

Statutory and Planning Context for Healthy Rivers - Plan for Change/Wai Ora - He Rautaki Whakapaipai

1 Purpose

The purpose of this section is to provide the current legislative and planning context for the s32 Analysis for Waikato and Waipa River Catchments Healthy Rivers - Plan for Change/Wai Ora - He Rautaki Whakapaipai.

The document is presented in two parts as follows:

- a) A summary of the statutory and planning context
- b) A detailed breakdown of the statutory context, including:
 - a. Parts of relevant legislation
 - b. Relevant National Policy Statements and National Environmental Standards
 - c. Relevant local authority planning documents, for example Waikato Regional Policy Statement, Waikato Regional Plan, district plans, and the Regional Pest Management Strategy
 - d. Iwi Environmental Management Plans, including the Upper Waikato River Integrated Management Plan
 - e. Other planning documents, including, Waikato Conservation Management Strategy (revised draft) Waikato Regional Council zone management plans and former Waikato Catchment Board catchment plans, and the Transitional Regional Plan.

2 Summary

Legislation

Note: A useful summary diagram of the role of the various statutory instruments and how they relate to each other is contained in the Introduction to the Proposed Regional Policy Statement (Decisions version November 2012)¹.

Resource Management Act

Regional councils have responsibilities under the RMA and give effect to the Act through regional policy statements and plans. The RMA is the primary legislation that guides regional plans in managing water quality. Specifically:

- S5 states that local authorities have a responsibility to sustainably manage natural and physical resources while “safeguarding the life-supporting capacity of air, water, soil and ecosystems”.
- S30 outlines the functions that regional councils must undertake to give effect to the RMA. This includes:
 - The control of the use of land for the purposes of the maintenance and enhancement of the quality of water in water bodies and coastal water(s30(1)(c)(ii)); and
 - The control of discharges of contaminants into or onto land, air, or water and discharges of water into water (s30(1)(f)); and

¹ Refer to http://www.waikatoregion.govt.nz/PageFiles/10522/2320314_RPS_Decisions_1_Feb_2013.pdf

- If appropriate the establishment of rules in a regional plan to allocate the capacity of air or water to assimilate a discharge of a contaminants 30(1)(fa)(iv).
- S70 sets a baseline that none of the effects specified (e.g. conspicuous change in colour or visual clarity) can occur in order for a regional council to include in a regional plan rules that allow as a permitted activity the discharge of a contaminant onto or into land in circumstances which may result in that contaminant entering water
- S2 defines relevant terms including discharge, contaminant, water, fresh water and water bodies
- Schedule 1 outlines the process that must be followed when any part of a policy statement or plan is reviewed.

Changes are being introduced to the RMA that involves the creation of a new freshwater collaborative planning option which will give communities and iwi a greater say in planning what they want for their local waterways and how they should be managed.

Local Government Act 2002

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

The plan review process must also attend to the interests of the community and enable democratic decision making processes.

Soil Conservation and Rivers Control Act 1941

This Act allowed for the establishment of catchment districts and catchment boards, with the primary aim being to minimise and prevent damage within the district by floods or erosion.

The Boards were given the authority to do works that:

- Control the flow of water towards, within and from watercourses.
- Prevent the overflow of banks and reduce damaged cause by such events.
- Reduce erosion by undertaking soil conservation activities.

Catchment boards and drainage boards were responsible for the management of rivers, flood protection and drainage management prior to the establishment of regional councils. The functions provided for under the Act have been transferred to regional councils.

Council therefore has the responsibility of managing river and catchment systems and is empowered to undertake works to protect communities from floods and erosion.

Conservation Act 1987

The purpose of the Conservation Act 1987 is to promote the conservation of New Zealand's natural and historic resources, and for that purpose to establish the Department of Conservation (who administer the Act) and Fish and Game. Under this Act DoC are required to prepare conservation management strategies.

Land Drainage Act 1908

The Land Drainage Act (LDA) provides WRC with powers relating to the construction and maintenance of land drainage in areas, where, prior to the RMA it had the functions of a drainage board. Any local authority in that area may maintain areas outside any drainage or river district. This Act has particular significance in the Lower Waikato and Hauraki plains where major land drainage works have been carried out.

Waikato and Waipa River Legislation

Under recent legislation Waikato Regional Council shares management responsibilities with Waikato and Waipa River Iwi (Waikato-Tainui, Te Arawa River Iwi, Raukawa, Ngāti Tūwharetoa and Ngāti Maniapoto)². The underlying purpose of the three Acts is to protect and restore the health and wellbeing of the Waikato and Waipa Rivers.

Vision and Strategy for the Waikato River

The Vision and Strategy for the Waikato River is the primary direction-setting document for the Waikato River and its catchments (including the Waipa River). It was initially given statutory recognition via the two Waikato River Acts in 2010, and subsequently extended to incorporate the upper reaches of the Waipa River through the passing of the Waipa River legislation in 2012.

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

Waikato River Authority

The Waikato River Authority (WRA) is a statutory body formed under Waikato and Waipa River legislation³. The WRA has ten members who are appointed by River iwi (five) and Ministers of the Crown (five). The purpose of the WRA is to:

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

National Policy Statements and National Environmental Standards

National Policy Statement: Freshwater Management 2014

The National Policy Statement Freshwater Management (NPS-FM) is intended to be the first step in improving freshwater management at a national level.⁴ It sets out objectives and policies which direct local government to manage water in an integrated and sustainable way while allowing for its use to provide for economic growth within set water quality and quantity limits. Such limits are to reflect local and national values underlain by the best available scientific and socioeconomic knowledge to ensure adequate environmental flows.

The NPS-FM requires each regional council to actively manage water quality and water quantity by establishing freshwater objectives and setting limits for every body of fresh water in the region. This will be done through the instrument of the Waikato Regional Plan (WRP).

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

The NPS-FM in Part CA includes the National Objectives Framework. This framework has a standard list of values for which a particular freshwater body could be managed, such as swimming, fishing or irrigation. While the actual values chosen for each freshwater body will be a local decision, the minimum states that apply to those values is set at a national level

² Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010; Ngāti Tūwharetoa, Raukawa and Te Arawa River Iwi Waikato River Act 2010 and Ngā Wai o Maniapoto (Waipa River) Act 2012.

³ Section 22 Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 and Section 23 Ngāti Tūwharetoa, Ngāti Raukawa and Te Arawa River Iwi Waikato River Act 2010.

⁴ National Policy Statement for Freshwater Management, preamble, 7th paragraph, p3.

through the framework. The framework incorporates the consideration of tangata whenua values, consistent with the Mana Atua Mana Tangata Framework.

Policy CC1 requires the establishment, operation and maintenance of a freshwater quality accounting system.

National Policy Statement for Renewable Electricity Generation

The National Policy Statement for Renewable Electricity Generation (NPS-REG) came into force on 12 May 2011. This National Policy Statement ensures a consistent approach to planning for renewable electricity generation in New Zealand by giving clear government direction on the benefits of renewable electricity generation and requiring all councils to make provision for it in their plans.

The NPS-REG defines the need to develop, operate, maintain and upgrade renewable electricity generation activities throughout New Zealand and the benefits of renewable electricity generation as matters of national significance.

New Zealand Coastal Policy Statement (2010)

The New Zealand Coastal Policy Statement (NZCPS) contains policies in relation to the coastal environment. Although relevant to a small area compared to the rest of the catchment, discharges to freshwater in the coastal environment within the Waikato River catchment are guided by NZCPS policies on land use and the sensitivity of the receiving environment. The NZCPS is also aligned with NPS-FM policy which requires integrated management including interactions between freshwater, land, associated ecosystems and the coastal environment.

The Waikato River from the mouth upstream for approximately eight kilometres to a line just below the islands is within the coastal marine area (CMA) and therefore subject to the provisions of the NZCPS and the Regional Coastal Plan.

National Environmental Standards for Sources of Human Drinking Water

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

Proposed National Environmental Standard Plantation Forestry

The Government proposed a National Environmental Standard (as regulations under the Resource Management Act 1991) for Plantation Forestry in 2010. The intent of the proposed standard is to improve national consistency in local authority plan rules relating to plantation forestry and provide certainty for those involved in managing plantation forests.

Cabinet has made the decision to defer further work on the proposed National Environmental Standard (NES) and review the need for it once the 2013 resource management and water reforms have been completed⁵.

⁵ <http://www.mfe.govt.nz/laws/standards/forestry/>

Local Authority Statutory Plans

Operative Waikato Regional Policy Statement

The Waikato Regional Policy Statement (RPS) contains objectives, policies and methods that are relevant to managing water quality. The operative RPS, in section 3.4.6, outlines issues, objectives, policies and methods for managing water quality and encouraging riparian management.

Proposed – Decisions version (November 2012)

The proposed RPS (decisions version) has a new objective for managing the mauri and health of fresh water bodies (Objective 3.13) and new policies as follows:

- Policy 8.1 - Approach to managing fresh water bodies
- Policy 8.2 - High value fresh water bodies and wetlands
- Policy 8.3 - All fresh water bodies
- Policy 8.4 – Catchment based intervention
- Policy 8.5 - Waikato River catchment

These provisions of the proposed RPS are under appeal to the Environment Court.

Waikato Regional Plan

The WRP became operative in part on 28 September 2007 with Variations 2, 5, 6, and 7 made operative in 2008, 2011, 2012 and 2010, respectively. The plan provides direction regarding the use, development and protection of natural and physical resources in the region. It provides a policy framework and implementation methods in relation to water, river and lake beds, land and soil, air and geothermal resources.

The WRP establishes water management classes, and includes the following:

- rules controlling point source discharges of contaminants from a variety of sources, including dairy sheds and earthworks.
- policies and methods to control non-point source discharges, including a rule for discharge of fertiliser into air and onto land
- rules for stock in water bodies and for activities on land that may result in contaminants entering water bodies.

Waikato Regional Coastal Plan

Each region is required to produce a regional coastal plan to assist the regional council to exercise its functions in the coastal marine area. It must be approved by the Minister of Conservation.

Changes to the objectives, policies and methods of the Regional Coastal Plan (RCP) are outside of the scope of Plan Change 1. However, the coastal marine area (CMA) extends up the Waikato River for approximately eight kilometres from the mouth.

The issue, objectives, policies and methods in Section Chapter 4 Water Quality of the RCP are relevant to the CMA section of the Waikato River, in particular Method 17.3.9 which promotes the development of objectives and policies in the regional plan to manage river and land use activities above the CMA, take account of the downstream effects on water quality and avoid adverse effects on existing water quality.

District Plans

Territorial authorities are required to prepare district plans. District plans may contain rules to control the use of land, including subdivision. As with regional plans, district plans must also

give effect to regional policy statements. It is through this that integrated management of regional council and territorial authority functions occurs.

There are eight district plans in the Waikato and Waipa River catchment, for Rotorua, Taupo, South Waikato, Otorohanga, Waitomo, Waipa, and Waikato Districts and Hamilton City Council.

The proposed South Waikato District Plan (Appeals Version June 204) is the only district plan that has specific rules controlling dairy farming activities. Rule 28.3.1 part d) permits Farming except for the establishment of intensive farming activity". Controlled Activity Rule 28.3.2 part c) controls "Conversion of commercial forestry land for farming".

Waikato Regional Pest Management Plan

The Regional Pest Management Plan 2013-2023 (RPMP) supersedes the Regional Pest Management Strategy (RPMS) 2008-2013, and was adopted by council on 26 September 2013.

The purpose of the RPMP is to set out the strategic and statutory framework for the effective management of pest plants and pest animals in the Waikato Region.

Iwi Management Plans

Under RMA s66(2A) iwi management plans recognised by an iwi authority must be taken into account in preparation of a regional plan. Iwi management plans in the Waikato and Waipa River Catchment include:

- Ngati Tuwharetoa Environmental Iwi Management Plan
- Maniaopto Iwi Environmental Management Plan 2007
- Raukawa Fisheries Plan 2012.
- Waikato-Tainui Environmental Plan
- Ngati Tahu - Ngati Whaoa Iwi Environmental Management Plan.

Upper Waikato River Integrated Management Plan

The Upper Waikato River Integrated Management Plan is in development. The purpose of this is to achieve an integrated approach between the Iwi River Trusts that prepare the plan, relevant departments, relevant local authorities, and appropriate agencies to the management of aquatic life, habitats, and natural resources within the Waikato River consistent with the overarching purpose of the Ngati Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010.

