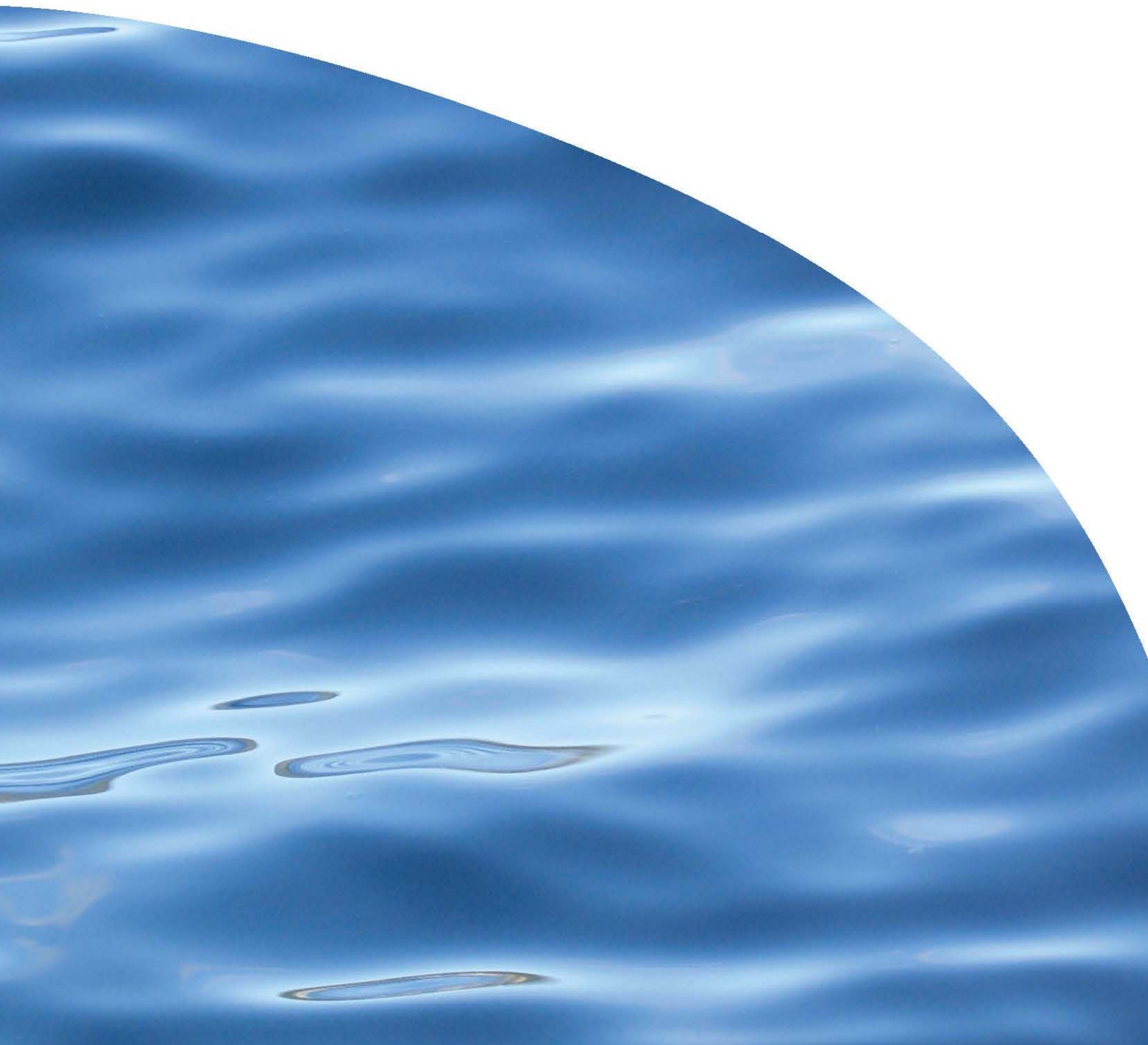




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**STRUCTURING FRESHWATER VALUES: MEANING
AND CONFLICT IN A REGIONAL PLAN**



