

**IN THE MATTER** of the Resource Management Act 1991

**AND**

**IN THE MATTER** of the Proposed Waikato Regional  
Plan Change 1: Waikato and Waipā  
River Catchments to the Waikato  
Regional Plan

---

**STATEMENT OF EVIDENCE VAUGHAN RAYMOND JOHN PAYNE**

**For the Waikato Regional Council**

**DATED 15 FEBRUARY 2019**

---

## Table of Contents

INTRODUCTION .....	3
OVERVIEW.....	3
PHILOSOPHY OF OUR APPROACH .....	4
COMPLEXITY OF ISSUE .....	5
COLLABORATION .....	6
CO-GOVERNANCE.....	7
INTEGRATION OF REGULATORY AND NON-REGULATORY APPROACHES .....	8
CONCLUSION .....	8

## INTRODUCTION

1. My full name is Vaughan Raymond John Payne.
2. I am the Chief Executive Office of the Waikato Regional Council (“**Council**”).
3. I hold a Masters in Regional and Resource Planning (Otago University), a Post Graduate Diploma in Management Studies (Waikato University) and a Bachelor of Surveying (Otago University), and have 28 years experience as a planner, manager, and executive officer.
4. Prior to becoming the Chief Executive of Council in November 2013 I held the position of Group Manager Policy and Transport. In the Group Manager role I was the executive officer responsible for providing the elected members of council with policy advice in regard to Council’s resource management. Throughout 2011 and 2013 this included providing advice on the initiation and development of Proposed, Plan Change 1 – Waikato and Waipā River Catchments, to the Waikato Regional Plan (Plan Change 1).
5. I provide this opening evidence in my role for Council as proponent of Plan Change 1.
6. This evidence provides an overarching picture of the key drivers, influences and complexities that set the frame for the development of the plan change.

## OVERVIEW

7. Te Ture Whaimana o Te Awa o Waikato, the Vision and Strategy for the Waikato and Waipā Rivers, set the vision for the plan change, a vision that is for a future where a healthy Waikato River sustains abundant life and prosperous communities who, in turn, are all responsible for restoring the protection the health and wellbeing of the Waikato River, and all it embraces, for generations to come.

*“Tooku awa koiora me oona pikonga he kura tangihia o te maataamuri -  
“The river of life, each curve more beautiful than the last”*

8. These words form part of the Vision and Strategy, and are taken from the maimai aroha, or lament, by Kiingi Taawhiao, the second Māori King, in which he recorded his adoration of the Waikato River and the significance of the river as a treasure for all generations. These visionary words inspire the action that will be necessary to restore the health and wellbeing of the Waikato River.

9. The decision to commence the Healthy Rivers Wai Ora project to implement the Vision and Strategy, along with setting the boundaries of and approach to the project, was agreed to by Council and Waikato and Waipā River iwi partners, and recorded as a resolution of Council in August 2012. While the Environment Court had held that Regional Policy Statements could not have a vision statement, legislation directed that the Vision and Strategy be part of the Waikato Regional Policy Statement.
10. This evidence outlines the philosophical approach taken by Council in progressing down a non-traditional path of plan development.

### **PHILOSOPHY OF OUR APPROACH**

11. I consider it would be helpful for the Panel to have a shared understanding of the context within which Council is undertaking its organisational response to freshwater quality management, particularly in regard to water quality within the Waikato and Waipā catchments.
12. Water management is a challenging business and displays all the classic traits of a complex, or “wicked” problem. The concepts of water quantity and water quality are complex and there are real challenges in interpreting and communicating data in a way that people can understand but which also gives a fair and accurate account of what is happening. These issues do not lend themselves to “sound bite” analysis but require an integrated analysis which has an evidential basis that informs genuine community plan development. In fact, there are multiple threats to water. We often do not have all the tools available to manage some, or all, of those threats effectively. There is a diverse range of legitimate values and interests at stake.
13. Real progress can be challenging since we are often dealing with legacy issues and managing contemporary behaviours, although critical, is only part of a bigger picture.
14. In recent engagement with the Minister for the Environment on responding to the challenge of addressing water quality the regional council sector has highlighted that there is a need to be mindful of a few key principles:
  - The need for flexibility in how regional councils respond to issues which will be different between and within regions in terms of their severity, in their underlying cause and in the appropriate response. One size does not fit all;

