



Healthy Rivers
PLAN FOR CHANGE

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

Wai Ora

HE RAUTAKI WHAKAPAIPAI

Tūwharetoa Māori Trust Board
Waikato Raupatu River Trust
Waikato Regional Council

Stakeholder Engagement Strategy

Baseline Project Management Plan Approval

We the undersigned confirm our acceptance of this Stakeholder Engagement Strategy and agree to the commencement of this process as outlined in this document.

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Executive Summary

This document outlines how Waikato Regional Council and Waikato and Waipa River iwi will work alongside stakeholders to review parts of the Waikato Regional Plan. The purpose of this stakeholder engagement strategy is to contribute to high quality stakeholder involvement in the plan review process and to enduring solutions in the plan itself.

The plan review will focus on the effects of point and non-point source discharges to land and water in the Waikato and Waipa River catchments. It will be one of many projects that will contribute towards the restoration and protection of the health and wellbeing of the Waikato and Waipa Rivers.

Under recent legislation, Waikato Regional Council shares resource management planning responsibilities with Waikato and Waipa River iwi (Waikato-Tainui, Te Arawa River Iwi, Raukawa, Ngāti Tūwharetoa and Ngāti Maniapoto). The acts set out a process to be used before the preparation, review, change or variation of planning documents. For the purpose of this project, a Joint Working Party (JWP) has been established comprising staff representatives from all five River iwi and the council.

The Waikato and Waipa catchments cover a large area with diverse communities, including more than 400 governance, organisational and community representatives and over 5000 farms.

Stakeholder input will be gathered over eight phases of the project using a range of approaches to gathering information and investigating solutions. The phases include:

- collating information from industry groups about current initiatives;
- gathering specialists together to explore different land management scenarios; and
- investigating the implications of these different options on people and resources.

A key part of this strategy is to gather a group of stakeholders and community representatives together to intensively review and deliberate on technical material as well as the results of consultation processes. This “collaborative stakeholder group” (CSG) will play a central role in the engagement process, developing an in-depth understanding of the issues and recommending solutions to Waikato Regional Council and River iwi (the decision makers for this project).

Another key initiative is to form a “Technical Alliance” – a diverse range of specialists in environmental science, mātauranga Māori, farm systems, economics and social science – to present technical information and articulate consequences and solutions for stakeholders and decision makers in a simple way.

An outcome of this stakeholder engagement strategy will be that decision makers understand the issues from all sides and workable solutions are generated.

1 Purpose of the Stakeholder Engagement Strategy

This document outlines a proposed approach to working alongside stakeholders and the community during the process to partially review the Waikato Regional Plan.

The purpose of this stakeholder engagement strategy is to contribute to high quality stakeholder involvement in the plan review process and to enduring solutions in the plan itself.

2 Stakeholders

The Waikato and Waipa catchments cover a large area with diverse communities, including more than 400 governance, organisational and community representatives and more than 5000 farms. These stakeholders can be categorised into key groups:

1. Tāngata whenua (trusts, farming groups, community committees)
2. Primary industry (industry organisations, farmers, foresters, horticulturalists)
3. Other rural industry and primary industry support (fertiliser industry, banks, insurance industry, quarries, rural supply companies)
4. Central government (ministries, departments and other statutory bodies, e.g. Waikato River Authority, Fish & Game)
5. Local government (territorial authorities, catchment liaison subcommittees, Future Proof, economic development groups, community boards)
6. Non-Government Organisations (environmental groups)
7. Water body users (energy, municipals, commercial, recreational)
8. Other industry and business organisations (tourism industry)
9. Community (ratepayers and residents' associations, general public)
10. Research and educational organisations.

3 Purpose of the plan review process

The review will focus on the effects of point and non-point source discharges to land and water in the Waikato and Waipa River catchments.

It will be one of many projects that will contribute towards the restoration and protection of the health and wellbeing of the Waikato and Waipa Rivers, and thereby help:

- fulfil legal obligations under national legislation and policy
- address declining water quality
- achieve Waikato Regional Council's strategic direction
- meet the objectives and strategies set out in Te Ture Whaimana o Te Awa o Waikato – the Vision and Strategy for the Waikato River (Vision and Strategy) (see 5.2.1.

4 Scope of the project

The geographical scope of the project is the Waikato and Waipa River catchments. Plan changes relating to the Waihou/Piako, Coromandel and West Coast catchments will be rolled out in a staged way over time (see Figure 1).

The reasons for this scope include:

- the Vision and Strategy¹ applies to the Waikato and Waipa Rivers and must be given effect to in regional plans
- the Proposed Waikato Regional Policy Statement prioritises the Waikato catchment
- a catchment-focused approach to engagement and modelling is necessary. Each catchment is distinct and a catchment approach allows for an in-depth understanding of the issues specific to each catchment to be developed².

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

² Lake Taupō is out of scope because a plan is in place for that catchment.

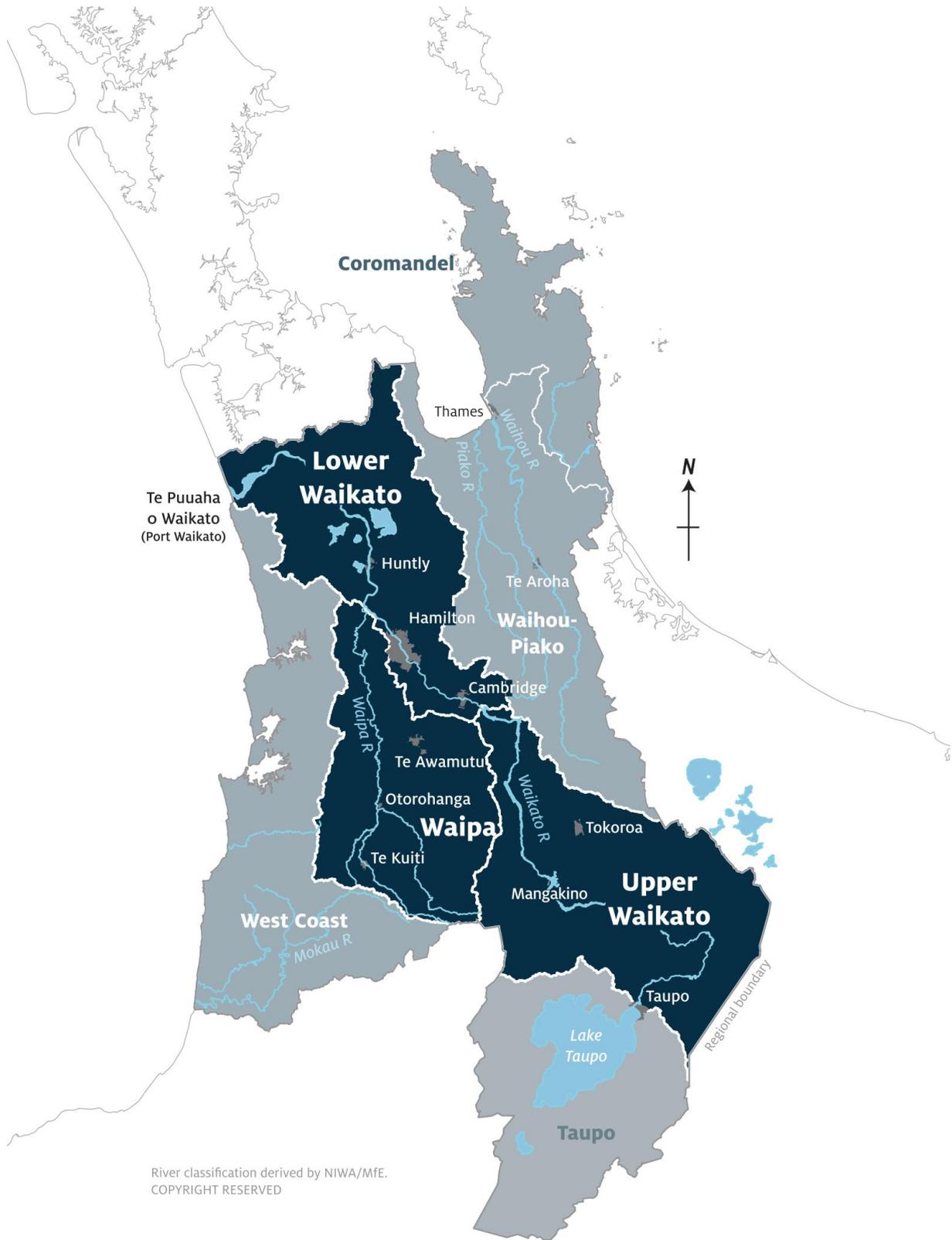


Figure 1: Waikato and Waipa River Catchments (excluding Lake Taupō, Waihou/Piako, Coromandel and West Coast catchments)

5 Legislative context for stakeholder and community engagement

This section describes relevant legislation and policies that influence stakeholder engagement for the plan review process.