STRUCTURING FRESHWATER VALUES: MEANING AND CONFLICT IN A REGIONAL PLAN

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EXECUTIVE SUMMARY

In 2010, the Tasman District Council (TDC) formally notified a proposed addition to a schedule of freshwater uses and values in its regional plan. Submissions from agricultural and hydro-electric interests on the plan change argued that the Council lacked clear protocols for identifying and documenting uses and values of freshwater bodies in the plan. The formal process was put on hold in 2011 during a series of workshops to investigate ways to elicit, assess and balance competing values. After the workshops, the formal process resumed and the parties largely returned to their original positions, although changes were evident in how these positions were expressed.

The perspectives of the parties can be seen as competing narratives about the effect of listing freshwater values in the plan. Prevented (by the legal scope of the plan change) from debating the plan's structure and how it gives effect to values, stakeholders contested the inclusion of the values themselves — an exercise in shadow-boxing. The parties contested not so much what the schedule *is*, but what it might *become*. Tasman's schedule of freshwater body values thus acts as a fulcrum around which stakeholders seek to influence freshwater management. By documenting and structuring information, the schedule makes certain values more salient and more easily articulated than others — and this shapes the field on which stakeholders make claims about desirable environmental and community futures. The experience shows that the documentation process cannot be separated from the decision process for making trade-offs between values.

The National Policy Statement on Freshwater Management 2011 puts an added imperative on councils to set objectives and limits for freshwater management based on national and community values, which has increased the need for ways to articulate and incorporate values in regional plans. The Land and Water Forum has suggested that collaborative processes may be a way to identify and address value contests in a single process, rather than documenting values first and only later using these to guide decisions. Doing both as part of a single collaborative process could help to bring contests over values out of the shadows and into the light. This focuses the debate on how to accommodate competing values rather than whether to use an incomplete schedule of values — that could ultimately lead to more durable decision-making.

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1. INTRODUCTION

Conflicts arise in environmental management for many reasons. Differences in personalities, language, community and environmental histories all play a role in fashioning disagreements. Conflicts, however, are often also attributed to differences in ‘values’. Environmental values are complex in theory and practice – they have been approached through methods such as attitudinal surveys, economic transactions and ecological studies. Recent work on environmental values suggests a shift from thinking about them as something that can be universally measured and quantified, toward thinking about values as a set of *meanings* to which environmental processes contribute in numerous ways (O'Neill *et al.* 2008).

In New Zealand, freshwater has become a contested economic and cultural resource, and its many forms provide meaning (or ‘value’) to perspectives about economic development, recreation, family and ‘home’, among others. Water means different things to different people, and management actions that give effect to certain meanings over others are thus fundamentally political concerns.

Regional councils have primary responsibility for managing freshwater systems, which they mostly do through regional plans under the Resource Management Act (RMA) 1991 and decisions on resource consent applications. Councils are charged with deciding which meanings (or values) of water will be recognised in a regional plan, and how they should be given effect.

The recent National Policy Statement on Freshwater Management (NPS) states –

[W]e need to have a good understanding of our freshwater resources, the threats to them and provide a management framework that enables water to contribute both to New Zealand’s economic growth and environmental integrity and provides for the values that are important to New Zealanders (New Zealand Government, 2011).

In order to ‘provide for’ the freshwater values important to New Zealanders, regional councils must develop procedures to understand and articulate values and then decide how to govern for them effectively. A “natural flows” paradigm argues that, because of the dynamic and complex nature of rivers, managers should structure flow allocations to mimic natural variability to sustain native ecological processes, which can be aligned to sustain some defined level of human activities (Poff *et al.* 2003).

Jowett and Biggs (2009) go further and suggest that natural flows contain ‘redundancies’ (flow not required for ecological processes) and that an understanding of precisely which ecological processes are of ‘value’ can allow targeted exploitation –

if there is adequate knowledge of what ‘values’ need to be maintained in a waterway, and the aspects of the flow regime that are required to maintain those

values are also known, then regimes can be designed that target these requirements and thus optimize conditions for the 'values'.

