

STATEMENT OF EVIDENCE

In the matter of the Resource Management Act 1991

And a submission and further submissions on Proposed Waikato Regional Plan Change 1 – Waikato and Waipā River Catchments (PPC1)

Submitter's Name: Hamilton City Council

Submission Number: 74051

Hearing Topic: **Part B – Outcomes Values and uses**

Type of Evidence: Primary

Witness: Paul Stanley Ryan

Date: 15 February 2019

Summary statement

1. This evidence addresses the following regarding s.3.11.1 Values and uses for the Waikato and Waipā Rivers:
 - (1) HCC submission points the s.42A Report recommends be accepted;
 - (2) Recommendations in the s.42A Report that there be multiple insertions of the word “wetlands” in various value and use statements and use of the term in PPC1 as notified;
 - (3) “Municipal and domestic water supply”;
 - (4) A separate “drainage” value and use statement; and
 - (5) “Economic or commercial development”; and
 - (6) “Mitigating flood hazards”.

HCC submission points the s.42A Report recommends be accepted

2. The evidence acknowledges that the s.42A Report recommends that amendments HCC’s submission seeks to the “primary production” and “mitigating flood hazards” use values be accepted. I support this recommendation.

Insertion of references to “wetlands” in multiple value and use statements

3. The definition of “wetland” included in the Operative Waikato Regional Plan does not distinguish between natural and constructed wetlands. Accordingly, the definition applies to both natural and constructed wetlands.
4. HCC is concerned that if this distinction were not made, then constructed wetlands could be subject to PPC1 provisions that are intended to apply to natural wetlands only. This could severely inhibit the operation, maintenance, efficiency or effectiveness of constructed wetlands. Alternatively, it might impose on the holders of consents for constructed wetlands unnecessary additional costs to achieve the Vision and Strategy for the Waikato River.

5. In my opinion, amendments are needed to the following value and use statements recommended in the s.42A Report to make the necessary distinction between natural and constructed wetlands:
- (1) Identity and sense of place through the interconnections of land with water;
 - (2) Ancestry and history;
 - (3) Ecosystem health;
 - (4) Natural form and character;
 - (5) Wai tapu and wai kino; and
 - (6) Food gathering, places of food.

“Municipal and domestic water supply” value and use statement

6. This evidence proposes amendments to the “municipal and domestic water supply” value and use statement to:
- (1) Incorporate reference to “domestic or municipal supply”, which is a term defined in the Operative Waikato Regional Plan;
 - (2) Incorporate all water taking and use within one value and use statement to avoid having two statements accounting for it;
 - (3) Recognise the health benefits of water supply and use; and
 - (4) Make the expression of this value and use statement consistent with others.

“Drainage” value and use statement

7. Drainage is arguably the most basic function, value and use of surface water bodies: they drain the landscape. In my opinion, the drainage value and use of the rivers warrants separate recognition. This evidence provides wording for such a value that will improve the clarity of PPC1, is consistent with the expression of other values and recognises that “drainage” enables people and communities to provide for their health, safety and wellbeing.

“Economic or commercial development” value and use statement

8. If the “drainage” value and use of the rivers were recognised separately, then the “economic or commercial development” value and use should be amended to avoid having two statements recognising the same value and use. The scope of the “economic or commercial development” value and use could be confined to recognising tourism and wealth creation opportunities in addition to those recognised by other values and uses.

“Mitigating flood hazards”

9. The s.42A Report is silent on, or doesn’t address, an amendment to the “mitigating flood hazards” use value that HCC’s submission sought and which I consider would improve the quality of PPC1 drafting.

Personal statements

10. My full name is Paul Stanley Ryan. Please refer to my Primary Evidence on “Part B – Outcomes: Overall direction and whole plan submissions” for my:
- (1) Qualifications and experience;
 - (2) Endorsement of the content of HCC’s submissions and further submissions, except where stated otherwise in my evidence;

- (3) Agreement to comply with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014; and
- (4) Reserved position with respect to the relief my Block 1 evidence seeks.

Abbreviations

11. Abbreviations and terms used in my evidence are explained in **Attachment A**.

Scope of evidence

12. My evidence focuses primarily on the relief sought in HCC's Submission and Further Submissions which the s.42A Report recommends be accepted in part only, rejected in whole, or does not address.
13. It includes:
 - (1) A summary statement (above);
 - (2) Support for some s.42A Report recommendations;
 - (3) Discussion of problems that could arise if particular s.42A Report recommendations were accepted; and
 - (4) Further or alternative amendments to PPC1 that would avoid these problems or improve PPC1's clarity and the certainty of its interpretation and implementation.

