

**SUBMISSION BY WAIKATO-TAINUI ON HEALTHY RIVERS/WAI ORA:
VARIATION 1 TO PROPOSED WAIKATO REGIONAL PLAN CHANGE 1**

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Te Whakakitenga o Waikato Incorporated wishes to be heard in support of this submission at any hearing.

If other parties make similar submissions, Te Whakakitenga o Waikato Incorporated may be prepared to present a joint case at any hearing.

SUBMISSION

1. This submission is made by Te Whakakitenga o Waikato Incorporated in relation to Variation 1 (**Variation 1**) to the Healthy Rivers/Wai Ora: Proposed Waikato Regional Plan Change 1 (**Proposed Plan Change 1**). This submission is made on behalf of Waikato-Tainui iwi.
2. Waikato-Tainui are co-governors of the Waikato & Waipā Rivers, as reflected in legislation relating to the co-management of the Waikato and Waipā Rivers.

JOINT SUBMISSION BY THE WAIKATO AND WAIPĀ RIVER IWI

3. Te Whakakitenga o Waikato Incorporated has made a joint submission, together with the other Waikato and Waipā River Iwi, on Variation 1 (the **Joint Submission**). Te Whakakitenga o Waikato Incorporated endorses and supports the submissions made in the Joint Submission.
4. For the purposes of Schedule 1 of the Resource Management Act 1991 (the **RMA**):
 - (a) Te Whakakitenga o Waikato Incorporated repeats in this submission, the submissions made in the Joint Submission.
 - (b) Te Whakakitenga o Waikato Incorporated refers in this submission to each of the provisions of Variation 1 that are referred to in the Joint Submission.

SUBMISSION ON PROPOSED PLAN CHANGE 1

5. Te Whakakitenga o Waikato Incorporated has also submitted on Plan Change 1. Given that Variation 1 is a variation to Plan Change 1, to the extent necessary Waikato-Tainui repeats in this submission, the submissions made by Waikato-Tainui on Plan Change 1.

RIGHT TO MAKE FURTHER SUBMISSION

6. As a co-governor of the Waikato & Waipā Rivers, Te Whakakitenga o Waikato has an interest in Variation 1 that is greater than the interest that the general public has. Accordingly, Te Whakakitenga o Waikato must be provided with an opportunity to make a further submission on Proposed Plan Change 1 pursuant to clause 8 of Schedule 1 of the RMA.

OPENING STATEMENT FOR THE WAIKATO AND WAIPĀ RIVER IWI

Progressive achievement of the outcomes required by Te Ture Whaimana

7. The Waikato and Waipā River Iwi view Proposed Plan Change 1 as an important first step on the journey toward achieving the long-term objectives required by Te Ture Whaimana.
8. The Waikato and Waipā River Iwi are largely supportive of the general direction of travel that is articulated through Proposed Plan Change 1 (as varied by Variation 1). In particular, the Waikato and Waipā River Iwi support the long-term objective to achieve the outcomes reflected in Te Ture Whaimana within 80 years, and the short term objective to put in place the necessary mitigation actions to achieve at least 10%

of the journey towards the outcomes required by Te Ture Whaimana within the next 10 years.

9. The Waikato and Waipā River Iwi support the increased controls on land use to “hold the line” and prevent further land use intensification. At this time, the “hold the line” approach is the most practicable way to prevent further cumulative increases of diffuse contaminants that are discharged into the Waikato and Waipā River.
10. The Waikato and Waipā River Iwi made a submission on Proposed Plan Change 1. This submission supplements our previous submission. To the extent required, the Waikato and Waipā River Iwi repeat those submissions for the purposes of Variation 1.

Relationship between the Waikato and Waipā River Iwi and the Council

11. The Waikato and Waipā River Iwi have a co-governance relationship with the Waikato Regional Council (**WRC**) to jointly co-manage the Waikato and Waipā Rivers (including catchments and tributaries). The importance of this relationship is partly recognised through the co-governance role of the Waikato and Waipā River Iwi as members of the Healthy Rivers Wai Ora Committee (the **HRWOC**). The ongoing co-governance role in the wider Healthy Rivers Wai Ora project is important to The Waikato and Waipā River Iwi. Likewise, upholding the commitments made by each party in the respective Joint Management Agreements will also be pivotal to advancing this relationship into the future.

The unique position relating to Māori-owned land

12. Proposed Plan Change 1 provides a limited pathway for developing multiply-owned Māori land and Treaty Settlement land. Designed by the Collaborative Stakeholder Group (**CSG**), it sets a very high threshold for any resource consent application in relation to developing this land. The Waikato and Waipā River Iwi note that Māori land has historically suffered impediments to development, and these challenges have not diminished through the notification of Proposed Plan Change 1.
13. Because Māori land is often undeveloped or under-developed, it has not contributed significantly to the discharge of contaminants into the Waikato and Waipā Rivers. The contribution of Māori land—in offsetting the discharge of contaminants from other developed land—should be recognised and accounted for at some stage in the future. Further, the investment made by landowners, particularly the owners of Māori land, to reduce contaminants discharged from land use should also be recognised and protected.

Implementation

14. The Waikato and Waipā River Iwi understand that detailed implementation of Proposed Plan Change 1 (as varied by Variation 1) by WRC is critical to the relative success of the Plan. Of particular importance is building the capacity and capability of WRC (including the necessary systems and human resources) to give effect to the methods set out in Proposed Plan Change 1 (as varied by Variation 1).

15. The Waikato and Waipā River Iwi also believe monitoring the effectiveness of Proposed Plan Change 1 (as varied by Variation 1) will be important to give confidence to the regional community that we are on target to achieving the short-term objectives and tracking positively towards achieving Te Ture Whaimana in 80-years.

Future measures

16. The Waikato and Waipā River Iwi recognise that further Plan Changes will be required to put in place further measures towards achieving the requirements of Te Ture Whaimana within 80 years. As Co-Governors of the Waikato and Waipā Rivers, the Waikato and Waipā River Iwi will actively participate in co-designing any new regime to “allocate rights to discharge contaminants”. The Waikato and Waipā River Iwi are clear that any future framework for the allocation of rights to discharge contaminants will not be based on a pure grand-parenting approach.

