



***Variation 1 to the Proposed Waikato Regional Plan Change 1 –
Waikato and Waipaa River Catchments***

Waikato Regional Council
401 Grey Street
Private Bag 3038
Waikato Mail Centre
HAMILTON 3240
ATTN: **Chief Executive**

On behalf of:

Waikato River Authority
PO Box 9338
Hamilton 3214

Bob Penter
Chief Executive
(07) 839 7966
bob@waikatoriver.org.nz

21 May 2018

E te Tumu Whakarae o te Kaunihera aa rohe o Waikato, teenaa koe,

The Waikato River Authority is an independent statutory body formed in 2010 under the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 and the Ngaati Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010, with additional responsibilities arising from the Ngaa Wai o Maniapoto (Waipaa River) Act 2012 (and He Maahere Taiao – The Maniapoto Iwi Environmental Management Plan).

The Waikato River Authority (the Authority) provides the following considerations for Variation 1 to the Proposed Waikato Regional Plan Change 1: Waikato and Waipaa River Catchments, in particular as it relates to supporting and strengthening the Vision & Strategy (Te Ture Whaimana) for the Waikato River and its catchments.

The Authority would like to be heard in support of this submission.

WAIKATO RIVER AUTHORITY AND VISION & STRATEGY (TE TURE WHAIMANA) FOR THE WAIKATO RIVER

The purpose of the Waikato River Authority is to:

- set the primary direction through the Vision & Strategy to achieve the restoration and protection of the health and wellbeing of the Waikato River for future generations
- promote an integrated, holistic, and co-ordinated approach to the implementation of the Vision & Strategy and the management of the Waikato River
- fund rehabilitation initiatives for the Waikato River in its role as trustee for the Waikato River Clean-up Trust.

The three Acts of Parliament that relate to the management of the Waikato River and its catchment (Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, Ngaati Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010, Ngaa Wai o Maniapoto (Waipaa River) Act 2012) all provide legislative recognition of the Vision & Strategy for the Waikato River.

The Vision & Strategy (Te Ture Whaimana) for the Waikato River is the primary direction-setting document for the Waikato River and has the status of a National Policy Statement, prevailing over any inconsistent provision in any other National Policy Statement where there is a conflict. Simply, the Vision & Strategy ensures the betterment of the Waikato and Waipaa Rivers through its influence in all RMA planning documents and 19 other pieces of legislation which impact the Rivers and all it embraces within its catchments.

The Vision & Strategy contains a set of objectives and strategies for the restoration and protection of the health and wellbeing of the Waikato River for present and future generations. These are as follows:

- a. The restoration and protection of the health and wellbeing of the Waikato River.
- b. The restoration and protection of the relationship of Waikato-Tainui with the Waikato River, including their economic, social, cultural, and spiritual relationships.
- c. The restoration and protection of the relationship 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 relationship of the Waikato region's communities with the Waikato River including their economic, social, cultural and spiritual relationships.
- e. The integrated, holistic and coordinated 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 its catchments 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 is subject to 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 latest available scientific methods.

The objectives within the Vision & Strategy encompass all people of the River and their relationships with it – through their communities, industries, recreation, social and cultural pursuits. It will take commitment and time to restore and protect the health and wellbeing of the Waikato River. Only by us all working together collaboratively and cooperatively in a coordinated approach will the Vision be realised.

The Vision & Strategy applies to the entire area identified in Variation 1, new Map 3.11.1.

WAIKATO REGIONAL COUNCIL AND THE WAIKATO RIVER AUTHORITY

The Council is a Regional Council pursuant to the Local Government Act 2002 and as such is responsible, amongst other things, for promoting the social, economic, environmental and cultural well-being of communities. Therefore, the Waikato Regional Council is a key partner and enabler to achieve the Vision & Strategy. The Waikato Regional Council and the Authority signed a Memorandum of Understanding to achieve the following purpose:

- (a) Establish, develop and formally record the working relationship between the WRA and the Council;
- (b) Provide a forum for exploring areas of support and assistance, which could include shared service arrangements as well as the provision of sharing of information and advice between the Parties;
- (c) Foster WRA engagement with the Council's policies and plans;
- (d) Develop protocols and processes for the WRA registered Hearing Commissioners; and
- (e) Provide for the inclusion of additional support and development in the future.

