

Regional Forum – People Water and Land
Te Mana o te Tangata, te Wai, te Whenua

Terms of Reference





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Purpose of the Regional Forum

Context

As part of managing freshwater in Southland and meeting the regulatory requirements of the National Policy Statement for Freshwater Management (NPS-FM), Council is taking an integrated approach to support on-the-ground actions and the regulatory framework to set limits. Working in partnership Te Ao Marama Inc (the Ngai Tahu ki Murihiku natural resource management agency), the People, Water and Land programme has been developed with a vision of “inspiring change to improve Southlands water and land”. It recognises that we will need to adapt our activities to reduce the adverse effects that land use practices have on the environment and take an integrated approach to water and land management. Taking this step will be critical if Southland is to be more resilient and sustainable in the future.

The programme consists of three main workstreams. The first is Action on the Ground, which is focused on catchment management activities that improve land use. Two further workstreams; Values and Objectives, and the Regional Forum, will implement the National Policy Statement for Freshwater Management (NPS-FM) in Southland. The Values and Objectives workstream has been underway for more than 6 months and will inform the Regional Forum workstream. The two workstreams will also guide Action on the Ground. The NPS-FM sets national direction and requirements for freshwater management, recognising it as a matter of national importance and ensuring that Te Mana o te Wai¹ is central and integral.

The Regional Forum is a panel of Southlanders that operates in as equitable, open and transparent manner as possible. It is a community-based group and will be supported by technical experts from a range of organisations.

Purpose

The primary purpose of the Regional Forum is to consider and advise Governance (made up of Regional Council and Te Ao Marama Board representatives) on the options available to achieve the community’s values and objectives for freshwater by considering the impacts, timing, targets, limits (e.g for water quality and quantity), methods and policy context.


The Regional Forum will provide recommendations that consist of:

An agreed programme, to update the Southland Water and Land Plan, which will implement the NPS-FM. The programme will include regulatory and non-regulatory methods to achieve the community’s values and objectives for freshwater.

In developing the recommendations, the Regional Forum will:

- Review and develop proposed methods that are the most efficient, effective and appropriate, to address the adverse effects of point and non-point discharges to land and water in Southland;
- Focus on improving water quality over time, taking into account all the influences on it;

¹ Te Mana o te Wai is the integrated and holistic well-being of a freshwater body. Upholding Te Mana o te Wai acknowledges and protects the mauri (life force) of the water. In using water there must be provision for Te Hauora o te Taiao (the health of the environment), Te Hauora o te Wai (the health of the water body) and Te Hauora o te Tangata (the health of the people).

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- Consider and recommend water quantity allocation regimes for surface and groundwater systems;
 - Understand the wide range of values associated with Southland's waterbodies, including how values vary in different parts of the region;
 - Understand the national frameworks and how they potentially impact on the Forum recommendations;
 - Understand and consider the impacts that are anticipated from the recommendations developed by the Forum.
 - Take a strategic approach in considering the future needs of Southlanders and the legacy for generations to come.

Status

The Regional Forum is an advisory body established by the Governance Group. The Forum is not a delegated decision-making body of the Council nor is it a committee under the Local Government Act 2002.



Responsibilities

The Regional Forum is responsible for developing a proposed package of preferred regulatory and non-regulatory methods to enable integrated management of water and land, in Southland's five freshwater management units (FMUs) – as outlined in the proposed Southland Water and Land Plan (SWLP). This proposal will be recommended to Council and, if accepted, used as the basis for designing the update to the SWLP (a plan change). Further details are outlined below:

