

VARIATION 1 TO THE PROPOSED WAIKATO REGIONAL PLAN CHANGE 1 - WAIKATO AND WAIPĀ RIVER CATCHMENTS

TE WHAKATAURANGITANGA TUATAHI I
TE PANONITANGA TUATAHI O TE MAHERE
Ā-ROHE A WAIKATO E MAROHITIA NEI - NGĀ
RIU O NGĀ AWA O WAIKATO ME WAIPĀ

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Part A. Introduction, topic background and development of Variation 1

About Variation 1

Variation 1 is a change to the Proposed Waikato Regional Plan Change 1 - Waikato and Waipā River catchments (hereafter called 'Plan Change 1' or 'PPC1'). Plan Change 1 is a chapter to be inserted into the Waikato Regional Plan.

On 22 October 2016 Waikato Regional Council notified Plan Change 1. Plan Change 1 aims to give effect to Te Ture Whaimana o Te Awa o Waikato - the Vision and Strategy for the Waikato River (Vision and Strategy). It aims to reduce contaminants entering the waterways in the Waikato and Waipā River catchments, and protect and restore the health and wellbeing of the Rivers over an 80 year timeframe.

On 3 December 2016 Waikato Regional Council withdrew an area from Plan Change 1 in order to undertake statutory consultation with Hauraki Iwi. The withdrawn area was the north eastern portion of the Waikato River catchment, including the Whangamarino Wetland. The withdrawal of that spatial area also meant that some spatially specific provisions of Plan Change 1 needed to be withdrawn. These were primarily provisions relating to the Whangamarino Wetland, and a number of sub-catchments located within the withdrawn area.

Following withdrawal of the area, Waikato Regional Council undertook consultation, and taking into account the matters raised during consultation, Waikato Regional Council has subsequently prepared Variation 1.

Variation 1 introduces some changes to the provisions of Plan Change 1. These are:

1. Reinstatement of the area and provisions that were withdrawn from Plan Change 1.
2. Changes that have arisen as a result of consultation.
3. Changes to certain compliance dates as a result of the time that has lapsed since Plan Change 1 was notified.

Reinstatement of the previously withdrawn area realigns the area covered by Plan Change 1 with the area of the Vision and Strategy and the original scope of the Healthy Rivers Wai Ora project that developed Plan Change 1.

It is important to note that this Section 32 Evaluation for Variation 1 only addresses these three matters. The Section 32 Evaluation Report Proposed Waikato Regional Plan Change 1 - Waikato and Waipā River Catchments (hereafter called 'PPC1 Section 32') should be referred to for all other Plan Change 1 matters.

A.1 Purpose of this report

This Section 32 evaluation report accompanies Variation 1 to the Proposed Waikato Regional Plan Change 1 – Waikato and Waipā River catchments (hereafter called ‘Variation 1’). The purpose of this report is to provide an evaluation of the changes to be made to Plan Change 1.

Under Section 32 of the Resource Management Act 1991 (RMA) Waikato Regional Council is required to assess the extent to which each objective proposed through Variation 1 is the most appropriate to achieve the purpose of the RMA, and by assessing efficiency and effectiveness, which policies, rules and methods are the most appropriate to achieve the objectives.

This report fulfills the requirements of a Section 32 evaluation.

A.1.1 Report Structure

Development of Variation 1: This part sets out the process of development of Variation 1. It includes an overview of the process that led to the withdrawal of part of Plan Change 1, detail on consultation that occurred with affected authorities and iwi, and the process for considering additions to the values and uses.

Objectives: This part sets out the assessment of the appropriateness of objectives relevant to Variation 1.

Provisions: This part outlines the evaluation of the relevant management options to address land use and associated discharges and their effects on water quality. The effectiveness and efficiency of Variation 1 is evaluated.

Reinstatement of withdrawn portion: This part outlines the reinstatement of parts of the Plan Change 1 Section 32 evaluation that were no longer relevant with the partial withdrawal.

A.2 Development of Variation 1

A.2.1 Development background

Public notice was given on 3 December 2016 of the partial withdrawal of Proposed Waikato Regional Plan Change 1 – Waikato and Waipā River Catchments being withdrawn in part. The withdrawn area was generally described as the area in the north-eastern portion of the Waikato River Catchment, and is shown in the amended maps contained in this document (Refer to maps pages 35 and 40). The reason for the withdrawal of the area was to enable Waikato Regional Council to undertake consultation with Hauraki iwi authorities in this area, pursuant to Schedule 1 Clause 3 of the Resource Management Act. Details of the consultation requirements, and the outcomes of consultation are set out in 'A.2.3 Consultation' in this s32 report.

The withdrawal of that spatial area from the Waikato and Waipā River catchment resulted in some spatially specific provisions needing to be withdrawn. These were primarily provisions relating to the Whangamarino Wetland, and a number of sub-catchments located within the withdrawn area.

A.2.2 Reinstatement of the withdrawn area

Waikato Regional Council considered the statutory process options available for reinstating the withdrawn area and associated provisions. Key to process selection was the need to comply with the statutory procedural requirements of the Resource Management Act, but also to ensure that the reinstatement occurs in a manner that can be easily communicated and understood by the public.

Waikato Regional Council resolved to use a variation to Proposed Waikato Regional Plan Change 1 to reinstate the withdrawn area. A variation is when a council changes a plan that is still in the 'proposed stage' and has yet to be finalised. The Resource Management Act states that a local authority may initiate variations to a proposed plan change at any time before the approval of that plan change. There is no provision limiting the scope of the variation to the scope of the proposed plan change. A variation merges in, and becomes part of, a proposed plan change as soon as the variation and the proposed plan change are both at the same procedural stage.

The variation to Plan Change 1 means:

1. Varying the area over which the provisions of Plan Change 1 apply to include the previously withdrawn area. The reinstated area would be exactly the same as that which was withdrawn.
2. Varying some provisions that currently make up Plan Change 1.

A.2.3 Consultation

A.2.3.1 RMA Schedule 1 consultation

Schedule 1 of the RMA includes requirements to consult certain parties during the preparation of a Variation.

Consultation was undertaken with parties listed in clause 3(1) of Schedule 1. Once a draft of Variation 1 had been prepared a copy was sent to the following parties for comment:

- The Minister for the Environment and other Ministers of the Crown who may be affected by the Change;
- District and city councils
- Iwi authorities
- Community and Public Health agencies.

For completeness, Schedule 1 also includes a requirement to consult with any customary marine title group in the area, however this was not applicable in this case as there was no such group.

A.2.3.2 Consultation with Iwi Authorities

Schedule 1 of the RMA states that consultation must take place with iwi potentially affected by a plan change or variation to a plan change. The consultation must take place through the relevant iwi authorities.

Waikato Regional Council must also provide a draft Plan to the iwi authorities, and allow adequate time and opportunity for the iwi authorities to consider the draft and provide advice on it.

A.2.3.2.1 Consultation with River Iwi

Maniapoto, Ngati Tuwharetoa, Raukawa, Te Arawa River Iwi and Waikato-Tainui were partners in the development of Plan Change 1, and are also potentially affected by Variation 1. As such, they are tangata whenua who were consulted through their iwi authorities.

The partner iwi authorities are:

- Maniapoto Maori Trust Board
- Raukawa Charitable Trust
- Te Arawa River Iwi Trust
- Tuwharetoa Maori Trust Board
- Waikato Raupatu River Iwi Trust

Consultation with the Trusts was undertaken through meetings with their representatives to discuss the content of Variation 1, and through written correspondence with the Trusts.

The issues raised during consultation have been taken into account in the development of Variation 1.

A.2.3.2.2 Consultation with Iwi of Hauraki

Eight principal Hauraki iwi groups were identified as being potentially affected by the variation. As such, they are tangata whenua who were consulted through their iwi authorities.

The eight iwi groups and their respective iwi authorities are:

- Ngati Hako represented by Te Kupenga o Ngati Hako Inc;
- Ngai Tai ki Tamaki represented by Ngai Tai ki Tamaki Tribal Trust;
- Ngati Maru represented by Ngati Maru Runanga Trust;
- Ngati Paoa represented by Ngati Paoa Iwi Trust;
- Ngati Tamatera represented by Ngati Tamatera Treaty Settlement Trust;
- Ngati Tara Tokanui represented by Ngati Tara Tokanui Trust;
- Ngati Whanaunga represented by Ngaati Whanaunga Incorporated Society; and
- Ngati Rahiri Tumutumu represented by Hauraki Maori Trust Board.

The provisions of Proposed Plan Change 1, prior to the withdrawal of any provisions, were used as the basis for consultation. The provisions included those relating to the Whangamarino Wetland and sub-catchments in the area that was withdrawn.

Consultation included meetings with representatives of the relevant Hauraki iwi, and a general consultation hui for Hauraki iwi. The meetings with Hauraki iwi representatives involved the exchange of existing information that had led to the development of Proposed Plan Change 1, with a particular focus on the rationale for provisions and the process that led to their development.

The Hauraki iwi authorities listed above were invited to a consultation hui in Ngatea on 3 August 2017. Attendees were asked to identify and discuss any resource management issues of concern to them, their whenua, hapu and iwi.

Hauraki iwi were provided with a draft proposed plan for comment and Waikato Regional Council has had particular regard to the advice received from Hauraki iwi on how the provisions address their issues.

A.2.4 Values and Uses

Identifying values and uses is a key step in developing policy, as set out in the National Policy Statement for Freshwater Management 2014.

Consultation with iwi included determining the values that they held for the Waikato and Waipā River catchment. The values established for Plan Change 1 were the basis for Variation 1 discussions (Refer to section B.3 page 30 of Plan Change 1 Section 32 evaluation). In addition, consultation with iwi and the Hauraki Iwi Environmental Plan were also sources for identifying values. These inputs enabled Waikato Regional Council to consider whether there were any gaps in the existing list of values and uses.

Key additions to the values and uses are:

- Amendments to reflect inclusiveness of all iwi, and the relationship that iwi have with rivers, wetlands and springs.

- Additions to reflect values such as Whanaungatanga, Te taura tangata, tupuna, kaitiakitanga and wai kino.

A.2.5 Council decision making on Variation 1

A.2.5.1 Council decision making process

The development of Variation 1 involved a series of steps, moving from Schedule 1 consultation to consideration by Council and River Iwi partners and the formal decision making process.

The Healthy Rivers Wai Ora Committee met on 20 March 2018 to consider recommendations from Te Rōpū Hautū on the draft Variation 1 to Proposed Plan Change 1: Waikato Regional Plan Change 1 – Waikato and Waipā River Catchments and associated documents. The committee passed a resolution to recommend to Council that the Variation be publicly notified for submissions.

A.2.5.3 Decision to notify Variation 1

The recommendation from Healthy Rivers Wai Ora Committee was received by Waikato Regional Council on 27 March 2018. The council made the decision to proceed with Variation 1, and publicly notify Variation 1 in accordance with Clause 5 of Schedule 1 to the Resource Management Act 1991, having had particular regard to this report, the Section 32 evaluation report.