THE RELEVANT PROVISIONS OF THE RIVER ACTS RELATING TO PROPOSED PLAN CHANGE 1

17. There are three relevant statutory provisions in the River Acts that relate to Proposed Plan Change 1. We refer to these sections as the **Relevant Statutory Provisions**.
18. Section 46(2)(c) of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 provides:

Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010

46 Preparation, review, change, or variation of Resource Management Act 1991 planning document

(1) This section applies to preparing, reviewing, changing, or varying a Resource Management Act 1991 planning document to the extent to which those processes relate to the vision and strategy.

(2) The part of the joint management agreement on preparing, reviewing, changing, or varying a Resource Management Act 1991 planning document must provide—

(a) that, before the preparation, review, change, or variation commences, the local authority and the Trust must convene a joint working party to discuss and recommend to the local authority—

(i) the process to be adopted for the preparation, review, change, or variation; and

(ii) the general form and content of any document to be drafted for the purposes of consultation or notification under clause 5 of Schedule 1 of the Resource Management Act 1991:

(b) that the local authority and the Trust must decide jointly on the final recommendation to the local authority on whether to commence a review of, and whether to make an amendment to, a Resource Management Act 1991 planning document:

(c) that the local authority and the Trust must decide jointly on the final recommendation to a local authority on the content of a Resource Management Act 1991 planning document to be notified under clause 5 of Schedule 1 of the Resource Management Act 1991:

- (d) that the local authority and the Trust must discuss the potential for the Trust to participate in making decisions on a Resource Management Act 1991 planning document under clause 10 of Schedule 1 of the Resource Management Act 1991.
- (3) The part of the joint management agreement on preparing, reviewing, changing, or varying a Resource Management Act 1991 planning document must also provide a mechanism for the Trust to participate in processes under Part 2 of Schedule 1 of the Resource Management Act 1991.
- (4) The local authority and the Trust each bears its own costs of complying with this section.
- (5) Schedule 7 of the Local Government Act 2002 does not apply to the local authority and the Trust when, under the joint management agreement, they carry out the duties and functions or exercise the powers described in this section.
20. Section 48(2)(c) of the Ngati Tuwharetoa, Raukawa and Te Arawa River Iwi Waikato River Act 2010 provides:

Ngati Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010

48 Preparation, review, change, or variation of Resource Management Act 1991 planning document

- (1) This section applies to preparing, reviewing, changing, or varying a Resource Management Act 1991 planning document to the extent to which those processes relate to the vision and strategy.
- (2) The part of the joint management agreement on preparing, reviewing, changing, or varying a Resource Management Act 1991 planning document must provide—
- (a) that, before the preparation, review, change, or variation commences, the local authority and the Trust must convene a joint working party to discuss and recommend to the local authority—
- (i) the process to be adopted for the preparation, review, change, or variation; and
- (ii) the general form and content of any document to be drafted for the purposes of consultation or notification under clause 5 of Schedule 1 of the Resource Management Act 1991:
- (b) that the local authority and the Trust must decide jointly on the final recommendation to the local authority on whether to commence a review of, and whether to make an amendment to, a Resource Management Act 1991 planning document:
- (c) that the local authority and the Trust must decide jointly on the final recommendation to a local authority on the content of a Resource Management Act 1991 planning document to be notified under clause 5 of Schedule 1 of the Resource Management Act 1991:

- (d) that the local authority and the Trust must discuss the potential for the Trust to participate in making decisions on a Resource Management Act 1991 planning document under clause 10 of Schedule 1 of the Resource Management Act 1991.
- (3) The part of the joint management agreement on preparing, reviewing, changing, or varying a Resource Management Act 1991 planning document must also provide a mechanism for the Trust to participate in processes under Part 2 of Schedule 1 of the Resource Management Act 1991.
- (4) The local authority and the Trust each bears its own costs of complying with this section.
- (5) Schedule 7 of the Local Government Act 2002 does not apply to the local authority and the Trust when, under the joint management agreement, they carry out the duties and functions or exercise the powers described in this section.

21. Section 22(2)(c) of the Nga Wai o Maniapoto (Waipā River) Act 2012 provides:

Nga Wai o Maniapoto (Waipā River) Act 2012

22. Preparation, review, change, or variation of Resource Management Act 1991 planning document

- (1) This section applies to preparing, reviewing, changing, or varying a Resource Management Act 1991 planning document to the extent to which those processes relate to the vision and strategy.
- (2) The part of the joint management agreement on preparing, reviewing, changing, or varying a Resource Management Act 1991 planning document must provide—
 - (a) that, before the preparation, review, change, or variation commences, the local authority and the Trust must convene a joint working party to discuss and recommend to the local authority—
 - (i) the process to be adopted for the preparation, review, change, or variation; and
 - (ii) the general form and content of any document to be drafted for the purposes of consultation or notification under clause 5 of Schedule 1 of the Resource Management Act 1991:
 - (b) that the local authority and the Trust must decide jointly on the final recommendation to the local authority on whether to commence a review of, and whether to make an amendment to, a Resource Management Act 1991 planning document:
 - (c) that the local authority and the Trust must decide jointly on the final recommendation to a local

authority on the content of a Resource Management Act 1991 planning document to be notified under clause 5 of Schedule 1 of the Resource Management Act 1991:

- (d) that the local authority and the Trust must discuss the potential for the Trust to participate in making decisions on a Resource Management Act 1991 planning document under clause 10 of Schedule 1 of the Resource Management Act 1991.
 - (3) The part of the joint management agreement on preparing, reviewing, changing, or varying a Resource Management Act 1991 planning document must also provide a mechanism for the Trust to participate in processes under Part 2 of Schedule 1 of the Resource Management Act 1991.
 - (4) The local authority and the Trust each bears its own costs of complying with this section.
 - (5) Schedule 7 of the Local Government Act 2002 does not apply to the local authority and the Trust when, under the joint management agreement, they carry out the duties and functions or exercise the powers described in this section.
22. The salient points regarding the Relevant Statutory Provisions for present purposes are as follows:
- (a) The fundamental outcome sought through the Relevant Statutory Provisions is that the final recommendation to be made to the Waikato Regional Council (**WRC**) on the content of Variation 1 for notification must be decided jointly by the WRC and each of the Waikato and Waipā River Iwi. This outcome is an important part of the River co-management arrangements established through the River Acts.
 - (b) The Relevant Statutory Provisions are set out in separate Acts and, accordingly, give rise to obligations as between the WRC and *each* of the Waikato and Waipā River Iwi. They do not impose obligations as between each of the Waikato and Waipā River Iwi. Nor do they impose obligations between the WRC and the Waikato and Waipā River Iwi as a collective.