5.1 Resource Management Act 1991

The purpose of the Resource Management Act 1991 (RMA) is the sustainable management of natural and physical resources. It establishes a system for resource management planning at the national (national policy statements and national environmental standards), regional (regional policy statements and regional plans) and local levels (district plans). Central to the purpose of each of these documents is the promotion of sustainable resource management.

Schedule 1 of the RMA outlines the process that must be followed when any part of a policy statement or plan is reviewed. Most of the focus of Schedule 1 is on the formal part of the plan review process, for instance, clauses outline steps to be followed for public notification of a proposed planning document, timeframes for submissions and eligibility for appeals to the Environment Court. Prior to public notification, Schedule 1 simply outlines a list of stakeholders with whom every council must consult (see Attachment 1). Nothing in the RMA prevents a council from choosing to go beyond the minimum requirements for whom to consult with or how long to allow in developing a proposed document for public notification.

The Government is considering reform of the RMA, which may enable councils to consider a limited appeal process for those councils on a collaborative pathway. Should this reform become law, and Waikato Regional Council and iwi partners agree, we will review opportunities in the new RMA, while also taking into account current legislation.

5.1.1 National Policy Statement: Freshwater Management 2011

The National Policy Statement for Freshwater Management 2011 (the NPSFM) requires each regional council to actively manage water quality and water quantity by establishing freshwater objectives and setting limits for every body of fresh water in the region. This will be done through the instrument of the Waikato Regional Plan.

If a water body does not meet the freshwater objectives, targets need to be specified, as well as implementation methods to meet those targets. The methods to achieve the objectives can be regulatory and/or non-regulatory.

The NPSFM also outlines the timelines within which these changes to the plan need to be made. Council is permitted to implement a programme of defined, time-limited stages which need to be fully implemented by 31 December 2030. A process to review the regional plan as it relates to water quality in the Waikato and Waipa River catchments is a requirement of this programme.

5.1.2 New Zealand Coastal Policy Statement

The New Zealand Coastal Policy Statement (NZCPS) contains policies in relation to the coastal environment. Although relevant to a small area compared to the rest of the catchment, discharges to freshwater in the coastal environment within the Waikato River

catchment are guided by NZCPS policies on land use and the sensitivity of the receiving environment. The NZCPS is also aligned with NPSFM policy which requires integrated management including interactions between freshwater, land, associated ecosystems and the coastal environment.

5.1.3 National Environmental Standards for Sources of Human Drinking Water

The purpose of the National Environmental Standards (NES) for Sources of Human Drinking Water is to reduce the risk of contamination of drinking water sources by requiring regional councils to consider the effects of certain activities on drinking water sources when granting water permits or discharge permits upstream of takes for drinking water, and including or amending rules in a regional plan in relation to permitted activities. Different criteria apply depending on whether or not the drinking water concerned currently meets the health quality. The NES is to be implemented when plans are changed or reviewed. Knowledge of the locations of takes for drinking water supply will be relevant when considering limits, land-use and the potential for water contaminants to affect drinking water supplies.

5.1.4 Regional Policy Statement

The purpose of a regional policy statement (RPS) is to achieve the purpose of the RMA by providing an overview of the resource management issues of the region, and policies and methods to achieve integrated management of the natural and physical resources.

The Operative Waikato RPS was reviewed and the Proposed Waikato RPS was publicly notified in November 2010. After the hearing process, the council decisions report was adopted in October 2012 and publicly notified in early November 2012. The council decision version recommends tāngata whenua and stakeholder involvement as a central feature of water body management:

Method 8.1.4 Tāngata whenua involvement

Waikato Regional Council will work with tāngata whenua to develop systems and processes to:

- a) adequately involve tāngata whenua in the management and decision making regarding fresh water bodies and associated ecosystems;
- b) identify values and interests in fresh water bodies and associated ecosystems; and
- c) develop monitoring programmes, (including mātauranga Māori) to monitor the achievement of identified values of fresh water bodies.

For this project, Waikato Regional Council and River iwi will co-ordinate their respective efforts when engaging with tāngata whenua in the catchment area, to ensure that the above measures are achieved. It is recognised that the River iwi are mandated as authorities to discuss the appropriate processes to engage with tāngata whenua on resource management issues. For tāngata whenua within the rohe and mana whakahaere of the River iwi, the respective partner will lead the engagement through using existing and creating new opportunities to ensure the involvement of tāngata whenua is undertaken.

For tāngata whenua that are outside the mana whakahaere of the River iwi, the approach will be co-designed with the aim of using existing, as well as creating new opportunities, for tāngata whenua to meet, understand and feed back into the project.

The Proposed RPS also includes the following method with regard to stakeholder engagement:

Method 8.1.5 Stakeholder involvement

Waikato Regional Council will take a collaborative approach to investigating and implementing future fresh water body management approaches. This will include:

- a) providing for the early and meaningful involvement of stakeholders;
- b) working with stakeholders for the development and delivery of non-regulatory policy options including primary industry initiatives, third party audited self management and education programmes;
- c) involving stakeholders in the process of identifying costs and benefits of any proposed regulatory management options; and
- d) involving stakeholders in the process of identifying the limits and targets.

The Proposed Waikato RPS Decisions (November 2012) are currently subject to appeals before the Environment Court. The appeals include some 90 appeal points on policies and implementation methods relating to fresh water, and the resolution of these will be relevant to the review of the plan. Resolution of all appeals is expected to take at least two years.

5.1.5 Regional Plan

The Waikato Regional Plan was made operative in part in 2007 with Variations 2, 5, 6, and 7 made operative in 2008, 2011, 2012 and 2010 respectively. The plan provides direction regarding the use, development and protection of natural and physical resources in the region. It provides a policy framework and implementation methods in relation to water, river and lake beds, land and soil, air and geothermal resources.

5.2 Waikato and Waipa River legislation

Under recent legislation Waikato Regional Council shares management responsibilities with Waikato and Waipa River iwi (Waikato-Tainui, Te Arawa River Iwi, Raukawa, Ngāti Tūwharetoa and Ngāti Maniapoto)³. The underlying purpose of the three acts is to protect and restore the health and wellbeing of the Waikato and Waipa Rivers.

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

The legislation requires that joint recommendations are made by each River iwi and council (see Figure 2). These are:

- to commence the process to prepare, review, amend and/or vary a RMA planning document, and
- to notify the draft RMA planning document.

Waikato Regional Council retains ultimate decision making providing that such decision making is consistent with the Vision and Strategy.

³ Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010; Ngāti Tūwharetoa, Raukawa and Te Arawa River Iwi Waikato River Act 2010 and Ngā Wai o Maniapoto (Waipa River) Act 2012.

Additionally, River iwi participation in decision making on the RMA planning document under clause 10 (decisions on provisions and matters raised in submissions) of Schedule 1 of the RMA must also be discussed.

For the purpose of this project, the council and River iwi have agreed to work together rather than the council having to work separately with each of the River iwi. The approach taken is consistent with the requirements and intent of the legislation. Hence, a single Joint Working Party (JWP) has been established to progress the plan change, comprising staff representatives from all five River iwi and the council.