1. The Regional Forum will deliver a proposal that consists of limits, targets and methods, for each of the five FMUs. The proposal will:
 - a) Recommend limits [In this context, a 'limit' "is the maximum amount of resource use available, which allows a freshwater objective to be met" (NPS-FM, 2017)²] and targets that should be adopted to enhance or maintain water quality (for example: nutrient load, land use and contamination limits).
 - b) Assess water allocation limits and recommend amendments to existing allocation limits or new allocation limits where no limits currently exist.
 - c) Discuss the implications of the relevant limits (and where necessary targets) and methods for managing resource use.
 - d) Recommend non regulatory methods (programmes and activities) for managing resource use within the recommended limit.
 - e) Evaluate methods against the economic model.
 - f) Evaluate and recommend opportunities for existing programmes and plans to contribute to the above.
 - g) Assess and capitalise on other broader interventions than outlined here, to achieve the freshwater objectives.
2. This proposal will follow a ki uta ki tai approach (from the mountains to the sea)
3. The proposal must be consistent with the relevant statutory requirements and be delivered by June 2021.
4. The Council will develop an update to the Southland Water and Land Plan (a plan change) in parallel with the Forums proposal development³, and this will be lodged with Governance no later than June 2021.
5. The work of the Forum will continue, as required, until 2022 to support the formal plan change process (to the Southland Water and Land Plan).

² A limit is not an individual's allowance. Individual allowances are one type of method used for managing water quantity and, in some other regions, water quality (specifically nitrogen). It is yet to be determined whether their use is appropriate in Southland. More information on limits is available in Ministry for the Environment (2018) *A Draft Guide to Limits under the National Policy Statement for Freshwater Management 2014 (as amended in 2017)*. Wellington: Ministry for the Environment.

³ It is recognised that the formal policy development phase needs to be done in conjunction (iterative) with the Forum to ensure the Forum's recommendations are adequately considered and represented.



Governance consideration of the advice of the Regional Forum

Governance are responsible for the review and approval of the package proposed by the Regional Forum, including consistency with relevant statutory requirements.

The Council will ultimately make the decision on whether to accept or reject, in part or as a whole, the package of integrated land and water management tools.



Membership

Members of the Regional Forum will be appointed by Governance for the duration of the Forum proceedings.

Eligibility and Selection Criteria

The Regional Forum is a community-based group and will include people that reflect:

1. An urban and rural balance that appropriately reflects the region;
2. A broad geographic distribution covering as many “communities of interest” as possible; and
3. A defined role for tangata whenua to reflect the principles of the Treaty of Waitangi.

Community-Focused Criteria

To be eligible as a member of the Forum, a person will be someone who:

1. Personally considers Southland to be their turangawaewae or home;
2. Is able to show they have made a positive contribution to a local community in some way ideally on a voluntary basis (this contribution can be in a wide variety of ways); and
3. Adds to the diversity of the Forum as a whole, (including gender, age, culture, interests and values, skills and experience).

Practical Criteria

A member will also be selected on their capability to contribute successfully to the Forum. They will be a person who is:


- Able to assess options from the perspectives of present and future generations;
- Able to explain their views clearly and listens to other people;
- Able to seek common ground and be solutions-focused;
- Can commit to reading background material ahead of meetings;
- Can commit to participate in the three years from the start of 2019 to the end of 2022;
- Constructive and practical;
- Able to consider and contribute to discussions on a range of topics;
- Proficient in acquiring new knowledge;
- Open to different viewpoints.

A person who is not eligible to be appointed to the Forum, or to remain a member of the Forum should their circumstance change, is someone who:

- Is elected as a local body councillor within Southland;
- Is employed, or remunerated in any other way by an interested party to represent their interests on the Forum;
- Has agreed to represent an interested party of the Southland community; or
- Is employed by a Southland council.

Tangata Whenua

There is a defined role for tangata whenua on the Forum to reflect the principles of the Treaty of Waitangi. Tangata whenua members will be sought through the expressions of interest process. As with most applicants, it is anticipated that the tangata whenua representatives will also add to the



diversity of the Forum in other ways (e.g. interests, communities etc). Te Ao Marama will be a part of the selection process and the Te Ao Marama Board will have the final approval of the Tangata Whenua representatives.