HCC submission points the s.42A Report recommends be accepted

14. I note the s.42A Report recommends acceptance of the following HCC submission points on 3.11.1.2 Mana Tangata – Use Values:
 - (1) Insertion of “*and urban*” before “*Waikato*” at the end of the fourth bullet point under the “primary production” use value¹; and
 - (2) Addition of “*and livestock*” at the end of the “mitigating flood hazards” use value statement in the left-hand column².
15. I agree with those recommendations.

Inclusion of references to “wetlands” in multiple value and use statements

16. The Operative Waikato Regional Plan adopts the RMA's definition of “wetland”, which is:

wetland includes permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions.

17. Both natural and constructed wetlands fall within this definition.
18. Variation 1 inserted multiple references to “wetlands” into PPC1, and the Officers have recommended the addition of many more, particularly to s.3.11.1 Values and uses for the Waikato and Waipā Rivers (the Values and Uses).

¹ HCC Submission 74051-PC1-10067. See paragraph 269 in the s.42A Report.

² HCC Submission 74051-PC1-10167. See paragraph 271 in the s.42A Report.

19. HCC submitted on PPC1 as notified and did not submit on Variation 1, on the basis that its original submission would be deemed a submission on Variation 1. Accordingly, HCC relies on the relief originally sought in relation to PPC1 regarding the amendments outlined in the following evidence. This specifically relates to the issue of “wetlands” and the use of the term in the Value and Use Statements for the purposes of the Block 1 hearings. In short, HCC seeks amendments to PPC1 where necessary and appropriate to distinguish between natural and constructed wetlands.
20. HCC is concerned that, if this distinction were not made, then constructed wetland could be subject to PPC1 provisions which are intended to apply to natural wetlands only.
21. HCC expects that extensive use will be made of constructed wetlands in the future to treat stormwater runoff from urban and rural development and land use prior to the treated stormwater being discharged from the constructed wetland to the Waikato or Waipā Rivers or one of their tributaries. Constructed wetlands will be an important method for reducing contaminants discharged to the rivers and helping achieve the Vision and Strategy for the Waikato River.
22. A wetland constructed to treat stormwater or wastewater and remove contaminants is a piece of infrastructure that will need to be managed and maintained. Maintenance and operation could include, for example, accessing all parts of the wetland for inspection and maintenance, including with earth-moving and other equipment, removing material or vegetation from inlets and outlets, remedying any slope instability or scour, periodically removing accumulated sediments from the forebay, removal of gross pollutants³, pest management (including weed control) and vegetation control and replacement. Occasionally, reconstruction of the entire wetland may be necessary. Relevantly, the ongoing maintenance of constructed wetlands for treating stormwater is ordinarily required through conditions of resource consent for stormwater discharge, issued by Waikato Regional Council (WRC), or are controlled by permitted activity standards in the Waikato Regional Plan⁴.
23. As stated by the Officers⁵, WRC may have regard to the Values and Uses as “other matters” under s.104(1)(c) of the RMA when determining an application to renew discharge consents or to carry out maintenance works within a constructed wetland.
24. If PPC1 does not distinguish appropriately between natural and constructed wetlands, then it might severely inhibit the operation, maintenance, efficiency or effectiveness of constructed wetlands. Alternatively, it might impose unnecessary regulatory barriers and processes that add unnecessary cost to actions and responses required of HCC (and other consent holders) to achieve the Vision and Strategy for the Waikato River.
25. Constructed wetlands should not be regarded as in-stream; they are off-line, human-made features for the purposes of stormwater or wastewater management.
26. The amendments HCC seeks are to make the relevant provisions clearer and thereby enhance the certainty of their interpretation and application.

³ Gross pollutants include litter such as plastics, paper, cans, pieces of wood and other detritus that gets dropped or discarded in road corridors or carparks and becomes entrained in the stormwater runoff from these areas.

⁴ Rules 3.2.4.2 and 4.2.5.1

⁵ Paragraph 176 in the s.42A report

27. The Value and Use statements which need to be amended to distinguish between natural and constructed wetlands are as follow:
- (1) Identity and sense of place through the interconnections of land with water;
 - (2) Ancestry and history;
 - (3) Ecosystem health;
 - (4) Natural form and character;
 - (5) Wai tapu and wai kino; and
 - (6) Food gathering, places of food.
28. Reasons why this distinction needs to be made in each case are as follows.

Identity and sense of place through the interconnections of land with water

29. Although a constructed wetland is intended to mimic a natural wetland and, once mature, will likely have a “natural” appearance and provide habitat for indigenous fauna and amenity value, it is first and foremost a piece of stormwater or wastewater infrastructure that needs to be maintained and operated.
30. In my opinion, constructed wetlands should not be included within the Value and Use “Identity and sense of place through the interconnections of land and water”. This is because constructed wetlands cannot be considered to lie “at the heart of the spiritual and physical wellbeing of iwi and their tribal identity and culture”. It is apparent that this description is intended to apply to natural wetlands only.