THE HEALTH RIVERS WAI ORA COMMITTEE

23. The process followed to decide the content of Variation 1 is briefly summarised in Variation 1 itself.
24. It is also important to note that, for the purposes of deciding jointly on the final recommendation to the WRC on the content of Variation 1 for notification, the Waikato and Waipā River Iwi agreed to participate in HRWOC. The HRWOC comprised representatives of each of the Waikato and Waipā River Iwi, and the same number of WRC representatives. It operated pursuant to agreed Terms of Reference, and its purpose, at that time, was:

To fulfil the requirements of Section 46(2)(c) if the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, Section 48(2)(c) of the Ngāti Tūwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010, Section 22(2)(c) of the Nga Wai o Maniapoto (Waipā River) Act 2012 by jointly deciding on the final recommendation to the Waikato Regional Council on the content of the Healthy Rivers: Plan for Change/Wai Ora: he Rautaki Whakapaipai.

25. The view of the Waikato and Waipā River Iwi is that the HRWOC was established as a convenient means by which the obligations set out in the Relevant Statutory Provisions (being that the WRC and each of the Waikato and Waipā River Iwi are required to decide jointly on the final recommendation on the content of Variation 1 for notification) could be met for all Waikato and Waipā River Iwi. However, the HRWOC and its associated processes did not alter the fundamental obligation for the WRC and each of the Waikato and Waipā River Iwi to decide jointly on the final recommendation on the content of the Plan Change.

JOINT RECOMMENDATIONS

26. As a result of the operation of the HRWOC, each of the Waikato and Waipā River Iwi was able to recommend that the WRC publicly notify Variation 1. Accordingly, each of the Waikato and Waipā River Iwi individually decided with the WRC (jointly) on the final recommendation to the WRC on the content of Variation 1.
27. Although each of the Waikato and Waipā River Iwi decided jointly with the WRC on the final recommendation to the WRC on the content of Variation 1, each of the Waikato and Waipā River Iwi did so expressly on the following basis:
- a) Each of the Waikato and Waipā River Iwi expressly reserved the right to make submissions (whether collectively with other River Iwi or individually) on any aspects of Variation 1.
 - (b) The Waikato and Waipā River Iwi have the right to participate in the Resource Management Act 1991 (**RMA**) Schedule 1 process and would do so in relation to Proposed Plan Change 1 and Variation 1.
 - (c) Each of the Waikato and Waipā River Iwi made individual decisions regarding the final recommendation to the WRC on the content of Variation 1.
 - (d) Each of the Waikato and Waipā River Iwi may wish to advance particular issues through the RMA Schedule 1 process.
28. This submission is made jointly by the River Iwi. However, each of the Waikato and Waipā River Iwi:
- (a) may make individual submissions on Variation 1, in addition to this joint submission;
 - (b) may make individual further submissions on any submission, in additional to any joint further submission; and
 - (c) may individually appeal decisions on Variation 1, including in relation to any submissions made in this joint submission or joint further submission.

TE TURE WHAIMANA

29. Te Ture Whaimana is the primary direction setting document for the restoration and protection of the Waikato and Waipā Rivers. Te Ture Whaimana is a fundamental

element of the settlement and co-management agreements River Iwi have signed with the Crown and reflected in legislation.

30. The Waikato and Waipā River Iwi are committed to the long-term objectives set out in Te Ture Whaimana, particularly the restoration of water quality within the Waikato and Waipā Rivers so that it is safe for people to swim in and take food from over its entire length.
31. The Waikato and Waipā River Iwi acknowledge and accept that achievement of the long-term objectives will take time, and that the measures set out in Proposed Plan Change 1 (as varied by Variation 1) are the first, important steps to assist with achieving those objectives. The Waikato and Waipā River Iwi therefore support a staged approach — advanced through Proposed Plan Change 1 and Variation 1 — to the achievement of the long-term objectives set out in Te Ture Whaimana.
32. Te Ture Whaimana (and its long-term focus) has significant status and weighting in the RMA planning hierarchy. It is deemed to be part of the Waikato Regional Policy Statement. It overrides any National Policy Statement, including the National Policy Statement for Freshwater Management. It cannot be reviewed by the WRC (which overrides section 79 of the RMA). The WRC must give effect to Te Ture Whaimana in the Regional Plan. In order to give effect to Te Ture Whaimana, Proposed Plan Change 1 and Variation 1 must necessarily reflect and provide for long-term objectives.
33. Accordingly, the Waikato and Waipā River Iwi support Proposed Plan Change 1 and Variation 1 in relation to the manner in which it seeks to give effect to the long-term objectives set out in Te Ture Whaimana. Proposed Plan Change 1 (as varied by Variation 1) is one of the instruments by which settlement and co-management agreements between Waikato and Waipā River Iwi and the Crown are being implemented and this should be recognised in consideration of this submission.

INTRODUCTION

34. This submission is made on behalf of Te Whakakitenga o Waikato Incorporated (formerly known as Waikato-Tainui Te Kauhanganui Incorporated). Te Whakakitenga o Waikato Incorporated is the governance entity for the iwi of Waikato-Tainui, which has over **73,000** members affiliating to **68** marae and **33** hapuu.
35. Te Whakakitenga o Waikato Incorporated is the trustee of both the Waikato Raupatu Lands Trust and the Waikato Raupatu River Trust and is the mandated iwi organization for Waikato-Tainui for the purpose of the Maaori Fisheries Act 2004.
36. The Waikato River Settlement 2010 provides for the establishment of Joint-Management Agreements between Waikato-Tainui and Regional and District Councils. The mechanism provides for the exercising of Mana Whakahaere and affords greater recognition of the power-sharing relationship that exists between Waikato-Tainui and Councils underpinned by Te Tiriti o Waitangi.