This submission provides points to achieve the Vision & Strategy and maintain the integrity of the MOU.

Role of the Authority in Healthy Rivers Plan Change Process

WRA has had an ex-officio seat (with no voting rights) on the iwi steering group Te Roopuu Hautuu throughout the Healthy Rivers Plan Change process including discussions related to Variation 1. The purpose of this group was maintaining an overview and provide integrated direction to the project team responsible for reviewing the Waikato Regional Plan as it relates to the effects of discharges on the health and wellbeing of the Waikato and Waipaa Rivers.

The WRA, as required under its functions, was involved in the appointment of commissioners to the hearing committee for Healthy Rivers Plan Change.

VARIATION 1 TO THE PROPOSED WAIKATO REGIONAL PLAN CHANGE 1 – WAIKATO AND WAIPAA RIVER CATCHMENTS

The Vision & Strategy is the primary direction setting document for the Waikato River and the objectives contained within it must be given effect to (unless there is a stronger provision in a National Policy Statement); and

The WRA is the authoritative body tasked with advising agencies with responsibilities relating to the Waikato River and the implementation of the Vision and Strategy; and

On the basis of its purpose, responsibilities and role, the WRA has an interest in Variation 1 to the Proposed Waikato Region Plan Change 1, which is greater than the general public;

Therefore, the Waikato River Authority provides the following submission points:

Proposed Waikato Regional Plan Change 1 – WRA submission dated 2 March 2017

The WRA reinforces its submission points provided to the Waikato Regional Council dated 2 March 2017, to be extended to Variation 1, in particular that the Plan Change:

1. implements, in part, the Vision & Strategy;
2. “holds the line” (protects) in relation to the four contaminants, and will lead to a degree of restoration being achieved;
3. should be accepted in full and no amendment made that could increase either the timeframe for the restoration of the Waikato River or achievement of its objectives, nor allow any further degradation of the Waikato River in relation to the four contaminants and contaminant sources addressed by the Plan Change;
4. sets out a staged approach to achieve an 80-year water quality objective over time, which is acceptable given the current state of the Waikato and Waipaa Rivers.

Specific Points: Variation 1 to the Proposed Waikato Regional Plan Change 1

1. The WRA supports the reinsertion of the area, and its freshwater management units, withdrawn from the Proposed Waikato Regional Plan Change, in its entirety, as the area is a significant space within the catchment of the Vision & Strategy.
2. The WRA acknowledges that the northern portion of the catchment was withdrawn to satisfy engagement with the Hauraki iwi, under the requirements of the Resource Management Act. However, the WRA is guided by the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 which recognises this space as “Area ‘A’” and is directly associated with the interests of one of the five appointed River Iwi to the WRA, being Waikato-Tainui.
3. The WRA supports the retention of Policy 16 and the existing non-complying activity rule, as notified in Plan Change 1. The WRA considers that the introduction of the ‘new discretionary

activity rule' for flexible use of Maaori freehold land and settlement lands, would be inconsistent with the following objectives of the Vision & Strategy:

- a. The restoration and protection of the health and wellbeing of the Waikato River.
- b. The restoration and protection of the relationship of Waikato-Tainui with the Waikato River, including their economic, social, cultural, and spiritual relationships.
- c.
- d. The restoration and protection of the relationship of the Waikato region's communities with the Waikato River including their economic, social, cultural and spiritual relationships.
- 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.
- h. The recognition that the Waikato River is degraded and should not be required to absorb further degradation as a result of human activities.

Based on the above, the WRA supports the Section 32 Evaluation Report stating that, on page 19, "in the context of the Vision and Strategy and the current state of the existing environment, anything 'less' than a non-complying activity status for activities that are inconsistent with this policy direction is considered to be inappropriate".