Note that the legislation requires the council to enter into joint management agreements (JMAs) with each of the River iwi, and these are also relevant to the development of relevant planning documents. At the writing of this strategy, JMAs have been signed between Raukawa and Te Arawa River Iwi, with Waikato-Tainui and Ngati Maniapoto expected to sign JMAs in 2013. It should be noted that no party has yet formally waived any requirements set out in any of the current JMAs.

5.2.1 Te Ture Whaimana o Te Awa o Waikato – the Vision and Strategy for the Waikato River

Te Ture Whaimana o Te Awa o Waikato - the Vision and Strategy for the Waikato River is intended by the Crown to be the primary direction-setting document for the Waikato River and its catchments (including the Waipa River). It was initially given statutory recognition via the two Waikato River Acts in 2010, and subsequently extended to incorporate the upper reaches of the Waipa River through the passing of the Waipa River legislation in 2012. It can only be altered by a change to the legislation or by the Waikato River Authority, as the statutory body appointed by the Crown.

The Vision and Strategy is deemed in its entirety into the Proposed RPS and regional and district plans must give effect to it. Importantly, if there is any inconsistent provision in any RMA planning document, including any national policy statement, the Vision and Strategy prevails.

Waikato Regional Council is required to assess whether its regional plan gives effect to the Vision and Strategy, and to initiate an amendment to the plan if it does not give effect to it.⁴ A full review has not yet been completed. A process to review the Waikato Regional Plan is one way of contributing to the achievement of the Vision and Strategy.

The overarching objectives and strategies of the Vision and Strategy are quoted below. These objectives and strategies guide the plan review process, as well as this stakeholder engagement strategy. Objectives b., c. and d. are particularly relevant to this strategy.

“In order to realise the Vision, the following objectives will be pursued:

- a. The restoration and protection of the health and wellbeing of the Waikato River.
- b. The restoration and protection of the relationships of Waikato-Tainui with the Waikato River, including their economic, social, cultural, and spiritual relationships.
- c. The restoration and protection of the relationships of Waikato River iwi according to their tikanga and kawa with the Waikato River, including their economic, social, cultural and spiritual relationships.

⁴ Sections 13(4) of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, 14(4) of the Ngāti Tūwharetoa, Raukawa and Te Arawa River Iwi Waikato River Act 2010 and 8(2) of the Ngā Wai o Maniapoto (Waipa River) Act 2012.

- d. The restoration and protection of the relationships of the Waikato region's communities, with the Waikato River, including their economic, social, cultural and spiritual relationships.
- e. The integrated, holistic and co-ordinated approach to management of the natural, physical, cultural, and historic resources of the Waikato River.
- f. The adoption of a precautionary approach towards decisions that may result in significant adverse effects on the Waikato River, and in particular, those effects that threaten serious or irreversible damage to the Waikato River.
- g. The recognition and avoidance of adverse cumulative effects, and potential cumulative effects, of activities undertaken both on the Waikato River and within the catchment on the health and wellbeing of the Waikato River.
- h. The recognition that the Waikato River is degraded and should not be required to absorb further degradation as a result of human activities.
- i. The protection and enhancement of significant sites, fisheries, flora and fauna.
- j. The recognition that the strategic importance of the Waikato River to New Zealand's social, cultural, environmental and economic wellbeing requires the restoration and protection of the health and wellbeing of the Waikato River.
- k. The restoration of water quality within the Waikato River so that it is safe for people to swim in and take food from over its entire length.
- l. The promotion of improved access to the Waikato River to better enable sporting, recreational, and cultural opportunities.
- m. The application to the above of both maatauranga Maaori and the latest available scientific methods.

To achieve the objectives, the following strategies will be followed:

1. Ensure that the highest level of recognition is given to the restoration and protection of the Waikato River.
2. Establish what the current health status of the Waikato River is by utilising maatauranga Maaori and latest available scientific methods.
3. Develop targets for improving the health and wellbeing of the Waikato River by utilising maatauranga Maaori and latest available scientific methods.
4. Develop and implement a programme of action to achieve the targets for improving the health and wellbeing of the Waikato River.
5. Develop and share local, national and international expertise, including indigenous expertise, on rivers and activities within their catchments that may be applied to the restoration and protection of the health and wellbeing of the Waikato River.
6. Recognise and protect waahi tapu and sites of significance to Waikato-Tainui and other Waikato River iwi (where they so decide) to promote their cultural, spiritual and historic relationship with the Waikato River.
7. Recognise and protect appropriate sites associated with the Waikato River that are of significance to the Waikato regional community.
8. Actively promote and foster public knowledge and understanding of the health and wellbeing of the Waikato River among all sectors of the Waikato community.
9. Encourage and foster a 'whole of river' approach to the restoration and protection of the Waikato River, including the development, recognition and promotion of best practice methods for restoring and protecting the health and wellbeing of the Waikato River.

10. Establish new, and enhance existing, relationships between Waikato-Tainui, other Waikato River iwi (where they so decide), and stakeholders with an interest in advancing, restoring and protecting the health and wellbeing of the Waikato River.
11. Ensure that cumulative adverse effects on the Waikato River of activities are appropriately managed in statutory planning documents at the time of their review.
12. Ensure appropriate public access to the Waikato River while protecting and enhancing health and wellbeing of the Waikato River.”