Waikato Conservation Management Strategy 2014 – 2024 (revised draft)

Under RMA s66(2)(c) when preparing a regional plan council is required to have regard to managements plans and strategies prepared under other Acts to an extent that their content has bearing on resource management issues of the region.

The Waikato Conservation Management Strategy (CMS) provides a framework for the integrated management of natural and historic resources, including any species, in Waikato over the next 10 years. The CMS identifies outcomes for areas managed by the Department of Conservation (DoC) as well as showing how the Department will contribute to conservation objectives by working with tangata whenua, communities, local and regional authorities, statutory agencies and business in Waikato.

The Waikato CMS is under review. The Waikato Conservation Board is currently considering DoC's responses to submissions and the Revised Draft Waikato CMS. The approved Waikato CMS is scheduled to be published and implemented by late 2014.

Waikato Regional Council Zone / Catchment Management Plans

Zone management plans (ZMPs) are the primary tools for implementation of all integrated catchment management activities within each zone. Each ZMP includes the following details:

- vision for the zone
- strategy to achieve the vision
- activities to implement the strategy
- set of services levels and performance standards for the activities
- financial strategies and funding arrangements.

There are four zone management plans and one catchment plan in the Waikato and Waipa River Catchment.

The Lower Waikato Zone Management Plan covers the Waikato River catchment between Ngaruawahia and the Tasman Sea. It covers an area of 283,757 hectares, which is 20 per cent of the total Waikato River catchment area.

The Central Waikato zone management plan consists of the Waikato River catchment between Karapiro Dam and Ngaruawahia and has an area of 64,000 hectares. The zone represents 4.5% of the total Waikato River catchment area.

The Waipa Zone has around 12% of the total land area within the Waikato region, 17% of the region's population and contains around 20% of the region's native vegetation. The zone is dominated by the Waipa River channel and tributaries, and is the single largest tributary to the Waikato River catchment.

A catchment management plan for the Waipa Catchment has been prepared. The Waipa Catchment Plan (WCP) is intended to guide Waikato Regional Council, Waipa river iwi, communities and other stakeholders in the implementation of all integrated catchment management activities within the Waipa River catchment and builds on the approaches developed in the 2012 Waipa Zone Management Plan.

The Upper Waikato Zone Plan is intended to guide the integrated catchment management activities of WRC from Taupo to Karapiro. It covers 436,000 hectares and includes the hydro lakes of Aratiatia, Ohakuri, Atiamuri, Whakamaru, Maraetai, Waipapa, Arapuni and Karapiro. It also includes the steep land of the Paeroa Range, Horohoro Bluffs and northern Hauhungaroa Range.

A zone management plan for Lake Taupo Zone is being prepared.

Australian and New Zealand guidelines for fresh and marine water quality - 2000

Australian and New Zealand guidelines for fresh and marine water quality - 2000 (often referred to as the ANZECC guidelines) are not mandatory and provide guidance on water quality management. The guidelines are used by WRC staff in assessing resource consent applications for discharges to water bodies.

The Guidelines are intended to provide government, industry, consultants and community groups with a sound set of tools that will enable the assessment and management of ambient water quality in a wide range of water resource types, and according to designated

environmental values. They are the recommended limits to acceptable change in water quality that will continue to protect the associated environmental values.

Former Catchment Management Plans and the Transitional Regional Plan

In response to land use changes from traditional pastoral farming to horticulture and increases in demand for water the Waikato Valley Authority (subsequently the Waikato Catchment Board) prepared a number of non-statutory catchment management plans/guidelines. The purpose of these plans / guidelines was to assist staff in processing water right applications from both surface water and groundwater resources.

The Transitional Regional Plan (1991) was a collection of documents which survived when the RMA was first introduced in 1991 and included former bylaws for drainage schemes, clean air, metal extraction, ground cover removal, stock grazing and general authorisations from the Hauraki and Waikato Catchment Boards. It also included the former Waikato River classifications made under the Water and Soil Conservation Amendment Act (No 2) 1971. The transitional plan has been superseded by the WRP and is included here for historical context and to make people aware that the waters of the Waikato River Catchment have been previously classified.

3 Legislation

3.1 Resource Management Act 1991

Obligation to prepare a regional plan

RMA s66 requires that:

A regional council shall prepare and change any regional plan in accordance with its functions under section 30, the provisions of Part, 2... its duty under section 32, and any regulations.

Purpose of Regional Plans

RMA s 63 sets out the purpose of regional plans as being

to assist a regional council to carry out any of its functions in order to achieve the purpose of this Act.

RMA s30 Functions

RMA s30 provides:

Functions of regional councils under this Act

- (1) *Every regional council shall have the following functions for the purpose of giving effect to this Act in its region:*
 - (a) *The establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the natural and physical resources of the region:*
 - ...
 - (c) *The control of the use of the land for the purposes of-*
 - (i) *soil conservation:*
 - (ii) *the maintenance and enhancement of the quality of water in water bodies and coastal water*
 - (iii).....
 - (iiia) *the maintenance and enhancement of ecosystems in water bodies and coastal water*
 - (iv)....
 - (v)....
 - (f) *The control of discharges of contaminants into or onto land, air, or water and discharges of water into water:*
 - (fa) *If appropriate, the establishment of rules in a regional plan to allocate any of the following:*
 - (i)
 - (ii)
 - (iii)
 - (iv) *the capacity of air or water to assimilate a discharge of a contaminant:*
 - ...
 - ...
 - (4) *A rule to allocate a natural resource established by a regional council in a plan under subsection (1)(fa) or (fb) may allocate the resource in any way, subject to the following:*
 - (a) *the rule may not, during the term of an existing resource consent, allocate the amount of a resource that has already been allocated to the consent; and*

- (b) *nothing in paragraph (a) affects section 68(7) and*
- (c) *the rule may allocate the resource in anticipation of the expiry of existing consents; and*
- (d) *in allocating the resource in anticipation of the expiry of existing consents, the rule may—*
 - (i) *allocate all of the resource used for an activity to the same type of activity; or*
 - (ii) *allocate some of the resource used for an activity to the same type of activity and the rest of the resource to any other type of activity or no type of activity; and*
- (e) *the rule may allocate the resource among competing types of activities; and*
- (f) *the rule may allocate water, .., as long as the allocation does not affect the activities authorised by section 14(3)(b) to (e).*

RMA s32

Section 32 provides for an evaluation to be made and:

- (1) *An evaluation report required under this Act must—*
 - (a) *examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and*
 - (b) *examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—*
 - (i) *identifying other reasonably practicable options for achieving the objectives; and*
 - (ii) *assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
 - (iii) *summarising the reasons for deciding on the provisions; and*
 - (c) *contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.*
- (2) *An assessment under subsection (1)(b)(ii) must—*
 - (a) *identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—*
 - (i) *economic growth that are anticipated to be provided or reduced; and*
 - (ii) *employment that are anticipated to be provided or reduced; and*
 - (b) *if practicable, quantify the benefits and costs referred to in paragraph (a); and*
 - (c) *assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.*
- (3) *If the proposal (an amending proposal) will amend a standard, statement, regulation, plan, or change that is already proposed or that already exists (an existing proposal), the examination under subsection (1)(b) must relate to—*
 - (a) *the provisions and objectives of the amending proposal; and*
 - (b) *the objectives of the existing proposal to the extent that those objectives—*
 - (i) *are relevant to the objectives of the amending proposal; and*
 - (ii) *would remain if the amending proposal were to take effect.*
- (4) *If the proposal will impose a greater prohibition or restriction on an activity to which a national environmental standard applies than the existing prohibitions or restrictions in that standard, the evaluation report must examine whether the prohibition or restriction is justified in the circumstances of each region or district in which the prohibition or restriction would have effect.*
- (5) *The person who must have particular regard to the evaluation report must make the report available for public inspection—*
 - (a) *as soon as practicable after the proposal is made (in the case of a standard or regulation); or*
 - (b) *at the same time as the proposal is publicly notified.*

Relevant Circumstances

RMA s65(3) specifically contemplates regional planning provisions be introduced when:

- (a) *Any significant conflict between the use, development, or protection of natural and physical resources or the avoidance or mitigation of such conflict:*
- (b) *Any significant need or demand for the protection of natural and physical resources or of any site, feature, place, or area of regional significance:*
- (c) *Any threat from natural hazards or any actual or potential adverse effects of the storage, use, disposal, or transportation of hazardous substances which may be avoided or mitigated:*
- (d) *Any foreseeable demand for or on natural and physical resources:*
- (e) *Any significant concerns of tangata whenua for their cultural heritage in relation to natural and physical resources:*
- (f) *The restoration or enhancement of any natural and physical resources in a deteriorated state or the avoidance or mitigation of any such deterioration:*
- (g) *The implementation of a national policy statement or New Zealand coastal policy statement:*
- (h) *Any use of land or water that has actual or potential adverse effects on soil conservation or air quality or water quality:*
- (i) *Any other significant issue relating to any function of the regional council under this Act."*

RMA Part 2

The primary purpose of RMA is set out in section 5 and is "to promote the sustainable management of natural and physical resources". Sustainable management is then defined as

...managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while—

- a) *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- b) *Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- c) *Avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

RMA s6 sets out matters of national importance which are to be recognised and provided for, including:

- 6(e) *The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.*

Section 7 sets out other matters to which we are to have particular regard namely:

- (a) *Kaitiakitanga:*
- (aa) *The ethic of stewardship:*
- (b) *The efficient use and development of natural and physical resources:*
- (ba) *the efficiency of the end use of energy:*
- (c) *The maintenance and enhancement of amenity values:*
- (d) *Intrinsic values of ecosystems:*
- (e) *Repealed.*
- (f) *Maintenance and enhancement of the quality of the environment:*
- (g) *Any finite characteristics of natural and physical resources:*
- (h) *The protection of the habitat of trout and salmon:*
- (i) *the effects of climate change:*
- (j) *the benefits to be derived from the use and development of renewable energy.*

Section 8 requires all persons exercising functions and powers under the Act, in relation to managing the use, development and protection of natural and physical resources to take into account the principles of the Treaty of Waitangi.

RMA ss67 & 68 - Contents of Plan

RMA s67 requires the Regional Plan to state:

- (a) the objectives for the region; and
- (b) the policies to implement the objectives; and
- (c) the rules (if any) to implement the policies.

RMA s68 allows a council to include rules in a regional plan for the purpose of carrying out its functions under RMA, and to achieve the objectives and policies of the plan. In making a rule, a council is too “...have regard to the actual or potential effect on the environment of activities including, in particular, any adverse effect...”.

RMA s69 Rules relating to water quality

RMA s69 provides that:

- (1) *Where a regional council—*
 - (a) *provides in a plan that certain waters are to be managed for any purpose described in respect of any of the classes specified in Schedule 3; and*
 - (b) *includes rules in the plan about the quality of water in those waters,—*
the rules shall require the observance of the standards specified in that schedule in respect of the appropriate class or classes unless, in the council's opinion, those standards are not adequate or appropriate in respect of those waters in which case the rules may state standards that are more stringent or specific.
- (2) *Where a regional council provides in a plan that certain waters are to be managed for any purpose for which the classes specified in Schedule 3 are not adequate or appropriate, the council may state in the plan new classes and standards about the quality of water in those waters.*
- (3) *Subject to the need to allow for reasonable mixing of a discharged contaminant or water, a regional council shall not set standards in a plan which result, or may result, in a reduction of the quality of the water in any waters at the time of the public notification of the proposed plan unless it is consistent with the purpose of this Act to do so.*

RMA s70 Rules about discharges

RMA s70 requires that:

- (1) *Before a regional council includes in a regional plan a rule that allows as a permitted activity—*
 - (a) *a discharge of a contaminant or water into water; or*
 - (b) *a discharge of a contaminant onto or into land in circumstances which may result in that contaminant (or any other contaminant emanating as a result of natural processes from that contaminant) entering water,—*
the regional council shall be satisfied that none of the following effects are likely to arise in the receiving waters, after reasonable mixing, as a result of the discharge of the contaminant (either by itself or in combination with the same, similar, or other contaminants):
 - (c) *the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials;*
 - (d) *any conspicuous change in the colour or visual clarity;*
 - (e) *any emission of objectionable odour;*
 - (f) *the rendering of fresh water unsuitable for consumption by farm animals;*
 - (g) *any significant adverse effects on aquatic life.*

(2) Before a regional council includes in a regional plan a rule requiring the adoption of the best practicable option to prevent or minimise any actual or likely adverse effect on the environment of any discharge of a contaminant, the regional council shall be satisfied that, having regard to—

(a) the nature of the discharge and the receiving environment; and

(b) other alternatives, including a rule requiring the observance of minimum standards of quality of the environment,—

the inclusion of that rule in the plan is the most efficient and effective means of preventing or minimising those adverse effects on the environment.