Ancestry and history

31. As a recently constructed piece of engineering infrastructure, a constructed wetland does not fit well with the attributes ascribed under the “Ancestry and history” value, including, for example:
- (1) “has always been seen as taonga (treasures) to all River Iwi and other iwi”;
 - (2) “have always given River Iwi and other iwi a strong sense of identity and connection with the land and water”;
 - (3) “These resources were subject to access and use rights as an essential part of kaitiakitanga”.

Ecosystem health

32. Although constructed wetlands will provide water purification and may provide flood attenuation, refuge, feeding and breeding habitat for aquatic species and habitat for water fowl, they are a piece of infrastructure that needs to be maintained and operated. They should not be regarded as part of the receiving environment.
33. Wetlands constructed to treat stormwater or wastewater prior to their discharge to the receiving environment should not be expected to provide “for human activities or needs, including swimming and drinking”.

Natural form and character

34. A constructed wetland is not a natural feature.
35. Once mature, a constructed wetland may have amenity and naturalness values, but it is unlikely to have “undeveloped stretches” (the whole entity is likely to be constructed) or “significant sites”.

Wai tapu and wai kino

36. In the interests of public health and recognising the source of the water within a constructed wetland and why it is there, that water should be considered polluted. It has properties that require additional caution or care. Because of this, it falls within the category of “wai kino”.
37. However, I question whether constructed wetlands would ever be regarded as places for “sacred rituals” or “spiritual nurturing” and whether they “provide for cultural and heritage practices” or contain “significant sites”.
38. I have a concern about the inclusion of the words “adhered to” in the third bullet point under the heading “Wai tapu and wai kino”. This bullet point states:
- *Lakes, rivers and natural wetlands have different states of wai tapu and wai kino that are **adhered to** and respected.* [Emphasis added].
39. “Adhere to” implies that the state of “wai kino” should be “stuck to” or “retained”. I understand that “wai kino” means “dangerous or polluted waters”. The implication of the statement is that the state of polluted water should be retained. Such a statement is inappropriate in PPC1, which aims to improve water quality in the Waikato and Waipā Rives and their tributaries.

Food gathering, places of food

40. Because of the risks to human health, wetlands constructed to treat contaminated stormwater or wastewater should not be expected to be places for gathering food.

Relief sought in response to s.42A Report

41. Considering the above, I have set out below the amendments to these Values and Uses which, in my opinion, are necessary to distinguish between constructed and natural wetlands. For clarity, the text which follows reflects the Variation 1 amendments and the Officers’ recommended amendments, and the relief sought is shown in tracked changes.
42. The simplest way to remedy this matter is to exclude constructed wetlands from the definition of “wetlands” for Chapter 3.11 as follows:
- Wetland*:** *Includes permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions. Where used in Chapter 3.11 excludes constructed wetlands.*
43. Alternatively, an additional definition could be included for a “natural wetland” for the purposes of Chapter 3.11. However, in my experience and based on my knowledge of wetland processes, the term “natural” does not require further definition and amendments throughout Chapter 3.11 to “natural” wetland (as opposed to “wetland”) could achieve the outcome sought by HCC.
44. I understand the legal submissions on behalf of HCC will address the question of whether there is scope for this amendment and those which follow. However, based on the “reasons for” submissions and the broadly stated rationale for the submission,

I consider the relief sought in relation to the term “wetlands” to be within the scope of HCC’s submission.⁶

Identity and sense of place through the interconnections of land with water

45. In reliance on the evidence stated above, in my opinion, each reference in this value and use statement to “wetlands” should be amended to read “natural wetlands” as follows:
- *The rivers contribute to a sense of community and sustaining community wellbeing.*
 - *The rivers are an important part of whānau/family life, holding nostalgic feelings and memories and having deep cultural and historical significance.*
 - *For River Iwi and other iwi, respect for the rivers, **natural** wetlands and springs lies at the heart of the spiritual and physical wellbeing of iwi and their tribal identity and culture. The river, **natural** wetlands and springs are not separate from the people but part of the people, “Ko au te awa, ko te awa ko au” (I am the river and the river is me).*
 - *Whanaungatanga is at the heart of iwi relationships with rivers, **natural** wetlands and springs. Te taura tāngata is the cord of kinship that binds iwi to rivers, **natural** wetlands and springs. It is a braid that is tightly woven, tying in all its strands. It is unbroken and infinite, forming the base for kaitiakitanga and the intergenerational role that iwi have as kaitiaki.*
 - *The rivers are a shared responsibility, needing collective stewardship: kaitiakitanga – working together to restore the rivers. There is also an important intergenerational equity concept within kaitiakitanga.*
 - *Mahitahi (collaborative work) encourages us all to work together to achieve common goals.*
46. This relief relies on the following submission points for the scope of these changes:⁷
- (1) HCC’s submission (74051-PC1) paragraphs 4.2 and 9.1.
 - (2) HCC’s further submission on Submission 73991-8515. ID and BN Dorreen’s Submission 73991-8515 opposed the use value in PPC1, not PPC1-V1. HCC’s further submission opposes the Dorreens’ submission point and seeks retention of the use value in PPC1.