Whichever approach is taken, determining what values to sustain (or provide for) is far from straightforward. Rather, as this report shows, the documentation of values and the governance of values are in fact intertwined, making the documentation process not a mere technical task, but also a deeply political one.

This report examines the documentation of freshwater values in Tasman District. Since 2001, the Tasman District Council (TDC) has been advancing a framework for documenting the 'freshwater uses and values' of the region. A 2010 proposal to extend the framework has been strongly contested by some stakeholders and, despite involvement by major parties in a series of intensive and thought-provoking workshops on freshwater values (see Sinner *et al.*, 2012), the official positions taken by parties remained unchanged (if not reinforced) when the planning process resumed after being on hold during the workshops.

Although some significant reframings of perspectives on values emerged during the workshops, the Tasman experience highlights the difficulties councils face when they look for 'values content' to recognise formally in a regional plan. The experience shows that the documentation process cannot be separated from the decision process for making trade-offs between values.

After outlining the policy context for the case study, this report describes two different perspectives that have emerged from Tasman's plan change and stakeholder workshops. We conclude that a deeper reading of both perspectives is needed to understand and respond to the underlying concerns.

2. TASMAN DISTRICT AND SCHEDULE 30

2.1. Development of Schedule 30

Tasman District Council (TDC) introduced Schedule 30.1 (hereafter referred to as S30) into the Tasman Resource Management Plan (TRMP) in 2001. The purpose of S30 was to "provide information about the significant uses and values of water bodies that may be adversely affected by reduced water quantity or flow" (Baker, 2011a). Schedule 30 is an appendix in the TRMP, included as a reference for potential consent applicants to "assist in the management of adverse effects from activities" (Baker, 2011a). Initially only activities that affected flow were covered by S30.

Schedule 30 lists known uses and values of water bodies and level-of-significance for a selection of those values (see excerpt in Figure 1). Water bodies with regionally or

nationally significant in-stream uses or values have lower default allocation limits (as a proportion of total volume) than other water bodies. More generally, S30 guides decision-making on freshwater consents by informing both applicants and the council of uses and values that might be impacted by a new activity, and links these to management objectives for water quantity.¹

WATER BODY USES AND VALUES		
Water Body	Values/Uses Adversely Affected by Reduced Flows or Levels	Water Management Objectives for Water Quantity
(15) Riwaka River including north and south branches and resurgences.	Instream Uses and Values	
	<ul style="list-style-type: none"> • Trout fishery of regional significance. • Native fisheries habitat and aquatic ecosystem. • Contact and non-contact recreation, including kayaking. • Whitebait habitat in the tidal reaches. • Cultural, spiritual and landscape values. 	<ul style="list-style-type: none"> • Maintenance of minimum flow regime to protect instream values and aquatic habitats. • Protection of cultural, spiritual and landscape values.
	Other Uses and Values	
	<ul style="list-style-type: none"> • Human consumption • Irrigation supply. • Community water supply. • Stock and farm water supply. 	<ul style="list-style-type: none"> • Maintenance of users' security of supply at acceptable level.

Figure 1. An excerpt from Schedule 30, noting values specific to the Riwaka River (from Tasman District Council, 2011).

Since the original insertion of S30 in 2001, TDC has noted two main concerns of stakeholders. Firstly, “that the Schedule is not supported by objective criteria to help assess the level of significance of each the values identified for a river (*i.e.* for local, regional or national significance),” and, secondly that “[S30] doesn't include a full list of all the significant values of the district's rivers or all the potential” (Baker, 2011a).

To address the first concern, TDC helped to develop the River Values Assessment System (RiVAS), an expert-based methodology which selects criteria corresponding to a particular (predefined) value and ranks the region's rivers according to that value (see Hughey *et al.*, 2010). The methodology designates rivers as having ‘local’, ‘regional’ or ‘national’ significance for a particular value according to criteria developed and assessed by a group of 3-5 experts.