Definitions

Relevant definitions from RMA s2 include:

Contaminant includes any substance (including gases, odorous compounds, liquids, solids, and micro-organisms) or energy (excluding noise) or heat, that either by itself or in combinations with the same, similar, or other substances, energy or heat—

a) When discharged into water, changes or is likely to change the physical, chemical, or biological condition of the water; or

b) When discharged onto or into land or into air, changes or is likely to change the physical, chemical, or biological condition of the land or air onto or into which it is discharged

Discharge includes emit, deposit, and allow to escape

Fresh water means all water except coastal water and geothermal water

Water—

a) means water in all its physical forms whether flowing or not and whether over or under the ground:

b) includes fresh water, coastal water, and geothermal water:

c) does not include water in any form while in any pipe, tank or cistern

Water body means fresh water or geothermal water in a river, lake, stream, pond, wetland, or aquifer, or any part thereof, that is not located within the coastal marine area

Schedule 1

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

Clause 3 describes who a local authority shall consult with and how the consultation shall be undertaken.

Under clause 3(4) in consulting persons for the purposes of subclause (2), a local authority must undertake the consultation in accordance with section 82 of the Local Government Act 2002.

http://www.legislation.govt.nz/act/public/1991/0069/latest/DLM241204.html?search=sw_096be8ed80a0aa70_consultation_25_se&p=1

Changes are being introduced to the RMA that involve the creation of a new freshwater collaborative planning option which will give communities and iwi a greater say in planning what they want for their local waterways and how they should be managed. These changes will most likely be enacted by the time Plan Change 1 – Healthy Rivers is publicly notified.

Schedule 3

Schedule 3 lists standards for 11 water quality classes as provided for in s69. Numerical indicators of freshwater values are contained in the 2013 amendment to the National Policy Statement for Freshwater Management, and will be added to over time. This National Objectives Framework is expected to replace the more general narrative standards of Schedule 3.

The water management classes listed in Schedule 3 are as follows:

1. Class AE Water (being water managed for aquatic ecosystem purposes)
2. Class F Water (being water managed for fishery purposes)
3. Class FS Water (being water managed for fish spawning purposes)
4. Class SG Water (being water managed for the gathering or cultivating of shellfish for human consumption)
5. Class CR Water (being water managed for contact recreation purposes)
6. Class WS Water (being water managed for water supply purposes)
7. Class I Water (being water managed for irrigation purposes)
8. Class IA Water (being water managed for industrial abstraction)
9. Class NS Water (being water managed in its natural state)
10. Class A Water (being water managed for aesthetic purposes)
11. Class C Water (being water managed for cultural purposes).

3.2 Local Government Act 2002

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

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

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

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

- f. persons who present views should be provided with information concerning both the decisions and the reasons for those decisions.

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

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

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

Implicit in the concept is a requirement that the party consulted will be (or will be made) adequately informed so as to be able to make intelligent and useful responses. It is also implicit that the party obliged to consult, while quite entitled to have a working plan already in mind, must keep its mind open and be ready to change and even start afresh. Beyond that, there are no universal requirements as to form. Any manner of oral or written interchange which allows adequate expression and consideration of views will suffice.⁶

3.3 Soil Conservation and Rivers Control Act 1941

This Act allowed for the establishment of catchment districts and catchment boards, with the primary aim being to minimise and prevent damage within the district by floods or erosion. The Boards were given the authority to do works that:

- Control the flow of water towards, within and from watercourses.
- Prevent the overflow of banks and reduce damaged cause by such events.
- Reduce erosion by undertaking soil conservation activities.

Catchment boards and drainage boards were responsible for the management of rivers, flood protection and drainage management prior to the establishment of regional councils. The functions provided for under the Act have been transferred to regional councils.

Council therefore has the responsibility of managing river and catchment systems and is empowered to undertake works to protect communities from floods and erosion.

3.4 Conservation Act 1987

The purpose of the Conservation Act is to promote the conservation of New Zealand's natural and historic resources, and for that purpose to establish the Department of Conservation (DoC) (who administer the Act) and Fish and Game, and complements the National Parks Act 1980 and the Reserves Act 1977.

Under the Act the DoC has a number of functions. These include:

⁶ Downloaded 16 September (2012) from http://www.option4.co.nz/Your_Rights/consultation.htm

- The management for conservation purposes of all land and natural and historic resources held under the Conservation Act;
- The preservation of indigenous freshwater fisheries (so far as is practicable);
- The protection of recreational freshwater fisheries and freshwater fish habitats;
- Conservation advocacy;
- Promotion of the benefits of international co-operation on conservation matters;
- Promotion of the benefits of the conservation of natural and historic resources in New Zealand, the sub Antarctic islands, the Ross Dependency and Antarctica;
- The provision of educational and promotional conservation information;
- Fostering recreation and allowing tourism on conservation land, providing the use is consistent with the conservation of the resource;
- Provision of advice to the Minister⁷.

Under the ss17A and 17D of the Act DoC is required to prepare conservation management strategies. A Conservation Management Strategy (CMS) is a 10 year strategic document that describes how the places, native plants and animals in a particular area will be managed.

3.5 Land Drainage Act 1908

The Land Drainage Act (LDA) provides WRC with powers relating to the construction and maintenance of land drainage in areas, where, prior to the RMA it had the functions of a drainage board. Any local authority in that area may maintain areas outside any drainage or river district. This Act has particular significance in the Lower Waikato and Hauraki plains where major land drainage works have been carried out.

3.6 Waikato and Waipa River legislation

Under recent legislation Waikato Regional Council shares management responsibilities with Waikato and Waipa River iwi (Waikato-Tainui, Te Arawa River Iwi, Raukawa, Ngāti Tūwharetoa and Ngāti Maniapoto)⁸. The underlying purpose of the three Acts is to protect and restore the health and wellbeing of the Waikato and Waipa Rivers.

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

The legislation requires that joint recommendations are made by the council and each River iwi to the Waikato Regional Council (which retains ultimate decision-making providing that such decision-making is consistent with Te Ture Whaimana) as part of this process. These are:

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

⁷ <http://www.doc.govt.nz/about-doc/role/legislation/conservation-act/>

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

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

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

Note that the legislation requires the council to enter into joint management agreements (JMAs) with each of the River iwi, and these are also relevant to the development of relevant planning documents. Joint management agreements have been signed with Raukawa, Te Arawa River Iwi, Waikato-Tainui and Ngati Maniapoto.

A Partnership Charter and JWP protocol were developed to guide the process and interactions of the JWP. It should be noted that no party has yet formally waived any requirements set out in any of the current JMAs.

3.6.1 Te Ture Whaimana o Te Awa o Waikato - Vision and Strategy for the Waikato River

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

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

Waikato Regional Council is required to assess whether its Regional Plan gives effect to the Vision and Strategy, and to initiate an amendment to the Plan if it does not give effect to it.⁹ A full review has not yet been completed. A process to review the Waikato Regional Plan is one way of contributing to the achievement of the Vision and Strategy.

The overarching objectives and strategies of Te Ture Whaimana o Te Awa o Waikato are quoted below. These objectives and strategies guide the plan review process, as well as this stakeholder engagement strategy.

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

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

⁹ Sections 13(4) of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, 14(4) of the Ngāti Tūwharetoa, Raukawa and Te Arawa River Iwi Waikato River Act 2010 and 8(2) of the Ngā Wai o Maniapoto (Waipa River) Act 2012.

- c. The restoration and protection of the relationships of Waikato River iwi according to their tikanga and kawa with the Waikato River, including their economic, social, cultural and spiritual relationships.
- d. The restoration and protection of the relationships of the Waikato region's communities, with the Waikato River, including their economic, social, cultural and spiritual relationships.
- e. The integrated, holistic and co-ordinated approach to management of the natural, physical, cultural, and historic resources of the Waikato River.
- f. The adoption of a precautionary approach towards decisions that may result in significant adverse effects on the Waikato River, and in particular, those effects that threaten serious or irreversible damage to the Waikato River.
- g. The recognition and avoidance of adverse cumulative effects, and potential cumulative effects, of activities undertaken both on the Waikato River and within the catchment on the health and wellbeing of the Waikato River.
- h. The recognition that the Waikato River is degraded and should not be required to absorb further degradation as a result of human activities.
- i. The protection and enhancement of significant sites, fisheries, flora and fauna.
- j. The recognition that the strategic importance of the Waikato River to New Zealand's social, cultural, environmental and economic wellbeing requires the restoration and protection of the health and wellbeing of the Waikato River.
- k. The restoration of water quality within the Waikato River so that it is safe for people to swim in and take food from over its entire length.
- l. The promotion of improved access to the Waikato River to better enable sporting, recreational, and cultural opportunities.
- m. The application to the above of both maatauranga Maaori and the latest available scientific methods" (Waikato-Tainui Raupatu Claims Settlement Act 2010, Ngati Tuwharetoa, Raukawa and Te Arawa River Iwi Waikato River Act 2010 and Nga Wai o Maniapoto (Waipa River) Act 2012).

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

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

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

These objectives and strategies guide the plan review process, as well as this stakeholder engagement strategy. Objectives b., c. and d. are particularly relevant to the relationships that may be supported through the Plan Change.

3.6.2 Waikato River Authority

The Waikato River Authority (WRA) is a statutory body formed under Waikato and Waipa River legislation¹⁰. The WRA has ten members who are appointed by River iwi (five) and Ministers of the Crown (five). The purpose of the WRA is to:

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

One of the responsibilities of the WRA is to review the Vision and Strategy initially after the settlement date of co-management legislation¹¹, and then no earlier than five and no later than 10 years after the initial review¹².

The initial review was completed by the WRA in April 2011¹³; therefore the next review will not occur before 2016. When the next review occurs the WRA has the power to include targets to achieve the Vision and Strategy and methods to implement them¹⁴. The activities of the WRA may have a direct impact on the plan review process, and consequently they are one of the key stakeholders in this project.

3.7 Biosecurity Act

Prior to 1989, pest plant management within the region was undertaken by nine district noxious plants authorities – each having quite distinct pest plant priorities, policies and resourcing. Following local government reorganisation in 1989, the Waikato Regional Council assumed the powers, duties and functions specified for district noxious plants authorities under the Noxious Plants Act 1978.

The Biosecurity Act 1993 was enacted in order to “...restate and reform the law relating to the exclusion, eradication, and effective management of pests and unwanted organisms”. In so doing it replaced the Noxious Plants Act and Agricultural Pests Destruction Act. Under

¹⁰ Section 22 Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 and Section 23 Ngāti Tūwharetoa, Ngāti Raukawa and Te Arawa River Iwi Waikato River Act 2010.

¹¹ Section 18 Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, Section 19 Ngāti Tūwharetoa, Ngāti Raukawa and Te Arawa River Iwi Waikato River Act 2010 and Section 8 Ngā Wai o Maniapoto (Waipa River) Act 2012.

¹² Section 19 Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, Section 20 Ngāti Tūwharetoa, Ngāti Raukawa and Te Arawa River Iwi Waikato River Act 2010 and Section 8 Ngā Wai o Maniapoto (Waipa River) Act 2012.

¹³ See WRA Annual Plan 2011/12, clearly stating that they reviewed the Vision and Strategy and were not making any changes to the Vision and Strategy. <http://www.waikatoriver.org.nz/wp-content/uploads/2011/12/15939%20Annual%20Report%20scr.pdf>

¹⁴ Section 20 Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, Section 21 Ngāti Tūwharetoa, Ngāti Raukawa and Te Arawa River Iwi Waikato River Act 2010 and Section 8 Ngā Wai o Maniapoto (Waipa River) Act 2012.

the Act, Waikato Regional Council will manage pest plants and animals through the pest management strategy. The strategy empowers Waikato Regional Council to exercise the relevant service delivery, advisory, enforcement and funding provisions available under the Act.

Pest management strategies are planned and funded for pursuant to Part V of the Act. Any harmful plant or animal can be declared a 'pest' for inclusion in a strategy, but must first meet the 'tests' set out in section 72 of the Act. The management of other harmful organisms may still be addressed through other avenues. For example, voluntary control, small-scale management programmes (as provided for under section 100 of the Act), or by other parties pursuant to the Biosecurity Act or other relevant legislation.