Part B. Objectives

Assessment of the Objectives

The following section sets out an explanation of the Objectives relevant to Variation 1 and the assessment of the appropriateness of the objective/s. A variation to the proposed Plan Change 1 is proposed to address a number of minor changes and reinstate withdrawn provisions.

The PPC1 Objectives of particular relevance to Variation 1 are Objective 5 and Objective 6 are:

Objective 5: Mana Tangata – protecting and restoring tangata whenua values/Te Whāinga 5: Te Mana Tangata – te tiaki me te whakaora i ngā uara o te tangata whenua

Tangata whenua values are integrated into the co-management of the rivers and other water bodies within the catchment such that:

- a. tangata whenua have the ability to:
 - i. manage their own lands and resources by exercising mana whakahaere, for the benefit of their people; and
 - ii. actively sustain a relationship with ancestral land and with the rivers and other water bodies in the catchment; and
- b. new impediments to the flexibility of the use of **tangata whenua ancestral lands** are minimised; and
- c. improvement in the rivers' water quality and the exercise of kaitiakitanga increase the spiritual and physical wellbeing of iwi and their tribal and cultural identity.

Objective 6: Whangamarino Wetland/Te Whāinga 6: Ngā Repo o Whangamarino

- a. Nitrogen, phosphorus, sediment and **microbial pathogen** loads in the catchment of Whangamarino Wetland are reduced in the short term, to make progress towards the long term restoration of Whangamarino Wetland and:
- b. The management of contaminant loads entering Whangamarino Wetland is consistent with the achievement of the water quality attribute[^]targets[^] in Table 3.11-1

Section D.1 of PPC1 Section 32 assesses in relation to Plan Change 1 the extent to which the objectives are the most appropriate way to achieve the purpose of the RMA.

The following section assesses a proposed change to Objective 5 and the reinstatement of Objective 6.

B.1 Objective 5

In the development of Variation 1, Hauraki Iwi wished to reflect a stronger statement in Objective 5 recognising the ability for iwi to be able to use and develop their ancestral lands (including treaty settlement land). Therefore further consideration was given to the concept of 'flexibility of use' (as currently articulated in Objective 5) and the 'use and development' of land, and the intent and meanings of those terms. More specifically, when integrating tangata whenua values into the co-management of the rivers and water bodies, consideration is given as to whether the objective should reflect tangata whenua's ability to use and develop tangata whenua ancestral lands to support their social, cultural and economic development.

RMA provisions in Part 2 (Sections 6(e), 7(a) and 8) require the consideration of the impact of provisions on the relationship of Māori with their ancestral lands, kaitiakitanga, and the principles of the Treaty of Waitangi.

Objective D1 and Policy D1 of the NPS-FM 2014 require consideration of tangata whenua values in relation to limit-setting for the water.

The intent of the term 'flexibility of use' in Objective 5 was to recognise the historical and contemporary impediments on Maori's ability to access and use their ancestral lands. This has restricted the ability of iwi to exercise rangatiratanga and mana whakahaere over their lands, and to exercise kaitiakitanga, expressed in the case of this project, as ensuring water quality is improved and land is used appropriately.

Flexibility of use in this context is about these key concepts of mana whakahaere and kaitiakitanga. Greater emphasis on "use and development" in the objective, could enable land use and resource use activities, that are not consistent with protecting and restoring the health and wellbeing of the Waikato and Waipā rivers. As such this would be less likely to support the Vision and Strategy for the Waikato River.

In summary no amendments to Objective 5 are considered necessary as a result of the matters considered above.

Refer to D.1.3 in the Section 32 Evaluation Report for Plan Change 1 for the evaluation of Objective 5 in relation to PPC1.

B.2 Objective 6

Variation 1 proposes to reinstate Objective 6. Whangamarino Wetland. The intent of the objective for Whangamarino Wetland was to take action or reduce the decline in water quality in the catchment of Whangamarino Wetland; and ensure Whangamarino Wetland supports the full range of healthy, functioning wetland types that exist there.

When the geographic area of Proposed Plan Change 1 was withdrawn, this provision was also consequentially withdrawn. With the geographic area to be reinstated by way of Variation 1, this provision also needs to be reinstated. The reasons for inclusion of Objective 6, as described in Section D.1.4 of the PPC1 Section 32 report, are still considered relevant.

Reinstatement of Objective 6 is appropriate.

Refer to section D.1.4 Objective 6 in the Section 32 Evaluation Report for Plan Change 1 (page 98 onward) for the assessment of this objective in relation to PPC1.

B.3 Summary of the extent to which the objectives are the most appropriate way to achieve the purpose of the RMA

Refer to Section D.1.5 of the PPC1 Section 32 for a summary of the extent to which the objectives are the most appropriate way to achieve the purpose of the RMA.

It is considered that Objective 5 should remain unchanged, and Objective 6 should be reinstated.

Part C. Provisions

Overview of the evaluation of the provisions in Part C

A Section 32 evaluation report must examine whether the provisions are the most appropriate way of achieving the objectives.

This evaluation does not include or replicate the full details of the Plan Change 1 section 32. It attempts to assist the reader by providing cross reference to some parts of the Plan Change 1 Section 32 evaluation report, and by providing an evaluation of any new matters being considered. Refer also the technical information in Part C of the Proposed Plan Change 1 Section 32.

For the purposes of this evaluation, the provisions have been considered in light of the topic grouping in the Plan Change 1 section 32 (refer to section E.1 of that document) to provide some links between the two evaluations. However this Variation does not directly follow the same topic areas so the evaluation has been structured differently.

This Section 32 Evaluation for Variation 1 has been developed in the following way:

- Effectiveness has been evaluated as the expected success of the proposed policy package in achieving the objectives of PPC1 and Variation 1, or the extent to which progress will be made towards achieving the objectives.
- The efficiency assessment includes assessing the anticipated benefits and costs of the effects of the preferred policy package on environmental, economic, social and cultural matters.
- The risk of acting or not acting, where there is uncertainty or insufficient information about the subject matter of the provisions, is assessed in relation to the Variation.
- An overall assessment is made of appropriateness and reasons for deciding on the Variation to the provisions.

Part C.1. Flexibility of the use of Te Ture Whenua and settlement land

During consultation, Hauraki Iwi sought greater recognition of tangata whenua's need to use and develop their ancestral lands (including treaty settlement land). This section evaluates the appropriateness of provisions to achieve the objectives, with regard to providing for the use and development of land returned under the Treaty of Waitangi / Te Tiriti o Waitangi settlement processes, and Maori freehold land under the jurisdiction of Te Ture Whenua Maori Act 1993.

C.1.1 Plan Change 1 Provisions

The PPC1 policy being evaluated is:

Policy 16: Flexibility for development of land returned under Te Tiriti o Waitangi settlements and multiple owned Maori land/Te Kaupapa Here 16: Te hangore o te tukanga mō te whakawhanaketanga o ngā whenua e whakahokia ai i raro i ngā whakataunga kokoraho o Te Tiriti o Waitangi me ngā whenua Māori kei raro i te mana whakahaere o te takitini

For the purposes of considering land use change applications under Rule 3.11.5.7, land use change that enables the development of **tangata whenua ancestral lands** shall be managed in a way that recognises and provides for:

- a. The relationship of tangata whenua with their ancestral lands; and
- b. The exercise of kaitiakitanga; and
- c. The creation of positive economic, social and cultural benefits for tangata whenua now and into the future;

Taking into account:

- i. **Best management practice** actions for nitrogen, phosphorus, sediment and **microbial pathogens** for the proposed new type of land use; and
- ii. The suitability of the land for development into the proposed new type of land use, reflecting the principles for future allocation as contained in Policy 7, including the risk of contaminant discharge from that land and the sensitivity of the receiving water body; and
- iii. The short term targets[^] to be achieved in Objective 3.

The relevant objective is:

Objective 5: Mana Tangata – protecting and restoring tangata whenua values/Te Whāinga 5: Te Mana Tangata – te tiaki me te whakaora i ngā uara o te tangata whenua Tangata whenua values are integrated into the co-management of the rivers and other water bodies within the catchment such that:

- a. tangata whenua have the ability to:
 - i. manage their own lands and resources, by exercising mana whakahaere, for the benefit of their people; and
 - ii. actively sustain a relationship with ancestral land and with the rivers and other water bodies in the catchment; and
- b. new impediments to the flexibility of the use of tangata whenua ancestral lands are minimised; and
- c. improvement in the rivers' water quality and the exercise of kaitiakitanga increase the spiritual and physical wellbeing of iwi and their tribal and cultural identity.

C.1.2 Reasonably Practicable Options

C.1.2.1 Explanation of reasonably practicable options

Proposed Plan Change 1 promulgates a framework that restricts land use change where it would result in increased diffuse discharge of nitrogen, phosphorus, sediment or microbial pathogens. Under Proposed Plan Change 1, any such activity would have a Non-Complying activity status. When developing Proposed Plan Change 1 it was identified that the land use change rule

could have impacts on certain parts of the Waikato community. This prompted investigation into the options to minimise any unintended consequences for land returned through Treaty settlements, or Maori freehold land under the Te Ture Whenua Maori Act 1993.

The intent of PPC1 Objective 5 and Policy 16 is to recognise the historical and contemporary legal impediments to flexibility of the use of land, and to ensure tangata whenua values are taken into account in the co-governance of rivers and waterbodies.

Seven options for achieving the objective were considered in the Section 32 analysis for Plan Change 1. Those options included development of new policies and rules that would provide a separate pathway for Maori freehold land and settlement land to be used. This option (Option 3 in PPC1 Section 32) was not considered to be the most appropriate way to achieve Objective 5.

During consultation with Hauraki iwi, a variant of this option to develop new policies and rules was raised. This option is assessed below (Option 2 below) against the option that was chosen and notified in Proposed Plan Change 1 (Option 1 below).

	Reasonably Practicable Options	Description
1	Retain proposed Policy 16 and the existing Non-Complying activity rule	This was the option notified in Plan Change 1 (Policy 16). It is a policy reference to Maori freehold land under Te Ture Whenua Maori Act 1993 and Treaty of Waitangi settlement land.
2	Retain proposed Policy 16 with a new Restricted Discretionary activity rule	The inclusion of a policy as above (Policy 16) but the addition of a separate rule for use and development of Maori freehold land under Te Ture Whenua Maori Act 1993 and Treaty of Waitangi settlement land.

C.1.2.2 Option 1: Policy 16 and a Non-Complying activity rule

This option includes retaining the existing proposed policy framework promulgated in Plan Change 1. Policy 16 of Plan Change 1 states that when considering land use change applications under Rule 3.11.5.7 (Non-Complying activity rule) matters relating to tangata whenua relationships with their lands shall be recognised and provided for. This is while taking into account best management practice actions, the suitability of land for development, and the short term targets to be achieved in the objectives.

C.1.2.3. Option 2: Policy 16 and a Restricted Discretionary rule for Maori freehold land under Te Ture Whenua Maori Act 1993 and Treaty of Waitangi settlement land.