OVERVIEW OF WAIKATO-TAINUI POSITION

The Relationship of Waikato-Tainui with the Waikato River as defined by legislation:

“Noo taatou te awa. Noo te awa taatou. E kore e taea te wehe te iwi o Waikato me te awa. He taonga tuku iho naa ngaa tuupuna. E whakapono ana maatou ko taa maatou, he tiaki i taua taonga moo ngaa uri whakatupu.”

“The River belongs to us just as we belong to the river. The Waikato tribe and the River are inseparable. It is a gift left to us by our ancestors and we believe we have a duty to protect that gift for future generations.” – Robert Te Kotahi Mahuta 1975

(a) Te Mana o te Awa

To Waikato-Tainui, the Waikato River is a tupuna (ancestor) which has mana (prestige) and in turn represents the mana and mauri (life force) of the tribe. Respect for te mana o te awa (the spiritual authority, protective power and prestige of the Waikato River) is at the heart of the relationship between the tribe and their ancestral river:

(b) Mana whakahaere

Mana whakahaere embodies the authority that Waikato-Tainui and other River tribes have established in respect of the Waikato River over many generations, to exercise control, access to and management of the Waikato River and its resources in accordance with tikanga (values,

ethics and norms of conduct). For Waikato-Tainui, mana whakahaere has long been exercised under the mana of the Kiingitanga:

37. Waikato-Tainui are tangata whenua of the Waikato and Auckland rohe. This includes the West Coast, Manukau, Whaingaroa, Aotea and Kaawhia Harbours, of which Waikato-Tainui are a kaitiaki. Waikato-Tainui practice Mana Whakahaere over these regions including the marine and coastal areas of these regions.

38. Waikato-Tainui has a range of rights and interests including, but not limited to:

- (a) rights and interests arising under the 1995 Waikato Raupatu Lands Settlement (and the Waikato Raupatu Settlement Act 1995) and the 2008-2009 Waikato River Settlement (and the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010);
- (b) rights and interests according to tikanga and customary law;
- (c) rights and interests arising from the common law (including the common law relating to aboriginal title and customary law); and
- (d) rights and interests under the Treaty of Waitangi and its principles.

39. Waikato-Tainui seeks to ensure that these rights and interests are recognized and protected in the **Proposed Waikato Regional Plan Change 1 – Waikato and Waipaa River Catchments** and is aligned with the outcomes of Waikato-Tainui's three key tribal documents:

- 1. *Tai Tumu, Tai Pari, Tai Ao – Waikato-Tainui Environmental Plan***
- 2. *Waikato-Tainui Whakatupuranga 2050 – Strategic Plan***
- 3. *Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010***

40. In relation to the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, Waikato-Tainui maintains its interests in Freshwater which remains outstanding and requires further discussion with the iwi as provided for in the River Legislation and in relation to the creation or disposition of interests under the Act.

41. Whakatupuranga 2050 is the strategic plan blue-print for the cultural, social and economic advancement of Waikato-Tainui (see appendix 1). The strategic plan sets out the need to grow Waikato-Tainui's tribal estate and manage our natural resources; for this reason, Waikato-Tainui's goal is to develop self-sufficient marae.

42. Te Haere Whakamua-Moving forward with our JMAs is our three-year strategic blue print and in addition to our strategic documents Tai Tumu, Tai Pari, Tai Ao and Whakaturanga 2050 is one of many mechanisms to advance the rights and interest of Waikato Tainui; and leverage opportunities for our **68 Marae** and **33 Hapuu** within the Waikato Regional Council.
43. To realise the aspirations of our marae, further development is required between Waikato-Tainui and the Council on its Joint-Management Agreement relationship where both parties come together on matters of mutual interest and work together to co-create solutions.
44. The Waikato-Tainui Environmental Plan, Tai Tumu Tai Pari Tai was designed to enhance Waikato-Tainui participation in resource and environmental management. The maimai aroha of Kiingi Taawhiao is the key driver and indicator of environmental health and wellbeing in this Plan. Waikato-Tainui aspires to the restoration of the environment to the state that Kiingi Taawhiao observed when he composed his maimai aroha.
45. The Plan is also intended as a tool to provide clear high-level guidance on Waikato-Tainui objectives and policies with respect to the environment to resource managers, users and activity operators, and those regulating such activities, within the Waikato-Tainui rohe. Waikato-Tainui recognises that the successful achievement of the objectives in this Plan is a team approach that requires input and support from these external agencies.
46. Waikato-Tainui supports and promotes a coordinated, co-operative, and collaborative approach to natural resource and environmental management, restoration, and care within the Waikato-Tainui rohe. Through this Plan Waikato-Tainui seeks to achieve a consistent approach to environmental management across the Waikato-Tainui rohe. This Plan is a living, evolving, working document that will be monitored, revised and updated to ensure it remains relevant and provides a framework for continuous improvement. Waikato-Tainui seeks for Proposed Waikato Regional Plan Change 1 – Waikato and Waipaa River Catchments to align with its Environmental Plan.
47. Waikato-Tainui vehemently oppose all claims of interests by Pare Hauraki within the tribal territory of the Waikato-Tainui and especially in relation to the Waikato River whereby Pare Hauraki's enduring ahi kaa presence in the region has remained absent

SPECIFIC POINTS OF SUBMISSION

SUBMISSION 1

48. Plan section - Explanatory Statement

Relief sought

49. Retain the addition of the date of notification for PC1 (22 October 2016) in paragraph 7

Rationale

50. The proposed amendments to the Explanatory Statement will provide certainty to plan users that the date of notification of Proposed Plan Change 1 (PC1) was 22 October 2016.

51. The proposed amendment will also assist with protecting the integrity of the regulatory framework that was designed by the Collaborative Stakeholder Group (CSG), particularly the 10-year target (2026) for putting in place and implementing the sum-total of mitigation measures that would collectively achieve 10% of the journey towards achieving Te Ture Whaimana.