Ancestry and history

47. In reliance on the evidence stated above, in my opinion, each reference in this value and use statement to “wetlands” should be amended to read “natural wetlands” as follows:

⁶ For example, paragraph 4.2 of HCC’s primary submission states that HCC has an interest in PPC1 in its entirety, and that there are several proposed provisions which are inappropriate and require amendments, and/or otherwise require additional policies and rules (page 2 of 38)

⁷ Another submission that could be relied upon is Federated Farmers of New Zealand Submission 74191-PC1-10810, which seeks to retain s.3.11.1 subject to refinement through the further submissions process.

<p><i>River Iwi and other iwi have their own unique and intergenerational relationship with the rivers, <u>natural</u> wetlands and springs.</i></p>	<ul style="list-style-type: none"> • <i>Rivers, <u>natural</u> wetlands and springs have always been seen as taonga (treasures) to all River Iwi and other iwi.</i> • <i>Rivers, <u>natural</u> wetlands and springs have always given River Iwi and other iwi a strong sense of identity and connection with the land and water.</i> • <i>Rivers, <u>natural</u> wetlands and springs were used holistically; River Iwi and other iwi understood the functional relationships with and between all parts of the rivers, <u>natural</u> wetlands and springs, spiritually and physically as kaitiaki.</i> • <i>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.</i> • <i>Iwi tupuna inhabited a rohe that teemed with life in the rivers, <u>natural</u> wetlands and springs. These resources were subject to access and use rights as an essential part of kaitiakitanga.</i> • <i>Iwi strive to maintain and restore these relationships despite the modification and destruction that has occurred through different types of development affecting the rivers, <u>natural</u> wetlands and springs.</i>
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48. This relief relies on the following submission points for the scope of these changes:⁸

- (1) HCC's submission (74051-PC1) paragraphs 4.2 and 9.1.
- (2) HCC's further submission in support of Heritage New Zealand Pouhere Taonga Submission 68939-PC1-3091, which supported the "History" value with the addition of another bullet point. The subject of Submission 68939-PC1-3091 and HCC's further submission on it was the version of the value in PPC1, not PPC1-V1.

⁸ Other submissions that could be relied upon are Federated Farmers of New Zealand Submissions 74191-PC1-10810, which seeks to retain s.3.11.1 subject to refinement through the further submissions process, and 74191-V1PC1-103, which seeks to delete "wetlands and springs" from all parts of "Intrinsic values – Ancestry and History", and Te Whakakitenga o Waikato Incorporated (Waikato-Tainui) Submission 74105-V1PC1-970, which seeks the deletion of the Variation 1 addition of "wetlands and springs" from the "Ancestry and History" value.

Ecosystem health

49. In reliance on the evidence stated above, in my opinion, the reference in this value and use statement to “wetlands” should be amended to read “natural wetlands” as follows:

<p><i>The Waikato and Waipa catchments support resilient freshwater ecosystems and healthy freshwater populations of indigenous plants and animals.</i></p>	<ul style="list-style-type: none"> • <i>Clean fresh water restores and protects aquatic native vegetation to provide habitat and food for native aquatic species and for human activities or needs, including swimming and drinking.</i> • <i>Clean fresh water restores and protects macroinvertebrate communities for their intrinsic value and as a food source for native fish, native birds and introduced game species.</i> • <i>Clean fresh water supports native freshwater fish species.</i> • <i>Natural Wwetlands and floodplains provide water purification, refuge, feeding and breeding habitat for aquatic species, habitat for water fowl and other ecosystem services such as flood attenuation.</i> • <i>Fresh water contributes to unique habitats including peat lakes, shallow riverine lakes and karst formations which all support unique biodiversity.</i> • <i>Rivers and adjacent riparian margins have value as ecological corridors.</i>
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50. This relief relies on the following submission points for the scope of these changes:⁹

- (1) HCC’s submission (74051-PC1) paragraphs 4.2 and 9.1.
- (2) HCC’s further submission that opposed DoC Submission 71759-PC1-8139 in its entirety. The DoC submission point sought to amend the value notified in PPC1. The reasons for opposing the submission point include HCC’s concern that PPC1 distinguishes between natural and constructed wetlands.