This option would see Policy 16 being supported by a Restricted Discretionary rule that would enable land use change for Maori freehold land under Te Ture Whenua Maori Act 1993 and Treaty of Waitangi settlement land. This is while taking into account (as matters of discretion) the relationship of tangata whenua with their ancestral land, exercise of kaitiakitanga, the creation of positive benefits for tangata whenua, best management practice actions, the suitability of land for development, and the short term targets to be achieved in the objectives.

C.1.3 Evaluation of the Options and reason for preferred option

C.1.3.1 Option 1: Policy 16 and a Non-Complying activity rule

PPC1 Policy 16 includes a reference to Maori freehold land under the Te Ture Whenua Maori Act 1993 and settlement land that would be considered during assessment of the non-complying activity rule. A non-complying resource consent will be assessed against Objective 5 and Policy 16 so that land held under Maori freehold land under the Te Ture Whenua Maori Act 1993 or settlement land is a factor in the decision making.

This policy would be implemented by the non-complying activity rule, which has an additional layer of rigour to other lesser activity classes; being the 'gateway test'. Under the gateway test the effects of an activity on the environment must be minor, or, the activity must not be contrary to the objectives and policies. This policy is aiming to provide guidance with respect to the second gateway by recognising the need for Maori to be able to manage Maori freehold land under Te Ture Whenua Maori Act 1993 and settlement land under this framework.

The application of this policy does not override compliance with the non-complying activity rule as all land use change must meet the water quality outcomes anticipated in Plan Change 1 (WRC 2016, Document# 3724784).

This option is considered the most appropriate way to achieve PPC1 Objective 5.

C.1.3.2 Option 2: Policy 16 and a Restricted Discretionary rule for Maori freehold land under the Te Ture Whenua Maori Act 1993 and Treaty of Waitangi settlement land.

This option involves a Restricted Discretionary activity rule requiring resource consent if land use is proposed to change from woody vegetation to drystock farming, dairy farming or arable cropping; drystock farming or arable cropping to dairy farming; or any land use to commercial vegetable production, on Maori freehold land under Te Ture Whenua Maori Act 1993 or settlement land. For all other land the activity status for the same activity is non-complying.

This option would define and restrict discretion to certain matters:

- The relationship of tangata whenua with their ancestral lands.
- The exercise of kaitiakitanga
- The suitability of land for development
- The extent to which the short term water quality targets in the Objectives would be achieved.

It could also specify requirements for management of the new land use (such as use of best management practice), should the consent be granted.

The relevant key themes when considering this option are the effect that the policy and rule would have on water quality in the Waikato and Waipā Rivers, and if there are different/greater benefits produced by having use and development of Maori freehold land under Te Ture Whenua Maori Act 1993 and settlement land compared to use of land under any other type of land ownership structure.

The RMA outlines the functions of a council, which includes the ability to control the use of land for the purposes of maintaining and enhancing freshwater quality. A regional council must have regard to the actual and potential effects of the activities on the environment, and generally objectives, policies and rules should have an effects basis. Policies and rules to provide for the use and development of Maori freehold land under the Te Ture Whenua Maori Act 1993 and settlement land need to clearly show that the effects of use and development are different from use and development on other land. This is particularly relevant if there is a different activity class for a rule for Maori freehold land under Te Ture Whenua Maori Act 1993 and settlement land than for other land types.

While this option is considered to have components that would make it feasible, when weighing it up against Option 1, it is not considered to be the most appropriate option. The Vision and Strategy is the dominant policy setting document. It prevails over the Regional Policy Statement and any national policy statement where inconsistent and it must be given effect to. It sets a very clear direction to restore and protect the health and wellbeing of the River. The Vision and Strategy also states that the Waikato River should not be required to absorb further degradation as a result of human activities, and that a precautionary approach will be adopted towards decisions that may result in significant adverse effects on the River.

In the context of the Vision and Strategy and the current state of the existing environment, anything 'less' than a non-complying activity status for activities that are inconsistent with this policy direction is considered to be inappropriate. This is considered to apply irrespective of land tenure and status, as a consistent and collective approach is required if the outcomes of the Vision and Strategy are to be achieved.

A restricted discretionary activity class is not as rigorous as a non-complying activity class due to the requirements for assessment under that class of activity and the non-complying activity gateway test. The matters of discretion would also not be as broad as those that would be assessed under a discretionary activity, as the matters of discretion would be restricted and defined by the new rule.

Plan Change 1 sets up a staged approach to achieve the 80 year water quality objective over time. It requires reductions now that achieve the first stage of change, and signals that future reductions will be required, outlining the principles for setting future property-level limits. It also identifies the need to gather information for the next plan change, to enable the allocation of property-level limits for discharge of contaminants based on principles signaled in PPC1 such as land use suitability in the future. Further development and land use change may undermine the ability to prepare for allocation in the future (refer to Policy 7 of Plan Change 1).

This option is not considered the most appropriate way to the achieve the PPC1 Objectives.

Having regard to this information, it is the Council's view that Option 1 is the preferred option.

There has been no proposed change in the provisions evaluated. Therefore refer to the effectiveness and efficiency, and overall assessment of appropriateness of Option 1 are detailed in E7.5 - E7.8 of the Section 32 Evaluation Report for Proposed Plan Change 1.

C.1.4 Overall risk and appropriateness assessment

C.1.4.1 Assessment of risk: certainty and sufficiency of information

It is considered that Council has sufficient information on which to make this recommendation.

Refer also to Section E.7.7 of the Plan Change 1 Section 32.

C.1.4.2 Overall Assessment of appropriateness and reasons for deciding on provisions

The policy to provide flexibility for the use of Maori freehold land under the Te Ture Whenua Maori Act 1993 and settlement land is a necessary part of Plan Change 1 to achieve the objectives.

Overall the key considerations are the effect that the policy and rule would have on water quality in the Waikato and Waipā Rivers, and if there are different/greater benefits produced by having use and development of Maori freehold land under Te Ture Whenua Maori Act 1993 and settlement land compared to use of land under any other type of land ownership structure.

The chosen approach provides a consistent and collective approach to achieve the outcomes of the Vision and Strategy.

Refer also to section E.7.8 of Plan Change 1 Section 32

Having regard to this information, it is the Council's view that the most appropriate way to achieve the Objectives of Proposed Plan Change 1 is to implement Option 1.

Part C.2. Reinstatement of the withdrawn provisions and area

Following notification of PPC1 on 22nd October 2016, parts of Plan Change 1 was withdrawn to enable further consultation. The withdrawal included the removal of:

- PPC1 provisions from the north eastern portion of the Waikato and Waipā River catchment, and
- specific PPC1 provisions relating to Whangamarino Wetland, and
- some sub-catchment targets.

This section evaluates the appropriateness of provision to achieve the objectives, with regard to the reinstatement of provisions that were previously withdrawn from Plan Change 1.

Plan Change 1 Provisions

Note: that all PPC1 provision will apply over the withdrawn area so this assessment should be read alongside the PPC1 section 32 evaluation of all the Plan Change 1 provisions.

The Plan Change 1 provisions being evaluated include:

Objective 6: Whangamarino Wetland/Te Whaingā 6: Ngā Repo o Whangamarino

- a. Nitrogen, phosphorus, sediment and **microbial pathogens** loads in the catchment of Whangamarino Wetland are reduced in the short term, to make progress towards the long term restoration of Whangamarino Wetland; and
- b. The management of contaminant loads entering Whangamarino Wetland is consistent with the achievement of the water quality attribute[^]targets[^] in Table 3.11-1.

Policy 8: Prioritised implementation/Te Kaupapa Here 8: Te raupapa o te whakatinanatanga

Prioritise the management of land and water resources by implementing Policies 2, 3 and 9, and in accordance with the prioritisation of areas set out in Table 3.11-2. Priority areas include:

- a. **Sub-catchments** where there is a greater gap between the water quality targets[^] in Objective 1 (Table 3.11-1) and current water quality; and
- b. Lakes Freshwater Management Units[^]; and
- c. Whangamarino Wetland

In addition to the priority **sub-catchments** listed in Table 3.11-2, the **75th percentile nitrogen leaching value** dischargers will also be prioritised for **Farm Environment Plans**.

Policy 15: Whangamarino Wetland/Te Kaupapa Here 15: Ngā Repo o Whangamarino

Protect and make progress towards **restoration** of Whangamarino Wetland by reducing the discharge of nitrogen, phosphorus, sediment and **microbial pathogens** in the **sub-catchments** that flow into the wetland to:

- a. Reduce and minimise further loss of the bog ecosystem; and
- b. Provide increasing availability of **mahinga kai**; and
- c. Support implementation of any catchment plan prepared in future by Waikato Regional Council that covers Whangamarino Wetland.

3.11.4.4 Lakes and Whangamarino Wetland/Ngā Roto me nga Repo o Whangamarino

Waikato Regional Council, working with others, will:

- a. Build on the Shallow Lakes Management Plan by developing Lake Catchment Plans and investigate lake-specific options to improve water quality and ecosystem health, and manage pest species. In many instances, this may require an adaptive management approach.
- b. Prepare and implement Lake Catchment Plans with community involvement which include:
 - i. A vision for the lake developed in consultation with the community.
 - ii. Description of the desired state of lake and recognition of the challenges (e.g costs) and opportunities (e.g benefits) in achieving it.
 - iii. An evidence-based description of the problem (i.e. what is the gap between the current state and desired state) that recognises the presence of multiple stressors and uncertainty in responses and time frames.
 - iv. Community engagement in defining actions that will move the lake towards its desired state.
 - v. Responsibility for achieving the agreed actions and expected timeframes, developed in consultation with those who will be undertaking the work.
 - vi. A monitoring regime that will provide evidence of the implementation of the defined actions and any changes in the state of the lake.
- c. As a priority, undertake the development and implementation of the Lake Waikare and Whangamarino Wetland Catchment Management Plan using the process set out in b)
- d. Work towards managing the presence of pest weeds and fish in the shallow lakes and connected lowland rivers area, including Whangamarino Wetland.
- e. Support research and testing of **restoration** tools and options to maintain and enhance the health of shallow lakes and Whangamarino Wetland (e.g lake modelling, lake bed sediment treatments, constructed wetlands, floating wetlands, silt traps, pest fish management, and farm system management tools).
- f. Support lake and Whangamarino Wetland **restoration** programmes including, but not limited to, advice, funding, and project management. **Restoration** programmes may have a wider scope than water quality, including hydrological **restoration**, revegetation and biodiversity **restoration**.
- g. Develop a set of 10-year water quality attribute targets for each lake and Freshwater Management Unit.

C.2.1 Reasonably Practicable Options

The following reasonably practicable options were identified to address matters raised during additional consultation and relating to the withdrawal of part of PPC1.