SUBMISSION 2

52. Plan section – Map 3.11-1

Relief sought

53. Retain the re-insertion of the northern catchment of the Waikato River to Map 3.11-1

Rationale

54. To be effective in achieving Te Ture Whaimana in 80-years, the Waikato and Waipā River Iwi consider the spatial extent of PC1 must include all of the land area associated with the catchments of the Waikato and Waipā Rivers.

SUBMISSION 3

55. Plan section - 3.11.2(1)

Relief sought

56. Amend Table 3.11-1 for nitrate-nitrogen and ammoniacal nitrogen to:

o remove the 80-year numerical attribute targets for nitrate-nitrogen and ammoniacal nitrogen that are expressed in each sub-catchment (eg, at the sub-catchment scale); and

o review the 10-year numerical attribute targets for nitrate-nitrogen and ammoniacal nitrogen to fix errors and achieve greater consistency between sub-catchments so that the degree of reduction required is proportionate to the amount of current discharge (eg, those discharging more are expected to make greater reductions).

Rationale

57. The Waikato and Waipā River Iwi consider there is a risk the 80-year nitrate-nitrogen (and to a lesser extent the ammoniacal nitrogen) numerical attribute targets in Table

3.11-1, expressed at the individual sub-catchment scale, effectively “locks in” the maximum allowable concentration of nitrogen for each sub-catchment, and thus the maximum amount of resource use within each sub-catchment.

58. Table 3.11-1 could also be perceived as “locking in” a degree of reductions in nitrogen outputs from each sub-catchment, sometimes greater, sometimes lesser, than the degree of improvement required in the Freshwater Management Unit (FMU) or subcatchment overall. This could have the unintended consequence of significantly constraining the development of any future framework to allocate nitrogen by essentially defining the size of the “pie” available in each sub-catchment now.
59. The Waikato and Waipā River Iwi have been very clear in articulating to the WRC that a ‘grandparented’ approach to allocating rights to discharge contaminants is unacceptable. Constraining or pre-determining the shape of any new allocation regime by “locking in” the maximum allowable concentration of nitrogen for each subcatchment, is similarly unacceptable.
60. The Waikato and Waipā River Iwi request the 80-year numerical attribute targets for nitrogen (including TN, nitrate-nitrogen and ammoniacal-nitrogen) be expressed as a single set of TN numerical attribute targets as measured in the main stem of the Waikato River at the bottom of each FMU.

SUBMISSION 4

61. Plan section - 3.11.2(1)

Relief sought

62. Amend Table 3.11-1 in respect of E. coli and Chlorophyll a to:
 - o Retain the 80-year numerical attribute targets for E. coli and water clarity for the Waikato River main stem and sub-catchments; and
 - o Retain the 80-year numerical attribute targets for Chlorophyll a for the Waikato River main stem;

Rationale

63. The E. coli and clarity targets directly relate to, and are a measure of, the “swimmability” of the rivers and streams. The 80-year water quality targets for E. coli and clarity expressed in Table 3.11-1 correspond to the long-term objective of Te Ture Whaimana for the Waikato and Waipā Rivers to be swimmable over their entire length, therefore, they need to be retained at the sub-catchment level.
64. Similarly, the numerical attribute for chlorophyll a directly relates to the ecological health of the river and swimming (through water clarity) values and should therefore be retained. The 80-year water quality targets require maintenance of current chlorophyll a median and maximum chlorophyll a concentrations in the Upper Waikato River (down to the Waipapa Tailrace), and reductions/improvement from the Narrows down to the bottom of the Lower Waikato FMU.
65. The Waikato and Waipā River Iwi note the Proposed Plan will need to allow for amendments to the National Policy Statement for Freshwater Management (NPS-

FM) 2014 made in 2017. This is particularly the case for the “swimmability” of rivers and lakes, and the requirement to achieve Te Mana o Te Wai as an overarching Objective.

SUBMISSION 5

66. Plan section - 3.11.2(1)

Relief sought

67. Amend Table 3.11-1 in respect of total nitrogen and total phosphorus to:

o Retain the 10-year TN and TP numerical attribute targets for the Waikato River main stem; and

o Amend the 80-year TN and TP numerical attribute targets to a single point at the bottom of each FMU.

Rationale

68. The Waikato and Waipā River Iwi understood the Total Nitrogen (TN) and Total Phosphorous (TP) numerical attribute targets were defined primarily to achieve the Chlorophyll a target. However, there seems to be a disconnect between the Chlorophyll a bands and the TN/TP bands, particularly in the Upper Waikato FMU. For example, in the Waikato River at Ohakuri Tailrace, the 80-year Chlorophyll a targets are within Band B. The TP target is also within Band B, but the TN target requires a reduction in concentration to Band A.
69. It is important to acknowledge that the relationship between TN/TP and Chlorophyll a are only partially understood, and that further research will refine this knowledge. In short the TN/TP concentrations required to achieve the Chlorophyll a target may be subject to refinement in the future.
70. Further, the reductions in TN and/or TP concentrations required at some of the monitoring points are not directly associated with any reduction in Chlorophyll a. For example, for the Waikato River at Waipapa Tailrace, the Chlorophyll a target requires a maintenance at the current levels, but the TN targets require a more than 50% reduction over 80-years. It is understood that the TN target at this monitoring site was not set specifically to achieve a Chlorophyll a target, but rather to contribute to the reductions required to achieve the TN target in the main stem of the Waikato River at the Narrows.
71. Similarly, there is a risk that the setting of TN/TP targets at various points along the Waikato River within each FMU may constrain the development of the future allocation framework by “locking in” the degree of reduction required within each segment of the FMU.

SUBMISSION 6

72. Plan section – Background and Explanation

Relief sought

73. Retain the insertion of consultation statement in Background and Explanation

Rationale

74. The Waikato and Waipā River Iwi consider the insertion of a consultation statement into the Background and Explanation will provide certainty to plan users that Iwi have been consulted on the development of PC1 in accordance with the First Schedule of the RMA.