4 National Policy Statements and National Environment Standards

National policy statements are prepared by central government and cover matters of national importance. Regional policy statements, regional plans and district plans must give effect to national policy statements.

Central government can prepare technical standards relating to the use, development and protection of natural and physical resources (national environmental standards). These are a form of regulation. Methods for implementing these standards can also be prescribed. This provides an opportunity to promote the use of consistent standards, requirements or recommended practices nationally. National standards override existing provisions in plans that require a lesser standard. However, where a plan specifies a higher standard it prevails over a national standard if the standard expressly says that a rule in a plan or consent may be more stringent than the standard.

4.1 National Policy Statement: Freshwater Management 2014

The National Policy Statement Freshwater Management (NPSFM) was gazetted on 4 July 2014 and took effect on 1 August 2014.

The NPSFM is intended to be the first step in improving freshwater management at a national level.¹⁵ It sets out objectives and policies which direct local government to manage water in an integrated and sustainable way while allowing for its use to provide for economic growth within set water quality and quantity limits. Such limits are to reflect local and national values underlain by the best available scientific and socioeconomic knowledge to ensure adequate environmental flows.

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

¹⁵ National Policy Statement for Freshwater Management, preamble, 6th paragraph, p3.

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

Part CA National Objectives Framework provides an approach to establish freshwater objectives for national values, and any other values that is nationally consistent and recognises regional and local circumstances.

Regional councils are directed to implement the national objectives framework by:

- setting freshwater objectives according to a specified process (i.e., the national objectives framework) and to meet community and tāngata whenua values which include the compulsory values of ecosystem health and human health for recreation
- using a specified set of water quality measures (attributes) to set the freshwater objectives (an objective can only be set below national bottom lines in specified circumstances)

Under the NPSFM regional councils are also directed to:

- set limits which allow freshwater objectives to be met (e.g., a total catchment contaminant-load or a total rate of water take)
- put in place measures to better account for water takes and sources of contaminants, and measure achievement towards meeting objectives.

The NPSFM also outlines the timelines within which these changes to the WRP need to be made. Council is permitted to implement a programme of defined, time-limited stages which need to be fully completed by 31 December 2025. A process to review the WRP as it relates to water quality in the Waikato and Waipa River catchments is a requirement of this programme.

Policy E1 requires that any programme of time limited stages to the WRP is to be formally adopted by Council within 18 months of the date of gazetting the NPSFM and publicly notified. This programme was notified in December 2012.

A copy of the NPSFM can be found at:

<http://www.mfe.govt.nz/publications/rma/nps-freshwater-management-2014/nps-freshwater-management-jul-14.pdf>

The Ministry for the Environment is producing guidance for regional councils on implementing the NPS. The first guidance to be produced will be on:

- accounting for water takes and sources of contaminants
- establishing freshwater management units.

4.2 National Policy Statement Renewable Electricity Generation

The National Policy Statement for Renewable Electricity Generation (NPS-REG) came into force on 12 May 2011. This National Policy Statement ensures a consistent approach to planning for renewable electricity generation in New Zealand by giving clear government direction on the benefits of renewable electricity generation and requiring all councils to make provision for it in their plans.

The NPS-REG defines the need to develop, operate, maintain and upgrade renewable electricity generation activities throughout New Zealand and the benefits of renewable electricity generation as matters of national significance.

The objective for the NPS-REG has as its purpose:

To recognise the national significance of renewable electricity generation activities by providing for the development, operation, maintenance and upgrading of new and existing renewable electricity generation activities, such that the proportion of New Zealand's electricity generated from renewable energy sources increases to a level that meets or exceeds the New Zealand Government's national target for renewable electricity generation.¹⁶

MfE have produced the National Policy Statement for Renewable Electricity Generation 2011: Implementation Guide. This guide is available at:

<http://www.mfe.govt.nz/publications/rma/nps-renewable-electricity-generation-guide-2011/nps-reg-guide.pdf>

The Guide, in Section 1.5, describes the relationship of the NPS-REG with other NPSs, and with the New Zealand Emissions Trading Scheme.

Section 2.3.1 describes the relevance of the NPS-REG to decision making on RMA approvals. Under this section local authorities must have regard to any relevant provisions of the NPS-REG when processing resource consent applications. The obligation arises in relation to approvals for REG activities, or in relation to approvals for other activities that potentially affect existing or consented REG activities.

The provisions of the NPS-REG that are of particular relevance to resource consent applications are the Objective and Policies A, B, C and D.

4.3 New Zealand Coastal Policy Statement

The New Zealand Coastal Policy Statement (NZCPS) contains policies in relation to the coastal environment. Although relevant to a small area compared to the rest of the catchment, discharges to freshwater in the coastal environment within the Waikato River catchment are guided by NZCPS policies on land use and the sensitivity of the receiving environment. The NZCPS is also aligned with NPSFM policy which requires integrated management including interactions between freshwater, land, associated ecosystems and the coastal environment.

The Waikato River from the mouth upstream for approximately eight kilometres to a line just below the islands is within the coastal marine area (CMA) and therefore subject to the provisions of the NZCPS and the Regional Coastal Plan. Refer to <http://www.waikatoregion.govt.nz/PageFiles/4273/map8.pdf> and <http://www.waikatoregion.govt.nz/Council/Policy-and-plans/Rules-and-regulation/Regional-Coastal-Plan/Regional-Coastal-Plan/Appendix-III-Maps/Map-key/>.

¹⁶ National Policy Statement for Renewable Electricity Generation 2011 at p4.

4.4 National Environmental Standards for Sources of Human Drinking Water

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

4.4.1 Proposed National Environmental Standard for Plantation Forestry

The Government proposed a National Environmental Standard (as regulations under the Resource Management Act 1991) for Plantation Forestry in 2010.

The intent of the proposed standard is to improve national consistency in local authority plan rules relating to plantation forestry and provide certainty for those involved in managing plantation forests.

Cabinet has made the decision to defer further work on the proposed National Environmental Standard (NES) and review the need for it once the 2013 resource management and water reforms have been completed¹⁷.

The proposed NES:

- covered the activity status and conditions that might apply to eight plantation forestry activities (afforestation, replanting, mechanical land preparation, harvesting, pruning and thinning to waste, earthworks, quarrying and river crossings)
- did not cover some associated forestry activities (e.g., agrichemical use, milling, and processing of timber)
- allowed local authorities to retain control over how local natural and physical resources are managed in some circumstances
- proposed an erosion susceptibility classification system for determining the activity status for some plantation forestry activities. The classification uses colour coding (green, yellow, orange and red) to group land into low, moderate, high and very high erosion susceptibility classes. These classes have been used to inform the activity status for various forestry activities.

5 Local Authority RMA Statutory Plans

¹⁷ <http://www.mfe.govt.nz/laws/standards/forestry/>

5.1 Operative Regional Policy Statement

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

The following issues, objectives, policies and methods from the Operative RPS are relevant to Plan Change 1:

3.4.5 Water Quality

Issue: There is potential for the reduction of water quality from:

1. The cumulative effects of point source and non-point source discharges of contaminants.
2. Land uses which affect the margins and beds of water bodies.
3. The taking or impoundment of water.

Objective: Net improvement of water quality across the Region.

Policy One: Protection of Outstanding Water Bodies

Ensure the protection of significant characteristics¹ of the quality of outstanding water bodies.

Implementation Methods:

1. Through regional plans, district plans and resource consents identify and provide for the protection of significant characteristics of outstanding water bodies.
2. Through liaison with territorial authorities and interested parties, ensure the integrated management of land and water resources.
3. Through regional plans, district plans, and resource consent applications, require the assessment of effects of land use development and subdivision on the significant characteristics of water quality.

Policy Two: Other Water Bodies

Determine the characteristics for which other water bodies are valued and manage those water bodies to ensure that any adverse effects on those characteristics are avoided, remedied or mitigated.

Implementation Methods:

1. Through regional plans, investigate the establishment of surface and ground water quality classes for other waters and propose water quality classes for these other waters as appropriate.
2. Ensure through regional plans, district plans and resource consents, that actual and potential adverse effects on water quality are avoided, remedied or mitigated in accordance with established water quality classes.
3. Through liaison with territorial authorities, iwi and other agencies, promote the integrated management of land and water resources including the use of a catchment based approach for the management of contaminants, especially those from non-point sources.
4. Through regional plans, district plans and resource consents ensure that storm water discharges are managed to achieve the objectives and policies of this document.
5. Through environmental education programmes, provide information and practical guidance on how water quality can be maintained and enhanced and encourage land users to adopt land management practices which avoid, remedy or mitigate adverse effects on water quality.

6. Encourage the development of codes of practice by groups of resource users to assist them in achieving the objectives and policies of this Regional Policy Statement and Regional Plans. Such codes of practice shall be taken into account when developing rules relating to water quality and discharges in regional plans.
7. Develop a regional monitoring programme to identify and monitor the water quality classes established.

Policy Three: Riparian Management

Ensure that the adverse effects of land use on water quality and aquatic habitats are avoided, remedied, or mitigated.

Implementation Methods:

1. Prepare and implement, in conjunction with interested and affected parties, a prioritised riparian management and implementation strategy for the Region.
2. Through regional plans and district plans, establish methods (including rules, criteria, conditions, guidelines, and information, as appropriate) and through resource consents establish conditions, to manage the effects of land use activities on water quality and aquatic habitats.
3. Through regional and district plans, advocacy and education, encourage the protection of existing riparian vegetation and its further extension along the margins and beds of water bodies.
4. Encourage the acquisition and management of land in conjunction with territorial authorities and DoC for the purpose of establishing esplanade areas for the management of riparian margins.
5. Provide financial assistance, at an appropriate level, to territorial authorities for the acquisition of esplanade areas where regionally significant values or resources are involved or where the Waikato Regional Council (Environment Waikato) feels assistance is necessary to achieve the objectives and policies of the RPS.
6. Encourage the protection and planting of riparian margins by offering information, technical advice and assistance, preparing riparian management plans in conjunction with land owners and other interested parties, and by establishing joint venture programmes for specific catchments.

The provisions of the Operative RPS will remain relevant until such time as the provisions of the proposed RPS are beyond challenge.

5.2 Proposed Regional Policy Statement

The Operative Waikato RPS was reviewed and the Proposed Waikato RPS was publically notified in November 2010. After the hearing process, the Council decisions report was adopted in October 2012 and publically notified in early November 2012.

The Proposed Waikato RPS Decisions (November 2012) is currently subject to appeals before the Environment Court. The appeals include some 90 appeal points on policies and implementation methods relating to fresh water, and the resolution of these will be relevant to the review of the plan. Resolution of all appeals is expected to take at least two years from January 2013.

The council decision version recommends tāngata whenua and stakeholder involvement as a central feature of water body management:

Method 8.1.4 Tāngata Whenua involvement

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

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

For Plan Change 1, WRC and River iwi will co-ordinate their respective efforts when engaging with tāngata whenua in the catchment area, to ensure that the above measures are achieved.

It is recognised that the River iwi are mandated as authorities to discuss the appropriate processes to engage with tāngata whenua on resource management issues. In the partnership charter and working party protocol, for tāngata whenua within the rohe and mana whakahaere of the River iwi, the respective partner will lead the engagement through using existing and creating new opportunities to ensure the involvement of tāngata whenua is undertaken.

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

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

Method 8.1.5 Stakeholder involvement

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

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

Relevant water management issues, objectives and policies in the Proposed RPS include:

Issue 1.1 State of resources

Declining quality and quantity of natural and physical resources impacts their life-supporting capacity, reduces intrinsic values and ecosystem services and in general reduces our ability to provide for our wellbeing.

While addressing this issue generally, specific focus should be directed to addressing the following matters:

- a) unacceptable risk to human health from poor air quality caused by fine particulate matter; b) effects of intensive land based activities (including agriculture) by the accumulation of contaminants in soils and the effects on water quality; c) effects of sedimentation and nutrients in estuaries and harbours;
- d) indigenous biodiversity decline;
- e) increasing potential for conflicts between activities in the coastal marine area; and

- f) increasing demand for fresh water and the interrelationship between the volume of water abstracted and the quality of the water remaining in the water body.

Issue 1.6 Health and wellbeing of the Waikato River catchment

The health and wellbeing of the Waikato River, its major tributary the Waipa River, and their catchments has been and continues to be degraded. Of particular concern is:

- a) adverse effects on the mauri of the Waikato and Waipa Rivers;
- b) the ability of the Waikato and Waipa Rivers to sustainably and safely provide food and cultural, economic and recreation opportunities; and
- c) the effect this has on the relationship of Waikato-Tainui, Ngāti Tūwharetoa, Te Arawa River Iwi, Maniapoto and Raukawa and the regional community with the rivers.