	Reasonably Practicable Options	Description
1	Existing Plan Change 1 provisions and area	Retain existing PPC1 provisions and area
2	Reinstate withdrawn PPC1 provisions and area	Reinstating the original catchment area and reinstating the provisions that were previously withdrawn

C.2.1.1 Option 1: Existing PPC1 provisions and area

This option is to retain the existing PPC1 provisions and area, with no additional policies, rules or methods. No additional provisions would be applied to the north eastern portion of the catchment, beyond the existing Waikato Regional Plan policies, rules and methods. The withdrawn provisions and withdrawn sub-catchment targets would continue to not apply.

C.2.1.2 Option 2: Reinstate withdrawn provision and area

This option is to reinstate the withdrawn PPC1 provisions and the originally notified (i.e. 22 October 2016) catchment area.

The area over which the provisions of Plan Change 1 apply would now include the previously withdrawn area. PPC1 would therefore apply to the Waikato and Waipā catchment including the previously withdrawn north eastern portion.

This option also reinstates provision that were withdrawn across the PPC1 catchment. This includes management approaches for Whangamarino Wetland and some sub-catchment water quality attribute targets.

C.2.2 Evaluation of options and reasons for preferred options

C.2.2.1 Option 1: Existing Plan Change 1 provisions and area

The approach in Plan Change 1 is to maintain the current policies, methods and rules in the Waikato Regional Plan while implementing a new approach to the management of land use and diffuse contaminants in the Waikato and Waipā River catchments in order to support the achievement of the water quality outcomes sought in the Vision and Strategy/Te Ture Whaimana.

Option 1 would mean PPC1 would not apply to the withdrawn north eastern portion of the catchment (an area of approximately 11% of the area notified on the 22 October 2016). Under this option the Plan Change 1 catchment area no longer aligns with the boundary of the Vision and Strategy. In addition some sub-catchments would not have attribute targets as outlined in the NPS-FM 2014, Policy A1.

Plan Change 1 acknowledged the significance of the Whangamarino Wetland and has identified it as a priority catchment for addressing contaminants. Limiting contaminant loads to the Whangamarino wetland was viewed as a priority. There is a clear risk, without PPC1 provisions to manage Whangamarino, that it will continue to degrade.

Option 1 is not considered the most appropriate way to achieve the objectives.

C.2.2.2 Option 2: Reinstate withdrawn provision and area

This option would reinstate the original PPC1 area. All the Plan Change 1 provisions would apply to the expanded catchment area. Landowners who were previously removed from the requirements in Plan Change 1 would need to comply with the Plan Change 1 provisions. This option also reinstates the withdrawn provisions including some of the sub-catchment targets in the north eastern portion of the catchment and Whangamarino Wetland provisions (Objective 5 and Policy 15). These sub-catchment targets were developed based on the larger sub-catchments, that were split with the withdrawal of the north eastern portion of the catchment.

In addition the area covered by the Variation will align with the area of the Vision and Strategy, the primary direction setting document for the rivers.

The contribution that the provision make to the achievement of short term and long term targets relies on the all the provisions and action to be undertaken in the Plan Change 1 area. Failure to reinstate part of the Waikato and Waipā River catchment areas would make it more difficult to achieve the long-term (80 years) water quality targets signaled in Plan Change 1. This would place a greater requirement on those in the catchment to lower contaminant losses to counter increasing losses in the north eastern part of the catchment. In addition the water quality within those tributaries wholly or largely within the excluded area are likely to remain the same (mostly poor) or worsen.

Option 2 is considered the most appropriate way to achieve the objectives.

Having regard to this information, it is the Council's view that Option 2 is the preferred option.

The appropriateness of this option will be assessed in terms of efficiency and effectiveness.

C.2.3 Effectiveness of Option 2: Reinstate withdrawn provisions and area

The preferred reasonably practicable option is assessed below for its effectiveness. The criteria used in the effectiveness assessment are; relevance, feasibility, acceptability. This assessment should be read alongside relevant sections in the Plan Change 1 section 32 evaluation including references to Whangamarino Wetland, Objective 5 and Policy 15.

C.2.3.1 Relevance

Reinstating the withdrawn provisions and the north eastern area will contribute to the achievement of the long term objectives set in PPC1.

There are a number of priority 1 sub-catchments or part sub-catchments in the withdrawn area (Map 3.11-2 in PPC1). These catchments were identified as a priority based on the gap between current and desired water quality (refer to E.8 Prioritisation and sub-catchment Planning in the Plan Change 1 Section 32). In the development of the Plan Change 1 policy mix these are the sub-catchments that have to start the Farm Environment Plan process first.

For those tributaries with a high proportion of their catchments within the excluded area then water quality at the monitoring sites will remain the same, or worsen if land use intensification or conversion occurs. The withdrawn area has waterways that are already of poor water quality and some of the area discharges into the Lake Waikare – Whangamarino wetland system and this important ecosystem will therefore not see the reductions in sediment and nutrient inputs envisaged by Plan Change 1.

Reinstating the withdrawn part of Plan Change 1 will result in improved water quality and achieve the estimate water quality improvements modelled in the PPC1 policy mix simulation (Doole, Quinn, Wilcock and Hudson 2016, Document #6551310).

The effects of not reinstating the withdrawn part on downstream water quality (i.e., on the Lower Waikato River outside the withdrawn area) would be minor during the 10 year period of the Plan Change 1 and Variation 1 but would compromise the ability to attain the long-term targets for the river.

C.2.3.2 Feasibility

Reinstating the geographic area returns the:

- sub-catchment that represent the contributing area draining into rivers and streams.
- Freshwater Management Units as originally proposed.

The adoption of Option 2 means that sub-catchment planning can cover the entire sub-catchment as proposed originally under Plan Change 1. It is therefore more supportive of an integrated approach to the management of sub-catchments and Freshwater Management Units.

C.2.3.3 Acceptability

The adoption of Option 2 means that sub-catchments that were split as a result of the withdrawal are reinstated. This means that the whole Waikato and Waipā River catchment can be managed in a cohesive way.

The withdrawn area includes sub-catchments that drain to the internationally important Whangamarino wetland system.

Activities or mitigations to reduce contaminant losses would apply to the whole Waikato and Waipā river catchment under Option 2.

C.2.4 Summary of Efficiency of Option 3: Reinstate withdrawn provisions and area

The preferred reasonably practicable option is assessed below for its efficiency. The assessment of efficiency includes identifying and assessing the environmental, social, cultural and economic costs and benefits.

Option 2: Reinstate withdrawn provisions and area		
	Benefit	Cost
Environmental	This option would reduce nitrogen, phosphorus, sediment and microbial pathogens to the rivers and make progress toward the more stringent 80 year targets. Without the reinstatement of the withdrawn area (and provisions) it is likely that the contaminant burden from the withdrawn area will frustrate future attempts to meet 80 year targets. Sub-catchment plans can be developed for all the sub-catchments in their entirety.	
Economic	Option 2 would reduce the requirement on those outside of the withdrawn area (but within the Waikato-Waipā catchment) to lower their contaminant	Cost to landowners in the withdrawn area, who now need to comply with Plan Change 1 provisions.

	<p>losses to compensate for the increase in contaminants from the north eastern area if option 2 was not chosen.</p> <p>If as an alternative a Plan Change was proposed for just for the withdrawn area, then reinstating withdrawn provisions means there is no new modelling required and other technical input.</p>	
Social	Reinstating the withdrawn area may reduce the uncertainty for landholders in the withdrawn area for the life of Plan Change 1.	
Cultural	<p>Protection of water quality, Mahinga Kai and plant species of importance.</p> <p>Reinstatement of the withdrawn area aligns the geographic scope of Plan Change 1 with the Vision and Strategy.</p>	Loss of agricultural land for farming heritage.

C.2.5 Overall risk and appropriateness assessment

C.2.5.1 Assessment of risk: certainty and sufficiency of information

It is considered that Waikato Regional Council has sufficient information on which to make this recommendation.

Refer to section E.2.7, E.3.7, E.4.7, E.5.7, E.6.7 and E.8.7 of PPC1 Section 32.

C.2.5.2 Overall Assessment of appropriateness and reasons for deciding on provisions

Failure to reinstate parts of the Waikato and Waipā River area and the withdrawn provisions would make it more difficult to achieve the long term water quality targets. This would also mean that in the withdrawn area water quality in tributaries would likely remain the same worsen. The reinstatement of the provisions supports an integrated sub-catchment approach, and returns the sub-catchment and Freshwater Management Units as originally proposed and means that all sub-catchments have attribute targets.

Reinstating the previously withdrawn provisions and area is considered the most appropriate way to achieve PPC1 Objectives.

Refer also to section E.2.8, E.3.8, E.4.8, E.5.8, E.6.8 and E.8.8 of PPC1 Section 32

Having regard to this information, it is the Council's view that the most appropriate way to achieve the Objectives of Proposed Plan Change 1 is to implement Option 2.

Part C.3. Variation to the action dates

Following notification of PPC1 on 22nd October 2016, parts of the Plan Change 1 area were withdrawn to enable further consultation. Plan Change 1 contains several specific date that actions are required to put in place and implemented. This includes; lodgement by landowners of Farm Environment Plans with Council, property registration and provision of Nitrogen Reference Points. Some of the date for provision of information occurs as soon as 1 September 2018 and 31 March 2019.

These action date were based on PPC1 being notified on the 22 October 2016, and a decision on the Plan Change within the statutory 2 year timeframe. Approximately 18 months has elapsed since the original notification of PPC1, therefore Variation 1 will be notified at least a year and half after PPC1 notification, compressing the timeframe some landholders have to meet these action dates.

Changes have been proposed to make it practical to implement the plan change and to reflect that, due to their inter-linkage, changing one date in PPC1 has a follow on impact on others. The changes proposed allow an additional 20 months for the preparation of a Nitrogen Reference Point and Farm Environment Plans for Priority 1 and Priority 2 sub-catchments. To align with the Farm Environmental Plan date extension a change is proposed to allow an additional 20 months for the lodgement of consent applications for Priority 1 and 2 catchments. The changes also allow an additional 20 months to register properties.

This section evaluates the appropriateness of provisions to achieve the objectives, with regard to length of time that has passed since PPC1 was notified.

C.3.1 Reasonably Practicable Options

The following reasonably practicable options for achieving the objective were identified, with regard to the length of time since Plan Change 1 was notified to consider the shortened timeframes for action dates particularly for people in withdrawn portion of the catchments.

	Reasonably Practicable Options	Description
1	Existing Plan Change 1 dates	Maintain current compliance dates
2	Change some of the compliance dates in the provisions	Change certain compliance dates

C.3.1.1 Option 1: Existing Plan Change 1 provision compliance dates

This option would be to maintain the current dates for actions (provision of property information and Nitrogen Reference Point to Council and Farm Environment Plan preparation and lodgement and stock exclusion) to be put in place and or implemented. There would be no changes to the 10 year and 80 year targets and objectives.

C.3.1.2 Option 2: Change certain compliance dates

This option would be to vary some of the action dates in the Plan Change 1 provision.

The dates could be changed in a few different ways for example; short and long-term targets are extended or some rule dates are changed to make implementation for council and support professionals more manageable.