SUBMISSION 7

75. Plan section - 3.11.1

Relief sought

76. Replace 'connection' with 'relationship'

Rationale

77. The term 'relationship' speaks to the enduring presence of that iwi within the rohe and to those waterbodies and is the term used in the Vision & Strategy which has been adopted (by law) into the Regional Policy Statement. As noted in submission 7, the term "River iwi and other iwi" is appropriate through PC1 and in submission 8, the term "rivers, wetlands and springs" is appropriate through PC1

SUBMISSION 8

78. Plan section – 3.11.1 and 3.11.4.1

Relief sought

79. Retain the amendment "River iwi and other iwi"

Rationale

80. The term "River iwi" is used in the legislation relating to the co-management of the Waikato and Waipā Rivers, namely the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, the Ngati Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010, and the Nga Wai o Maniapoto (Waipa River) Act 2012.
81. The Waikato and Waipā River iwi joint-submission to PC1 sought the retention of the term "River iwi" by supporting plan sections 3.11.1 and 3.11.4.1.
82. The River iwi are cognisant that other iwi are progressing Treaty of Waitangi settlements with the Crown. Where future settlements overlap with the spatial area covered by PC1, it may be appropriate for WRC to undertake separate plan changes to give effect to new settlements.

SUBMISSION 9

83. Plan section – 3.11.1 and 3.11.1.1

Relief sought

84. Remove "rivers, wetlands and springs"

Rationale

85. The term "River" is used in the legislation relating to the co-management of the Waikato and Waipā Rivers, namely the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, the Ngati Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato

River Act 2010, and the Nga Wai o Maniapoto (Waipa River) Act 2012.

“Rivers, wetlands and springs” minimises our definition of the river in Waikato Raupatu River Settlement Act

86. The Waikato and Waipā River iwi joint-submission to PC1 sought the retention of the term “River” by supporting plan sections 3.11.1 and 3.11.4.1.
87. The CSG spent considerable time drafting the values section of PC1. The scope of PC1 includes the catchment of the Waikato and Waipā Rivers and by default includes all tributaries, streams, springs, lakes and wetlands that collectively discharge into and form the Waikato and Waipā Rivers. The addition of the terms “wetlands and springs” does not diminish the term “rivers” and would be consistent with what the CAG design of PC1.

SUBMISSION 10

88. Plan section - 3.11.1.1(bullet 3)

Relief sought

89. Retain the amendment “kaitiaki”

Rationale

90. The Waikato and Waipā River Iwi support the amendment to insert the term “kaitiaki” in bullet 3. The obligation of kaitiaki is common among the River iwi and must be had particular regard to through the First Schedule of the RMA.

SUBMISSION 11

91. Plan section - 3.11.1.1(bullet 4)

Relief sought

92. Remove new bullet 4:

~~“3.11.1.1 Mana Atua — Intrinsic values~~

- ~~Tribal taniwha and tupua dwell in the rivers which are also the location of continued spiritual and cultural traditions and practices maintained over the many centuries.~~

Rationale

93. Waikato-Tainui is of the view that tribal taniwha and tupua are already sufficiently covered under objectives B, C and D of the Vision & Strategy. Objective C of the Vision & Strategy which is imbedded into the Waikato Regional Policy Statement speaks to “the relationship of river iwi with the Waikato river according to their tikanga and kawa, including their economic, cultural, social and spiritual relationships”. Notwithstanding that the Vision & Strategy also takes into account each individuals iwi’s kawa and tikanga

SUBMISSION 12

94. Plan section - 3.11.1.1(bullet 5)

Relief sought

95. Remove new bullet 5

~~“3.11.1.1 Mana Atua—Intrinsic values~~

~~▪—Iwi tupuna inhabited a rohe that teemed with life in the rivers, wetlands and springs. These resources were subject to access and use rights as an essential part of kaitiakitanga~~

Rationale

96. Waikato-Tainui is of the view that the new bullet is inappropriate and unnecessary as Kaitiakitanga is already covered in Objectives B, C & D of the Vision & Strategy.

SUBMISSION 13

97. Plan section - 3.11.1.1(bullet 6)

Relief sought

98. Retain the replacement of the term “along” with the term “affecting”

Rationale

99. The Waikato and Waipā River Iwi support the amendment to replace the term “along” with the term “affecting”, in respect to “rivers, wetlands and springs”. The term “affecting” is a better way to express the relationship between different types of development over time and the impact this has had on the special relationship the Waikato and Waipā River Iwi have with freshwater more generally.

SUBMISSION 14

100. Plan section - 3.11.1.2(bullet 3)

Relief sought

101. Remove new bullet 3:

~~“3.11.1.1 Mana Atua—Intrinsic values~~

~~▪—The rivers have different states of wai tapu and wai kino that are adhered to and respected.~~

Rationale

102. In Waikato-Tainui’s view, the new bullet is inappropriate and unnecessary on the premise that Wai (and Wai Kino) already has a dedicated Vision and Strategy towards the restoration of wai kino and the Waikato river generally. Restoration sits at the apex of the Vision & Strategy

SUBMISSION 15

103. Plan section - New 3.11.2(6) and 3.11.2(6) explanation

Relief sought

104. Retain the re-insertion of Objective 6 Whangamarino Wetland and accompanying explanation for Objective 6.

Rationale

105. The Waikato and Waipā River Iwi support the re-insertion of Objective 6 Whangamarino Wetland and accompanying explanation for Objective 6.

106. The Whangamarino Wetland is of particular significance to Waikato-Tainui and must be restored and protected in a manner consistent with achieving Te Ture Whaimana. The CSG designed a specific objective that is targeted to the restoration and protection of the Whangamarino Wetland that was initially supported by the Waikato and Waipā River Iwi.

107. The Waikato and Waipā River Iwi note submission 9 of the joint submission to PC1 requested a new Objective relating to the water quality of all lakes within the Lakes Freshwater Management Units being restored and protected in a manner consistent with achieving Te Ture Whaimana. The re-insertion of Objective 6 is complimentary to the new Objective being sought by the Waikato and Waipā River Iwi.

SUBMISSION 16

108. Plan section - 3.11.2(1) explanation

Relief sought

109. Retain the addition of the wording “Objective 1 sets the overall context for what is to be achieved in terms of water quality improvements. There is not any hierarchy of Objectives 1 to 6.”

Rationale

110. The Waikato and Waipā River Iwi support the amendment to insert new wording to the explanation to clarify Objective 1 sets water quality improvements that must be met and, that the Objectives (1-6) in PC1 have no hierarchy. The amendment is consistent with the CSG design of PC1.