- There is a need for place-based solutions to problems, the development of genuine durable responses that require community buy-in;
  - In designing appropriate responses at the regional and catchment scale councils believe that the RMA needs to provide more tools ;
  - Nothing remains static and as our knowledge improves over time we need agility in our ability to respond
  - Stability in national direction enables regions to get on with implementation; constantly moving goals posts has the opposite effect.
15. To design fit-for-purpose regulation, we need to take a strategic, evidence-based approach that recognises differences, focuses on outcome-based solutions, and allows for reasonable timeframes in which to achieve the desired freshwater quality for ecological and human health.

## **COMPLEXITY OF ISSUE**

16. The challenge of restoring water is a complicated and complex issue. Currently, our main tool is the Resource Management Act 1991 (RMA). The RMA deals with water quality in a structured policy framework that does not fully recognise the depth of complexity in responding to water quality improvements.
17. The RMA was developed almost 30 years ago, at a time where the complexities of issues were not fully realised or reflected in statute. In my view the RMA overemphasises the technical aspects of issues and does not provide sufficient guidance for developing policy frameworks that respond to complexity.
18. Complex issues are:
- based on multiple interconnected elements including:
    - multiple root causes - legacy issues, economic and social drivers, and legacy system issues;
    - multiple stakeholders, each with some, but not all, of the tools to restore our waterways.
  - ‘the nature of the problem’ is continually evolving and difficult to eliminate. Some say you cannot solve complex issues, simply manage them over time; and
  - long term in nature.

19. In responding to the need to improve water quality, and in acknowledgement of the complexity of the issue and need for an innovative response, Council determined that there was a need to pursue an alternative process to the traditional plan development framework. For Council it was critically important that those who were to be impacted by the plan change had a genuine opportunity to input into the plan change, going beyond traditional plan sector base consultation. The Council decided to adopt a collaborative approach to plan development. An approach that goes beyond the consultation requirements of the RMA, and one that gives equal balance to technical certainty and community agreement.

## **COLLABORATION**

20. A collaborative approach enabled Council to manage the two challenges inherent in any complex issue, that of technical certainty and social agreement.
21. The collaborative process of Healthy Rivers: Plan for Change/Wai Ora: He Rautaki Whakapaipai brought together 24 representatives from all affected sectors of the Waikato community as the Collaborative Stakeholder Group (“CSG”) to write the policy and rules to improve the health of the Waikato and Waipā Rivers. The plan change was not authored by Council staff or elected members.
22. The CSG was supported by a Technical Leadership Group of respected specialists, independent of Council, chaired by NIWA’s General Manager Strategy, Dr Bryce Cooper. Its function was to provide the technical basis to inform the plan change and to respond to the questions posed by the CSG. Early in the process, in conversations with Dr Cooper, he noted that a quality science and evidential basis was critical to the plan development process; however, he also noted that the response to water quality is essentially a social/people issue.
23. Collaboration among the different people and groups involved allowed future visions and common goals to be openly discussed and negotiated, and possible pathways explored. The Healthy Rivers process has taught us a lot about collaboration:
  - The process needs to be well supported by independent technical leadership.
  - Everyone in the process must take collective responsibility for developing outcomes.
  - Outcomes are accepted; adopted and part of an ongoing process of reflection and learning.

24. Council's other plan development processes had all been fiercely contested and litigated, incurring significant costs for all involved. The previous processes introduced plan provisions that managed the geothermal resource, that introduced the catchment management of Nitrogen in the Lake Taupō catchment, and a policy framework that introduced water allocation provisions for the whole region. Each of these topics of their own are complex. The traditional consultative approach repeatedly created an adversarial environment where sectors stridently protected their positions first and foremost, rather than working together at the outset.
25. The collaborative approach, where those most impacted crafted the provisions that they will need to operate under, was considered a better means to that took account differing views and outcomes at the outset.
26. Significantly, the Healthy Rivers Wai Ora collaboration process has grown new leaders, forged relationships, and increased collective skillsets so that the region can respond effectively to the ongoing complexities and challenges of improving water quality.
27. A key success factor in restoring water quality, is that all stakeholders have come to the table with their tools, such as regulation, supply agreements, technology, industry influence, advocacy and so on. The process is about collective action, sharing the responsibility.
28. Council understood at the outset that there exists a tension between technical certainty and community agreement, with another layer of complexity added through the Waikato and Waipā River Settlement legislation co-governance requirements.