Under this option it is proposed that changes to the dates are included to make it practical to implement PPC1 and to reflect that, due to their inter-linkage, changing one date in Plan Change 1 has a follow on impact on others. No changes are proposed to the 10 year and 80 year targets and objectives.

The proposed action date changes would be to the:

- Registration of ownership details of all rural properties in the Waikato and Waipā River Catchment over a certain size and of specific land-use types.
- Registration of a Nitrogen Reference Point.
- Preparation and lodgement a fully detailed Farm Environment Plan with a consent application/industry certified schemes.

C.3.2 Evaluation of the Options and reasons for preferred options

C.3.2.1 Option 1: Existing Plan Change 1 compliance dates

The dates in Plan Change 1 were staged for implementation and set to provide an interval after a decision on the plan change being released within the statutory two-year timeframe. If changes are made following the Council decisions on the submissions (through a public hearing process) this may mean for example that different data is required to accompany a Nitrogen Reference Point or other actions do not fully meet any changed requirements.

If the dates remain unchanged, persons within the withdrawn area would have to provide a Nitrogen Reference Point and register their properties before the Council has made a decision on the Hearings Panel recommendations. In addition, the Plan would be more challenging to implement.

Option 1 is not considered the most appropriate way to achieve the Plan Change 1 objectives.

C.3.2.2 Option 2: Change to certain compliance dates

Plan Change 1 provisions contain several specific dates. They relate to actions put in place and implemented by 2026 to reduce discharges of nitrogen, phosphorus, sediment and microbial pathogens. The dates include landholders; registering property information, Farm Environment Plans preparation and consent applications and lodgment of property Nitrogen Reference Points. In relative terms, some of the dates identified in the provisions are in the near future. PPC1 requires, for example property registration and provision of the Nitrogen Reference Point to council between 1 September 2018 and 31 March 2019.

The action dates were determined on the basis of Plan Change 1 being notified on 22 October 2016, and a decision on the plan change being released within the statutory two-year timeframe. The action dates set out a programme of farm and industry requirements, but are also staged to ensure that implementation is manageable from an administration perspective (for example, Farm Environment Plans are required on three successive dates, depending on the priority of the sub-catchment).

Subsequent to the notification of Plan Change 1 the north eastern portion of the Waikato and Waipā River catchment was withdrawn. Variation 1 development and consultation has meant that approximately 18 months has elapse since original notification of PPC1.

Therefore notification of this Variation will be at least one and half years after the notification of Proposed Waikato Regional Plan Change 1. If the action dates remain unchanged, persons within the partial withdrawn area would have to provide a Nitrogen Reference Point and register their properties before the Council has made a decision on the Hearings Panel recommendations.

In recognition of the desire to have actions put in place and implemented by 2026, there is no change proposed to the 10 year and 80 year targets and objectives and action dates that align with the short term objective. These include for Priority 3 sub-catchments the dates for preparation of Farm Environment Plans, Nitrogen Reference Points and the date that those exceeding the 75th percentile nitrogen leaching value have to not exceed the value. The end date in Rule 3.11.5.7 would not change.

Option 2 is the most appropriate way to achieve the PPC1 objectives.

Having regard to this information, it is the Council's view that Option 2 is the preferred option.

The appropriateness of this option will be assessed in terms of efficiency and effectiveness.

C.3.3 Effectiveness of Option 2: Change certain compliance dates

The preferred reasonably practicable option is assessed below for its effectiveness. The criteria used in the effectiveness assessment are; relevance, feasibility, acceptability. This assessment should be read alongside relevant sections in the Plan Change 1 section 32 evaluation including E.3 Making reductions and E.8 Prioritisation and sub-catchment planning.

C.3.3.1 Relevance

An 20 month shift in compliance date in some of the provisions would not have an effect on the conclusions from the original policy mix modelling. The policy mix that was proposed in Plan Change 1 when notified was modelled to estimate the costs of this policy mix and whether it would achieve the short term (10 percent) water quality outcomes. The policy mix modelling is based on predicting water quality when the Farm Environment Plans are fully implemented and achieve their full anticipated benefits (i.e. at equilibrium). Delaying compliance dates (delay in the lodgment of the Farm Environment Plans) by 20 months will lead to similar delay in the implementation of the actions within the Farm Environment Plan and would likely delay the time

course to reach that equilibrium point. Noting that it is the dates that the actions in the Farm Environment Plan are implemented that determines when the future equilibrium is reached. This would be of most significance in locations and for contaminants where improvement actions have rapid effects within the 10 year timeframe of the Plan.

C.3.3.2 Feasibility

Although not formally assessed as an option, dates could be delayed for the reinserted area but not for the rest of the PPC1 area. However, having two separate sets of dates, one for the current Proposed Plan Change 1 area, and one for the Variation area would be administratively inefficient.

The Plan Change 1 dates for compliance for the provision of Farm Environment Plans, Nitrogen Reference Points and property information to Council, are now less practicable for the varied area. A shift by 20 months in the compliance dates for some requirements for both the Plan Change 1 area and the extended area (north eastern portion) keeps the dates uniform across the two areas. To help stage the resources needed for Farm Environment Plan preparation for Priority 1 and Priority 2 catchment would shift by the 20 months.

Failure to change the dates may generate resourcing challenges to Waikato Regional Council, external service providers, and support services for farmers where the timeframes for Farm Environment Plan, Nitrogen Reference Point and consent application requirements would otherwise be compressed.

There is no change in the timeframe for the short term and long term objectives and Priority 3 requirements. Progress will continue to be staged.

C.3.3.3 Acceptability

If the dates remain unchanged, persons within the withdrawn area would have to provide a Nitrogen Reference Point and register their properties before the Council has made a decision on the Hearings Panel recommendations.

Changes have been proposed to make it practical to implement the plan change and to reflect that, due to their inter-linkage, changing one date in PPC1 has a follow on impact on others. The changes proposed allow an additional 20 months for the preparation of a Nitrogen Reference Point and Farm Environment Plans for Priority 1 and Priority 2 sub-catchments. To align with the Farm Environmental Plan extensions change is proposed to allow an additional 20 months for the lodgement of consent applications for Priority 1 and 2 catchments. The changes also allow an additional 20 months to register properties with an area greater than 2 hectares with the Waikato Regional Council.

The extension of the deadline for Priority 2 sub-catchments is to allow for:

1. evening out of workload of certified farm environment planners to prepare Farm Environment Plan's;
2. allowing time for industry to build capacity to prepare Farm Environment Plan's; and
3. evening out the workload for Waikato Regional Staff to issue the required resource consents within 6 months of receiving the Farm Environment Plan (see Section 20A(2) of the RMA).

C.3.4 Summary of Efficiency of Option 2: Change certain compliance dates

The preferred reasonably practicable option is assessed below for its efficiency. The assessment of efficiency includes identifying and assessing the environmental, social, cultural and economic costs and benefits.

Option 2: Change certain compliance dates		
	Benefit	Cost
Environmental	<p>Allowing more time for the preparation of Farm Environment Plans may result in more detailed or better plans with improved Environmental results.</p> <p>The end dates for requirements to be implementation (2026) and shorter term targets remain the same.</p>	<p>A 20 month delay on compliance dates will somewhat delay when the Farm Environment Plans mitigations that have more immediate effect are fully implemented and reach their full water quality benefits.</p>

Economic	Allowing more time for compliance may help farmers stage costs.	
Social	<p>Extending the dates means that the timeframe to complete action is not reduced by at least one less year for those in the withdrawn area which may help reduce pressure on landowners</p> <p>Extending the timing to account for the Council decision on Schedule 1 means if change occur these can be accounted for before the cost of obtaining a modelled Nitrogen Reference Point is incurred. It may reduce the risk of landholders having to duplicate actions and may reduce uncertainty for landowners.</p>	Some community and stakeholder values and uses may not be fully met in the short term due to the 20 month extension.
Cultural		From a cultural vales perspective some of the potential improvement expected from actions that have rapid effect is delayed by 20 months.

C.3.5 Overall risk and appropriateness assessment

C.3.5.1 Assessment of risk: certainty and sufficiency of information

It is considered that Waikato Regional Council has sufficient information on which to make this recommendation.

Refer to section E.2.7, E.3.7, E.4.7, E.5.7, E.6.7 and E.8.7 of PPC1 Section 32.

C.3.5.2 Overall assessment of appropriateness and reasons for deciding on provisions

The action dates (lodgement of Farm Environment Plans with Council, property registration and provision of Nitrogen Reference Points) were based on PPC1 being notified on the 22 October 2016, and a decision on the Plan Change within the statutory 2 year timeframe. Changes made following the Council decisions on the submissions may mean that there are different requirements for these actions, actions that include costs to landowners such as modelling.

Variation 1 will be notified at least 20 months after PPC1 notification. If the action dates remain unchanged, person in the withdrawn area will have to provide a Nitrogen Reference Point and register their properties before the Council has made a decision on the Hearings Panel recommendations.

Changing some of the compliance date for action in the Plan Change 1 is the most appropriate way to achieve the Objectives of PPC1.

Refer also to section E.2.8, E.3.8, E.4.8, E.5.8, E.6.8 and E.8 .8 of PPC1 Section 32.

Having regard to this information, it is the Council's view that the most appropriate way to achieve the Objectives of Proposed Plan Change 1 is to implement Option 2.

Part D. Reinstated parts of the Section 32
evaluation from the partial withdrawal

D.1 Reinstatement of Sections of the Plan Change 1 Section 32

Variation 1 (Option 3 - Part C.2 of this evaluation) includes reinstating the provisions previously withdrawn, that existed in the notified plan, such as those relating to Whangamarino and some sub-catchment attribute targets.

In support of the withdrawal of the north eastern portion of the Waikato and Waipā River catchment some sections of the s32 evaluation report were identified as no longer being relevant and or deleted.

In support of Variation 1, these sections are again relevant to the overall Section 32 evaluation of Plan Change 1. The following table outlines which sections are now reinstated.

Some additional information was also included in the addendum to the Plan Change 1 section 32 that supported the partial withdrawal of proposed Plan Change 1. Additional information was also provided to assist with understanding, where the contents of the Section 32 evaluation report no longer matched the provisions contained within Proposed Plan Change 1.