Duties of the members of the Regional Forum

Forum members commit themselves to the following:

- To participate in the Forum proceedings in good faith and to the best of their capabilities;
- To partake and contribute to a frank and free discussion;
- To devote time and effort to participate in the Forum for the duration of its proceedings;
- To be open, honest and act with integrity;
- To recognise and consider different world views and the connectedness of everything;
- To come to the workshops prepared, making sure to have studied all the background material provided;
- To take part in the Forum independently and free of any obligations or commitments and to represent the interests of the Southland community as a whole;
- To report any actual or potentially perceived conflicts of interests, which will be reflected in the records. If a Forum member does not consider themselves to be independent on a specific issue, they have the discretion to excuse themselves from the deliberation and/or the voting over that specific issue;

Replacement of Forum Members

It is anticipated that Forum members commit for the duration of the process being from 2019 until 2022, however if, due to unforeseen circumstances, a member leaves the Forum this person will not necessarily be replaced. Only if the Forum reduces in size to the quorum plus one, then an expression of interest process will be initiated to ensure the capability and diversity of the Forum.

Operation of the Regional Forum

The work programme for the Regional Forum will consist of regular two day workshops and fieldtrips starting in April 2019. More frequent workshops may be organised if required. The Forum will conclude when it has completed the proposal, including the cohesive package of regulatory and non-regulatory policy and a practical implementation plan for integrated land and water management, consisting of preferred objectives, limits, and methods, for the five freshwater management units.


The workshops will occur in three main phases:

1. Developing the team and building knowledge;
2. Sense checking Southland's values and objectives for water
3. Coming up with advice on limits, methods and preferred tools (ways to meet them)

The diagram below shows the work programme, which will be used as a tool in the workshops to track progress.



The Forum members will be expected to absorb and contribute information relevant to integrated management of water and land in Southland. They will be supported by technical experts who will provide information at workshops, during fieldtrips, and by way of background reading material in advance of workshops.



The Regional Forum will be able to request any information from the support staff and technical experts that is relevant to their task.

Technical support

The Regional Forum will be supported by technical expertise coordinated by Environment Southland support staff, in particular the Regional Forum Lead. The nature of technical support will include information, advice and assistance from:

- Territorial Authorities;
- Te Ao Marama;
- Interested parties;
- Local experts;
- Community groups;
- Government organisations;
- Crown Research Institutes; and
- Other resources, institutions and individuals as required

The technical support and knowledge provided to the Forum is expected to be in relation to matters including but not limited to science, economics, Mātauranga Māori, engineering, social, policy and administrative.

Chairperson

A chairperson for the Forum will be appointed by the Forum members at the end of Phase 1. An interim (or rotating) chairperson(s) may be appointed for each of the first 4 workshops. The Chairperson will ensure decisions are clearly recorded during meetings and play the primary spokesperson for the group including with decision makers and the media.

The Regional Forum will also utilise an independent facilitator(s), to ensure the meeting processes will engage all participants in creative ways. Both these roles are likely to evolve over the course of the work programme but it is envisaged they will need to be complimentary.

The role of the Chairperson is to:

- Motivate and lead the Forum to achieve its objectives and deliverables within the agreed timeframes;
- Ensure a fair and equitable group process;
- Foster an atmosphere of enquiry, respect, open-mindedness and group learning, supporting the group to strive for unanimous agreement;
- Act as media spokesperson with the support of the communications team at Environment Southland;
- Lead regular reporting to Governance working alongside the Regional Forum Lead;
- Identify risks and work with the Facilitator and Regional Forum Lead to mitigate risks and issues as they arise in a timely and outcome focused manner;
- Ensure the Forum members operate within the Terms of Reference.



Facilitator(s)

The workshops will be led by an independent facilitator(s) appointed by Environment Southland.