Natural form and character

51. In reliance on the evidence stated above, in my opinion, each reference in this value and use statement to “wetlands” should be amended to read “natural wetlands” as follows:

<p><i>Retain the integrity of lakes, rivers and natural wetlands within the landscape and its</i></p>	<ul style="list-style-type: none"> • <i>Lakes, rivers and natural wetlands have amenity and naturalness values, including native vegetation,</i>
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⁹ Another submission that could be relied upon is Federated Farmers of New Zealand Submission 74191-PC1-10810, which seeks to retain s.3.11.1 subject to refinement through the further submissions process.

<p><i>aesthetic features and natural qualities for people to enjoy.</i></p>	<p><i>undeveloped stretches, and significant sites.</i></p> <ul style="list-style-type: none"> • <i>People are able to enjoy the natural environment; it contributes to their health and wellbeing.</i> • <i>The rivers are an ecological and cultural corridor.</i> • <i>The lakes, rivers and natural wetlands as a whole living entity.</i>
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52. This relief relies on the following submission points for the scope of these changes:¹⁰

- (3) HCC's submission (74051-PC1) paragraphs 4.2 and 9.1.
- (4) HCC's further submission that supported DoC Submission 71759-PC1-8152 in part and sought retention of the version of the value notified in PPC1.

Wai tapu and wai kino

53. In reliance on the evidence stated above, in my opinion, each reference in this value and use statement to "wetlands" should be amended to read "natural wetlands" as follows:

<p><i>Area of water body set aside for spiritual activities that support spiritual, cultural and physical wellbeing or have properties that require additional caution or care.</i></p>	<ul style="list-style-type: none"> • <i>Lakes, rivers and natural wetlands are a place for sacred rituals, wairua, healing, spiritual nurturing and cleansing.</i> • <i>Lakes, rivers and natural wetlands provide for cultural and heritage practices and cultural wellbeing, particularly at significant sites.</i> • <i>Lakes, rivers and natural wetlands have different states of wai tapu and wai kino that are adhered to and respected.</i>
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54. This relief relies on the following submission points for the scope of these changes:¹¹

- (1) HCC's submission (74051-PC1) paragraphs 4.2 and 9.1; and
- (2) HCC's further submission on DoC Submission 71759-PC1-8532. HCC's further submission supports the value as notified.

Food gathering, places of food

55. In reliance on the evidence stated above, in my opinion, each reference in this value and use statement to "wetlands" should be amended to read "natural wetlands" as follows:

¹⁰ Another submission that could be relied upon is Federated Farmers of New Zealand Submission 74191-PC1-10810, which seeks to retain s.3.11.1 subject to refinement through the further submissions process.

¹¹ Another submission that could be relied upon is Federated Farmers of New Zealand Submission 74191-PC1-10810, which seeks to retain s.3.11.1 subject to refinement through the further submissions process.

<p><i>The ability to access the Waikato and Waipa Rivers, lakes, and natural wetlands and their tributaries to gather sufficient quantities of kai (food) that is safe to eat and meets the social and spiritual needs of their stakeholders.</i></p>	<ul style="list-style-type: none"> • <i>Lakes, rivers and natural wetlands provide for freshwater native species, native vegetation, and habitat for native animals.</i> • <i>Lakes, rivers and natural wetlands provide for freshwater game and introduced kai species.</i> • <i>Lakes, rivers and natural wetlands provide for cultural wellbeing, knowledge transfer, intergenerational harvest, obligations of manaakitanga (to give hospitality to, respect, generosity and care for others) and cultural opportunities, particularly at significant sites.</i> • <i>The rivers should be safe to take food from, both fisheries and kai.</i> • <i>Lakes, rivers and natural wetlands support aquatic life, healthy biodiversity, ecosystem services, flora and fauna and biodiversity benefits for all.</i> • <i>The rivers are a corridor.</i> • <i>Lakes, rivers and natural wetlands provide resources available for use which could be managed in a sustainable way.</i>
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56. This relief relies on the following submission points for the scope of these changes:¹²

- (1) HCC's submission (74051-PC1) paragraphs 4.2 and 9.1.
- (2) HCC's further submission on DoC Submission 71759-PC1-8533. HCC's further submission opposes the extension of the value to human-made wetlands in urban area.

Alternative relief

57. A submission by Te Whakakitenga o Waikato Incorporated (Waikato-Tainui), 74105-V1PC1-968, seeks the deletion of the addition of "wetlands and springs" in section 3.11.1. It could be relied upon to provide alternative relief, which would eliminate the problem discussed above (see paragraphs 16 to 27).

"Municipal and domestic water supply"

58. In response to seven submissions, which all sought amendments to the "Water Supply" value, the Officers have recommended this value be amended as follows:

¹² Another submission that could be relied upon is Federated Farmers of New Zealand Submission 74191-PC1-10810, which seeks to retain s.3.11.1 subject to refinement through the further submissions process.

