

**SUBMISSION BY THE WAIKATO AND WAIPĀ RIVER IWI ON HEALTHY RIVERS/WAI ORA: VARIATION 1 TO PROPOSED WAIKATO REGIONAL PLAN CHANGE 1**

To Chief Executive  
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Name of Submitter Waikato Raupatu River Trust,  
Maniapoto Māori Trust Board,  
Raukawa Charitable Trust,  
Te Arawa River Iwi Trust and  
Tūwharetoa Māori Trust Board,  
  
jointly as the Waikato and Waipā River Iwi.

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Waikato Raupatu River Trust, Maniapoto Māori Trust Board, Raukawa Charitable Trust, Te Arawa River Iwi Trust and Tūwharetoa Māori Trust Board wish to be heard in support of this submission at any hearing.

If other parties make similar submissions, Waikato Raupatu River Trust, Maniapoto Māori Trust Board, Raukawa Charitable Trust, Te Arawa River Iwi Trust and Tūwharetoa Māori Trust Board may be prepared to present a joint case at any hearing.

## JOINT SUBMISSION

1. This submission is made jointly by the River Iwi in relation to Variation 1 (**Variation 1**) to the Healthy Rivers/Wai Ora: Proposed Waikato Regional Plan Change 1 (**Proposed Plan Change 1**).

## THE WAIKATO AND WAIPĀ RIVER IWI

2. The Waikato and Waipā River Iwi are:
  - (a) Waikato-Tainui, as represented by the Waikato Raupatu River Trust;
  - (b) Ngāti Maniapoto, as represented by the Maniapoto Māori Trust Board;
  - (c) Raukawa, as represented by the Raukawa Charitable Trust;
  - (d) the Te Arawa River Iwi, as represented by the Te Arawa River Iwi Trust; and
  - (e) Ngāti Tūwharetoa, as represented by the Tūwharetoa Māori Trust Board.
3. The River Iwi are co-governors of the Waikato and Waipā Rivers, as reflected in legislation relating to the co-management of the Waikato and Waipā Rivers. Those Acts of Parliament are the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, the Ngāti Tūwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010, and the Nga Wai o Maniapoto (Waipā River) Act 2012 (together, the **River Acts**).

## OPENING STATEMENT FOR THE WAIKATO AND WAIPĀ RIVER IWI

*Progressive achievement of the outcomes required by Te Ture Whaimana*

4. 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.
5. 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.
6. 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.
7. 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*

8. 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*

9. 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.
10. 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*

11. 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).
12. 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*

13. 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

14. 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**.
15. 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.

16. Section 48(2)(c) of the Ngāti Tūwharetoa, Raukawa and Te Arawa River Iwi Waikato River Act 2010 provides:

**Ngāti Tūwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010**

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

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    - (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.

17. 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.

18. 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**

19. The process followed to decide the content of Variation 1 is briefly summarised in Variation 1 itself.
20. 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 fulfill the requirements of Section 46(2)(c) of 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.

21. 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**

22. 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.

23. 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.
24. 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 addition 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**

25. 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.
26. 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.
27. 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.
28. 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.

29. 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.

## **SPECIFIC POINTS OF SUBMISSION**

### **SUBMISSION 1**

30. Plan section - Explanatory Statement

#### **Relief sought**

31. Retain the addition of the date of notification for Proposed Plan Change 1 (22 October 2016) in paragraph 7

#### **Rationale**

32. The proposed amendments to the Explanatory Statement will provide certainty to plan users that the date of notification of PC1 was 22 October 2016.
33. The proposed amendment will also assist with protecting the integrity of the regulatory framework that was designed by the 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**

34. Plan section – Map 3.11-1

#### **Relief sought**

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

#### **Rationale**

36. 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**

37. Plan section - 3.11.2(1)

#### **Relief sought**

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

- 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
- 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**

39. 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.
40. 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 sub-catchment 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.
41. 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 sub-catchment, is similarly unacceptable.
42. 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**