Objective 3.13 Mauri and health of fresh water bodies

Recognise and provide for the mauri and health of fresh water bodies by:

- a) maintaining the following:
 - i) natural character and natural function, including flow regime variability;
 - ii) health and functioning of indigenous biodiversity, ecosystems and habitats;
 - iii) human relationships with fresh water including:
 - i. the cultural and traditional relationship of tāngata whenua with fresh water;
 - ii. availability and suitability of water for domestic or municipal supply;
 - iii. harvesting of aquatic food species and mahinga kai that is safe to eat; and
 - iv. recreation values including swimming;
- b) improving the life supporting capacity of fresh water bodies where they have been degraded as a result of human activities, with demonstrable progress made by 2030; and
- c) ensuring that high value fresh water bodies are protected;
- d) enabling people and communities to provide for their social, economic and cultural wellbeing and for their health and safety; and e) managing adverse cumulative effects of land use activities on fresh water bodies.

Policy 8.1 Approach to managing fresh water bodies

Establish measurable limits and targets for each fresh water body to manage the adverse effects on them.

Policy 8.2 High value fresh water bodies and wetlands

Ensure that the values of high value fresh water bodies and wetlands are protected and where appropriate enhanced, with priority given to intrinsic values where there is any conflict.

Policy 8.3 All fresh water bodies

Manage the adverse effects of activities to maintain or enhance the values of fresh water bodies and coastal water by:

- a) reducing:
 - i) sediment in fresh water bodies and coastal water (including bank instability);
 - ii) accelerated sedimentation of estuaries;
 - iii) microbial and nutrient contamination;
 - iv) other contaminants; and
- b) protecting and improving:
 - i) riparian and wetland habitat;
 - ii) instream habitat diversity;
 - iii) [Deleted]
 - iv) indigenous biodiversity; and
- c) providing for migratory patterns of indigenous freshwater species up and down rivers and streams and to the coastal marine area; and
- d) avoiding:
 - i) physical modification of fresh water bodies where practicable; and
 - ii) inappropriate development in flood plains; and
- e) managing:
 - i) groundwater and surface water flow/level regimes, including flow regime variability;
 - ii) linkages between groundwater and surface water; and

- iii) pest and weed species where they contribute to fresh water body and coastal water degradation.

Policy 8.4 Catchment-based intervention

Identify catchments, including Waikato River and Lake Taupō that require specific intervention to address the adverse effects of activities and land use changes. Demonstrable progress in maintaining or improving the limits, targets and values of the relevant fresh water bodies will be achieved by 2030. In identifying catchments that require intervention, the following will be considered:

- aa) national or legislative direction;
- a) the current values of the fresh water bodies;
- b) [Deleted]
- ba) tāngata whenua values;
- c) the degree of improvement in water quality able to be attained by changes to land use practices and discharge practices;
- d) the potential to address more than one environmental issue through the intervention;
- e) [Deleted]
- f) the vulnerability and values of the whole catchment and its receiving environment (including the coastal marine area);
- fa) the consequences of inaction and delay; and
- g) [Deleted]
- h) the social and economic benefits and costs to the community.

Policy 8.5 Waikato River catchment

Recognise Te Ture Whaimana o Te Awa o Waikato – the Vision and Strategy for the Waikato River – as the primary direction-setting document for the Waikato River and develop an integrated, holistic and co-ordinated approach to implementation.

5.3 Waikato Regional Plan

Regional plans are optional and if prepared must give effect to regional policy statements, and any national policy statement. Regional plans may contain rules that have the force and effect of a regulation under the RMA.

The WRP became operative in part on 28 September 2007 with Variations 2, 5, 6, and 7 made operative in 2008, 2011, 2012 and 2010, respectively. The plan provides direction regarding the use, development and protection of natural and physical resources in the region. It provides a policy framework and implementation methods in relation to water, river and lake beds, land and soil, air and geothermal resources.

The following issues, objectives and policies from Chapter 3.1, 3.2, 3.9 and 4.3 have direct relevance for Plan Change 1:

3.1.1 Issue

The following aspects of the issue apply to all activities throughout the Plan:

- a) Point source discharges into water bodies can cause deterioration in water quality and the values for which the water body is being managed.
- b) The cumulative effects of non-point source discharges have a significant adverse effect on the water quality of many water bodies in the Region, particularly:
 - i) intensification of land use increases nutrients entering water bodies from diffuse sources, causing nuisance plant growth and poor water clarity
 - ii) unrestricted stock access to water bodies may cause nutrient enrichment and high suspended sediment loads in water bodies
 - iii) soil disturbance may cause high suspended sediment loads in water bodies

- iv) contaminated ground water, seeps and springs flowing to surface water bodies and high levels of phosphorus, nitrogen and faecal coliforms adversely affect contact recreation uses of lowland rivers and lakes in Hauraki and the lower Waikato River and its tributaries
- v) ground water quality has degraded due to elevated levels of some contaminants in vulnerable shallow aquifers where land is intensively used, such as in the Hamilton Basin and Pukekohe areas.
- vi) taking and impounding of water can have cumulative effects and can reduce water quality and quantity.
- c) Increasing demand by people and communities to be able to use water in areas where demand exceeds, or is likely to exceed supply, reduces the range of foreseeable uses of that water.
- d) The ability of people and communities to provide for their needs may be limited by inefficient use of the finite water resources
- e) Modification of flow regimes through water takes, damming and diversion can adversely affect water bodies, particularly:
 - i) instream ecological/biological values
 - ii) recreational values
 - iii) potential uses of a water resource
 - iv) reduced water quality and quantity.
- f) Damage to the coastal environment, surface water bodies and their margins (including caves) by land use activities, destruction of vegetation, discharges, bank erosion, channelisation, structures, modification of flow regimes, changes in water or bed level can:
 - i) reduce instream ecological values
 - ii) lead to an overall reduction in natural character of water bodies and their margins.
- g) Contamination of both spiritual and physical attributes of water quality, depletion of flows and other disruption to water bodies has the potential to adversely affect the relationship tangata whenua as Kaitiaki have with their identified taonga, the freshwater fishery and flora and fauna in and on the margins of water bodies.
- h) The mauri of water can be degraded by changes of flow regimes, discharges of point and non-point source contaminants, over abstraction, drilling and drainage of wetlands. These changes can adversely affect the relationship tangata whenua as Kaitiaki have with water and their taonga, such as waahi tapu, and native flora and fauna that have customary and traditional uses that are in or on the margins of water bodies.
 - i) The mauri of water is degraded by contaminants and over abstraction and in turn has negative impacts on the mana of Kaitiaki.
 - j) Deep ground water takes can cause drawdown effects that affect the ability of other users to access the resource, and may reduce the sustainable yield of the resource.
 - k) Shallow ground water takes can cause adverse effects on surface water by reducing base flow, water quality and water levels in wetlands and lakes.
 - l) Drainage, surface and ground water takes and land use activities in and around wetlands and cave systems can adversely affect their water levels leading to:
 - i) reduction of their extent or threaten their continued existence
 - ii) loss of their natural character.
- m) Not enabling the use and development of water resources in the Region may compromise the ability of people and communities to provide for their social, cultural and economic wellbeing and for their health and safety.

3.1.2 Objective

The management of water bodies in a way which ensures:

- a) that people are able to take and use water for their social, economic and cultural wellbeing
- b) net improvement³ of water quality across the Region
- c) the avoidance of significant adverse effects on aquatic ecosystems
- d) the characteristics of flow regimes are enhanced where practicable and justified by the ecological benefits
- e) the range of uses of water reliant on the characteristics of flow regimes are maintained or enhanced

³ For guidance on the interpretation of the term "net" in the plan refer to the policy framework in this chapter in conjunction with Section 1.3.3 of the RPS.

- f) the range of reasonably foreseeable uses of ground and surface water are protected
- g) inefficient use of the available ground and surface water resources is minimised
- h) an increase in the extent and quality of the Region's wetlands
- i) that significant adverse effects on the relationship tangata whenua as Kaitiaki have with water and their identified taonga such as waahi tapu, and native flora and fauna that have customary and traditional uses in or on the margins of water bodies, are remedied or mitigated
- j) the cumulative adverse effects on the relationship tangata whenua as Kaitiaki have with water and their identified taonga such as waahi tapu, and native flora and fauna that have customary and traditional uses that are in or on the margins of water bodies are remedied or mitigated
- k) the management of non-point source discharges of nutrients, faecal coliforms and sediment to levels that are consistent with identified purpose and values for which the water body is being managed
- l) the natural character of the coastal environment, wetlands, and lakes and rivers and their margins, (including caves) is preserved and protected from inappropriate use and development
- m) ground water quality is maintained or enhanced and ground water takes managed to ensure sustainable yield
- n) shallow ground water takes do not adversely affect values for which any potentially affected surface water body is managed
- o) concentrations of contaminants leaching from land use activities and non-point source discharges to shallow ground water and surface waters do not reach levels that present significant risks to human health or aquatic ecosystems.
- p) that the positive effects of water resource use activities and associated existing lawfully established infrastructure are recognised, whilst avoiding, remedying or mitigating adverse effects on the environment.

Section 3.2.3

Policy 1: Management of Water Bodies

Manage all water bodies to enable a range of water use activities, whilst ensuring that a net improvement in water quality across the Region is achieved over time through:

- a) Classifying and mapping water bodies based on the characteristics for which they are valued and implementing the classification through a mixture of regulatory and non-regulatory methods
- b) Maintaining overall water quality in areas where it is high, and in other water bodies, avoiding, remedying or mitigating cumulative degradation of water quality from the effects of resource use activities
- c) Enhancing the quality of degraded waterbodies
- d) Providing for the mitigation and remediation of adverse effects in accordance with Section 1.3.3 of the Waikato Regional Policy Statement
- e) Recognising the positive benefits to people and communities arising from use or development of water resources and by taking account of existing uses of water and the associated lawfully established infrastructure.

Policy 2: Managing Degraded[≡] Water Bodies

Enhance the quality of degraded water through improved management of activities that affect water bodies so that:

- a) For activities controlled by rules in the Plan:
 - i) discharges to water will not further degrade water quality with respect to those parameters of the relevant class(es) for that waterbody that are currently not met
 - ii) land-based treatment systems will be promoted where soil type and drainage will allow, and where adverse effects are minor or are less than the adverse effects of direct discharges to water. If the economic burden of adopting land treatment is unacceptable, provision will be made for a phased introduction of land treatment over a period of time
 - iii) water allocation takes into account the additional adverse effect of reduced flow in degraded waters on aquatic ecosystems and human uses and values.
- b) For activities covered by non-regulatory methods in the Plan, to promote:
 - i) land management methods that reduce non-point source discharges

[≡] Degraded water bodies are those which are modified such that the purpose and characteristics of the relevant classes as defined by Policies 4 to 7 are not met. Environmental monitoring and indicators will be used in future to provide guidance on which water bodies in the Region are considered degraded.

- ii) riparian management that mitigates the effect of non-point source discharges on water bodies.

The policies and methods in Chapter 3.2 classify all water bodies in the Region. These classes are mapped and are as follows:

- Waikato Surface Water Class – base class applies to all water bodies
- Natural state water – applies in unmodified catchment or largely unmodified catchment – generally in headwaters in indigenous vegetation
- Contact recreation – applies in water bodies with significant contact recreational use
- Fishery class, including
 - significant indigenous fisheries and fish habitat -
 - significant trout fisheries and trout habitat

The main stems of the Waikato and Waipa Rivers are mapped as Waikato Surface Water, Contact Recreation, Indigenous Fisheries, and Trout Fisheries classes. Different classes apply in tributaries, with Natural State Water Class applying in a large number of headwaters catchments. The classes are used as a basis for compliance with permitted activity rules and are to be had regard to when assessing activities that require resource consents that affect water bodies. Where more than one class applies the strictest standard for permitted activities is applied (Method 3.2.4.1).

Chapter 3.3 Water Takes and Chapter 3.4 Efficient Use of Water control the allocation and use of water in the Waikato Region. Chapter 3.3 sets allocable and minimum flows for every catchment in the Region and has specific rules to control the allocation of water. The policies and methods for setting allocable and minimum flows include taking into account the overarching purpose of the Vision and Strategy, the maintenance and enhancement of water quality and the avoidance of the degradation of water quality having regard to the assimilative capacity of water bodies. There are specific rule for water takes for milk cooling and dairy shed wash down that were existing prior to October 1998, which require implementation of a riparian vegetation management plan and that stock are excluded from the river from which water is taken.