Water supply

Ko ngā hapori wai Māori / Municipal and domestic water supply

Water supply

<p>The rivers provide for community water supply, municipal supply and; drinkable water supply and health.</p>	<p>The catchments' surface and subsurface water is of a quality that can be effectively treated to meet appropriate health standards for both potable and non-potable uses.</p>
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59. In my opinion, the value should be amended as follows for reasons set out below:

Water supply

Ko ngā hapori wai Māori / ~~Municipal and domestic w~~Water supply

~~Water supply~~

<p>The rivers provide for community water supply, domestic or municipal supply, drinkable water supply and health water <u>supply for primary production, commercial and industrial uses. Water supply is essential for life and enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety.</u></p>	<p>The catchments' surface and subsurface water is of a quality that can be effectively treated to meet appropriate health standards for both potable and non-potable uses.</p>
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Domestic water supply

60. I note the English language component of the bold heading for the Water Supply use value is “Municipal and domestic water supply”. Since the title refers to “domestic water supply”, it is appropriate to use “domestic water supply” within the value statement as well. The notified version of the value does not do this.

61. The definition of “domestic” in the Collins English Dictionary includes *inter alia*:

- (1) “of or involving the home or family”; and
- (2) “*Domestic items* and services are intended to be used in people's homes rather than in factories or offices”.

62. A domestic water supply, therefore, is a water supply to one or more households wherever they might be located – in a town, city or rural area.

Municipal water supply

63. The definition of “municipal” in the Collins English Dictionary includes, *inter alia*:

- (1) “Associated with or belonging to a city or town that has its own local government”: and
- (2) “Of or relating to a town, city or borough or its local government”.

64. Therefore, the term “municipal supply” in the notified version of PPC1 includes a supply owned and operated by a District or City Council or a council-owned organisation such as Watercare Services Limited.
65. A municipal water supply, such as Hamilton City Council’s, provides water for multiple uses within the City, including domestic, industrial, commercial, primary production and many more.

“Domestic or municipal supply”

66. Watercare Services Limited’s (Watercare’s) submission¹³ seeks inclusion of “domestic or municipal supply” in the Water Supply use value for clarity because the term is defined in the Operative Waikato Regional Plan.
67. The definition in the Regional Plan Glossary is as follows:

Domestic or municipal supply: A reticulated supply publicly or privately owned where the net take is;

- (1) For the primary purpose of human drinking, or sanitation or household needs wherever they arise; or
- (2) For the purpose of enabling local authorities to meet their general responsibilities (wherever they arise) under the Local Government Act 2002, the Health Act 1956 and relevant legislation, including supply for the purposes of industrial and agricultural use.

68. In response to Watercare’s submission point, the s.42A Report states¹⁴: “To avoid confusion, Officers agree that the value should refer to domestic or municipal supply and consider that the definition is consistent with the intent of the value”.
69. I agree with the Officers’ assessment.
70. However, the tracked-change version of the Water Supply value recommended in the s.42A Report¹⁵ does not include that change.

Community water supply

71. The Operative Waikato Regional Plan does not define “community water supply”.
72. The definition of “community” in the Collins English Dictionary includes, *inter alia*:
- (1) The people living in one locality;
 - (2) The locality in which they live;
 - (3) A group of people having cultural, religious, ethnic, or other characteristics in common;
 - (4) The public in general; society; and
 - (5) Common ownership or participation.
73. Therefore, the meaning of the term “community water supply” is very broad. It includes a water supply owned by, or serving, more than one household, property or entity regardless of the purpose for which the water is used. It includes, for example,

¹³ Paragraph 5 on p.4 of the Watercare’s submission. This relief is part of submission point 74077-PC1-8341.

¹⁴ Paragraph 245 of the s.42A Report

¹⁵ See paragraph 58 above.

a water supply servicing commercial, industrial and primary production activities, as well as, domestic and municipal uses.

Incorporating all “taking and use” within one use value

74. Given that “community water supply” and “municipal supply” do not exclude use of water for industrial, commercial or primary production purposes, the Water Supply use value would be clearer and more certain if those uses were explicitly stated in the Water Supply use value.
75. Several other submitters¹⁶ seek amendments to the Water Supply value to recognise commercial, industrial and primary production uses of extracted water and their economic benefits.
76. The Officers have recommended¹⁷ these submission points be rejected, because these uses are provided for under the Commercial, Municipal and Industrial use value.
77. If the taking and use of water for commercial, municipal and industrial uses were retained within the Commercial, Municipal and Industrial use value, then these uses would be covered by two values – “Water Supply” and “Commercial, Municipal and Industrial”. This lacks clarity and could result in accounting twice for the same use and value.
78. Incorporating “commercial”, “industrial” and “primary production” uses and “domestic or municipal supply” within the Water Supply value does not add to PPC1 a use or value of freshwater that the Collaborative Stakeholder Group had not already provided. The wording of the Water Supply value recommended in this evidence simply gathers all taking and use of water under one use value statement – “Water Supply”.