43. Plan section - 3.11.2(1)

#### **Relief sought**

44. Amend Table 3.11-1 in respect of E. coli and Chlorophyll a to:

- Retain the 80-year numerical attribute targets for E. coli and water clarity for the Waikato River main stem and sub-catchments; and

- Retain the 80-year numerical attribute targets for Chlorophyll *a* for the Waikato River main stem;

#### **Rationale**

45. 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.
46. 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.
47. 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, where they are inconsistent with Te Ture Whaimana. 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**

48. Plan section - 3.11.2(1)

#### **Relief sought**

49. Amend Table 3.11-1 in respect of total nitrogen and total phosphorus to:
  - Retain the 10-year TN and TP numerical attribute targets for the Waikato River main stem; and
  - Amend the 80-year TN and TP numerical attribute targets to a single point at the bottom of each FMU.

#### **Rationale**

50. 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.
51. 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.
52. 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.

53. 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**

54. Plan section – Background and Explanation

##### **Relief sought**

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

##### **Rationale**

56. 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**

57. Plan section - 3.11.1

##### **Relief sought**

58. Retain the amendments to Te Mana o te Wai: Mana Atua, Mana Tangata diagram

##### **Rationale**

59. The Waikato and Waipā River Iwi consider the amendment of the phrase “Ancestral and historical connections between rivers, wetlands, springs and River Iwi and other iwi” does not diminish the sense of identity and connection with land and water that is expressed in the Mana Atua, Mana Tangata diagram.
60. As noted in submission 8, the term “River iwi and other iwi” is appropriate through PC1.
61. As noted in submission 9, the term “rivers, wetlands and springs” is appropriate through PC1

#### **SUBMISSION 8**

62. Plan section – 3.11.1 and 3.11.4.1



### **Relief sought**

63. Retain the amendment “River iwi and other iwi”

### **Rationale**

64. 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 Ngāti Tūwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010, and the Nga Wai o Maniapoto (Waipā River) Act 2012.
65. 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.
66. 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**

67. Plan section – 3.11.1 and 3.11.1.1

### **Relief sought**

68. Retain the amendment “rivers, wetlands and springs”

### **Rationale**

69. 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 Ngāti Tūwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010, and the Nga Wai o Maniapoto (Waipā River) Act 2012.
70. 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.
71. 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 the CSG design of PC1.

### **SUBMISSION 10**

72. Plan section - 3.11.1.1(bullet 3)

### **Relief sought**

73. Retain the amendment “kaitiaki”

### **Rationale**

74. 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**

75. Plan section - 3.11.1.1(bullet 6)

### **Relief sought**

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

### **Rationale**

77. 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 12**

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

### **Relief sought**

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

### **Rationale**

80. The Waikato and Waipā River Iwi support the re-insertion of Objective 6 Whangamarino Wetland and accompanying explanation for Objective 6.
81. 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.
82. 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 13**

83. Plan section - 3.11.2(1) explanation

**Relief sought**

84. 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**

85. 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, the Objectives in PC1 have no hierarchy. The amendment is consistent with the CSG design of PC1.

**SUBMISSION 14**

86. Plan section - 3.11.2(4) explanation

**Relief sought**

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

**Rationale**

88. 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.
89. The intent of the explanation is consistent with the CSG design of PC1.

**SUBMISSION 15**

90. Plan section - 3.11.3(5)

**Relief sought**

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

**Rationale**

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

**SUBMISSION 16**

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

**Relief sought**

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

### **Rationale**

95. 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 17**

96. Plan section – 3.11.3.15

### **Relief sought**

97. 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**

98. 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.
99. Failure to provide this direction could unintentionally create a situation where the measures that are 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 18**

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

### **Relief sought**

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

### **Rationale**

102. 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.
103. The inclusion of “Whangamarino wetland” into Methods (d), (e) and (f) is supported by the Waikato and Waipā River Iwi.