The role of the independent facilitator(s) is to:

- Work closely with the Regional Forum Lead and Chairperson to design and implement the Forum workshops to achieve the Forums deliverables;
- Facilitate the Forum workshops to progress towards achieving the Forums milestones;
- Facilitate input from all members of the Forum so that every voice is heard;
- Foster an atmosphere of respect, open-mindedness and group learning;
- Create an environment where participants feel comfortable to explore differences respectfully.

Community Engagement

It is important the wider community are aware of the Forums work, both keeping up-to-date with it, and providing feedback to the Forum via either technical staff, interested parties or via specific engagement points in the process. The responsibility for providing updates and engaging with the community, on the Forums work, sits with Environment Southland via the Regional Forum Lead, who will work closely with the Chairperson. Forum members will help with this awareness.

Media

The Chairperson is main points of contact with the media for the Forum members. Environment Southland's communications team will lead and support any media liaison.

Quorum

The Regional Forum will need a quorum of 2/3 of its initial members present to make a decision.

Decision making

The Forum will strive to make decisions by consensus. Consensus is defined as every member of the Forum present at a meeting (a quorum being the minimum) agreeing to accept the Forums recommendation. Voting has to be done in person and cannot be done by proxy.


Where consensus cannot be reached on a topic or specific point, the reasons for the disagreement will be noted, any alternatives defined, and the reasons for positions on the alternatives recorded.

If the Forum reaches a consensus, members will be expected to support that consensus.

Transparency and confidentiality

The decision making process of the Forum will be transparent. To allow the public to understand the rationale for the recommendations from the Forum, the information sharing in workshops will be open to the public, media and other interested parties, whenever possible.

Interested parties, both individuals and organisations (such as community groups, industry groups and advocacy groups) can request for Observer status, which allows them to attend the public meeting of the workshops of the Regional Forum as observers, but not to take part in the discussions, unless requested by the Forum. Observers will be kept informed of the workshop schedule of the Forum.



Deliberation of the Forum can take place behind closed doors if the Forum deems this necessary for confidentiality reasons. Matters for private consideration will be clearly articulated.

Reporting

Administrative support staff to the Forum will report on the public part of the workshops and decisions made by the Regional Forum. These reports will be available to the public on the Environment Southland website and via an e-newsletter. Regular updates will be provided, at least quarterly, on the work undertaken by the Regional Forum, to Governance.

Honorarium

The Chairperson will be eligible to receive a taxable honorarium of \$350 (excl. GST) per 1 day meeting/workshop/fieldtrip attended. This amount reflects both the time spent during the workshop, the preparatory work, and any follow-up after the workshop including planning, reporting and media liaison.

Other members will be eligible to receive a taxable honorarium of \$250 (excl. GST) per 1 day meeting/workshop/fieldtrip attended. This amount reflects both the time spent during the workshop, and the preparatory work for the workshop.

Accommodation and meals will be arranged by Environment Southland, wherever possible.

Other fair and reasonable costs incurred as part attending Forum will be refunded to Forum members such as:

- **Travel Costs:** To cover the costs of travel for a Forum member attending and participating in a Forum led engagement activity or meeting. Allowable expenditure: \$0.76/km up to a maximum claim of \$225.00 per activity or meeting.
- **Accommodation Costs:** To cover the costs of accommodation for a Forum member attending and participating in a Forum led engagement activity or meeting. Allowable expenditure: up to a maximum claim of \$130.00 per night or meeting.
- **Meal Costs:** To cover the costs of lunch for a Forum member attending and participating in a Forum led engagement activity up to a maximum claim of \$25.00 per day. To cover the costs of evening meal for a Forum member attending a Forum meeting up to a maximum claim of \$55.00 per day.

Duration of the Regional Forum

The Regional Forum shall exist until the end of 2022 when the development of proposed package (of preferred regulatory and non-regulatory methods to enable integrated management of water and land) is complete, or earlier if the work is completed earlier. At such time the Regional Forum will conclude.