Rules in Chapter 3.4 control the use of water for the purpose of crop and pasture irrigation. In the catchment of the Waikato River from the Karapiro Dam to the Lake Taupo control gates and in the catchments of identified wetlands and lakes the use of water, and any associated discharge of water onto or into land from irrigated crop or irrigated pasture requires resource consent. A condition of these rules is that irrigators must prepare seasonal and monthly irrigation water balances to demonstrate that the amount of irrigation water applied does not exceed the irrigation demand by more than 20%.

3.9 Non-Point Source Discharges

3.9.3 Policies

Policy 1: Land Use Effects

Reduce the adverse effects of non-point source discharges arising from land use practices and activities by:

- a) minimising the leaching and run-off of contaminants including fertilisers*, faecal matter, agricultural* residues, and sediment into water bodies (surface and ground water)
- b) avoiding bed and bank erosion and instability
- c) recognising and avoiding the effects of non-point discharges on the relationship tangata whenua as Kaitiaki have with water
- d) avoiding, remedying or mitigating adverse effects on rivers, lakes, wetlands and their margins so as to maintain and enhance natural character.

Policy 2: Streamside (Riparian) Management

Promote the use of streamside management that:

- a) recognises the importance of existing appropriate riparian vegetation
- b) promotes new planting of appropriate riparian vegetation
- c) reduces sediment and other contaminants entering the water body
- d) improves habitat for aquatic life
- e) Improves bank stability.

Policy 3: Livestock Access to Water Bodies

Use a mixture of non-regulatory methods (education and incentives) and a permitted activity rule to manage the adverse effects of livestock access to water bodies.

4.3 River and Lake Bed Disturbances

Issue 4:

Livestock access to the banks and rivers, lakes and wetlands that are areas of significant indigenous vegetation and/or significant habitats of indigenous fauna can

- a) damage aquatic habitat by browsing of desirable species, trampling and defecation
- b) create bank instability effects identified in Issue 1
- c) cause deposition of faecal material in a place where it can enter the water body causing adverse effects on water quality inconsistent with Chapter 3.1.

Policy 4: Livestock Access to Water Bodies

Use a mixture of non-regulatory methods (including education and incentives) and rules to manage the adverse effects of livestock access to water bodies.

Policy 5: Enforcement of Livestock Access to Water Bodies Rule

Waikato Regional Council's approach to enforcing Rule 4.3.5.4, prepared to implement Policy 4, will be as follows:

- a) For one-off or minor non-compliance with the Rule, Waikato Regional Council will work with the resource user to avoid future non-compliance.
- b) Where adverse effects of livestock access to water bodies are significant and ongoing, Waikato Regional Council will take enforcement action unless there is an agreed programme of work to exclude livestock access to water bodies being implemented.

The rules used to manage livestock include a permitted activity rule, a discretionary activity rule and a non-complying activity rule. A discretionary activity consent is required for livestock to have access to any water body mapped as a livestock exclusion area in the WRP maps. In all other instances it is a permitted activity, subject to conditions regarding complying with suspended sediment discharge standards, reduction in visual clarity and causing erosion, to allow stock to enter a water body.

5.4 Waikato Regional Coastal Plan

Each region is required to produce a regional coastal plan to assist the regional council to exercise its functions in the coastal marine area. It must be approved by the Minister of Conservation.

Changes to the objectives, policies and methods of the RCP are outside of the scope of Plan Change 1. As described above in Section 1.4.3 above the cma extends up the Waikato River from the mouth for approximately eight kilometres. Refer to Map 8 in the RCP.

The issue, objectives, policies and methods in Section Chapter 4 Water Quality of the RCP are relevant to the cma section of the Waikato River. In particular Method 17.3.9 states:

17.3.9 Regional and District Plans

Environment Waikato will promote the development of policies and objectives within regional and district plans to:

- i. manage river and land use activities above Mean High Water Springs
- ii. take into account the downstream effects on water quality
- iii. avoid adverse effects on existing water quality.

Principal Reasons for Adopting: Both direct run-off from land and discharges from river systems are major sources of pollutants in the CMA. It is therefore important that, in addition to controlling direct discharges into the CMA, Environment Waikato seeks to manage run-off from land. This may include land not directly adjacent to the CMA and may also include leachates.

5.5 District Plans

Territorial authorities are required to prepare district plans. District plans may contain rules to control the use of land, including subdivision. As with regional plans, district plans must also give effect to regional policy statements. It is through this that integrated management of regional council and territorial authority functions occurs.

RMA s31 provides:

Functions of territorial authorities:

- (a) the establishment, implementation and review of objectives, policies and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district:*
- (b) the control of any actual or potential effects of the development, or protection of land, including for the purposes of-*
.....
(iii) the maintenance of indigenous biological diversity

There are eight district plans in the Waikato and Waipa River catchment, for Rotorua, Taupo, South Waikato, Otorohanga, Waitomo, Waipa, and Waikato Districts and Hamilton City Council.

The proposed South Waikato District Plan (Appeals Version June 2014) is the only district plan in the catchment that has specific rules controlling conversion of forestry land for farming. Permitted Activity Rule 28.3.1 part a) permits "Farming except for the establishment of intensive farming activity".

Controlled Activity Rule 28.3.2 part c) controls "Conversion of commercial forestry land for farming".

Rule 28.4 states the performance standards that apply to Rule 28.3.2. Rule 28.4.8 states:

28.4.8 Riparian Management

- a) Vegetation damage, earthworks, and mechanical cultivation shall not be carried out within 10 metres of the edge of a wetland or lake greater than 0.5 hectares, or within the riparian setback to the banks of a nominated river or stream, listed in Table 1, except for the following purpose:
 - i) Required for the removal or control of pest plants;
 - ii) Consequential damage to vegetation as a result of harvesting adjacent production trees;

- iii) Necessary as part of the maintenance of lawfully established roads, tracks, earth dams, structures, or fences, all provided the clearance is within 2 metres of the road, track, earth dam, structure or fence;
 - iv) Necessary to protect, maintain or upgrade hydro-electric power generating infrastructure, or to prevent or remedy erosion that may adversely affect the operation of hydro-electric power generating infrastructure;
 - v) Required for construction of fencing for conservation purposes to exclude stock or pest animals;
 - vi) Removal of vegetation that endangers human life or existing structures, or that poses a risk to the integrity of, the safe use of, or access to existing network utilities.
- b) Farming shall also comply with the following standards:
- i) Stock water shall be provided from a reticulated system on-farm
 - ii) In the following nominated catchments properties adjacent to or with boundaries to the rivers and streams listed in Table 1 below also shall comply with the following performance standards:
 - Stock proofing fencing shall be constructed on stable ground and no closer than the riparian setback to the banks of a nominated river or stream;
 - Tracks, access ways and races shall not be constructed closer than the riparian setback to the banks of a nominated river or stream;

Table 1:

Map Identification No.	Catchment	River or Stream	Riparian Setback (metres from edge of waterbody river, perennial stream excluding a wetland)
	Waikato River	Main stem Waikato River	20 metres
		Large Streams	10 metres
1	Waiomou	Kakahu Stream	10 metres
2	Waiomou	Waiomou Stream	10 metres
3	Waihou	Waimakariri Stream	10 metres
4	Waihou	Waihou River	10 metres
5	Oraka	Mangatapu Stream	10 metres
6	Oraka	Mangakotaha/Waione Stream	10 metres
7	Oraka	Oraka Stream	10 metres
8	Pokaiwhenua	Ngutuwera Stream	10 metres
9	Pokaiwhenua	Pokaiwhenua Stream	10 metres
10	Pokaiwhenua	Whakauru Stream	10 metres
11	Pokaiwhenua	Matarawa Stream	10 metres
12	Pokaiwhenua	Waioraka Stream	10 metres
13	Waipa	Raparahi Stream	10 metres
14	Kopakorahi	Kopakorahi Stream	10 metres

15	Central Maraetai	Unnamed	10 metres
16	Opareiti	Oparaeiti Stream	10 metres
17	Mangaharakeke	Matakatau Stream	10 metres
18	Whangapoa	Rahopakapaka Stream	10 metres
19	Whangapoa	Matahana Stream	10 metres
		Small Streams	5 metres

ADVISORY NOTE:

'Large streams' in the South Waikato District comprise streams with stream order classifications of 4 (four) or larger in the NIWA River Environment Classification.

'Small Streams' in the South Waikato District comprise all perennial streams with a stream order classification of 3 (three) or smaller in the NIWA River Environment Classification, excluding the Waikato River and 'Large Streams' as defined above.

Refer to Chapter 9 for relevant definitions.

A map showing these streams is attached as Appendix J. Large Stream names are given, and the GPS coordinates for the upper location of the stream order classification. Stream numbers used in the table are also used on the relevant map.

- c) Forestry shall comply with the following performance standard:
- i) forestry shall be planted no closer than 5 metres from any perennial river or stream.

ADVISORY NOTES

This rule forms part of the District Council's response to achieving the integrated management of natural and physical resources along with the Waikato Regional Council. These rules only deal with the control of the effects of land use change on a water body. Rules dealing with water quality and nutrient leaching or discharges resulting from land use activities and their management are under the jurisdiction and therefore the responsibility of the Waikato Regional Council.

The Waikato Regional Plan may be more stringent than this district plan. Regional Council advice should be obtained before designing development that involves stream fencing, or affects riparian margins or water quality. The District Council also recognises that there are non-plan methods developed by industry that also promote the sustainable management of natural resources such as the Dairying and Clean Streams Accord between Fonterra, the Regional Council, the Ministry for the Environment and the Ministry of Primary Industries. (Delete - Appeal by Federated Farmers)

These provisions of the proposed South Waikato District Plan (Appeals Version June 2014) are subject to appeals.

5.6 Waikato Regional Pest Management Plan

The Regional Pest Management Plan (RPMP) 2013-2023 supersedes the Regional Pest Management Strategy (RPMS) 2008-2013, and was adopted by council on 26 September 2013.

The purpose of the RPMP is to set out the strategic and statutory framework for the effective management of pest plants and pest animals in the Waikato Region, so as to:

- a. minimise the actual or potential adverse effects of pest plants and pest animals on the environment; and

- b. maximise the effectiveness of individual pest plant and animal management action by way of a regionally coordinated approach.

The strategy sets out objectives, methods and rules that are specific to each of the 59 plant and 22 animal species declared to be 'pests'. Under the strategy, land occupiers will be required to take responsibility for pests on their land and, for some pests, to carry out control measures pursuant to strategy rules included in Part 2 of the strategy. Failure to comply with and meet the requirements of strategy rules may give rise to enforcement action including prosecution.

This strategy also identifies the costs and funding sources for administering and implementing this strategy.

Changes to the RPMP are outside of the scope of Plan Change 1 Healthy Rivers.

6 Iwi Management Plans

The RMA requires that planning documents recognised by an iwi authority, such as iwi management plans, be taken into account in the preparation of a regional plan, to the extent that it has bearing on the resource management issues of the region (RMA s66(2A)).

In the Waikato River and Waipa River Catchment there are five operative iwi management plans as follows;

- Ngati Tuwharetoa Environmental Iwi Management Plan
- Maniapoto Iwi Environmental Management Plan 2007
- Raukawa Fisheries Plan 2012
- Waikato-Tainui Environmental Plan
- Ngati Tahu-Ngati Whaoa Iwi Environmental Management Plan.

6.1 Ngāti Tūwharetoa Environmental Iwi Management Plan 2003

The Ngati Tuwharetoa Environmental Iwi Management Plan includes the following relevant policies/baselines for water:

Promote and enhance partnerships between ngā hapū o Ngāti Tūwharetoa and central government, regional and district councils on all resource management issues e.g. management of natural hazards including flooding, waste water treatment.

Advocate the protection of mauri of water through effective policy and planning instruments.

Prohibit all discharge of human waste directly into waterways and promote effluent treatment acceptable to ngā hapū.

Encourage the implementation of land based disposal systems e.g. dairy farm effluent.

Support proposals that seek hapū involvement to improve water quality and promote efficient use of water quantity.

Relevant policies/baselines for land include:

Promote and enhance partnerships between ngā hapū o Ngāti Tūwharetoa, central government, regional and district councils and stakeholders.