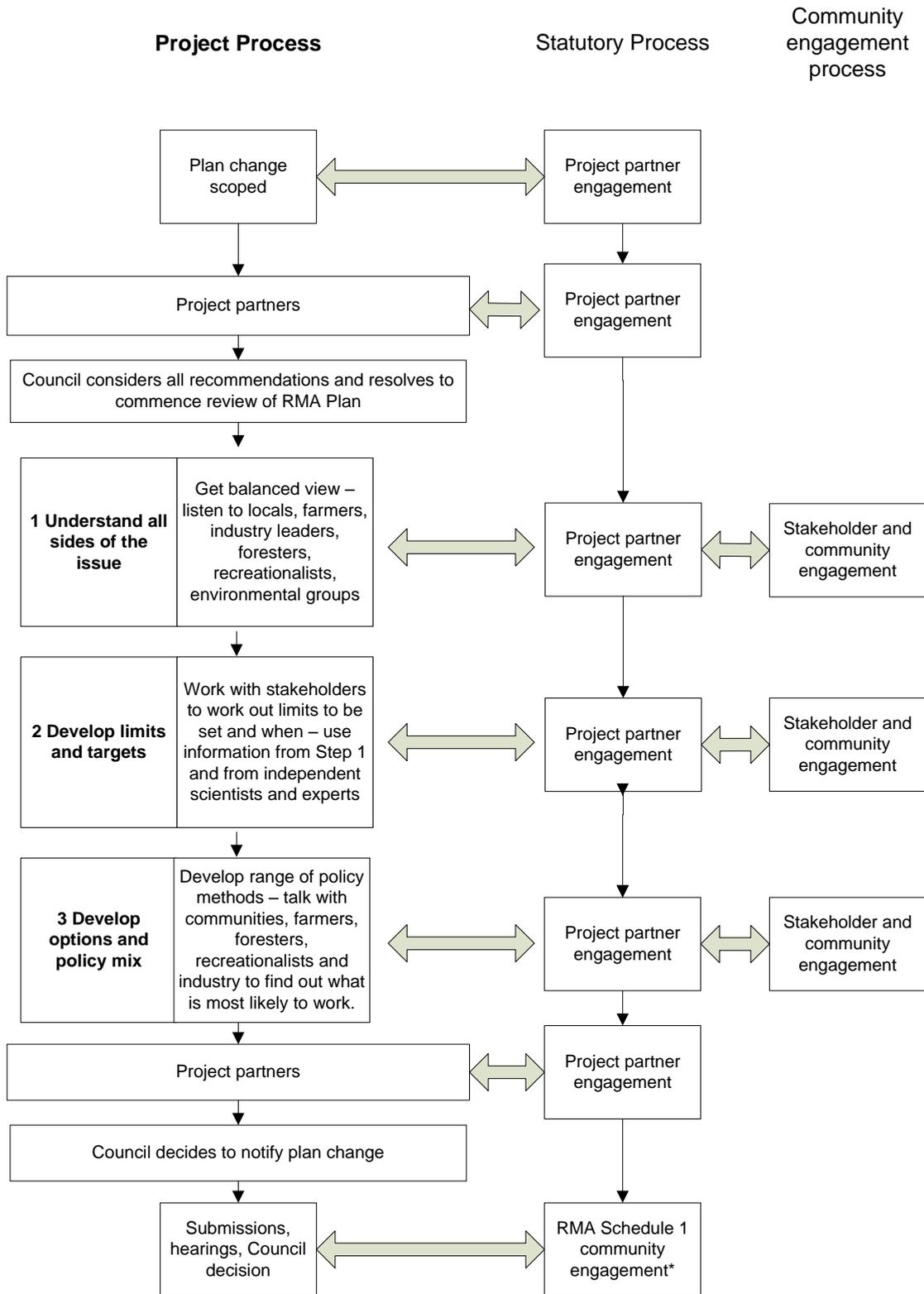


Figure 2: Plan review process

5.3 Local Government Act 2002

Waikato Regional Council also has duties and responsibilities under the Local Government Act 2002 (LGA). For example, Section 10 outlines the purpose of local government, which is to meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses.

The plan review process must also attend to the interests of the community and enable democratic decision-making processes. The stakeholder engagement clauses of the LGA are outlined below.

In relation to the way in which local authorities should engage with their communities, the LGA (2002, s82(1)) states:

- a. affected or interested persons should be provided with access to relevant information
- b. affected or interested persons should be encouraged to present their views
- c. persons who present their views should be given clear information on the purpose and scope of the consultation and the decisions to be taken
- d. persons who wish to have their views considered should be provided with a reasonable opportunity to present those views
- e. the views presented should be received by the council with an open mind and should be given due consideration in decision making
- f. persons who present views should be provided with information concerning both the decisions and the reasons for those decisions.”

Understanding of the application of these LGA principles has been assisted by the Wellington International Airport Ltd vs Air New Zealand 1993 case, which states:

“Consultation must allow sufficient time, and a genuine effort must be made. It is a reality not a charade. The concept is grasped most clearly by an approach in principle. To “consult” is not merely to tell or present. Nor, at the other extreme is it to agree. Consultation does not necessarily involve negotiation toward an agreement, although the latter not uncommonly can follow, as the tendency in consultation is to seek at least consensus. Consultation is an intermediate situation involving meaningful discussion. Despite its somewhat impromptu nature I cannot improve on the attempt at description, which I made in *West Coast United Council v Prebble*, at p 405:

‘Consultation involves the statement of a proposal not yet fully decided upon, listening to what others have to say, considering their responses and then deciding what will be done.’

Implicit in the concept is a requirement that the party consulted will be (or will be made) adequately informed so as to be able to make intelligent and useful responses. It is also implicit that the party obliged to consult, while quite entitled to have a working plan already in mind, must keep its mind open and be ready to change and even start afresh. Beyond that, there are no universal requirements as to form. Any manner of oral or written interchange which allows adequate expression and consideration of views will suffice.”⁵

⁵ Downloaded 16 September (2012) from http://www.option4.co.nz/Your_Rights/consultation.htm

6 Other context

This section of the strategy outlines the regional context in which the plan review process will take place and other relevant considerations. In summary, the engagement process in the Waikato and Waipa catchments will be designed with reference to:

- current legislation
- contemporary engagement practice
- public participation industry standards
- the Waikato/Waipā context – “local solutions for local issues”.

6.1 Contemporary engagement practices and standards

While the LGA case law establishes the benchmarks for engagement on this project, it should be recognised that recent advances in engagement practices, such as those modelled by Environment Canterbury, the Land and Water Forum, NZ Landcare Trust and many community groups have been developed in order to address complex resource management issues.

The International Association for Public Participation (IAP2) has developed extensive resources to guide engagement practice and these standards provide a benchmark for the public participation profession⁶.

Stakeholder engagement practices that are responsive and adaptive will be necessary, given the social and environmental complexity of the matters this project seeks to address (Twyfords, 2012).

6.2 Regional context

This section outlines regional plans and policies that influence stakeholder engagement for the plan review process, including Waikato Regional Council’s 2012-2022 Long Term Plan and the Waikato River Authority.

6.2.1 Strategic Vision in the 2012-2022 Long Term Plan

Waikato Regional Council’s strategic vision is “Competing globally, caring locally”. In order to achieve this vision three flagship goals have been identified, which are:

- the values of land and water resources are sustained across the Waikato region
- the Waikato Regional Council meets its legislative requirements by working together with iwi in good faith and a spirit of cooperation
- the people of the region collaborate to achieve a shared vision of the Waikato competing globally, caring locally.

The regional plan review process aligns with all three of council’s flagship goals. Therefore it is vital to ensure that the stakeholder process is robust and reflects the important implications of the project on all three flagship goals.

⁶ See Attachment 3

6.2.2 Waikato River Authority

The Waikato River Authority (WRA) is a statutory body formed under Waikato and Waipa River legislation⁷. The WRA has ten members who are appointed by River iwi (five) and Ministers of the Crown (five). The purpose of the WRA is to:

- set the primary direction through the Vision and Strategy
- promote an integrated and co-ordinated approach to implement the Vision and Strategy
- fund rehabilitation through the Waikato River Clean-up Trust.

One of the responsibilities of the WRA is to review the Vision and Strategy initially after the settlement date of co-management legislation⁸, and then no earlier than 5 and no later than 10 years after the initial review⁹.

The initial review was completed by the WRA in April 2011¹⁰; therefore the next review will not occur before 2016. When the next review occurs the WRA has the power to include targets to achieve the Vision and Strategy and methods to implement them¹¹. The activities of the WRA may have a direct impact on the plan review process, and consequently they are one of the key stakeholders in this engagement strategy.

⁷ Section 22 Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 and Section 23 Ngāti Tūwharetoa, Ngāti Raukawa and Te Arawa River Iwi Waikato River Act 2010.

⁸ Section 18 Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, Section 19 Ngāti Tūwharetoa, Ngāti Raukawa and Te Arawa River Iwi Waikato River Act 2010 and Section 8 Ngā Wai o Maniapoto (Waipa River) Act 2012.

⁹ Section 19 Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, Section 20 Ngāti Tūwharetoa, Ngāti Raukawa and Te Arawa River Iwi Waikato River Act 2010 and Section 8 Ngā Wai o Maniapoto (Waipa River) Act 2012.

¹⁰ See WRA Annual Plan 2011/12, clearly stating that they reviewed the Vision and Strategy and were not making any changes to the Vision and Strategy. <http://www.waikatoriver.org.nz/wp-content/uploads/2011/12/15939%20Annual%20Report%20scr.pdf>

¹¹ Section 20 Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, Section 21 Ngāti Tūwharetoa, Ngāti Raukawa and Te Arawa River Iwi Waikato River Act 2010 and Section 8 Ngā Wai o Maniapoto (Waipa River) Act 2012.

7 Project goals

In order to describe the purpose of the plan review process, project and engagement goals have been drafted during an early project workshop.

“Public participation is oriented toward making decisions. A clear statement of the problem to be solved... or the decision to be made is needed before developing a public participation plan. Clarity on the decision to be made is the basic building block for agreement on a process and one of the attributes of a successful outcome.” (IAP2 2006, p30).

Developing a project goal invites discussion about the scope of the project and should enable many different people in the community to be able to see their interests and concerns reflected in the goal.

Primary project goal:

The primary goal of the Healthy Rivers - Plan for Change/Wai Ora - He Rautaki Whakapaipai project is for Council and Waipa and Waikato River Iwi to jointly recommend that the Council notify a change to the Plan that addresses the adverse effects of discharges in the Waipa and Waikato River catchments (Project Plan, 28/1/13).