The heading

79. If all taking and use of water (except for “electricity generation”) were retained under a single “water supply” use value, the bold heading “Municipal and domestic water supply” should be replaced with a bold heading “Water supply”.
80. If this amendment were made, there would be no need for the second heading, “Water supply”, immediately above the table. It should be deleted.

Health

81. The Officers, when discussing the merits of including reference to “health” in the Water Supply use value state: “... *it is unclear how water supply provides for ‘health’ other than for potable use*”.¹⁸
82. In addition to satisfying people’s need for drinking water, water supply enables people to provide for their health in many ways, including for example, but not exclusively, when used for the following purposes:
 - (1) Personal hygiene – washing and bathing;

¹⁶ For example, Ata Rangī, Theland Tahi Farm Group Ltd, and Southern Pastures Ltd Partnership,

¹⁷ Paragraph 242 in the s.42A Report.

¹⁸ Paragraph 240 in the s.42A Report

- (2) Laundry;
- (3) Flushing and conveying waste to a wastewater treatment facility;
- (4) Cleaning;
- (5) Food production, including irrigation, food processing and cooking;
- (6) Construction (including of shelter and infrastructure);
- (7) Dust suppression on construction sites;
- (8) Fire-fighting;
- (9) Cooling;
- (10) Therapy; and
- (11) Swimming pools for sports, active living and recreation.

83. Accordingly, in my opinion, reference should be retained in the Water Supply use value statement to water supplies enabling people to provide for their health.

84. HCC’s submission expressed concerns about the inconsistent expression of the values, namely:

(c) *The scope and detail of the value statements are inconsistent. In particular, the value statement for “Electricity generation” reflects the wording of Section 5 of the RMA. It refers, for example, to “social and economic wellbeing” and “contributes to the health and safety of people and communities”. Comparable statements are missing from other value statements. This could result in the Electricity Generation value being assigned a greater significance than other values that are not as comprehensively described.*

85. In my opinion, the value statements should be expressed in similar terms to avoid one value being interpreted as being more important than another. To achieve this, and to retain reference to “health”, the following statement should be added to the left-hand column describing the Water Supply use value:

Water supply is essential for life and enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety.

Separate “drainage” value and use statement

86. HCC’s submission ¹⁹sought the addition of the following separate “Drainage” value and use statement:

<p><u><i>The rivers provide drainage for stormwater and treated wastewater. The rivers’ drainage function enables people and communities to provide for their social, economic and cultural well-being and for their health and safety.</i></u></p>	<ul style="list-style-type: none"> • <u><i>Individuals, communities, industries and other commercial enterprises rely on the capacity of surface water bodies and their associated ecosystem services to assimilate stormwater and treated wastewater.</i></u> • <u><i>The drainage function helps minimise the risks of flood damage to property and loss of human and animal life from drowning or disease.</i></u>
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¹⁹ Submission 74051-PC1-10170

87. I note that Watercare made a similar submission, which sought a separate value and use statement for wastewater discharges from municipal wastewater treatment plants.²⁰
88. I note the following further submitters support HCC's submission point:
- (1) Waikato District Council; and
 - (2) WARTA.
89. I note the following further submitters oppose it:
- (1) Auckland Waikato Fish and Game and Eastern Region Fish and Game (Fish & Game)²¹;
 - (2) Horticulture NZ;
 - (3) Maniapoto Māori Trust Board, Raukawa Charitable Trust, Te Arawa River Iwi Trust and Tuwharetoa Māori Trust Board²².
90. Fish & Game consider the amendment is unnecessary as the drainage functions described are already encapsulated in existing values.
91. Horticulture NZ considers the text proposed does not relate to the stated value.
92. The four Māori trusts oppose the proposed amendments as "flood mitigation (including drainage)" is included in a specific Mana Tangata (mitigating flood hazards) value.
93. The Officers recommend HCC's submission be rejected for the following reasons²³
- (1) "The role of rivers for stormwater drainage is inevitable"
 - (2) "The commercial, municipal and industrial use value already recognise the importance of this function and Officers disagree that this is not clearly articulated".
 - (3) "With regards to the disposal of treated wastewater, Officers consider that it should not be assumed that rivers are always the appropriate receiving environment as, unlike stormwater, there can be alternative discharge options"; and
 - (4) "Officers do not consider it is necessary or appropriate to insert a new value as proposed by Hamilton CC and Watercare".
94. I respond as follows to each of the Officers' reasons for recommending the submission point be rejected and the further submitters reasons for opposing the submission point.