To address the second concern, TDC discussed “a process for completing the Schedule” (Baker, 2011a) with affected stakeholders. To this end, when TDC

¹ When S30 was originally developed, TDC took steps with selected stakeholders to assess the relative importance of the various values and thus the outcomes for water bodies. However, this work was not completed due to insufficient resources to develop and implement a framework for prioritizing values, which was recognised as an unfinished project (pers. comm. S Markham, Tasman District Council, 26 November 2012).

proposed new provisions dealing with activities in the beds of water bodies, it also proposed adding to S30 some new values, new information about values already listed, and new significance assignments. These changes were formally notified in 2010 as TRMP Variations 68-70, with a call for submissions. Variations 68-70 also referenced S30 in other parts of the Plan, adding to the Schedule's profile.

In terms of documenting and structuring information about freshwater values, then, Variations 68-70 did two key things:

1. Added new information to S30 concerning the 'values' of native birds, native fish, kayaking, alluvial gold resources and hydro-electric power generation, including some new locations and new categories of values.
2. Added new significance assignments to existing values, mostly ecological values, often promoting them to higher significance.

As for how S30 functions, TDC noted that "in policies and rules, the reference to the identified values in the Schedule is made in association with acknowledging other values more generally, and that values 'include' those listed in the Schedule" (Baker, 2011b). Thus S30 was presented as not the final word on values or to be used in adjudicating values trade-offs, but merely as a starting point.

The submissions and hearings process drew sharp criticisms from a number of stakeholder groups (see Baker, 2011a; Baker, 2011b). Such criticisms included:

- Absence of some rivers in S30
- Lack of comprehensive acknowledgement of all river values (e.g. iwi, natural and landscape values)
- Lack of detail for some values (e.g. cultural, recreation)
- Lack of detail for specific rivers
- Lack of criteria to determine significance
- Lack of clear protocols for identifying and including values in S30.

In responding to these concerns, TDC re-iterated that S30 "provides information relevant to:

- identification of management objectives in relation to flows and levels for specific rivers (these translate into minimum flows and allocation limits in the rules),
- policies that guide water allocation from rivers where no allocation limits have been set,
- policies that cover management of adverse effects on river uses and values,

- matters for discretion or control that refer to effects of the activity on uses and values of rivers, including those listed in the Schedule” (Baker, 2011b).

From TDC’s perspective, the criticisms of S30 can be dealt with through incremental improvements — more work identifying and eliciting values, more detail for rivers and their values, more significance assessments, and new protocols for adding values.

2.2. Valuing Our Waters

The formal RMA process on the variations, including TDC decision-making on additions to S30, was put on hold in 2011. This was to allow for a series of stakeholder workshops to take place as part of a national research project on freshwater decision-making. Five workshops took place from June to October 2011, in a case study called Valuing Our Waters (VOW), and involved discussions on freshwater values between stakeholders, TDC and researchers (see Sinner *et al.*, 2012). VOW set out with the aim of ‘filling in’ S30 for at least some rivers and exploring ways to balance competing values in a regional plan, which might help resolve the contention over S30.

However, it quickly became apparent that stakeholders first needed to discuss how values would be identified and used within the Plan (Sinner *et al.*, 2012). A range of issues were explored, including ‘reductionism’ (simplifying values to discreet categories and defined scales), and a number of ways forward were discussed. Chief among these was the suggestion of a stakeholder process to develop an agreed vision statement to guide the setting and monitoring of objectives at catchment scales. The desired outcomes could thus be discussed up front, rather than litigated by proxy through the inclusion of values in S30 or through access to or control of RiVAS assessments, and so on. While visioning emerged as a constructive suggestion for moving forward, in practice the RMA process required a return to the pending decisions on the proposed Variations, where stakeholders largely (but not completely) resumed their original positions. Table 1 summarises the events.

