: Farming for the Future" project, which has provided the impetus for the establishment of a collaborative stakeholder catchment subcommittee.

The collaborative stakeholder group will determine the values for management of the Waitangi Catchment to be included in the Water and Soil Plan or a future combined regional plan and the environmental state to be achieved (which can be selected from a range of options from maintenance through to various degrees of improvement)

based on the local context, community aspirations and any legal minimums such as the National Objectives Framework (NOF).

The collaborative stakeholder group will develop regulatory (e.g. limits, policies and rules) as well as non-regulatory management options to achieve the agreed environmental objectives with the aim of providing the Environmental Management Committee (and the Northland Regional Council) with consensus recommendations for a plan change to the Water and Soil Plan for Northland and an agreed plan for implementing the non-regulatory management options.

The Environmental Management Committee will implement the recommendations of the Waitangi Catchment Group where they are able to do so and will promote the recommendations that require Northland Regional Council or other committee, or stakeholder endorsement. To facilitate this occurring, the recommendations from the Waitangi Catchment Group must also be consistent with the Resource Management Act 1991, relevant National Policy Statements and Environmental Standards, the Regional Policy Statement, the Local Government Act 2002 and the Northland Regional Council's Long Term Plan.

Establishment: The Waitangi Catchment Group is established as a subcommittee of the Northland Regional Council Environmental Management Committee under the Local Government Act 2002.

Chair: 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.

Quorum: A quorum shall include the Chair and a total of at least 50% of the normal membership.

Membership: Members have been selected to reflect the broad interests in water management in the Waitangi Catchment and to provide a cross-section of values, understanding and perspectives. It is expected that members will engage with their organisations and wider networks to share information and get feedback on the matters being considered.

Two nominated representatives of the Northland Regional Council's Environmental Management Committee (one of which is a NRC Councillor)

One Far North District Councillor

One Bay of Islands - Whangaroa Community Board member

Up to four representatives nominated by local iwi and hapu with interests in the catchment.

One member nominated by forestry interests in the catchment

One member nominated by the tourism interests associated with the catchment

Three members nominated by dairy farmers in the catchment

Two members nominated by other (non-dairy) farming interests in the catchment

Two members nominated by industry in the catchment.
Two members representing environmental interest groups
Two members nominated by public process to represent residents or business interests of the catchment not otherwise represented.
One member representing recreational interests
One member nominated by the Waitangi River Liaison Committee
One member nominated by Kerikeri Irrigation Company
One member nominated by Department of Conservation

Members are generally mandated sector or group representatives. Where members have not been given a mandate from their sector or interest group they will participate as individuals and are expected to convey ideas and perspectives from their wider networks.

Councillors have particular statutory (and non-statutory) responsibilities outside of the Waitangi Catchment Group, but within the group they have the same rights and responsibilities as all other members. In addition to the particular knowledge, expertise and perspectives, they will represent the interests of the wider district and regional communities.

To assist the Waitangi Catchment Group to make satisfactory progress and build consensus, members are expected to attend all meetings. Substitutes are discouraged and must be approved by the Chair in advance. (If a meeting is missed, or if a substitute does participate, members will be expected to catch up and avoid re-litigating matters that have been agreed in their absence.)

Between meetings members are expected to interact with their nominating body / wider networks to obtain feedback on options being discussed.

As the group is undertaking a collaborative exercise based on consensus decision-making, at the end of the process, members will be asked to declare whether they can support the outputs and recommendations to the Environmental Management Committee that have been produced by the process and will be expected to promote them to their organisations and networks. Members will also be asked whether their nominating organisations or organisations they represent (where appropriate) will formally endorse the consensus agreement.

Where it becomes known that an important sector, interest or perspective is not represented on the Waitangi Catchment Group, the Environmental Management Committee will consider adding another member, taking into account their

interest/perspective, their availability and the need to keep the group to a size that can work effectively together.

The Waitangi Catchment Group may establish working groups to advance work on specific topics and may request research and expert advice from, but not limited to, the Northland Regional Council.

Collaborative decision making:

Collaborative decision making is not consultation. A credible commitment to the collaborative process by the individuals and organisations involved is required. Decisions need to be made by consensus (near consensus) not majority rule.

Consensus:

Consensus is defined as every member of the Waitangi Catchment Group agreeing that they can accept the agreement / recommendation.

Principles of participation:

To this end all members will:

- Participate cooperatively and civilly.
- Be committed to achieving a balanced – environmentally, economically, culturally and community – management regime for the catchment and Northland’s freshwater.
- Commit to open, honest and collaborative discussions and decision making.
- Follow Chatham House Rules. Members and participants in working groups are free to discuss matters with other parties – but not the media – but won’t attribute people to the options or opinions discussed.
- Make contributions without prejudice – i.e. nothing said within the group may be used in subsequent planning or legal processes except for any recommendations or agreements reached by the group.
- Show respect for other views and avoid promoting discord within the group.
- Make any public statements agreed by the group through an agreed spokesperson. (This also applies to those technical advisors, staff and others who attend the meetings in support of the Waitangi Catchment Group.
- Support decisions and recommendations reached by consensus by the group in subsequent public discussion, including appearing at any subsequent hearing if requested.

The Chair of the Group / Facilitator will:

- Ensure a fair and equitable group process
- Foster an atmosphere of respect, open-mindedness and group learning
- Design an enjoyable and productive process to enable the group to achieve its task
- Facilitate input from all members of the group so that every voice is heard
- Provide or acquire guidance on collaborative decision making techniques, including constructive ways to voice disagreement and negotiate potential outcomes.

Key Tasks:

1. Establish objectives, uses and values (e.g. ecosystem health, stock watering, etc.) for the catchment.
2. Establish desired environmental state (and confirm the current state - does this mean things have to improve and by how much).
3. Determine freshwater limits to achieve the desired environmental state (both quality and quantity).

4. Determine the potential policy and management options (regulatory and non-regulatory) to achieve the preferred state.
5. Develop good management practices and other non-regulatory tools for maintaining and improving the catchment's freshwater and its management and establish the on the ground costs and benefits of them (which may include trials).
6. Develop an implementation plan and recommendations (including a draft plan change) for:
 - a. the Environmental Management Committee to consider / implement / recommend to the Northland Regional Council as part of regional plan changes and annual and long term planning
 - b. other relevant parties such as government, industry, community groups, landowners etc. to consider / implement.

In completing the tasks the Waitangi Catchment Group will:

- Consult with relevant stakeholders throughout the development of the implementation plan and recommendations.
- Receive, review and consider technical material as well as consultation and engagement feedback and results.

Key outputs and timeframes:

1. Report documenting the values, objectives, desired environmental state (and freshwater limits to achieve it), and agreed management options for the catchment [initially suggest February 2016].
2. A draft plan change ready for notification incorporating any preferred / agreed management responses.

Technical advice: The Waitangi Catchment Group will be supported by a technical group made up of technical advisors across a range of specialisms relevant to the catchment including: environmental science, matauranga Maori and Maori values, farm systems and land management, economics and social science.

NRC shall provide secretariat and administrative support, as well as technical support in line with NRC functions and work programmes.