### **SUBMISSION 19**

104. Plan section - 3.11.4(11)

#### **Relief sought**

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

- 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**

106. 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.
107. 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.
108. 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 20**

109. Plan section - 3.11.5(2)

#### **Relief sought**

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

#### **Rationale**

111. 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.
112. 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 21**

113. Plan section - 3.11.5(3)

**Relief sought**

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

**Rationale**

115. 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.
116. 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 22**

117. Plan section - 3.11.5(4)

**Relief sought**

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

**Rationale**

119. 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.
120. 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 23**

121. Plan section - 3.11.5(5)

**Relief sought**

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

**Rationale**

123. 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.
124. 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**

125. Plan section - Schedule A

#### **Relief sought**

126. Retain the amendments to Schedule A(1)

#### **Rationale**

127. 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.

128. 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**

129. Plan section - Schedule B

### **Relief sought**

130. Retain the amendments to Schedule B(e)

### **Rationale**

131. 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.
132. 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.

**From:** [Healthy Rivers](#)  
**To:** [Kate Tarawhiti](#); [Healthy Rivers](#)  
**Cc:** ["Billy Brough"](#); [Damian Stone](#)  
**Subject:** RE: Variation 1 to Proposed Waikato Regional Plan Change 1 - Waikato and Waipa River Iwi  
**Date:** Friday, 25 May 2018 8:26:11 AM

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Hi Kate

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](https://facebook.com/waikatoregion)

Private Bag 3038, Hamilton East, Hamilton 3240

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**From:** Kate Tarawhiti <kate@kahuilegal.co.nz>  
**Sent:** Thursday, 24 May 2018 12:55 PM  
**To:** Healthy Rivers <healthyrivers@waikatoregion.govt.nz>  
**Cc:** 'Billy Brough' <billy@broughresource.co.nz>; Damian Stone <Damian@kahuilegal.co.nz>  
**Subject:** RE: Variation 1 to Proposed Waikato Regional Plan Change 1 - Waikato and Waipa River Iwi

Tena koe Keita,

We can confirm that:

- (a) Waikato Raupatu River Trust, Maniapoto Maori Trust Board, Raukawa Charitable Trust, Te Arawa River Iwi Trust and Tuwharetoa Maori Trust Board could not gain an advantage in trade competition through this submission.
- (b) The Waikato and Waipa River Iwi are directly affected by an effect of the subject matter of the submission that:
  - (i) adversely effects the environment; and
  - (ii) does not relate to the trade competition or the effects of trade competition.

Nga mihi,  
Kate

**Kate Tarawhiti**  
Senior Solicitor

Waikato-Tainui

p: 04 495 9981 | m: 021 459 728



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PO Box 1654, Wellington 6140

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**From:** Healthy Rivers [<mailto:healthyivers@waikatoregion.govt.nz>]  
**Sent:** Wednesday, 23 May 2018 4:36 p.m.  
**To:** Kate Tarawhiti; Healthy Rivers  
**Cc:** 'Billy Brough'; Damian Stone  
**Subject:** RE: Variation 1 to Proposed Waikato Regional Plan Change 1 - Waikato and Waipa River Iwi

Hi Kate

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:** Kate Tarawhiti <[kate@kahuilegal.co.nz](mailto:kate@kahuilegal.co.nz)>  
**Sent:** Wednesday, 23 May 2018 4:11 PM  
**To:** Healthy Rivers <[healthyivers@waikatoregion.govt.nz](mailto:healthyivers@waikatoregion.govt.nz)>  
**Cc:** 'Billy Brough' <[billy@broughresource.co.nz](mailto:billy@broughresource.co.nz)>; Damian Stone <[Damian@kahuilegal.co.nz](mailto:Damian@kahuilegal.co.nz)>  
**Subject:** Variation 1 to Proposed Waikato Regional Plan Change 1 - Waikato and Waipa River Iwi

Tena koe,

Please find **attached** for filing, the Waikato and Waipa River Iwi's Submission on Variation 1 to Proposed Waikato Regional Plan Change 1.

Please contact Damian Stone on 04 495 9999 should you have any queries.

Nga mihi,  
Kate

**Kate Tarawhiti**  
Senior Solicitor

Waikato-Tainui

p: 04 495 9981 | m: 021 459 728



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