Page number	Part	Amendment
9	A.1.4 Plan Change 1 to the Waikato Regional Plan	Retain the insertion of an explanatory statement about the partial withdrawal. The text reads as follows: On the 3 December 2016 Waikato Regional Council notified that Proposed Waikato Regional Plan Change 1 – Waikato and Waipā River Catchments ('Plan Change 1') had been withdrawn in part. The decision to withdraw proposed Plan Change 1 from the defined area was made by resolution of Waikato Regional Council on 22 November, 2016 (WRC, 2016, Document #9535476). The reason for the withdrawal is to enable Waikato Regional Council to undertake consultation with Hauraki iwi authorities in that area.
17	A.3 Bibliography for Part A	Retain the insertion of the following reference: Waikato Regional Council 2016. Public excluded Council minutes 22 November 2016. Document #9535476
60	C.2 Key findings	Remove the following: The following explanatory statement will assist with understanding the implications of the partial withdrawal: - <i>The technical work for Plan Change 1 included dividing the Waikato and Waipā River catchments into 74 sub-catchments. Subsequent to notification, five of these sub-catchments have been removed from the area the proposed plan change covers. Eight other sub-catchments are now only partially within the proposed plan change boundaries. As the technical work was based on the 74 sub-catchments, this section still refers to all of these sub-catchments.</i>
62	C.2.2.1	There are 74 sub-catchments
65	C.2.2.3	There are 74 sub-catchments
65	C.2.2.4	There are 74 sub-catchments
70	C.2.2.11	There are 74 sub-catchments
79-80	C.2.2.11.5	There are 74 sub-catchments All references to sub-catchments that flow into Whangamarino Wetland are relevant and reinstated

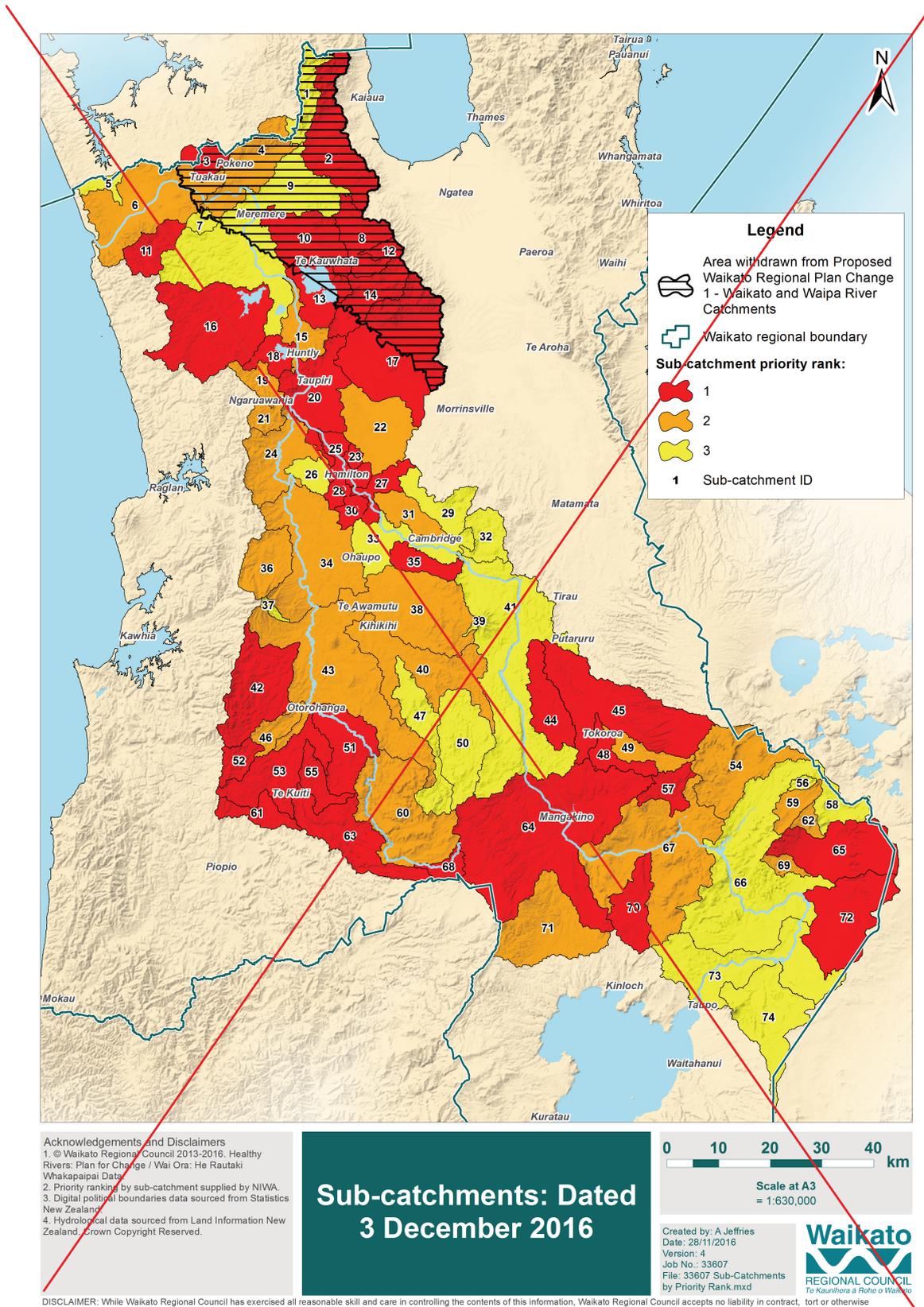
Page number	Part	Amendment
81-85	C.2.2.11.6 Sub-catchments and Freshwater Management Units	The two maps and one table in this section are contained in proposed Plan Change 1 and have been varied with Variation 1 for expand the geographic area See maps and table that follows
98	D.1.4 Objective 6	Entire section is relevant and reinstated
100-101	D.1.5 Summary of the extent to which the objectives are the most appropriate way to achieve the purpose of the RMA	All references to Objective 6 are relevant and reinstated
102	D.2 Summary of reasons for selection of objectives	All references to Objective 6 is relevant and reinstated
103	D.3 Bibliography for Part D	Bibliography references to be reinstated: Technical Leadership Group and Waikato Regional Council, 2016. Whangamarino Wetland. Outline for Collaborative Stakeholder Group Discussion. Document# 3697755. Waikato Regional Council 2016. Integrated Catchment Management Directorate: Presentation to Healthy Rivers Wai Ora Collaborative Stakeholder Group dated 19 February 2016. Document# 3645067. Waikato Regional Council 2016. CSG Focus Session 260216 - Recommendation powerpoint. Document #3709787. Waikato Regional Council 2016. Report to CSG 2-3 March to be tabled on the day - inserts to policy mix recommendations report. Document #3710575. Wildlands 2012. Ecological Impacts of the Flood Control Scheme on Lake Waikare and the Whangamarino Wetland, and Potential Mitigation Options. Document #3154305.
105-125	D.4 .1 Appendix 1. Current state and long term desired water quality targets for the Waikato and Waipā River catchment	Selected sites are relevant and reinstated. See table that follows
128	E.1 Overview of the sections in Part E	All references to part E.6 Whangamarino Wetland relevant and reinstated

Page number	Part	Amendment
132	E.2.4 Evaluation of options and reason for preferred option	All references to Objective 6 are relevant and reinstated
161	E.3.5.1 Relevance	There are 74 sub-catchments.
201	E.6 Managing Whangamarino Wetland	Entire section is relevant and reinstated
220	E.8.1 Plan Change 1 provisions	All references to Policy 15: Whangamarino Wetland/Te Kaupapa Here 15: Ngā Repo o Whangamarino are relevant and reinstated All references to Whangamarino Wetland in Method 3.11.4.4: Lakes and Whangamarino Wetland/Ngā Roto me ngā Repo o Whangamarino are relevant and reinstated
222	E.8.3 Explanation of options	All references to sub-catchments that flow into Whangamarino Wetland are relevant and reinstated
223-224	E.8.4 Evaluation of options and reason for preferred option	All references to Whangamarino Wetland, and sub-catchments that flow into Whangamarino Wetland, are relevant and reinstated
225	E.8.5.1 Relevance	All references to Whangamarino Wetland are relevant and reinstated
226	E.8.5.2 Feasibility	There are 74 sub-catchments All references to Whangamarino Wetland are relevant and reinstated
229	E.8.5.5 Summary of effectiveness	All references to Whangamarino Wetland are relevant and reinstated
229	E.8.6 Efficiency of Option 3 prioritisation of implementation timing, sub-catchment planning and co-ordination of actions	All references to Whangamarino Wetland are relevant and reinstated
235	E.10 Overall conclusion	All references to Whangamarino Wetland are relevant and reinstated

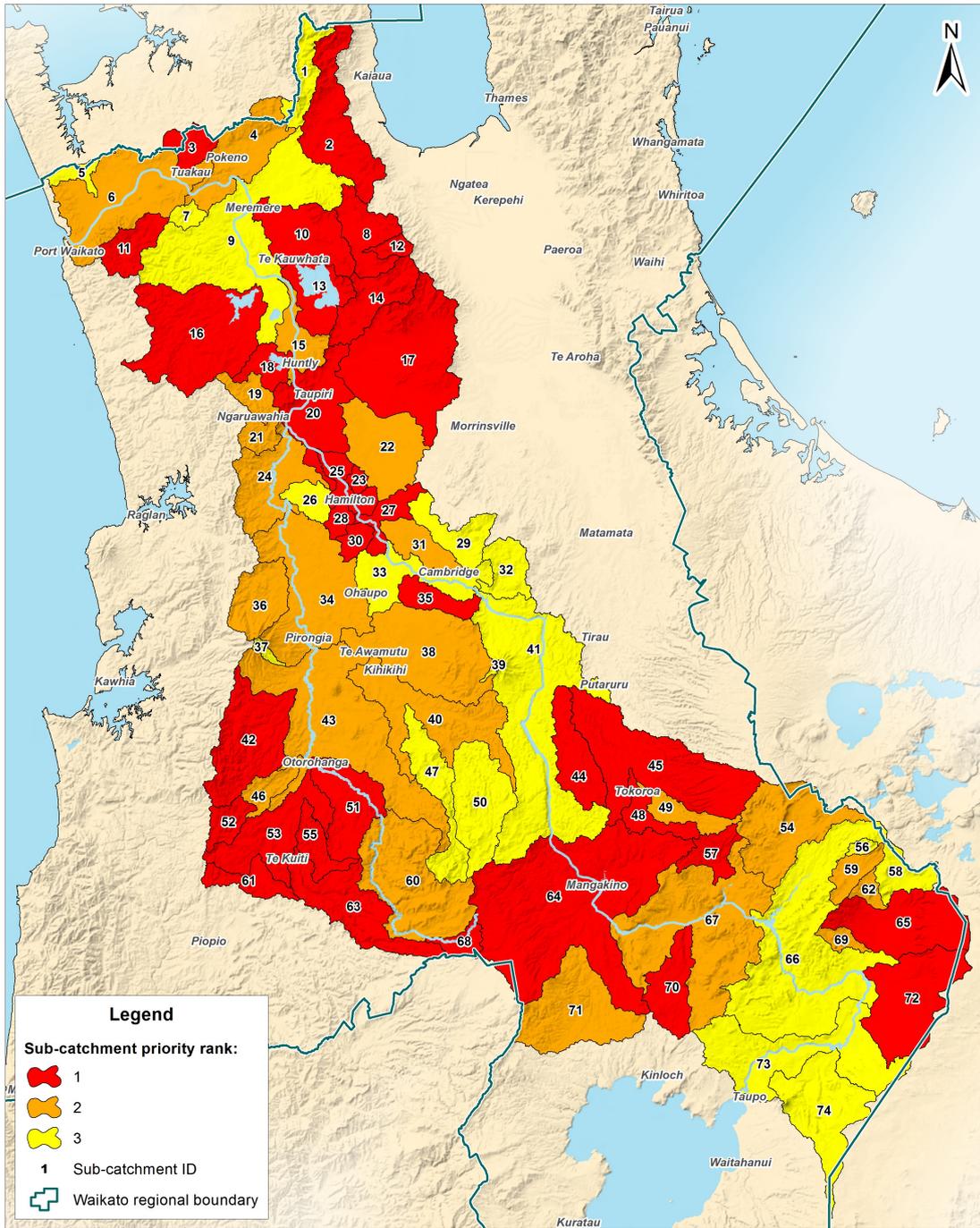
Page number	Part	Amendment
237-238	E.11.1 Appendix 1: List of Plan Change 1 Objectives, Policies, Methods and Rules	<p>All references to Objective 6: Whangamarino Wetland/Te Whāinga 6: Ngā Repo o Whangamarino are relevant and reinstated</p> <p>All references to Policy 15: Whangamarino Wetland/Te Kaupapa Here 15: Ngā Repo o Whangamarino are relevant and reinstated</p> <p>All references to Whangamarino Wetland in Method 3.11.4.4: Lakes and Whangamarino Wetland/Ngā Roto me ngā Repo o Whangamarino are relevant and reinstated</p>