Encourage resource users and/or land owners to implement sustainable land use systems.

Support proposals that seek to protect and enhance soil quality.

Advocate for the protection of culturally important areas susceptible to erosion and flooding that is induced by human activity.

Protect important landscape features from inappropriate use and development.

Support stakeholders, e.g. Tūwharetoa economic authorities in environmental management projects.

6.2 Maniapoto Iwi Environmental Management Plan 2007

The Maniapoto Iwi Environmental Management Plan 2007 includes the following relevant goals to water bodies in the section on participation on decision making:

1. Opportunities to participate in community development and decision-making at marae, hapū and iwi levels.

Goals

- Maniapoto are included in the decision making process of community in a way that recognises their unique status as tangata whenua.

- 3 The restoration and preservation of coastal and waterway environments together with the maintenance of access to them.

Goals

- Regeneration of native bush and healthy waterways with abundant freshwater and marine environments.
- To provide more consistent access and availability of kaimoana, eels, kaeo etc.
- Adoption of policies that prevent the disposal or discharge of treated/untreated sewerage or wastewater into coastal and waterway environments.

6.3 Raukawa Fisheries Plan 2012

The Raukawa Fisheries Plan 2012:

- For the purposes of the Ngati Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010, is an environmental plan.
- For the purposes of the Resource Management Act 1991, the plan is a planning document recognised by the Raukawa Charitable Trust in its capacity as an iwi authority.

The kaupapa (purpose) of this Fisheries Plan is:

- To enable Raukawa to exercise mana whakahaere and effectively participate in the management of freshwater fisheries within the rohe and activities that may impact upon them.

The overarching vision for freshwater fisheries within the Raukawa rohe is:

- To protect, restore, enhance and rehabilitate freshwater fisheries and fisheries habitat for present and future generations.

Objective 1 and policies 1-6 are particularly relevant to Plan Change 1 – Healthy Rivers.

Objective 01 states:

Aquatic habitats are enhanced and restored to support healthy and sustainable fisheries, including through restoration and enhancement of terrestrial ecosystems.

P1 Develop a programme to work with Raukawa land owners to improve land management practices on Raukawa land, including through stock exclusion and planting of all riparian margins.

P2 Advocate for fisheries habitat restoration, creation, enhancement and protection through relevant Resource Management Act 1991 processes, such as policy and plan development, resource consents, enforcement and monitoring, particularly in relation to:

- riparian management;
- fish passage;
- sedimentation;
- nutrient enrichment;
- wetland protection; and
- water level and flow management.

P3 Support initiatives that will result in improved aquatic habitat that will support healthy and sustainable fisheries.

P4 Identify opportunities to source funding and establish partnerships for restoration projects that will result in improved habitat.

P5 Ensure consideration is given to potential impacts on fisheries from flood management and land drainage activities undertaken by councils.

P6 Advocate for a catchment-based approach to land management that integrates land and water management.

6.4 Waikato-Tainui Environmental Plan

The Waikato-Tainui Environmental Plan came into effect in August 2013.

Relevant clauses in that plan include:

Clause 5.5.2 states:

This Plan provides an overarching Waikato-Tainui perspective and, within the Waikato-Tainui rohe, marae and hapuu may have different perspectives on the relative importance of components of the Plan. It is critical to understand the perspectives of hapuu and marae as it relates to specific issues and matters and effective engagement with hapuu and marae will lead to this understanding. There is simply no 'one-size-fits-all, uniform' Waikato-Tainui wide view of environmental matters. However, the Plan provides key guidance for external and internal users and should serve as a baseline for approaching environmental matters of importance to Waikato-Tainui.

Clause 5.4.4 of the plan states:

In addition, all local authorities in the Waikato-Tainui rohe should work to achieve consistency between this Plan and their own policies and plans. Generally, all entities developing policy,

proposing uses, or currently using the resources in the Waikato-Tainui rohe should review such policy or use under this Plan to determine consistency and alignment with the Plan.

Section 19.4 sets out Waikato Tainui's objectives, policies and methods for water.

Key Objectives for water include:

19.4.1 Waikato-Tainui engage and participate in the highest level of decision-making on matters that affect waters in the Waikato-Tainui rohe.

19.4.2 Water quality is such that Waikato-Tainui fresh waters are drinkable, swimmable and fishable in all places (with water quality to the level that Taawhiao could have expected in his time).

19.4.3 An integrated and holistic approach to management of water is achieved.

Other objectives, policies and methods cover water allocation, wetlands, managing soil erosion, managing river bank erosion, fisheries, and customary activities. In particular Objective 21.3.2 The life supporting capacity of land and soils states:

The life supporting capacity of land and soils effectively manages soil nutrient loss and water quality so there is minimal impact on nutrient loss to waterways.

6.5 Ngati Tahu-Ngati Whaoa Iwi Environmental Management Plan

The Ngati Tahu-Ngati Whaoa Iwi Environmental Management Plan was released in late 2013.

A statement of the significance of the Waikato River is included on page 21. This statement affirms the significance of the Waikato River and its tributaries to the people of Nati Tahu-Ngati Whaoa, Ngati Kearoa Ngati Tuara and Tuhourangi Ngati Wahiao.

A statement of the vision, aspirations, values and actions is included on pages 32 – 36.

Part II of the Plan discusses Nga Taonga O Taiao – Treasured Resources. This part is divided into 8 sections including an introduction and sections as follows:

- Koiora - terrestrial flora and fauna,
- Ngawha - geothermal,
- Nga marae me nga wahi hiringa - marae, significant sites and waahi tapu,
- Whenua - land and land use,
- Mahi ngahere - forestry,
- Rangi- air and atmosphere
- Wai - lakes, rivers, streams, wetlands and aquatic life

Each of these sections contains short term goals, long term goals and principles for management of this resource.

For land and land use principles for the management of this resource include:

- Tree cover is preferable on erosion prone land and head waters to reduce sediment and flooding.
- Land to water linkages are important – keep headwater of streams protected under native bush, all waterways fenced/stock excluded.

For the lakes, rivers streams, wetlands and aquatic life principles for the management of this resource include:

- The Waikato River should not be expected to absorb any further degradation.
- The river should be swimmable and support healthy kai along its whole length.
- Waterways should be protected, but that iwi should not have to bear the economic cost of returning them to health.
- Wetlands are precious and need to be protected and reinstated. Stock should be kept out of wetlands.

6.6 Upper Waikato River Integrated Management Plan

Under s37(5) of the Ngati Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010 the Upper Waikato River Integrated Management Plan (UWRIMP) is required to be developed by January 2014. The plan is being prepared jointly by the five river iwi, WRC, Minister of Conservation and the Minister of Fisheries.

The purpose of the UWRIMP is to achieve an integrated approach between the Trusts that prepare the plan, relevant departments, relevant local authorities, and appropriate agencies to the management of aquatic life, habitats, and natural resources within the Waikato River consistent with the overarching purpose of this Act¹⁸.

Under s38(4) of the River Act a relevant local authority that is preparing, reviewing, or changing a RMA planning document must have regard to the UWRIMP.

This plan is in development.

7 Waikato Conservation Management Strategy 2014 – 2024 (revised draft)

Under RMA s66(2)(c) when preparing a regional plan council is required to have regard to management plans and strategies prepared under other Acts to an extent that their content has bearing on resource management issues of the region.

The Waikato Conservation Management Strategy (CMS) provides a framework for the integrated management of natural and historic resources, including any species, in Waikato over the next 10 years.

The CMS identifies outcomes for areas managed by the DoC as well as showing how the Department will contribute to conservation objectives by working with tangata whenua, communities, local and regional authorities, statutory agencies and business in Waikato.

The Waikato CMS is currently under review. The Waikato Conservation Board is currently considering DoC's responses to submissions and the Revised Draft Waikato CMS. The approved Waikato CMS is scheduled to be published and implemented by late 2014¹⁹.

¹⁸ Refer to s36(2) Ngati Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010

¹⁹ <http://www.doc.govt.nz/getting-involved/consultations/closed/waikato-cms-consultation/waikato-cms-review-process/>

The purpose of a conservation management strategy (CMS), as defined by section 17D of the Act, is to implement general policies (including the Conservation General Policy 2005), and to establish objectives for the integrated management of natural and historic resources, including species managed by the Department of Conservation (the Department), and for recreation, tourism and other conservation purposes²⁰.

Conservation management strategies can provide useful information for RMA plans through identifying or recording:

- the 'priority areas ' (such as certain identified wetlands, remnant forest, historic reserves and the like) where the DoC intends to focus its resources and the values attached to those priority areas
- conservation management issues and options - some of which may overlap with, or help inform, RMA plan issues
- DoC actions and implementation programmes - some of which may overlap or complement RMA methods (other than rules)²¹.

Relevant objectives from section 1.5 Waikato by 2024 of the revised draft CMS for Plan Change 1 include the following:

X.X.XX Work with landowners and local authorities, and advocate, for the protection of freshwater fish habitat and fish passage, consistent with the preservation of threatened and at risk indigenous species, to maintain habitat connectivity and water quality from the headwaters of waterways to the coast. [237, 290a]

1.5.1.10 Work in collaboration with tangata whenua, the community, neighbouring landowners [35], local authorities and other organisations to maintain and restore the ecological integrity of habitats [280, 281, 437], improve habitat connectivity [273, 281, 437] ~~reduce the effects of habitat fragmentation~~, and protect migratory pathways, flyway sites [116] and dispersal options for indigenous fauna., ~~in collaboration with tangata whenua, communities territorial authorities and other organisations.~~

Relevant objectives from section 1.6 The Waikato River—Te Awa o Waikato of the revised draft CMS for Plan Change 1 include the following:

1.6.1 Implement the directions and outcomes in the Vision and Strategy for the Waikato River where it applies to the Department under conservation legislation.

1.6.2 Work with Waikato River Iwi and Ngāti Maniapoto to achieve the Vision and Strategy for the Waikato River.

1.6.3 Recognise and work with Waikato River Iwi and Ngāti Maniapoto (where this applies) who have an interest in and a special relationship with the natural and historic resources, freshwater fisheries and freshwater fish habitats of the Waikato River managed by the Department under conservation legislation.

1.6.6 Work with Waikato-Tainui to achieve the restoration and protection of the health and well-being of the Waikato River for future generations through the objectives and mechanisms in the CAIS.

²⁰ <http://www.doc.govt.nz/Documents/getting-involved/consultations/2012/cms/waikato-draft/waikato-cms-revised-draft.pdf>

²¹ <http://www.qualityplanning.org.nz/index.php/plan-steps/structuring-plans/plan-structure-and-overarching-principles/10-useful-links/384-key-linkages>

Appendix 3 lists important ecosystems and habitats within Waikato. The Waikato River and its tributaries are listed. Pest plants and fish, the effects of catchment development and land use (primarily effects of agriculture resulting in nutrification and sedimentation) are identified as a pressures/threats. The management response identified is plant pest control where feasible, advocacy (including statutory processes) to minimise further adverse effects of catchment development and land use and collaboration with River Accord partners to progress river management.

The wetlands in the lower Waikato, including the Whangamarino wetland, are also identified in Appendix 3. Identified pressures/threats are pest plants and animals, effects of catchment development and land use (primarily effects of agriculture resulting in nutrification and sedimentation) and modification of hydrological regime by water abstraction, drainage and flood control schemes. The management response identified is Plant and animal pest control or eradication where feasible, advocacy (including statutory processes) to minimise further adverse effects of catchment development and land use, and of adverse changes to hydrological regimes and revegetation of riparian zones at some locations.

8 Waikato Regional Council Zone / Catchment Management Plans

Waikato Regional Council's zone management plans (ZMPs) are the primary tools for implementation of all river and catchment management activities, including flood control and land drainage, within each zone.

Zone Management Plans formally document strategies and the integrated management philosophy of each zone and include within the asset management components of growth, risk, maintenance, renewal and development works and associated budgets. This information automatically feeds into the Long Term Plan (LTP) and Annual Planning processes. Each ZMP undergoes a major review every three years prior to the LTP process.

Each ZMP includes the following details:

- vision for the zone
- strategy to achieve the vision
- activities to implement the strategy
- set of services levels and performance standards for the activities
- financial strategies and funding arrangements.

These plans are relevant to Plan Change 1 – Healthy Rivers because they will be one mechanism through which implementation of objectives and policies may occur, for example, achieving increased stability of river beds and banks to reduce sediment loads.