Secondary goals:

In order to contribute to achieving the restoration and protection of the Waikato and Waipa Rivers, the Waikato Regional Plan review process should:

- 1. seek, over time, to improve river/water body quality;*
- 2. focus at first on defining the issues and options relating to water quality;*
- 3. develop a range of possible land management scenarios, including options for limits and targets for the river/water bodies. These land management scenarios and limits and targets need to be based on sound environmental, cultural, scientific and economic information;*
- 4. use a mix of methods, which may include rules, education, incentives, including industry self-regulation, that the Waikato Regional Council may use to facilitate the necessary changes on the ground. These methods to be discussed and developed alongside the setting of limits and targets.*

Wherever possible decisions will:

- a. understand the impacts of the limits and targets on the wellbeing of the community;*
- b. maximise the economic and environmental sustainability of businesses;*
- c. minimise financial impacts on the regional community.*

8 Stakeholder principles

These principles will guide the plan review process:

1. Communities affected by decisions have a right to participate in making them.
2. Identify and clarify decisions to be made from all perspectives. Strive for clarity about, and connection with, the decision-making process.
3. Stakeholders feel they have had an opportunity to understand the problem and contribute to its solution. Under promise and over deliver. Be clear about what can and can't be changed.
4. Build trusting relationships through well-run processes, including face-to-face meetings.
5. Demonstrate that we have listened and provide feedback on what we have heard.
6. Recognise that people need sufficient time, information and support to understand the issue of water quality and translate it into their day-to-day lives.
7. We will engage in a way that suits the preferences and needs of that person or group.
8. Encourage creative thinking in finding potential solutions. Support trial and error. Accept interim solutions.
9. Continue to identify and update directly affected communities on the process and decisions.
10. Stay in touch, even when the going gets tough. Acknowledge emotions.
11. Sustain momentum by acknowledging success, reinforcing the positive and focusing on the outcome. Ask "can we move on"?
12. Be clear about roles in the plan change process, using the International Association for Public Participation spectrum to assist this clarity.¹²

These principles may be summarised as:

Trusting relationships

Build trusting relationships through well-run processes and positive behaviours, such as providing feedback, adequate information, time and support, active listening, and space to understand the issues.

Quality engagement

Engage in a way that suits that person or group and maintains open, honest and transparent communication. Communities affected by decisions have a right to participate in making them.

Evidence-based processes

Understand the problems and givens in the project and encourage innovative solutions.

Sustain momentum

Sustain momentum by acknowledging success, reinforcing the positive and focusing on the outcome and asking "can we move on?"

¹² See Attachment 3 for International Association for Public Participation spectrum

9 Phases in the engagement process

The engagement process is likely to go through eight phases:

Phase 1 Scoping the issue and informing

Letting people know about the project; discussing the project and engagement goals by finding out what's important to them

The project partners (council and River iwi) and/or the collaborative stakeholder group (CSG) will hold workshops and/or small group meetings with stakeholders who have a relationship with the rivers. The purpose of these sessions will be to hear how they see water quality and what their aspirations are with regard to the health and wellbeing of the Waikato and Waipa Rivers. Note, this is not about questioning whether the rivers/water quality is degraded but about how/why/when the degradation occurs (for example, what are some of the specific causes) and what matters to them about future decisions.

This is the stage where project and engagement goals are discussed. The goals are important as they describe the challenges the project is seeking to address¹³. Testing the goals with people that may be affected by the outcome of the project is important as it ensures that decision-makers and stakeholders are focusing on the same dilemma.

Questions that may be explored in Phase 1 include:

- What's your experience of the quality of the water?
- How would you like to be included in the process?
- What information would you find useful?
- What existing opportunities are there for engagement with your organisation?
- Who are the official representatives of your organisation at the governance and staff levels?
- How can you support this project?
- How important is water to your economic wellbeing?

Project stages will be shared and opportunities for involvement explored.

Outputs from this stage are an up-to-date contact list, agreements with stakeholder organisations about representatives, and summary information about the project to enable stakeholders to have the information they need about the plan review process. Existing information about community values will be compiled. A detailed implementation plan will be prepared, together with timelines and budget forecasts. A collaborative stakeholder group (CSG) will be formed to provide a key forum for engagement on this project. Further information summaries will be generated to support project communication. As a principle, project partners and/or CSG will seek to use existing meetings and processes wherever possible, such as the Upper Waikato Primary Sector Partnership, Dairy and Drystock Liaison Fora, catchment committees as well as stakeholders' existing meetings and fora. Where necessary, special purpose events or workshops will be scheduled.

- Possible engagement methods: workshops and/or small group meetings.

¹³ Detailed technical questions are generated and addressed through the technical alliance in Phase 3.

Phase 2 Practices on the ground: a menu for farmers

Practical information from existing industry initiatives

Complementing the plan review process, another council project, the Healthy Farms, Healthy Rivers Project, will provide important inputs into the engagement process. Working with the Upper Waikato Primary Sector Partnership (UWPSP), project partners and industry will be designing a list of on-the-ground actions landholders can implement to improve nutrient management and diffuse losses from land.

The starting point for this is a summary of current literature of good on-farm practices/actions. From here, working alongside industry stakeholders from the UWPSP, this will be revised from industry research and on-farm applied research to formulate a “menu of good farm practices”. This will provide a 2013 snapshot and is intended to be a working document into the future throughout Healthy Rivers/Wai Ora timeframes.

The menu will not necessarily form all or part of the policy mix finally established in the plan review. However, it provides an overview to farmers who are interested in learning what types of actions they could be taking on their farm in the short term, if they were to adopt some good practices. The menu will include a commentary of some of the costs and benefits of taking these actions on farm.

This practical information will be summarised from existing industry initiatives such as the Upper Waikato Sustainable Milk project; the Dairying and Clean Streams Accord; Supply Fonterra programmes (including programmes such as Every Farm, Every Year for riparian, effluent and nutrient management); and Sustainable Farming Fund Projects such as Dairy Push in the South Waikato, Tomorrow’s Farms Today in the central plateau, Benchmarking Māori Trust Farms in Upper Waikato Catchment, and a feasibility study of alternative land use options for marginal land classes (6-8) in the Upper Waikato, Waipa and Upper Waihou Catchments; nutrient management projects; the Beef and Lamb Land Environment Plan Toolkit (LEP); and work from the Foundation of Arable Research (FAR). Farming organisations are providing feedback from their members about the practical implications of different on-farm practices.

Other initiatives that provide practical information to support the plan change project include the Waikato River Authority funded Waipa Catchment Plan and Te Raparahi Farms Project, reducing the nutrient footprint of nitrogen and phosphorus by 40% by 2015.

- Possible engagement methods: working alongside industry stakeholders.

Phase 3 Technical Alliance

An advisory group of specialists from a range of domains providing expert advice and information to decision makers

As information about stakeholder and community values becomes available (Phases 1 and 2), the Technical Alliance will use this as a basis for creating a range of potential land-use scenarios for the Waikato and Waipa catchments. Cultural, social, economic and environmental analysis will be developed. Information gaps will be identified and strategies to fill them implemented.

The Technical Alliance will be an advisory group of specialists from a range of domains – environmental science, mātauranga Māori, farm systems, macro and micro economics and human behaviour.

Members of the Technical Alliance will be identified by project partners together with nominations from key stakeholders. Project partners will recommend final membership to a Waikato Regional Council project control group for their decision. Stakeholders will be advised of the membership.

The purpose of the Technical Alliance is to provide expert advice and information to decision makers that:

1. assists in developing a comprehensive understanding (across outcome areas) of the possible consequences for a range of 'target' scenarios on catchment and property level outcomes through modelling, assessment and joint discussions
2. assists as required during the stakeholder/community engagement process to explain technical aspects relating to scenarios and consequences
3. assists as required in providing specialist advice on policy methods and their implications to support robust policy development and meet section 32 requirements.

The proposed outputs of the Technical Alliance are:

1. clear definition statements for the main issues that the plan review seeks to address, including an overview of the river/catchment systems and how it should be divided for technical assessments;. points of agreement and difference will be identified
2. refined range of land use scenarios and key indicators that meet the needs of the community engagement process and decision making process
3. descriptions of the range of river health outcomes that could occur under a range of land management scenarios
4. descriptions of the range of catchment scale consequence associated with the range of river health outcomes (using agreed indicators that represent environmental, economic, cultural and social outcomes)
5. descriptions of the range of property scale consequence, by main land use types, associated with the range of river health outcomes (using agreed indicators that represent environmental, economic, cultural and social outcomes).