Reinstated parts of the Plan Change 1 section 32 in support of Variation 1

C.2.2.11.6 Sub-catchments and Freshwater Management Units



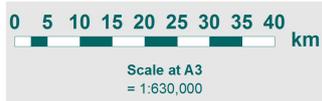
Map 3.11-2: Map of the Waikato and Waipa River catchments, showing sub-catchments



Acknowledgements and Disclaimers

1. © Waikato Regional Council 2013-2016. Healthy Rivers: Plan for Change / Wai Ora: He Rautaki Whakapaipai Data.
2. Priority ranking by sub-catchment supplied by NIWA.
3. Digital political boundaries data sourced from Statistics New Zealand.
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Sub-catchments



Created by: A Jeffries
Date: 21/09/2016
Version: 1
Job No.: 33102
File: 33102 Sub-Catchments by Priority Rank.mxd



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Map 3.11-2: Map of the Waikato and Waipa River catchments, showing sub-catchments

Text underlined is to be inserted and strikethrough text has been removed

Reinstatement into the section 32 the Variation 1 sub-catchment list

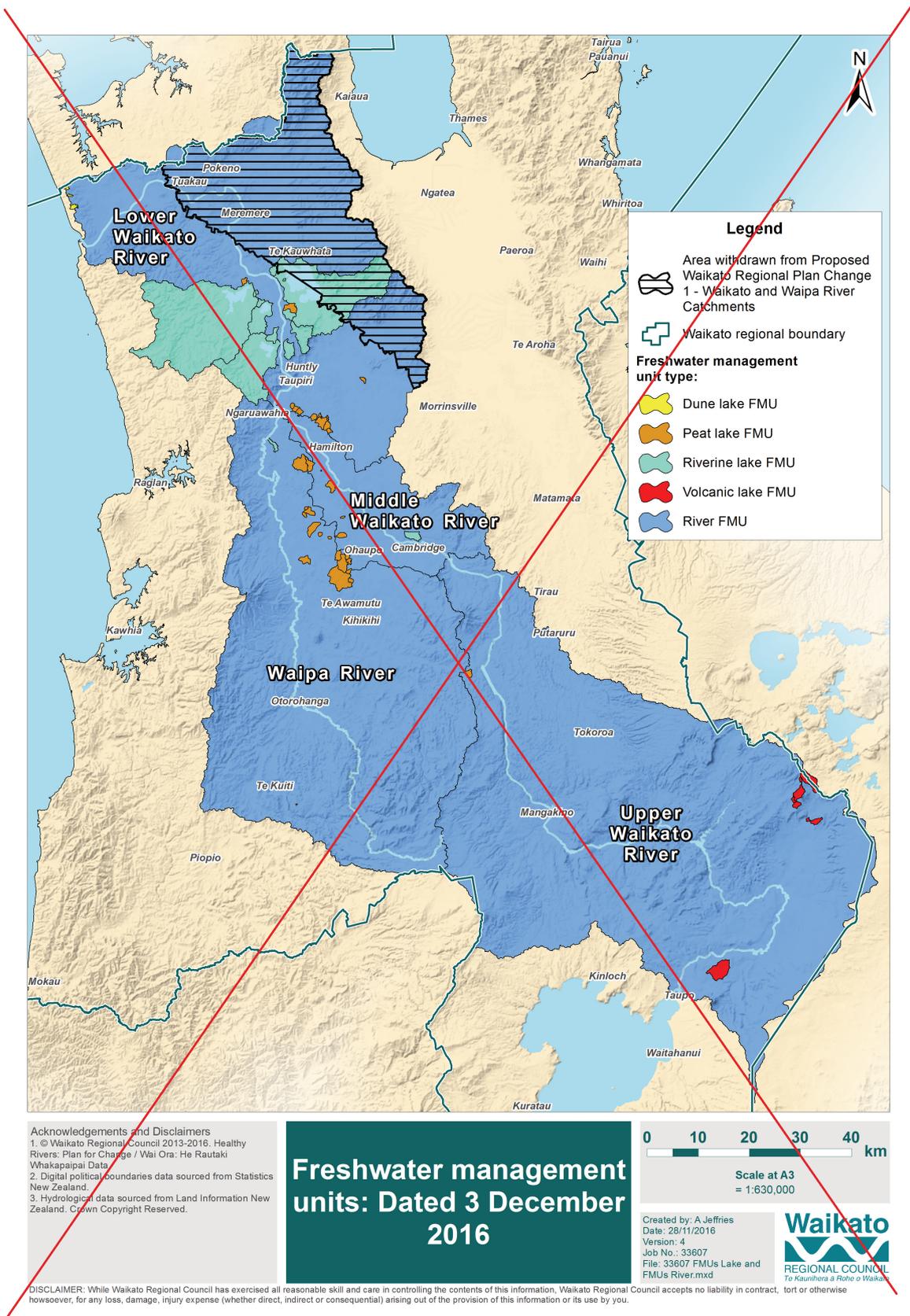
Sub-catchment identifier	Sub-catchment number	Priority
<u>Mangatangi</u>	2	1
<u>Whakapipi</u>	3	1
<u>Whangamarino at Jefferies Rd Br</u>	8	1
Whangamarino at Island Block Rd*	10	1
Opuatia	11	1
<u>Waerenga</u>	12	1
Waikare*	13	1
Matahuru*	14	1
Whangape	16	1
Mangawara*	17	1
Awaroa (Rotowaro) at Harris/Te Ohaki Br	18	1
Waikato at Huntly-Tainui Br	20	1
Kirikiroa	23	1
Waikato at Horotiu Br	25	1
Waikato at Bridge St Br	27	1
Waitawhiriwhiri	28	1
Mangakotukutuku	30	1
Mangawhero	35	1
Moakurua	42	1
Little Waipā	44	1
Pokaiwhenua	45	1
Mangamingi	48	1
Waipā at Otorohanga	51	1
Waitomo at Tumutumu Rd	52	1
Mangapu	53	1
Mangarapa	55	1
Mangaharakeke	57	1
Mangarama	61	1
Mangaokewa	63	1

Waikato at Waipapa	64	1
Waiotapu at Homestead	65	1
Waipā at Mangaokewa Rd	68	1
Waipapa	70	1
Torepatutahi	72	1
Waikato at Tuakau Br*	4	2
Waikato at Port Waikato*	6	2
Waikato at Rangiriri	15	2
Awaroa (Rotowaro) at Sansons Br	19	2
Firewood	21	2
Komakorau	22	2
Waipā at Waingaro Rd Br	24	2
Mangaone	31	2
Waipā at SH23 Br Whatawhata	34	2
Kaniwhaniwha	36	2
Mangapiko	38	2
Puniu at Bartons Corner Rd Br	40	2
Waipā at Pirongia-Ngutunui Rd Br	43	2
Waitomo at SH31 Otorohanga	46	2
Whakauru	49	2
Tahunaatara	54	2
Otamakokore	59	2
Waipā at Otewa	60	2
Kawaunui	62	2
Waikato at Whakamaru	67	2
Mangakara	69	2
Mangakino	71	2
Mangatawhiri	1	3
Awaroa (Waiuku)	5	3
Ohaeroa*	7	3
Waikato at Mercer Br*	9	3
Ohote	26	3

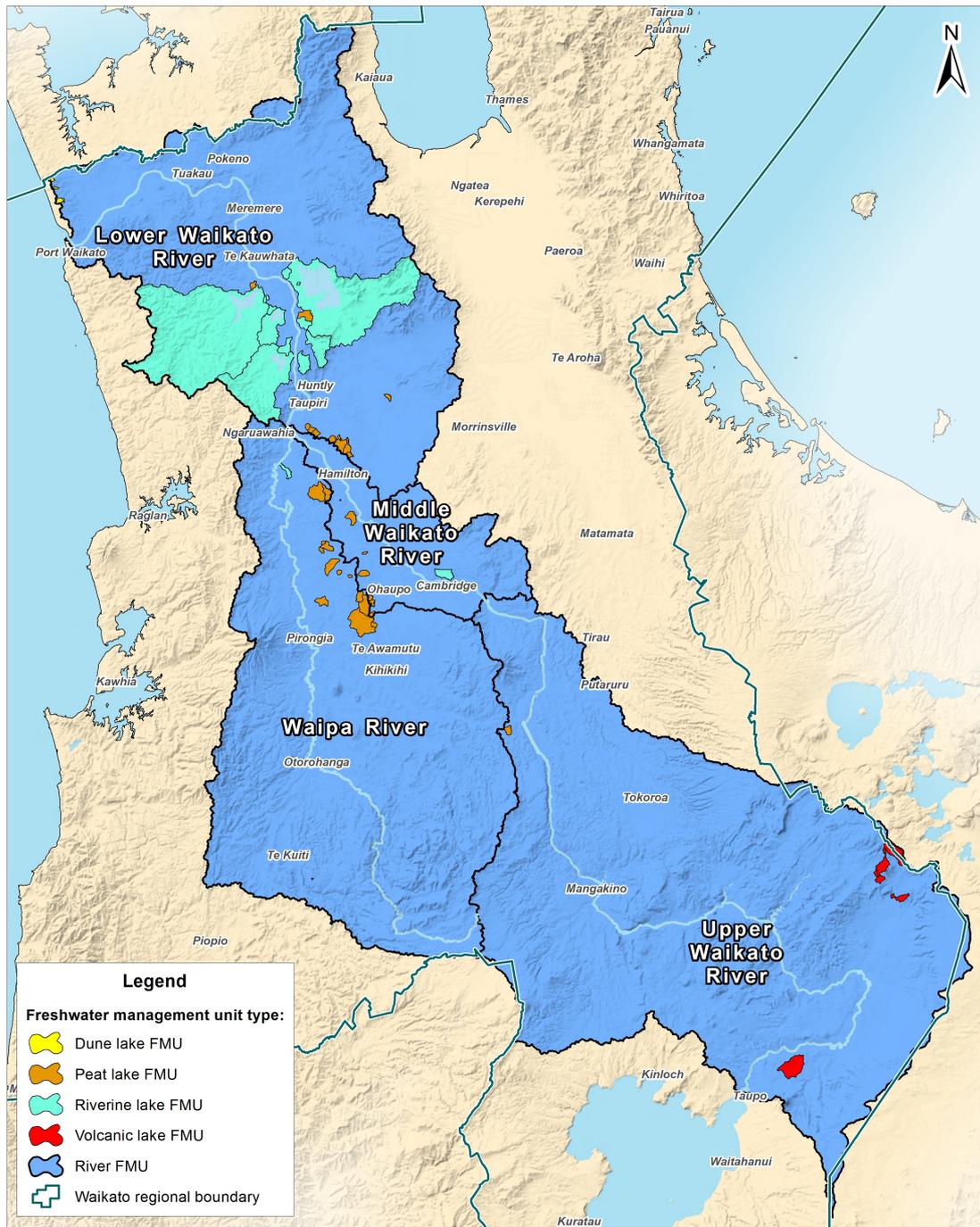
Mangaonua	29	3
Karapiro	32	3
Waikato at Narrows	33	3
Mangauika	37	3
Mangaohoi	39	3
Waikato at Karapiro	41	3
Mangatutu	47	3
Puniu at Wharepapa	50	3
Whirinaki	56	3
Waio tapu at Campbell	58	3
Waikato at Ohakuri	66	3
Waikato at Ohaaki	73	3
Pueto	74	3