This report explores the continuing conflict over S30 and how VOW has influenced the debate.

Table 1. Events in the development of Schedule 30.

Date	Events
2001	TDC inserts Schedule 30 into TRMP as part of a chapter addressing water flows, levels and allocation volumes
27 February 2010	TDC notifies Variations 68-70, which include proposed additions to Schedule 30, and calls for submissions
March 2010–Feb 2011	Written submissions received and summarised by TDC, initial hearings held
21 February 2011	TDC holds informal meeting with stakeholders to consider research proposal for case study on values
11 April 2011	TDC holds further hearing on Variations 68-70: changes to S30. Agrees to postpone decisions pending outcome of research workshops.
June–Oct 2011	Valuing Our Waters (VOW): Five workshops with TDC stakeholders convened by research project on freshwater values
May 2012	Research report published on VOW (Sinner <i>et al.</i> 2012)
14 June 2012	TDC reconvenes hearing on Variations 68-70: changes to S30; submitters present further arguments
August 2012	TDC announces decisions on Variations 68-70, adopting changes to S30 but removing some detail on kayaking values in particular.
September 2012	Federated Farmers and energy companies appeal TDC decisions to the Environment Court

3. COMPETING INTERPRETATIONS

3.1. Methods: discourse analysis in search of meaning

The authors helped to organise and lead the VOW workshops described above. That experience, and what transpired when the formal process resumed, led us to examine in detail the statements of the council and other parties, in an attempt to understand the continuing conflict over the documentation of freshwater values. The methodology pursued here draws significantly from the emerging field of deliberative policy analysis (Hajer & Wagenaar, 2003), paying close attention to the narratives and arguments deployed by actors and the ways in which discourse structures the costs and benefits of public policy (Fischer, 2003).

The remainder of this paper is based on 1) a close reading of the submissions on the recent Variations to the Plan, 2) statements in public hearings, and 3) our own experiences and interpretations of the VOW discussion. The analysis presented here reflects the authors' interpretations of the underlying narratives.

3.2. Two narratives about Variations 68-70

From this process — notified plan variations with submissions and hearings; a research-led stakeholder workshop series; and a reconvened post-workshop hearing — two major narratives (*i.e.* interpretations) about the structure and meaning of S30 emerged. They are summarised in Table 2. By ‘structure, we refer to how information about values is incorporated, presented and used in Tasman’s regional plan.

Table 2. Two narratives of Schedule 30.

Narrative One Stated view: S30 needs to be fixed before it can be used to guide decisions Implied view: <i>Structure is okay, but will produce biased outcomes until current information on in-stream values is matched with out-of-stream values.</i>	Narrative Two Stated view: S30 is imperfect but is open to improvement and in the meantime should be used Implied view: <i>Structure is fine, information will accumulate in time</i>
<p>This narrative is opposed to the proposed variations on the grounds that S30 is ‘incomplete’ and will bias decision-making.</p> <p>Submissions and evidence highlight that ‘only part of the picture is emphasised’ with current content, and in particular that this is skewed towards detailed information about ecological and recreational significance and structure, to the detriment of human-use values. New ecological and recreational information implied an increase in minimum flows to provide for these values. As one submitter noted:</p> <p>“...decisions are weighted unfairly in favour of those matters that are included or emphasized in the Schedule at the expense of those that are not. Matters that are provided for in the Schedule will automatically be provided for in the weighting of Council decisions” (Federated Farmers of New Zealand, 2012)</p> <p>Asymmetrical information in the Schedule will give those listed values default ‘protection’ in the sense that any development impeding on those values ‘will have to prove that potential adverse effects are minimised, avoided or mitigated.’ At the very least, one submitter argues, S30</p> <p>“should provide more concrete information on the social and economic benefits of land based primary production in Tasman District” (Federated Farmers of New Zealand, 2012)</p> <p>Thus, this narrative conveys that ‘incomplete information will be worse than no information at all’ and that S30 should not be given any effect in the Plan until more work is done to ensure that the Schedule is as ‘complete as possible’.</p>	<p>This narrative is supportive of S30 changes, on grounds that S30 needs to be adaptive and include additional relevant information over time. It will thus never be ‘complete’ but will accommodate new information.</p> <p>As one submitter argued,</p> <p>“This is not a question of ‘balance’, but of information... Clearly TDC has an obligation to incorporate all relevant information. It cannot include information it does not have, however. It is incumbent on all parties to bring and justify the inclusion of relevant information” (Fish and Game New Zealand, 2012)</p> <p>In responding to the initial critique, TDC has emphasised that:</p> <ol style="list-style-type: none"> 1. The mention of a value in the Schedule does not in itself always dictate any particular management response or legal effect (Baker, 2012). 2. S30 provides a reference list, but is not an exhaustive list. Even without mention in the Schedule, the Resource Management Act 1991 (RMA) requires that any applications for resource consent would need to identify and address all adverse effects on other values (<i>ibid</i>). <p>Thus, since S30 informs but does not determine decisions (as per the Plan’s rules and policies), and since other information can be brought forward through consenting and other means, there is no reason to exclude the additions made by the Variations. Inclusion of the kayaking and hydro-electric information makes S30 more ‘complete’, and the Variations should proceed.</p>