## **CO-GOVERNANCE**

29. The novel approach to co-governance required by River Settlement legislation provided Council with an opportunity to deepen Iwi partnerships. Council had significant input into the development of River Settlement legislation and had a genuine commitment to ensuring successful implementation post enactment.
30. Considerable time was taken with Iwi to understand roles and responsibilities in the new co-governance framework. Understanding what Iwi expectations were in regard to the governance and development of the plan change were critically important. Agreements

were developed with Iwi to document how Council and Iwi would work together to restore and protect the Waikato and Waipā Rivers. Council was determined to deliver on the agreements, to work in partnership, and to embed co-governance into the Healthy Rivers Wai Ora process.

## **INTEGRATION OF REGULATORY AND NON-REGULATORY APPROACHES**

31. In taking an integrated and comprehensive approach to improving water quality Council has a complementary programme of non-regulatory initiatives. The proposed plan change seeks to establish a long-term regulatory framework to improve water quality. Council is realistic about the time that it will take to progress through the RMA process and as such has made significant investment in making gains in water quality now. Through Council's integrated catchment work programmes we have been working alongside landowners over a number of years, undertaking on the ground initiatives. By way of example, over the past several years, in partnership with Waikato River Authority, significant effort has been expended in the Waipā catchment. In 2017/18 Council fenced 104.3km, planted 318,820 plants, and worked with landowners on 136 individual properties.<sup>1</sup>
  
32. Underpinning both the Healthy Rivers Wai Ora project and on-the-ground restoration work with landowners has been a prioritised approach to sub catchments. This has assisted in the determining the location and timing of both regulation and the non-regulatory focus, which includes catchment plans, farm plans, catchment works, retiring land, fencing, riparian planting and so on. The information and science informing the plan change development has also informed our on-the-ground efforts, efforts where optimised return from investment has been determined. The Council is not taking an *ad hoc* response to improving water quality, but is integrating both regulatory and non-regulatory approaches underpinned by quality evidence that identifies geographically where the best return on investment can be made.

## **CONCLUSION**

33. Water quality, and the response needed, is a complicated and complex issue. Gone are the days where councils can be expected to develop policy in isolation from those impacted. The power of the collaborative process was that those most impacted by the

---

<sup>1</sup> Waikato Regional Council, Annual Report, 2017/18

policy were those who 'held the pen'. The policy was not developed by Council staff or elected members.

34. A complex issue such as water quality management needs to be founded on a robust information and evidential basis, one that has been tested, and one that is open and transparent and shared with all involved.
35. I acknowledge that not all in the CSG agreed with the contents of the plan change as drafted. However, all but one of the sectors supported the draft plan change that was forwarded to the co-governance committee and Council for decision. The collaborative process gave rise to a proposed plan change that co-governance partners and Council endorsed for public notification.
36. The 24 members of the collaborative group could not represent the voice of every sector member or community viewpoint; however the approach taken to development of the plan change has resulted in a policy framework that has been developed by those most impacted.
37. I accept that the proposed plan change can be improved. The submission and hearing process will ensure that there is additional sector and community input to improve the plan change. My primary interest as Council's CE is that the plan change that results from the submission and hearings process is both pragmatic and implementable. This is critical. Addressing the challenge of improving the quality of freshwater will require an ongoing collaborative effort by Council and all sectors involved to date.
38. I am immensely proud that Council partnered with River Settlement Iwi in such an innovative collaborative approach, going far beyond what is required by statute, and being courageous enough to let others take on the job of writing the plan. I believe that leadership through effective collaborative co-governance has been demonstrated. Leadership that has maximised community and sector involvement.
39. It is commonly said that the hardest part of a journey is taking that first step. The proposed plan change is the first step in the 80 plus year journey to give effect to the Vision and Strategy for the Waikato River, to protect and restore the Waikato and Waipā Rivers to take up the challenge:

*"Tooku awa koiora me oona pikonga he kura tangihia o te maataamuri*

*- "The river of life, each curve more beautiful than the last"*