List of sub-catchments showing Priority 1, Priority 2, and Priority 3 sub-catchments

**part sub-catchment*

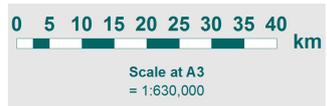


Map 3.11-1: Map of the Waikato and Waipa River catchments, showing Freshwater Management Units



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Freshwater management units



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 Version: 1
 Job No.: 33102
 File: 33102 FMUs Lake and FMUs River.mxd



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Map 3.11-1: Map of the Waikato and Waipa River catchments, showing Freshwater Management Units

D.4.1 Appendix 1. Current state and long term desired water quality targets for the Waikato and Waipā River catchment

...

Lower Waikato River Freshwater Management Unit

Site	Attribute													
	Annual Median Chlorophyll α (mg/m ³)			Annual Maximum Chlorophyll α (mg/m ³)			Annual Median Total Nitrogen (mg/m ³)			Annual Median Total Phosphorus (mg/m ³)				
	NOF Band	Decrease to	No increase	NOF Band	Decrease to	No increase	NOF Band	Decrease to	No increase	NOF Band	Decrease to	No increase		
Waikato River Huntly-Tainui Br	B	5		B		✓	B		350		B		20	
Waikato River Mercer Br* ₋	B	5		B	25		B		350		B		20	
Waikato River Tuakau Br* ₋	B	5		B	25		B		350		B		20	

Site	Attribute																		
	Annual Median Nitrate (mg NO ₃ -N/L)			Annual 95 th percentile Nitrate (mg NO ₃ -N/L)			Annual Median Ammonia (mg NH ₄ -N/L)			Annual Maximum Ammonia (mg NH ₄ -N/L)			95 th percentile <i>E. coli</i> (E. coli/100mL)			Clarity (metres)			
	NOF Band	Decrease to	No increase	NOF Band	Decrease to	No increase	NOF Band	Decrease to	No increase	NOF Band	Decrease to	No increase	NOF Band	Decrease to	No increase	Band	Increase to	No decrease	
Waikato River Huntly-Tainui Br	A	✓		A		✓	A		✓		A		✓		A				
Waikato River Mercer Br* ₋	A	✓		A		✓	A		✓		A		✓		A				

Attribute												
Site	Annual Median Nitrate (mg NO ₃ -N/L)		Annual 95 th percentile Nitrate (mg NO ₃ -N/L)		Annual Median Ammonia (mg NH ₄ -N/L)		Annual Maximum Ammonia (mg NH ₄ -N/L)		95 th percentile <i>E. coli</i> (<i>E. coli</i> /100mL)		Clarity (metres)	
	A	✓	A	✓	A	✓	A	✓	B	540	C	1.0
Waikato River Tuakau Br*	A	✓	A	✓	A	✓	A	✓	B	540	C	1.0
Komakorau Stm Henry Rd	A	1.0	B	3-5	B	0.24	B	0.40	B	540	C	1.0
Mangawara Stm Rutherford Rd Br	A		A	1-5	A	0.03	A	0.05	B	540	C	1.0
Awaroa Stm (Rotowaro) Sansons Br @ Rotowaro-Huntly Rd	A	✓	A	✓	A		A	0.05	B	540	C	1.0
Matahuru Stm Waiterimu Road Below Confluence*	A	✓	A	1-5	A		A	0.05	B	540	C	1.0
Whangape Stm Rangiriri-Glen Murray Rd	A	✓	A	✓	A		A	0.05	B	540	C	1.0
<u>Waerenga Stm SH2 Maramarua</u>	A	-	A	-	A	-	A	-	B	540	C	1.0
<u>Whangamarino River Jefferies Rd Br</u>	A	-	A	1-5	A	-	A	0.05	B	540	C	1.0

Attribute												
Site	Annual Median Nitrate (mg NO ₃ -N/L)		Annual 95 th percentile Nitrate (mg NO ₃ -N/L)		Annual Median Ammonia (mg NH ₄ -N/L)		Annual Maximum Ammonia (mg NH ₄ -N/L)		95 th percentile <i>E. coli</i> (E. coli/100mL)		Clarity (metres)	
	A	✓	A	✓	A	✓	A	✓	B	540	C	1.0
<u>Mangatangi River SH2 Maramarua</u>	A	✓	A	✓	A	✓	A	✓	B	540	C	1.0
<u>Mangatawhiri River Lyons Rd At Buckingham Br</u>	A	✓	A	✓	A	✓	A	✓	B	540	B	-
Whangamarino River Island Block Rd*	A	✓	A	✓	A	✓	A	0.05	B	540	C	1.0
<u>Whakapipi Stm SH22 Br</u>	B	2.4	B	3.5	A	✓	A	0.05	B	540	C	-
Ohaeroa Stm SH22 Br*	A	1.0	A	1.5	A	✓	A	✓	B	540	C	1.0
Opuatia Stm Ponganui Rd	A	✓	A	✓	A	✓	A	✓	B	540	C	1.0
Awaroa River (Waiuku) Otaua Rd Br opp Moseley Rd	A	1.0	A	1.5	A	✓	A	0.05	B	540	C	1.0

*part sub-catchment where monitoring site falls outside the geographic area of Chapter 3.11

Lower Waikato River FMU - current state 2010-2014

Site	Attribute										
	Median Chlorophyll a (mg/m ³)	Maximum Chlorophyll a (mg/m ³)	Median Total Nitrogen (mg/m ³)	Median Total Phosphorus (mg/m ³)	Median Nitrate (mg NO ₃ -N/L)	95th percentile Nitrate (mg NO ₃ -N/L)	Median ammonia (mg NH ₄ -N/L)	Maximum ammonia (mg NO ₄ -N/L)	95th percentile Ecoli (Ecoli/100ml)	Clarity Median BlackDisk (m)	
Waikato River at Huntly-Tainui Br	6	19	585	45	0.365	0.900	0.005	0.015	2100	0.87	
Waikato River at Mercer Br*	10.5	30	662	52	0.365	0.870	0.003	0.010	1600	•	
Waikato River at Tuakau Br*	12	38	595	53	0.325	0.880	0.003	0.008	1700	0.61	
Komakorau Stm at Henry Rd			2900	90	1.310	4.500	0.251	0.421	3800	0.17	
Mangawara Stm at Rutherford Rd Br			1890	210	0.765	2.900	0.111	0.185	5445	0.25	
Awaroa Stm (Rotowaro) at Sansons Br Rotowaro-Huntly Rd			990	12	0.700	1.190	0.021	0.093	1940	0.81	
Matahuru Stm at Waiterimu Road Below Confluence*			1310	98	0.715	1.710	0.016	0.060	6770	0.31	
Whangape Stm at Rangiriri Glen Murray Rd			2116	122	0.004	0.690	0.006	0.143	589	0.17	
<u>Waerenga Stm at Taniwha Rd</u>	-	-	1115	46	0.820	1.410	0.005	0.022	5605	0.84	
<u>Whangamarino River at Jefferies Rd Br</u>	-	-	1085	89	0.625	1.880	0.011	0.055	5175	0.51	
<u>Mangatangi River at SH2 Maramarua</u>	-	-	493	72	0.110	1.120	0.005	0.038	6125	0.54	
<u>Mangatawhiri River at Lyons Rd At Buckingham Br</u>	-	-	181	23	0.013	0.370	0.003	0.011	5615	1.63	

Whangamarino River at Island Block Rd*			1831	152	0.075	0.700	0.012	0.158	668	0.20
Whakapipi Stm at SH22 Br	-		3875	51	3.500	5.300	0.006	0.084	1910	1.10
Ohaeroa Stm at SH22 Br*			1825	26	1.525	1.840	0.003	0.015	5125	0.81
Opuatia Stm at Ponganui Rd			1070	31	0.740	1.060	0.005	0.016	3160	0.53
Awaroa River (Waiuku) at Otatau Rd Br opp Moseley Rd			2095	47	1.410	2.400	0.021	0.144	1070	0.37

*part sub-catchment where monitoring site falls outside the geographic area of chapter 3.7.1

National Environmental Standards

Under RMA s32(4) this report must consider if the Plan Change 1 will impose a greater /lesser prohibition or restriction on an activity to which a National Environmental Standard applies, and to examine whether the prohibition or restriction is justified.

National Environmental Standards for Sources of Human Drinking Water and National Policy Statement for Renewable Electricity Generation

Refer to Page 234 of Plan Change 1 Section 32.

National Environmental Standards for Plantation Forestry

The National Environmental Standards for Plantation Forestry have two objectives:

- to maintain or improve the environmental outcomes associated with plantation forestry activities nationally
- to increase certainty and efficiency in the management of plantation forestry activities.

The NES comes into effect on 1 May 2018 to provide transition time to the new standard.

PPC1 proposed the addition of a requirement signalled in the draft National Environmental Standard for Plantation Forestry, to submit harvest plans to council, and to notify council prior to undertaking these activities (Part B of PPC1).

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WRC 2016 Section 32 evaluation report - implications of partial withdrawal of Proposed Plan Change 1: Dated 3 December 2016 (addendum inserted into the Section 32 evaluation report, proposed Waikato Regional Plan Change 1 - Waikato and Waipā River catchment Policy Series 2016/17).

HE TAIAO MAURIORA

HEALTHY ENVIRONMENT

HE ŌHANGA PAKARI

STRONG ECONOMY

HE HAPORI HIHIRI

VIBRANT COMMUNITIES

Waikato Regional Council

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