According to Narrative Two, the Schedule does not determine policy or dictate the trade-offs between values. Schedule 30 merely provides information and the proposed amendments to it should proceed, with stakeholders being invited to contribute to its further development.

However, despite the continuing reassertion of Narrative Two in TDC Staff Assessment Reports, the claims from Narrative One have grown in force and complexity. Submitters have recently asserted that S30 —

“...is likely to influence resource consents and future case law in Environment Court. In an incomplete state the schedule undermines the plan change process and results in provisions being legally challengeable in court” (Federated Farmers of New Zealand, 2012)

Thus, rather than diffusing the anxiety of submitters, Narrative Two has entrenched it.

If S30 does not determine policy in the Plan, why has it encountered such staunch opposition?

3.3. Rereading Narrative One

We suggest that the impasse between the two groups has involved an undercurrent to Narrative One, which both TDC and stakeholders have promoted and empowered in different ways. Our rereading of Narrative One sees stakeholder claims as fundamentally concerned that TDC’s development of S30 and RiVAS will frame *future* discussion and plan provisions. In this sense, RiVAS and S30 working in tandem (ranking values and listing them in a plan) provide a means for stakeholders to legitimize their claims to water. This occurs in three ways.

First, the inclusion of any particular ‘value’ in S30 is understood to provide an *official* status for the value in question, granting promoters of that value a higher ‘seat at the table’ in consenting and court processes. Claims about lack of economic and social values in S30 are in a sense about S30 not acknowledging values that advance community wellbeing in other ways. Narrative One submitters see default protection being granted to any new value added to S30; the more in-stream values are added, the harder it is for any case for ‘development’ to succeed. The addition of site-specific ecological values (with upgraded significance values) provides one example. Another (although converse) example is the addition of hydro-electricity development (as a potential use-value), which must also be considered in resource consent decisions.

Second, rather than being a consistent or systematic (and thus reliable or predictable) list, some stakeholders have suggested that the inclusion of values in S30 appears *ad hoc* and unpredictable. When a developer representative complained that S30

processes did not allow submitters to advance evidence for their ‘wish list’ of potential values for other rivers, another stakeholder suggested that S30 should be for present uses and not potential uses, lest it become an infinite list of possible future developments, all requiring consideration. The inclusive and adaptive aspects of S30 understood by its protagonists are not exhibited in practice — more information is *not necessarily* seen as better than less information.