Members of the Technical Alliance may also be available to respond to requests for more information as the CSG considers the outputs of the Technical Alliance.

- Possible engagement methods: advisory group, workshops, technical investigations, literature review.

Phase 4 Policy selection criteria

Developing the policy selection criteria

While recognising that final decision-making steps are taken by the project partners (Figure 2), this phase of the engagement strategy seeks feedback from stakeholders about the principles the partners could apply in the decision-making process. A mix of workshops and small group discussions may be held by the CSG. They may ask:

- What matters to you about making this decision?
- What do you think will be the impact on you?
- What are your concerns?
- What values would you like to see reflected in the decision making process?

Outputs will be a list of principles to be taken into account by the Technical Alliance, Waikato Regional Council and River iwi when making their recommendations and decisions about the plan review process.

- Possible engagement methods: CSG-led workshops, small group discussions.

Phase 5 Implications of river and land targets

A range of targets, with the implications, costs and barriers understood

In this process, intensive engagement continues with the benefit of this information:

- a range or continuum of potential targets drafted by the Technical Alliance
- the costs and benefits of on-the-ground actions are better understood.

The purpose of this stage of the engagement process is for the CSG and decision makers to understand the implications of the targets for people. It will particularly focus on the implications for landholders of the range of targets. During this phase we will ask:

- What are the possible implications of each of these targets on you?
- How can we achieve these targets?
- How far and how fast should these targets be achieved?
- What questions do you have?
- What else do you need to know?
- What would help you achieve these targets?

Outputs will be a reviewed range of targets, with the implications, costs and barriers understood for different groups/sectors as much as possible. Methods used by the CSG may be workshops, small group discussions and in-depth interviews with landowners to groundtruth the implications of the range of targets. Feedback from this stage of the engagement process will be taken back to the Technical Alliance for review and recommendations to the CSG who will in turn inform the project partners. At this point, decision makers may make interim decisions about targets, or choose to wait until further analysis of the mix of methods to achieve the targets (Phase 6) is completed.

- Possible engagement methods: CSG-led workshops; local community meetings, one-on-one interviews with farmers.

Phase 6 Options and costs for achieving river and land targets

Developing the policy tool box to support change

Once a range of possible targets has been established, design of the tool box will commence, including policies and implementation methods to achieve these targets. Project partners will consider methods that manage the effects of activities that have a bearing on how much nutrient, sediment and bacteria enter water.

Methods may include incentives, standards, caps, education, advocacy, audited self-management, rules, taxes, nutrient management plans, nutrient budgets, catchment erosion control schemes, standards for feed pads, standoff areas, effluent storage, advisory services, and product endorsement.

Further ground-truthing with landowners will be essential. Project partners will then commence preparation of an issues and options paper and accompanying section 32 analysis, and call for feedback from stakeholders.

- Possible engagement methods: CSG-led and/or local community meetings and in-depth interviews with farmers.

Phase 7 Finalising the policy tool kit

Drafting the proposed plan change

The results of the stakeholder feedback on the issues and options paper will be used to draft the proposed plan changes and section 32 analysis of alternatives, costs and benefits. Decision makers will make recommendations about the content of the plan change, and Waikato Regional Council will confirm and adopt the documents for public notification.

- Possible engagement methods: CSG-led workshops.

Phase 8 Resource Management Act Schedule 1

The RMA Schedule 1 process will be followed, including submissions, hearings, council decisions and Environment Court processes.

- Engagement method: public notification and submissions.

10 Engagement strategies

This section outlines the engagement strategies that may be used over the course of the project to achieve timely and constructive input in the plan review process. An implementation plan will be developed for each phase of the project once this strategy is confirmed.

10.1 Leaders and governance representatives: Briefings

Strategy: Use existing and create new opportunities for leaders to meet, understand and feed back into the project.

Purpose: To share information so that industry, project partners and community leaders know what is happening in the plan review process, when and how critical decisions are being made and what direction is being taken.

Outcomes: If this strategy operates effectively, there will be a high level of clarity amongst leaders about the regional plan review process. The project partners will spend less time keeping leaders up to date on what is happening in an ad hoc way.

Benefits: The benefit for the leaders is a “no surprises” situation so that leaders can answer questions from their constituents in an informed and consistent way. The benefit for project partners is the opportunity to discuss emerging directions and sound out the implications with leaders.

Rationale: Creating new opportunities in crowded diaries will be challenging. Therefore project partners will aim to use existing meetings and fora wherever possible, while also being mindful of the resources (time, budget, staff) available to the project and to those leaders we wish to engage with. Existing opportunities may include the Mayoral Forum, shareholder and board meetings, council and trust board meetings. New opportunities may be created through holding events specifically for the plan review process, such as information evenings, breakfast meetings or workshops at critical points within the process.

Methods: Political events and fora, board meetings, shareholders’ meetings, the Mayoral Forum, trust board meetings; special purpose events; independent facilitation wherever possible and appropriate; governors engaging with governors.

When: Key project milestones.

Who: Political leaders/ governance representatives refers to those people who have a governance role in iwi authorities, territorial authorities, industry, farming and community organisations and central government agencies. They include chairs, board members, shareholder representatives and leaders. Wherever possible these leaders will be represented at the catchment level. However, it is also recognised that functions vary across these groups and flexibility will be needed about who is considered to be the most appropriate governance representative for each group or organisation.

Project Phase: All.

Outputs: Project and engagement goals understood. Summary information available. Feedback accurately recorded and fed back to CSG and decision makers.

10.2 Tāngata whenua engagement

Strategy

A co-ordinated approach of the project partners to engage and involve tāngata whenua in the catchment areas of Waikato and Waipa Rivers.

Purpose

To adequately involve tāngata whenua and to identify the values, issues and aspirations of tāngata whenua in relation to freshwater bodies. Also, to align and reinforce the partnership charter and protocols between the project partners, as well as individual joint management agreements between the regional council and iwi.

Outcomes

To identify tāngata whenua values, issues and aspirations, and understand on-the-ground realities, with potential for practical implementation solutions that incorporate kaitiakitanga, mātauranga Māori and tikanga and kawa, being generated.

Benefits

Tāngata whenua perspectives will be well understood and conceptualised in this modern era of resource and integrated management of natural and physical resources. Methods to best acknowledge the relationship of tāngata whenua with the environment and outcomes for the improvement of water quality in the catchment will be identified and will result in robust policy recommendations.

Rationale

The relationship of tāngata whenua with the rivers is acknowledged through the co-management framework, including the Waikato and Waipa River legislation. This legislation requires involvement of the River iwi in this project. The council also has responsibilities to uphold the principles of the Treaty of Waitangi under both the LGA and RMA.

The National Policy Statement for Freshwater Management and the Proposed RPS require the regional council to take reasonable steps to involve tāngata whenua and to identify their values and interest in freshwater and freshwater ecology.

Who

Tāngata whenua

Method

Utilising existing hui and wananga undertaken by River iwi, as well as creating new opportunities for engagement, when and where necessary and applicable.

With tāngata whenua outside of the rohe and mana whakahaere of River iwi partners, the regional council will engage through a mixture of surveys, feedback forms, open days, media releases, newsletters and where necessary and applicable, utilise existing (and create new) meetings and workshops opportunities.

Project Phase

All

Outputs

Robust information about the wide range of issues, values and aspirations expressed by tāngata whenua to assist the plan development process and achievement those values.

10.3 Stakeholders – Collaborative Stakeholder Group (CSG)

Strategy: Create a collaborative stakeholder group to intensively review and deliberate on technical material and results of engagement processes.

Purpose: To actively involve those who represent the views of communities affected by the plan review process, so that lasting outcomes are achieved.