SUBMISSION 17

111. Plan section - 3.11.2(4) explanation

Relief sought

112. Retain the addition of the wording “(the short term 10-year period)”

Rationale

113. The Waikato and Waipā River Iwi support the amendment to insert new wording (in brackets) to the explanation for Objective 4 that clarifies the “first stage” —of the 80-year timeframe to achieve Te Ture Whaimana— means “the short term 10-year period” to 2026.

114. While the wording may be superfluous, the intent of the explanation is consistent with the CSG design of PC1.

SUBMISSION 18

115. Plan section - 3.11.3(5)

Relief sought

116. Retain the replacement of the term “allow for” with the term “enable”

Rationale

117. The Waikato and Waipā River Iwi consider the 80-year timeframe was adopted by the CSG to strike the right balance between minimizing social disruption in the regional community to achieve Te Ture Whaimana. Enabling innovation to occur that ultimately assists with the transition to lower discharging land uses is supported.

SUBMISSION 19

118. Plan section - 3.11.3(8)(c)

Relief sought

119. Retain the amendments to re-insert Policy 8 Prioritised implementation

Rationale

120. The Waikato and Waipā River Iwi consider the inclusion of the Whangamarino Wetland as a priority sub-catchment in PC1 is necessary. The Whangamarino Wetland is of particular significance to Waikato-Tainui and must be restored and protected in a manner consistent with achieving Te Ture Whaimana.

SUBMISSION 20

121. Plan section – 3.11.3.15

Relief sought

122. Support the re-insertion of Policy 15 with the following amendments to read:

“3.11.3.15 Whangamarino Wetland

“Protect and ~~make progress towards restoration of~~ restore the Whangamarino Wetland by reducing...”

“c. ~~Support implementation of any~~ Provide the necessary resources to fully implement the catchment plan prepared in future by the Waikato...”

Rationale

123. The Whangamarino Wetland is of particular significance to Waikato-Tainui and must be restored and protected in a manner that achieves Te Ture Whaimana by 2096. To achieve this outcome, Policy 15 must provide meaningful direction that results in mitigation measures being put in place that would collectively achieve 10% of the journey towards achieving Te Ture Whaimana—in the sub-catchments that discharge into the Whangamarino Wetland— by 2026.

124. Failure to provide this direction could unintentionally create a situation where the measures that required to be put in place by 2026 do not occur. This would be an unacceptable outcome to the Waikato and Waipā River Iwi.

SUBMISSION 21

125. Plan section - 3.11.4(4)(c), (d), (e) and (f)

Relief sought

126. Retain the amendments to Lakes (Waikare) and Whangamarino Wetland method while noting relief sought through the joint River Iwi submission to PC1.

Rationale

127. The Waikato and Waipā River Iwi support the insertion of the method to undertake, develop and implement the Lake Waikare and Whangamarino wetland catchment management plan as a priority. Lake Waikare and the Whangamarino wetland are of significant cultural/customary and spiritual value to Waikato-Tainui and will require a focused catchment-based approach to plan for restoration within the 80-year timeframe agreed by the CSG.
128. The inclusion of “Whangamarino wetland” into Methods (d), (e) and (f) is supported by the Waikato and Waipā River Iwi.

SUBMISSION 22

129. Plan section - 3.11.4(11)

Relief sought

130. Insert new bullet in Method 3.11.4(11) to read:

o Review and report on the progress towards and achievement of “Mana Tangata - protecting and restoring tāngata whenua values Including cultural and spiritual wellbeing)” objectives of Chapter 3.11

Rationale

131. The Waikato and Waipā River Iwi consider it is imperative that Waikato Regional Council make substantive progress towards, and ultimately achieving, the protection and restoration of tāngata whenua values as set out in Objective 5. By association, the Waikato and Waipā River Iwi also consider progress need to be made towards achieving the wellbeing’s expressed in Objective 2.
132. Making measurable progress towards achieving Objectives 2 and 5 can occur in a multitude of different ways, one of which should be the use of certain cultural values and mātauranga Māori indicators that are integral to Farm Environment Plans and form part of the mandatory reporting on any Certified Industry Scheme or catchment collective.
133. Ultimately, the Waikato Regional Council must work with the Waikato and Waipā River Iwi to co-design the most appropriate mechanism to measure progress towards achieving Objectives 2 and 5.

SUBMISSION 23

134. Plan section - 3.11.5(2)

Relief sought

135. Retain the amendments to Rule 3.11.5(2)(5)

Rationale

136. The Waikato and Waipā River Iwi support the amendments to the dates that apply to farming activities excluding commercial vegetable production (the use of land) that are greater than 4.1 hectares to provide information to the Waikato Regional Council.

137. While the amendment is reasonably necessary to accommodate time lost in the promulgation of Proposed Variation 1 to PC1, the Waikato and Waipā River Iwi wish to highlight the pressing need for the Waikato Regional Council to avoid any further delays in progressing the First Schedule of the RMA process and the implementation of PC1.

SUBMISSION 24

138. Plan section - 3.11.5(3)

Relief sought

139. Retain the amendments to Rule 3.11.5(3)(5)(a) and (b)

Rationale

140. The Waikato and Waipā River Iwi support the amendments to the dates that apply to farming activities (the use of land), in Priority 1 and 2 sub-catchments, with a Farm Environment Plan under a Certified Industry Scheme to provide the Farm Environmental Plan to the Waikato Regional Council.

141. While the amendment is reasonably necessary to accommodate time lost in the promulgation of Proposed Variation 1 to PC1, the Waikato and Waipā River Iwi wish to highlight the pressing need for the Waikato Regional Council to avoid any further delays in progressing the First Schedule of the RMA process and the implementation of PC1.

SUBMISSION 25

142. Plan section - 3.11.5(4)

Relief sought

143. Retain the amendments to Rule 3.11.5(4)(1), (2) and Matters of Control

Rationale

144. The Waikato and Waipā River Iwi support the amendments to the dates for when farming activities (the use of land), in Priority 1 and 2 sub-catchments, with a Farm Environment Plan and not under a Certified Industry Scheme are required to obtain Controlled Activity resource consents to continue operating. The amendments to the dates in the Matters of Control are also supported by the Waikato and Waipā River Iwi.