Third, the continuing investment in RiVAS by TDC and others suggests they anticipate giving effect to S30 in *a particular kind of way*. While the inclusion of values in S30 is not intended to imply trade-offs between values, the act of assigning to some values a level of significance — local, regional or national — reveals how decision-making processes can be influenced by the Schedule. For example, it is reasonable to expect that the barriers (informational, compliance-related, discursive) to development will increase when a value increases in significance from ‘existing’ to ‘regional’ or ‘national’ significance. At present, significance levels are only used to provide default minimum flow levels for unallocated rivers (regional or national significance triggers higher default minimum flows and scientific evidence is required to justify reducing these flows) but further implications have been signalled. As Baker (2011b) noted,

While the current arrangement of Schedule 30... does not make any statements about how values with differing levels of significance are to be considered, the relationship of significance assessment to water allocation rules illustrates how they might eventually be developed *to guide and influence management objectives and consent outcomes* (emphasis added).

Thus RiVAS is already influencing S30 politics. Hydro developers have opposed the development of RiVAS, while environmental groups have generally supported it. The further development of RiVAS raises more questions — what criteria will govern the insertion of RiVAS assessments into S30? Will some groups be better positioned than others to utilise RiVAS to get their values included in S30?

3.4. Rereading Narrative Two

Narrative Two proponents (TDC and some environmental submitters) have concerned themselves with the operational status of S30 and have identified three potential roles for S30:

1. Information in S30 could be used to *inform* but not *determine* the outcomes of consent processes. That is, consent applications must describe effects of proposed activities on values listed in S30, but the outcomes of consent processes are not determinatively weighted by S30.

2. Information in S30 could be used as a baseline for development, where consent applicants must avoid, remedy or mitigate effects on S30 values (imposing a statutory cost of compliance).
3. S30 information could be used to form region-wide planning objectives, policies and limits — which would be binding on all subsequent consent applications — but where there are competing values, the mechanism for this translation is unclear.

TDC has been primarily concerned with asserting point 1) above over point 2), that is, emphasizing that S30 does not determine costs or weight outcomes in any particular way. If point 2) were the case, *i.e.* if values listed in S30 were automatically granted protection, this would grant credence to the claims in Narrative One. And, while point 3) is, to our knowledge, not formally advanced within TDC documentation, it is implicit throughout the entire discussion that the information in S30 could be used as a basis for policy development. This view is strengthened when the potential role of RiVAS in the Plan is considered. In our view it is here, in point 3), that the real tension is revealed.

Narrative Two submitters have argued that their only means of protecting their freshwater interests is through provisions in a plan, whereas abstractive interests can secure rights to freshwater resources through a resource consent (Sinner *et al.*, 2012). This structures the debate in fundamental ways, as in-stream users seek additions to S30 (and implied if not explicit mechanisms to protect listed values) while abstractive users resist these additions to leave maximum scope for future resource consent applications.

That is not the reality as seen by commercial interests, however. Hydro-electric companies in particular continue to resist attempts to develop RiVAS (especially a proposed methodology for assessing the hydro-electric potential of rivers) and to add to S30, most recently by appealing TDC decisions on Variations 68-70 even after TDC removed contentious new detail on kayaking and other values. As long as the status of S30 and its further development remains contested, commercial interests maximise their flexibility to propose new developments throughout Tasman District, and in-stream users must challenge each application through expensive litigation.

While the contest over the variations to S30 is ostensibly about whether certain information about values should be added to the schedule, it is really about whether S30 implies a degree of protection for listed values and whether this will be made explicit in subsequent changes to the plan. Because these questions were not part of the variations, they were outside the scope of admissible submissions and the parties had to find other points to contest. Thus, the contest over S30 can be seen as an exercise in shadow-boxing, as the parties contest not what S30 is, but what it might become.

3.5. Valuing Our Waters revisited

As noted in Section 2.2, the formal consideration of submissions was suspended for the VOW workshops. While stakeholders engaged in critical reflection during the workshops and suggested new ways to work through competing values, when the RMA process resumed, stakeholders largely (but not completely) maintained their original positions. So what effects did VOW have on the S30 dialogue?