There are four zone management plans and one catchment management plan in the Waikato and Waipa River catchments for the Upper Waikato (DM # 3034750), Lower Waikato Zone (DM # 1717274), Central Waikato Zone (DM # 2128732), Waipa Zone (DM # 1897960) and the Waipa Catchment (DM # 2988622).

8.1 Lower Waikato Zone Management Plan

The Lower Waikato Zone Management Plan covers the Waikato River catchment between Ngaruawahia and the Tasman Sea. It covers an area of 283,757 hectares, which is 20 per cent of the total Waikato River catchment area.

The Lower Waikato zone vision is:

‘Well managed rivers and catchments, within a framework that recognises:

- community and cultural needs and aspirations
- natural risks
- economic and environmental sustainability’.

Goals 2, 3 and 4 are particularly relevant to Plan Change 1 Healthy Rivers as follows:

Goal 2: To maintain the Waikato River channel to accommodate flood flows to stopbank design flood levels. To ensure that the banks of the channel provide stable foundations, public access to the river is maintained and natural environmental values are enhanced.

To be achieved by:

- Maintaining the Waikato River channel to ensure that water levels for a 350 m³/s discharge can be passed.
- Maintaining the optimum hydraulic low flow channel width of 220m between Rangiriri and Mercer.
- Maintaining design freeboards for the stop banked areas by either maintaining channel capacity or increasing stop bank levels.
- Maintain the Waikato River channel substantially free of major obstructions and impediments to normal and flood flows.
- Maintaining the riverbanks adjacent to scheme hard defenses to protect against erosion.
- Providing assistance to landowners to protect against erosion of the riverbanks.
- Encouraging commercial sand abstraction in the Lower Waikato River where such operations will support river management objectives.

Goal 3: To manage, maintain and enhance priority tributary catchments

To be achieved by:

- Treatment of erosion prone land in priority catchments to reduce sediment loss and maintain the productive capacity of land.
- Support and encouragement of the planting of appropriate species for erosion control and biodiversity enhancement.
- Removal of blockages from floodway channels to reduce the effects of erosion and flooding.
- Ensure hydraulic conveyance capacities of tributaries and channels can adequately accommodate design flood flows.
- Ensure the physical stability of river systems.
- River management and drainage works are undertaken in accordance with Council’s best practice guidelines.
- Working with stakeholders to enhance biodiversity in tributary catchments.

Goal 4: To promote biodiversity associated with wetlands and lakes

- Promotion of stock exclusion from all water bodies including upper catchments riparian areas, lakes and wetlands in order to reduce sediment and nutrient inputs and to protect the values of associated riparian margins.
- Working with landowners and other stakeholders around priority lakes and wetlands to protect and enhance the functions and values of these ecosystems.
- Working with stakeholders to enhance biodiversity on Council managed land.

8.2 Central Waikato Zone Management Plan

The Central Waikato zone consists of the Waikato River catchment between Karapiro Dam and Ngaruawahia and has an area of 64,000 hectares. The zone represents 4.5% of the total Waikato River catchment area. The zone is dominated by the Waikato River channel and associated rivers, streams and lakes and is unique in that it contains the major population centre for the region (Hamilton city) and contains two flood control assets (weirs).

The Central Waikato zone vision is:

'Well managed rivers and catchments, within a framework that recognises:

- community and cultural needs and aspirations
- natural risks
- economic and environmental sustainability

Goals 2, 3 and 4 are particularly relevant to Plan Change 1 – Healthy Rivers as follows:

Goal 2: To reduce bank erosion and sedimentation of rivers and streams resulting from changes in land use practises, riparian vegetation and flows regimes within priority catchments.

To be achieved by:

- Being actively involved in land use decision making by providing advice and evidence on catchment management effects of land use change
- Treatment of erosion prone land in priority catchments to reduce sediment loss and maintain the productive capacity of land
- Implementing the priority actions from the Central Waikato River Stability Management Strategy 2008
- Promoting stock exclusion from waterways, wetlands and lakes
- Support and encourage the planting of appropriate species for erosion control and biodiversity enhancement
- Ensuring the hydraulic conveyance capacities of tributaries can adequately accommodate design flood flows
- Removal of blockages from floodway channels to reduce the effects of erosion and flooding
- River management and land drainage works are undertaken in accordance with Waikato Regional Council best practise guidelines.

Goal 3: Actively commit to enhancing and restoring the health and wellbeing of the Waikato River and its tributaries.

The Vision and Strategy for the Waikato River has been embedded in the proposed Waikato Regional Policy Statement, and will guide improvements to the health and wellbeing of the Waikato River.

To be achieved by:

- Seeking opportunities to improve upon current catchment management practise
- Taking into account the opportunities and priorities identified within the Waikato River Independent Scoping Study to enhance or improve water quality of the Waikato River and its major tributaries.

Goal 4: To maintain and enhance the biodiversity associated with the Waikato River, its tributaries and wetlands and lakes within the zone and across the whole zone

To be achieved by:

- Promoting and incentivising stock exclusion from all water bodies including upper catchments, riparian areas, lakes and wetlands in order to reduce sediment and nutrient inputs and to protect the values associated with riparian margins
- Working with landowners and other stakeholders around priority lakes and wetlands to protect and enhance the function and values of these ecosystems
- Working with stakeholders to enhance biodiversity on publicly managed land.

8.3 Waipa Zone Management Plan

The Waipa zone forms a part of the Waikato River catchment situated along the western side of the catchment, and covers an area of 306,569 hectares. The zone represents around 22% of the total Waikato River catchment area. The Waipa zone is dominated by the Waipa River channel and associated rivers, streams and lakes.

The Waipa zone vision (est. 2011) is:

To revitalise the waters of the Waipa River and its tributaries by 2050.

Goals 1, 2, and 3 are particularly relevant to Plan Change 1 – Healthy Rivers as follows:

Goal 1: The zone's soils remain productive for future generations and contribute to healthy waterways.

We will achieve this by:

- Identifying river/stream bank erosion and resolving problems through bank stabilisation works, removal of obstructions and river training/improvement works, as appropriate.
- Minimising hill country erosion through the promotion of sustainable land management practices including retirement and tree planting.
- Working with local councils to protect value soils through land use plans and consents.

Goal 2: Water quality and the availability of water support recreational, environmental and infrastructural needs.

We will achieve this by:

- Promoting farm management practices that support water quality by preventing sediment and nutrients from entering waterways.
- Support water allocations being consistent with zone goals and priorities, and managed in a fair and transparent way.
- Promote the practice of maintaining adequate water storage within the zone.

Goal 3: Waterways and land-based ecological corridors allow indigenous biodiversity to thrive.

We will achieve this by:

- Managing pest plants and animals that are a threat to indigenous species and habitats, using current best practice management techniques.
- Looking for opportunities to enhance indigenous biodiversity through other zone management activities e.g.
 - Allowing for fish passage in any river training/improvement works.
 - Prioritising land retirement projects where they help create ecological corridors throughout the zone.
 - Prioritising riparian fencing and planting programmes where water temperatures are rising.
- Protecting threatened and special habitats such as shallow lakes, wetlands and limestone geology.

8.4 Upper Waikato Zone Plan

The Upper Waikato Zone Plan is intended to guide the integrated catchment management activities of WRC from Taupo to Karapiro. It covers 436,000 hectares and includes the hydro lakes of Aratiatia, Ohakuri, Atiamuri, Whakamaru, Maraetai, Waipapa, Arapuni and Karapiro. It also includes the steep land of the Paeroa Range, Horohoro Bluffs and northern Hauhungaroa Range.

Include relevant goals etc when completed.

8.5 Waipa Catchment Plan

A catchment management plan for the Waipa Catchment has being prepared. The Waipa Catchment Plan (WCP) is intended to guide Waikato Regional Council, Waipa river iwi, communities and other stakeholders in the implementation of all integrated catchment management activities within the Waipa River catchment and builds on the approaches developed in the 2012 Waipa Zone Management Plan.

Include relevant goals etc when completed.

9 Australian and New Zealand guidelines for fresh and marine water quality - 2000

Australian and New Zealand guidelines for fresh and marine water quality - 2000 (often referred to as the ANZECC guidelines) are not mandatory and provide guidance on water quality management.

The guidelines are used by WRC staff in assessing resource consent applications for discharges to water bodies.

The guidelines are specifically used in the WRP in conditions in Permitted Activity Rules 3.5.11.4, and 3.5.11.5 in relation to storm water discharges to land.

The Guidelines are intended to provide government, industry, consultants and community groups with a sound set of tools that will enable the assessment and management of ambient water quality in a wide range of water resource types, and according to designated environmental values. They are the recommended limits to acceptable change in water quality that will continue to protect the associated environmental values. They are not mandatory and have no formal legal status (e.g. they are not National Environmental Standards as provided for in Section 43 of the New Zealand Resource Management Act 1991). They also do not signify threshold levels of pollution since there is no certainty that significant impacts will occur above these recommended limits, as might be required for prosecution in a court of law. Instead, the guidelines provide certainty that there will be no significant impact on water resource values if the guidelines are achieved.

There are guidelines for aquatic ecosystems, primary industries, recreational water quality and aesthetics and for drinking water.

A water quality guideline is a numerical concentration limit or narrative statement recommended to support and maintain a designated water use. The document includes guidelines for chemical and physical parameters in water and sediment, as well as biological indicators. The guidelines are used as a general tool for assessing water quality and are the key to determining water quality objectives that protect and support the designated environmental values of our water resources, and against which performance can be measured.

10 Catchment Management Plans and Transitional Regional Plan

10.1 Catchment management plans

In response to land use changes from traditional pastoral farming to horticulture and increases in demand for water the Waikato Valley Authority (subsequently the Waikato Catchment Board) prepared a number of non-statutory catchment management plans/guidelines. The purpose of these plans / guidelines was to assist staff in processing water right applications from both surface water and groundwater resources.

These plans were prepared under the Soil Conservation and Rivers Control Act 1941 and the Water and Soil Conservation Act 1967. Many of the plans went through public consultation procedures, including public hearings on submissions.

The plans prepared which occur in the Waikato River and Waipa River catchment include the following:

- Mangatawhiri Catchment Water and Soil Management Plan - June 1986
- Draft – Lower Waikato Regional Plan (Pukekohe/Waiuku) - No date ~1991
- Nukuhau Catchment Water and Soil Management Plan - 1989
- Lake Waahi Water and Soil Management Plan - 1988
- Draft – Upper Pokaiwhenua Catchment Water and Soil Management Plan - April 1991
- Draft – Whangamarino Catchment Water and Soil Management Plan - June 1991
- Eastern Pirongia Water and Soil Management Plan - 1991
- Hamilton Basin Water Management Guidelines - October 1986
- Mangaonua Catchment Water and Soil Management Plan - August 1987
- Draft – Upper Waikato Resource Management Plan – 1991.

The plans / guidelines contain objectives, policies and methods in respect of the water and soil resources in each catchment area.

Many of the strategies in these plans in respect of controlling activities that have adverse effects on water quality were adopted and improved upon in the WRP, for example, controls/standards on discharges to water from effluent disposal systems.

10.2 Transitional Regional Plan

The Transitional Regional Plan (1991) (TRP) was a collection of documents which survived when the RMA was first introduced in 1991 and included former bylaws for drainage schemes, clean air, metal extraction, ground cover removal, stock grazing and general authorisations from the Hauraki and Waikato Catchment Boards. It also included the former Waikato River classifications made under the Water and Soil Conservation Amendment Act (No 2) 1971. The TRP has been superseded by the WRP and is included here for historical context and to make people aware that the waters of the Waikato River Catchment have been previously classified. These classifications and the water quality classes in RMA Schedule 3 were used as a basis for developing the water management classes in the WRP.

Figure 1 of the TRP illustrates the classification of waters within the Waikato River (including Waipa River) Catchment which were derived from the 1st-5th Schedules of the Water and Soil Conservation Act 1967²². There were four classifications for fresh water, classes A, B, C and D. Most of the waters of the entire catchment was classified D under this legislation. The D classification was the lowest of the four classifications. The standards required by the classification pertained to water temperature, pH, toxicity and palatability for stock, toxicity to aquatic life, colour and clarity and dissolved oxygen content. There was little or no reference in the D (or any of the other) classification standards, to variables such as bacterial content, nutrients and biological growths. The other classes were Class C Waters (Bathing Waters), Class B Waters (Uncontrolled Catchments) and Class A Waters (Controlled Catchments).

²² The Water and Soil Conservation Act 1967 and amendments were repealed in 1991. Refer to RMA Schedule 6.