4. The WRA supports the specific inclusion of 'wetlands and springs' alongside the term 'river'. The WRA raised the matter of strengthening provisions related to lakes and wetlands in its submission dated 2 March 2017. The concern still remains that the level of focus given to lakes within the catchment is significantly less than that of other waterways. If the terms 'wetlands and springs' are included, it then makes sense to include 'lakes' where appropriate.

CONCLUSION

The Vision & Strategy is the primary direction setting document for the Waikato and Waipaa Rivers. Collaboration amongst responsible partners and co-ordination of all resources within the entire catchment is required to achieve the aspirations and objectives of the Vision & Strategy. The Proposed Waikato Regional Plan Change 1, and its implementation, creates a step change in the right direction to furthering the objectives of the Vision & Strategy. The Authority acknowledges the Waikato Regional Council, the Community and the River Iwi for their time, resources and commitment to the Healthy Rivers process.

Yours sincerely



Robert Penter
Chief Executive

From: [Healthy Rivers](#)
To: [Julian Williams](#); [Healthy Rivers](#)
Subject: RE: Submission - Waikato River Authority
Date: Friday, 25 May 2018 8:31:32 AM

Hi Julian

Thank you for your prompt response. I will attach this email chain to your submission.

Kind regards

Keita

Healthy Rivers

WAIKATO REGIONAL COUNCIL | Te Kaunihera a Rohe o Waikato

P: 0800 800 401

F: facebook.com/waikatoregion

Private Bag 3038, Hamilton East, Hamilton 3240

From: Julian Williams <julian@waikatoriver.org.nz>
Sent: Thursday, 24 May 2018 11:25 AM
To: Healthy Rivers <healthyrivers@waikatoregion.govt.nz>
Subject: Re: Submission - Waikato River Authority

Morena,

My apologies. My answers to the questions below:

- Happy to present a joint case if requested.
- No the WRA would not gain an advantage in trade competition from our submission.
- As kaitiaki of the Vision & Strategy, the Waikato and Waipaa Rivers may be adversely affected if the provisions of Plan Change 1 are not implemented.

Ngaa mihi

Julian Williams

Ngaati Makirangi

Principal Advisor, Engagement & Policy

Waikato River Authority

PO Box 9338

21 Rostrevor Street

Hamilton

Phone: 07 839 7966

Mobile: 021 379310

www.waikatoriver.org.nz



From: Healthy Rivers <healthyrivers@waikatoregion.govt.nz>

Sent: Wednesday, 23 May 2018 3:39:34 p.m.

To: Julian Williams; Healthy Rivers

Cc: Bob Penter

Subject: RE: Submission - Waikato River Authority

Hi Julian

We've received your submission, however we're missing a little bit of information. We require the answers to the following two questions in order for your submission to be processed in full

- Would you consider present a joint case if others make a similar submission?
- Could you gain an advantage in trade competition through this submission?
 - o Are you directly affected by an effect of the subject matter of the submission that:
 - a. Adversely effects the environment, and
 - b. Does not relate to the trade competition or the effects of trade competition.

Could you please respond, as soon as possible, and I will ensure your answers are attached to your submission.

Kind regards

Keita

From: Julian Williams <julian@waikatoriver.org.nz>

Sent: Wednesday, 23 May 2018 3:17 PM

To: Healthy Rivers <healthyrivers@waikatoregion.govt.nz>

Cc: Bob Penter <bob@waikatoriver.org.nz>

Subject: Submission - Waikato River Authority

Teena koe,

Please find attached submission on behalf of the Waikato River Authority.

Ngaa mihi

Julian Williams

Ngaati Makirangi
Principal Advisor, Engagement & Policy
Waikato River Authority
PO Box 9338
21 Rostrevor Street
Hamilton
Phone: 07 839 7966
Mobile: 021 379310
www.waikatoriver.org.nz

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