First, we suggest that VOW re-shaped the categories, concepts, language and logics of many of those involved. It created a deeper and shared sense of the planning problem, and recognition of the complexity of governing values (and all of their biophysical indicators). In their evidence on 14 June 2012, for example, Federated Farmers offered that they “hope that a carefully developed Schedule 30.1 can assist in managing the reductionist thinking, and loss of big picture that is a key problem with RMA decisions” (p2). Thus their critique of S30 is re-presented through a lens of reductionism and the wider context of environmental planning. On one hand, a cynic might read this as simply an appropriation of the VOW experience in service of narrow self-interest but, on the other hand, it perhaps suggests recognition of a deeper set of issues requiring resolution through a more pluralist and holistic process.

Second, the VOW experience highlights how the structural context of decision-making can re-invigorate rather than resolve differences. Despite progress within VOW towards reframing the planning problem as being about visioning and monitoring progress towards a vision — rather than about listing and ranking values in an uncertain structural context, where stakeholders position themselves through competing narratives about the meaning of S30 — the reframing project of VOW has yet to be realised in any formal way.

VOW was generative and produced many suggestions for ways forward (Sinner *et al.* 2012; Tadaki, 2012), yet implementing these poses other challenges. How do we develop visions that go beyond platitudes and provide sufficient detail to guide planning decisions? How do we structure dialogues about values to bridge differences rather than highlight the divide?

4. DOCUMENTING VALUES, STRUCTURING POLITICS

Tasman’s on-going experience with S30 highlights how the structure of values — the schedules that list them, the plans that give them effect, the deliberative contexts that produce them — are intricately tied to the politics of who gets what. Although S30 has limited binding effect within the TRMP, a resource consent application for an activity that will have effects on a ‘nationally significant’ trout fishery is less likely to succeed than an application for an activity that would affect a ‘present’ trout fishery. How

values information is structured within plans needs to be clarified before the values themselves can be documented.

Effective stakeholder engagement, we suggest, might start with a more sympathetic rereading of both Narrative One and Narrative Two, where protagonists incorporate the competing understandings and concerns into their own proposals for future action. Recognizing the depth (and validity) of these concerns is a first and important step toward opening new lines of thought and action.

In acknowledging the normative concerns of stakeholders within a wider context of planning and the risks of reductionism (see Sinner *et al.*, 2012), TDC has already committed to the process of developing a protocol for inclusion of values within S30. However, there lingers the risk that a protocol which is instrumentally effective (*e.g.* transparent but not necessarily collaborative or democratic) may not solve the problems of reductionism and contests over human wants and needs. Further, the ongoing uncertainty about how ‘significance’ assessments will affect the relationships between certain values and the setting of objectives is likely to continue to produce contest among stakeholders. The listing of values is perhaps better done in a process that engages with stakeholders more explicitly about how the council will prioritise and give effect to those values.

For their part, if stakeholders were to acknowledge the planning constraints within which TDC has to work and recognise the legitimate role of a regional plan in providing guidance for consent decisions, and hence greater certainty for all users, this might open up new conversations and mobilize existing frameworks to facilitate new ways of thinking. An upcoming plan change process to address water allocation and water quality issues in the Takaka River catchment (Tasman District Council, 2012) may provide an opportunity to explore new kinds of structures and conversations, such as the potential for a catchment vision statement developed through a deliberative democratic process to form a basis for councils to assign priorities between competing values.

5. CONCLUSION

In summary, the TDC experience highlights how S30 is ultimately a small part of a much wider tapestry of values documentation and management — to single out a small part of the conversation at the exclusion of other parts presents significant challenges. Schedule 30 has become a kind of fulcrum, around which stakeholders seek to influence the direction and magnitude of freshwater values management. Information in this context is revealed as political — by structuring information, S30 makes certain values more salient or more easily articulated than others — and this shapes the field on which stakeholders make claims about desirable environmental

and community futures. Mechanisms such as VOW for having these wider conversations are important, but they must also be couched within a wider structural context that addresses not just what values exist, but how values information will be collected and used and how competing values will be addressed.

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