145. While the amendment is reasonably necessary to accommodate time lost in the promulgation of Proposed Variation 1 to PC1, the Waikato and Waipā River Iwi wish to highlight the pressing need for the Waikato Regional Council to avoid any further delays in progressing the First Schedule of the RMA process and the implementation of PC1.

SUBMISSION 26

146. Plan section - 3.11.5(5)

Relief sought

147. Retain the amendments to Rule 3.11.5(5) and advisory note to Rule 3.11.5(5)

Rationale

148. The Waikato and Waipā River Iwi support the amendment to the dates for when existing commercial vegetable activities (the use of land) are required to obtain

Controlled Activity resource consents to continue operating.

149. While the amendment is reasonably necessary to accommodate time lost in the promulgation of Proposed Variation 1 to PC1, the Waikato and Waipā River Iwi wish to highlight the pressing need for the Waikato Regional Council to avoid any further delays in progressing the First Schedule of the RMA process and the implementation of PC1.

SUBMISSION 27

150. Plan section - Schedule A

Relief sought

151. Retain the amendments to Schedule A(1)

Rationale

152. The Waikato and Waipā River Iwi support the amendment to the dates for when properties with an area of greater than 2 hectares (excluding urban properties) must be registered with the Waikato Regional Council.
153. While the amendment is reasonably necessary to accommodate time lost in the promulgation of Proposed Variation 1 to PC1, the Waikato and Waipā River Iwi wish to highlight the pressing need for the Waikato Regional Council to avoid any further delays in progressing the First Schedule of the RMA process and the implementation of PC1.

SUBMISSION 28

154. Plan section - Schedule B

Relief sought

155. Retain the amendments to Schedule B(e)

Rationale

156. The Waikato and Waipā River Iwi support the amendment to the dates for when the Nitrogen Reference Point and Nitrogen Reference Point data must be submitted to the Waikato Regional Council.
157. While the amendment is reasonably necessary to accommodate time lost in the promulgation of Proposed Variation 1 to PC1, the Waikato and Waipā River Iwi wish to highlight the pressing need for the Waikato Regional Council to avoid any further delays in progressing the First Schedule of the RMA process and the implementation of PC1.

CONCLUSION

*Maaku anoo e hanga i tooku nei whare
Ko ngaa pou oo roto he maahoe, he patete
Ko te taahuhu, he hiinau
Me whakatupu ki te hua o te rengarenga
Me whakapakari ki te hua o te kawariki
I shall fashion my own house.
The support posts shall be of maahoe, patete
The ridgepole of hiinau
The inhabitants shall be raised on rengarenga*

and nurtured kawariki.
- Kiingi Taawhiao

This Whakataauaki is recognition of the importance of growing and preserving its Joint-Management Agreement as a mechanism to continue to build our whare with our River Iwi and other key stakeholders i.e. WRC/WRA. It is our opportunity to transform the way decision-making takes place within the greater Waikato area. It is incumbent upon Waikato-Tainui to empower our 68 maraes to achieve Mana Motuhake, that they may be able to participate more effectively in council decision-making to co-create customized solutions appropriate for that community.

DATED: 23 May 2018

Te Whakakitenga o Waikato Incorporated
By its Strategy and Relationship Manager;

Address for Services: C/- Taroi Rawiri
Te Whakakitenga o Waikato Incorporated
PO Box 848
Hamilton

Telephone: 0800 TAINUI
Mobile: 027 858 0448
Email: taroi.rawiri@tainui.co.nz



From: [Healthy Rivers](#)
To: [Taroi Rawiri](#); [Manaaki Nepia](#); [Healthy Rivers](#)
Cc: [Marae Tukere](#); [Taipu Paki](#); [Ngaa Rauuira](#); [Te Hau White](#)
Subject: RE: Waikato Tainui Health Rivers Submission
Date: Thursday, 24 May 2018 8:45:07 AM
Attachments: [image001.png](#)

Kia ora Taroi

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: Taroi Rawiri <taroi.rawiri@tainui.co.nz>
Sent: Wednesday, 23 May 2018 5:20 PM
To: Manaaki Nepia <manaaki.nepia@tainui.co.nz>; Healthy Rivers <healthyrivers@waikatoregion.govt.nz>; Healthy Rivers <healthyrivers@waikatoregion.govt.nz>
Cc: Marae Tukere <marae.tukere@tainui.co.nz>; Taipu Paki <Taipu.Paki@tainui.co.nz>; Ngaa Rauuira <ngaa.rauuira@tainui.co.nz>; Te Hau White <tehau.white@tainui.co.nz>
Subject: Re: Waikato Tainui Health Rivers Submission

Kia ora Keita

Our answer to both a and b is no,

Waikato-Tainui is not directly affected or cause adverse affects to the environment nor do we have an affect trade competition through our HRWOC submission.

Ngaa mihi
Taroi

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From: Healthy Rivers
Sent: Wednesday, 23 May, 16:43

Subject: RE: Waikato Tainui Health Rivers Submission
To: Taroi Rawiri, Manaaki Nepia, Healthy Rivers
Cc: Marae Tukere, Taipu Paki, Ngaa Rauuira, Te Hau White

Hi Taroi

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

- 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: Manaaki Nepia <manaaki.nepia@tainui.co.nz>
Sent: Wednesday, 23 May 2018 4:27 PM
To: Healthy Rivers <healthyrivers@waikatoregion.govt.nz>
Cc: Marae Tukere <marae.tukere@tainui.co.nz>; Taipu Paki <Taipu.Paki@tainui.co.nz>; Taroi Rawiri <taroi.rawiri@tainui.co.nz>; Ngaa Rauuira <ngaa.rauuira@tainui.co.nz>; Te Hau White <tehau.white@tainui.co.nz>
Subject: Waikato Tainui Health Rivers Submission
Importance: High

Tena Koe

Please find attached to this email Waikato Tainui Submission around Healthy Rivers-Variation 1-Proposed Plan Change 1

If you have any questions please contact Taroi Rawiri-Taiao Manager.

Mauri Ora



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