Outcomes: If this strategy operates effectively, project partners will understand the issues from all sides and a balanced view will be gathered of the challenges facing communities in the Waikato and Waipa catchments if different land use scenarios are put in place. Lasting solutions will be generated and the process will be perceived as credible because of the intensive involvement of stakeholders in a collaborative process.

Benefits: Stakeholder perspectives will be well understood and methods to best achieve the water quality outcomes will be identified resulting in robust policy recommendations. New ideas and innovations will be generated from industry. Ultimately, when the plan review process is completed, it will be implementable on farm and by the organisations it impacts. The CSG will act as an efficient channel for stakeholder engagement.

Rationale: The CSG will act as the central channel for stakeholder and broader community involvement in the engagement process, allowing a representative group of people to intensively review and understand the technical, social, cultural and economic complexity of the project.

Who: The term stakeholders in this context refers to representatives of organisations who will be directly or indirectly affected by the plan review process, as well as to other community members who may have skills and perspectives to contribute to such a group. A transparent nomination and selection process will be undertaken to form the CSG. Stakeholders include:

- Tāngata whenua
- Primary industry
- Other rural industry and primary industry support
- Central government
- Local government
- Non-Government Organisations (NGOs)
- Water body users
- Other industry and business organisations
- Community
- Research and educational organisations.

Method: The CSG deliberates intensively and informs decision makers. This group plays a key role in the design and leadership of further engagement processes as considered necessary. Creating opportunities in crowded stakeholder diaries will be challenging. Therefore this project will aim to use existing meetings and fora wherever possible, while also being mindful of the resources (time, budget, staff) available to the project and to stakeholders.

Project Phase: All.

Outputs: Engagement goals discussed and reviewed; decision criteria developed; in-depth consideration of land management scenarios.

10.4 Farming and local communities

Strategy: The CSG will ensure that farming and local community voices are heard in the process through its design of further engagement activities at critical phases in the project. WRC catchment and other field staff will be supported with information and resources they need to inform farmers about the regional plan project.

Purpose: To actively involve those likely to be most affected in the plan review process so that the CSG and decision makers understand the issues from all sides and workable solutions are generated. Ultimately, farmers and local communities will be key to implementing the new plan.

Outcomes: On-the-ground realities are understood and practical, implementable solutions are generated for the plan review process.

Benefits: Community and farming perspectives will be well understood and local knowledge of on-the-ground realities and views will be gathered, resulting in robust policy recommendations. New ideas and innovations will be generated.

Rationale: The Waikato and Waipa River catchments include many diverse communities as well as a diverse range of farm systems, climate and soil conditions and business models. As more specific solutions are generated by the project, it is expected that local level and on-farm consultation will be necessary to understand the realities of policies that are being mooted. One-on-one interviews with a wide range of landowners across the catchment will help project partners better understand the impact on farm and other businesses and design policy that will be implementable at the farm level. A “policy choice framework”¹⁴ will be used to ensure policy methods are practical and implementable on farm.

Who: CSG and/or decision maker-led activities to collect farmer and local community feedback, which may include: catchment zone committees, local community representatives, ratepayer and residents associations, landcare groups, recreation groups, farm trusts, business associations.

Method: Workshops, one-on-one interviews and small meetings; individual letters, surveys and feedback forms may also be used.

Project phase: Especially 2, 3, and 6.

Outputs: Robust information from farmers and local communities about how different policy mixes will work on the ground. Thorough understanding of impacts across the social, environmental, economic, cultural wellbeings.

¹⁴ See <http://www.waikatoregion.govt.nz/Services/Publications/Technical-Reports/TR-201020/> for a description of the Policy Choice Framework

10.5 Community and general public opportunities

Strategy: CSG-led engagement activities will be undertaken to understand broader community values. The CSG may use existing and create new opportunities to involve communities and the general public in the project at critical phases.

Purpose: To consult those communities and people more broadly affected by the plan review process so that project partners understand broader community values and concerns.

Outcomes: Community values and trade-offs are understood; lasting solutions are generated.

Benefits: Robust policy recommendations are achieved by understanding how communities value, use and rely on the rivers in the Waikato and Waipa catchments.

Rationale: Planning for the Waikato and Waipa River catchments includes many diverse communities with a wide range of values, interests and concerns about the river. These communities value, rely on and enjoy the benefits of living in or near these catchments. Longer term, they will also be part of implementing a new plan.

Who: Possible CSG-led activities with farmers, catchment zone committees, local community representatives, ratepayer and residents associations, landcare groups, recreation groups, farm trusts, business associations.

Method: Surveys, feedback forms, open days, media releases, newsletters.

Project Phase: Especially 2, 3, and 6.

Outputs: Robust information about the wide range of community values about the river and an understanding of how the policy mix will impact on these values.

10.6 Technical Alliance

Strategy: To bring together a diverse range of specialists in environmental science, mātauranga Māori, farm systems, economics and social science.

Purpose: To collate, summarise and present simply the technical information about the rivers and articulate consequences and solutions for stakeholders and decision makers.

Outcomes: Technical information is understood; specialists identify areas of agreement and difference; information gaps are identified.

Benefits: Strong, clearly articulated evidence base. Maximises existing information. Builds understanding across the social, environmental, economic, cultural wellbeings.

Rationale: Technical information has already been collated in the Waikato River Independent Scoping Study (WRISS) as well as by iwi and hapū, farming communities, industry professionals, research agencies and councils. This information should be maximised and gaps or areas of disagreement in the evidence base understood.

Who: Technical specialists. A transparent nomination process will be undertaken.

Method: Technical advisory group (Technical Alliance) containing specialists in environmental science, mātauranga Māori, farm systems, macro and micro economics and behaviour change.

Project Phase: Especially 2, 3, and 6.

Outputs: Problem definition statement, land use scenarios, indicators, models.

Terms of reference: A detailed terms of reference will outline membership, selection criteria, outputs and scope of the Technical Alliance.

11 Feedback and Evaluation

This strategy will be reviewed annually. Opportunities for continuous improvement will be identified at regular intervals.

Attachment 1: Consultation clauses in Schedule 1 of the RMA

3 Consultation

- (1) During the preparation of a proposed policy statement or plan, the local authority concerned shall consult—
 - (a) the Minister for the Environment; and
 - (b) those other Ministers of the Crown who may be affected by the policy statement or plan; and
 - (c) local authorities who may be so affected; and
 - (d) the tangata whenua of the area who may be so affected, through iwi authorities; and
 - (e) any customary marine title group in the area.
- (2) A local authority may consult anyone else during the preparation of a proposed policy statement or plan.
- (3) Without limiting subclauses (1) and (2), a regional council which is preparing a regional coastal plan shall consult—
 - (a) the Minister of Conservation generally as to the content of the plan, and with particular respect to those activities to be described as restricted coastal activities in the proposed plan; and
 - (b) the Minister of Transport in relation to matters to do with navigation and the Minister's functions under [Parts 18 to 27](#) of the Maritime Transport Act 1994; and
 - (c) the Minister of Fisheries in relation to fisheries management, and the management of aquaculture activities.
- (4) In consulting persons for the purposes of subclause (2), a local authority must undertake the consultation in accordance with [section 82](#) of the Local Government Act 2002.

Schedule 1 clause 3(1)(d): amended, on 10 August 2005, by [section 129\(1\)](#) of the Resource Management Amendment Act 2005 (2005 No 87).

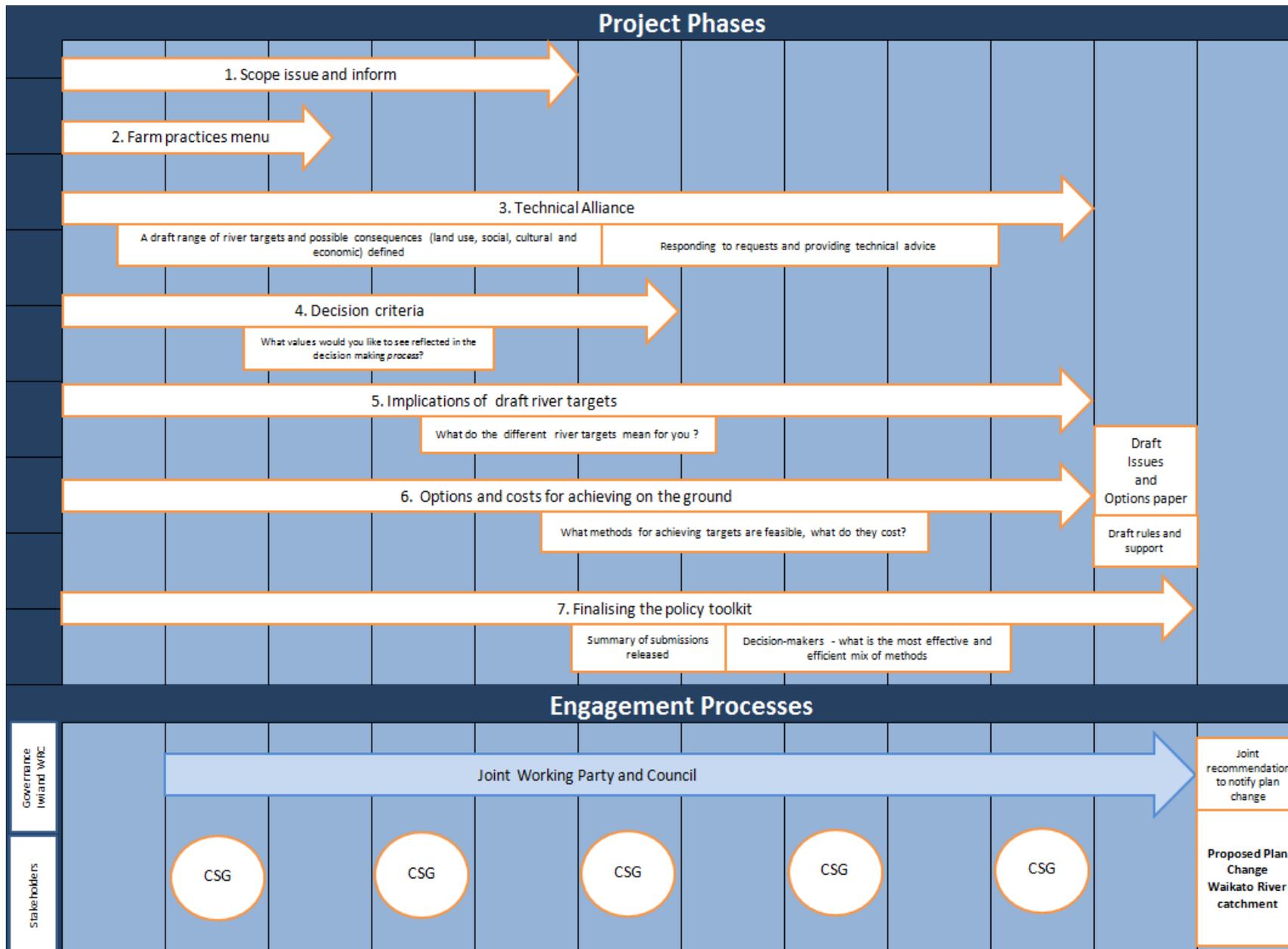
Schedule 1 clause 3(1)(d): amended, on 17 January 2005, by [section 36\(2\)](#) of the Resource Management (Foreshore and Seabed) Amendment Act 2004 (2004 No 94).

Schedule 1 clause 3(1)(e): replaced, on 1 April 2011, by [section 128](#) of the Marine and Coastal Area (Takutai Moana) Act 2011 (2011 No 3).

Schedule 1 clause 3(3)(b): amended, on 20 August 1998, by [section 27](#) of the Resource Management Amendment Act 1994 (1994 No 105).

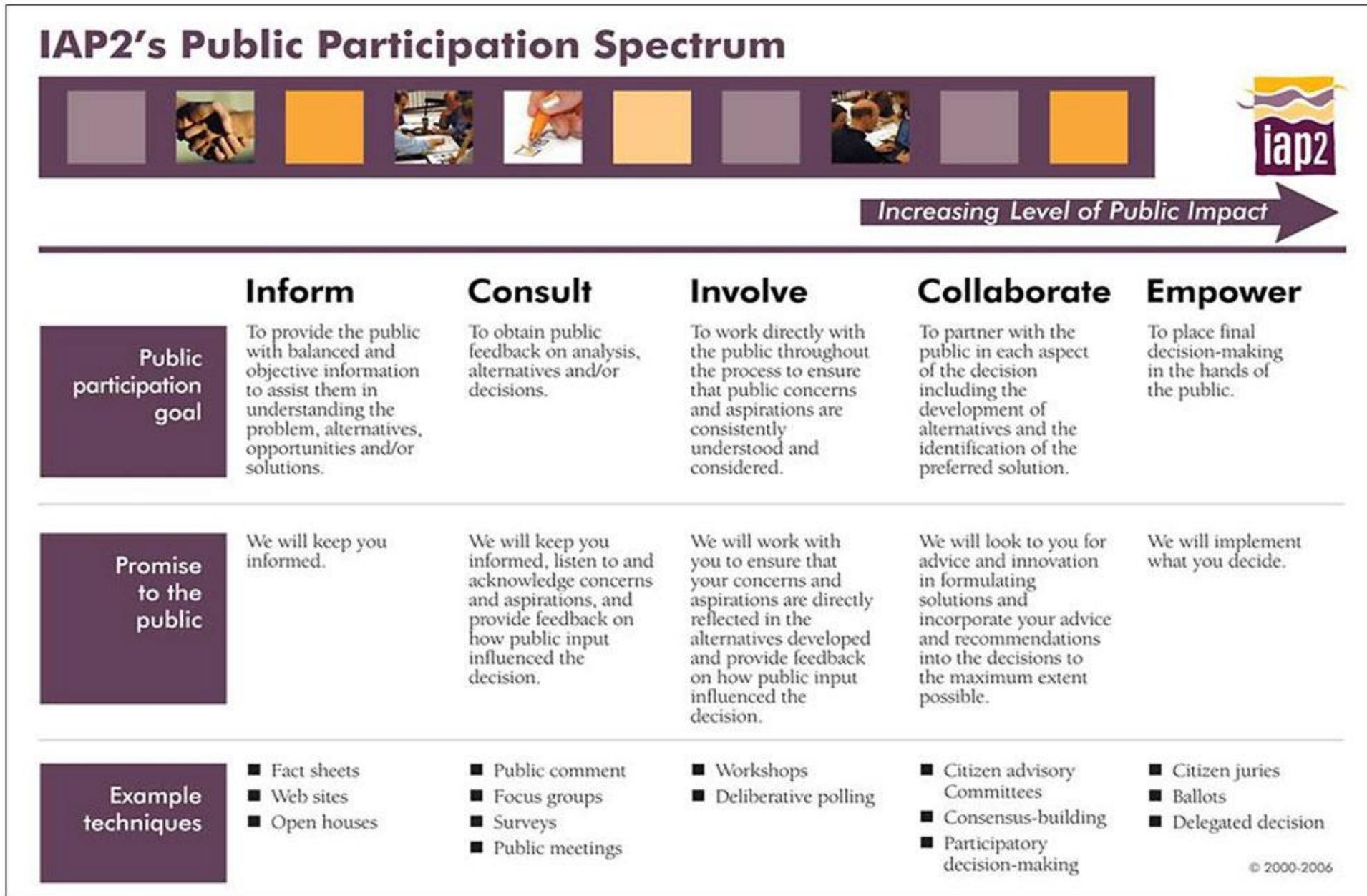
Schedule 1 clause 3(4): inserted, on 10 August 2005, by [section 129\(1\)](#) of the Resource Management Amendment Act 2005 (2005 No 87).

Attachment 2: The Project Phases¹⁵



¹⁵ Refer also to Section 9 for an explanation of the project phases.

Attachment 3: International Association for Public Participation Spectrum¹⁶



¹⁶ <http://www.iap2.org/>