Inevitable role

95. The fact that rivers naturally, or "inevitably", drain stormwater does not mean this vital function should not be recognised. Individuals and communities rely on the ability of the rivers and their tributaries to drain stormwater and treated wastewater to the sea. If drainage did not occur, people could literally be living in a septic swamp or lake.

²⁰ Submission 74077-PC1-8341. See paragraph 6 on p.4 of Watercare's submission.

²¹ Page 67 of Fish & Game's further submission

²² These trust's further submissions identify the incorrect submission point number, PC1-7768. PC1-7768 is a submission by Pukekohe Vegetable Growers Association Inc. HCC's submission point PC1-10170 seeks the addition of a Drainage value.

²³ Paragraph 262 in the s.42A Report

The “drainage” function of the rivers is an attribute that the community considers important and useful; it is a real and actual value and use of the rivers.

96. If the drainage function and value were ignored, then there could be problems. For example, if the flood conveyance capacity of a river or tributary were taken up with inappropriate development, then that development may be flooded, or flood waters could back up to higher levels than would otherwise occur and cause flooding upstream.
97. Similarly, if assimilative capacity within a river system were not considered, then discharges and/or water takes could result in environmental damage to the river.
98. The Officers’ comment, “*the role of rivers for stormwater drainage is inevitable*”, is irrelevant. If it were relevant, the Officers would have recommended removal from the “Commercial, municipal and industrial use” value statements of reference to “assimilative capacity for wastewater disposal, flood and stormwater”. But they have not done so.

Already recognised

99. I agree with the Officers and Fish & Game that the “Commercial, municipal and industrial use” value statements recognise that the lakes, rivers and wetlands provide assimilative capacity for wastewater disposal, flood and stormwater and ecosystem services. The statement also recognises that industrial and municipal processes rely on the assimilative capacity of freshwater for discharges to surface water bodies.
100. I also agree that some industrial and municipal processes rely on the capacity of surface water bodies to assimilate discharges of stormwater and treated wastewater.
101. However, in my opinion, the drainage function should not be subsumed under the banner of “Commercial, municipal and industrial use”.
102. This is because, as well as serving those uses, this function occurs naturally and provides value to the natural environment providing no monetary or economic benefit to anyone. Prior to any humans living in the catchment, the surface water bodies assimilated stormwater drainage and naturally occurring contaminants (bird faeces, leaf litter, tree debris and other vegetation and sediments) entrained within it.
103. Furthermore, drainage is arguably the most basic function and value of surface water bodies: they drain the landscape. In my opinion, “drainage” deserves its own, stand-alone value statement.
104. Given that the notified version of PPC1 recognised the drainage function of rivers, albeit under the “Commercial, municipal and industrial use” banner, providing a separate “Drainage” value in PPC1 is within the scope of the notified version of PPC1; it would not be adding a use value for which the Collaborative Stakeholder Group had not provided.

Not clearly articulated

105. The Officers consider the commercial, municipal and industrial use value is clearly articulated and recommend its final bullet be amended to read:
 - *Lakes, rivers and wetlands provide assimilative capacity for wastewater disposal, flood and stormwater, and ecosystem services through community schemes or on site disposal.*

106. The meaning of the last part of that statement, “*through community schemes or on site disposal*”, is unclear.
107. The lakes, rivers and wetlands, themselves, provide assimilative capacity and ecosystem services; these functions are not provided through, “community schemes” or “on-site disposal”.
108. The intent of the fourth bullet point should be clarified appropriately, or the last seven words of the fourth bullet point deleted.

Appropriate receiving environment for treated wastewater

109. I agree with the Officers’ comment that it should not be assumed that rivers are always the appropriate receiving environment for treated wastewater. But that is irrelevant to whether the capacity of a river to assimilate treated wastewater is a value and use of the rivers that warrants separate recognition in PPC1.
110. Just because a resource use is not the most appropriate option in every instance does not negate the actual or potential value of that use.
111. Reinforcing the irrelevance of the Officers’ statement, I note the Officers recommend retaining in the “Commercial, municipal and industrial use” value statement reference to rivers providing assimilative capacity for wastewater disposal.²⁴

Other, unexpressed benefits of drainage

112. The “Commercial, municipal and industrial use” value statements don’t explicitly recognise the health and safety benefits of the water bodies’ drainage function.
113. The omission of these benefits could mean that, when a resource consent application is considered, the full value of the drainage function is not recognised. In the event of any tension or competition between different values, another value which is more comprehensively described, could be accorded a greater weight in resource management decision-making. The “Electricity generation” value, for example, is more comprehensively described.
114. In my opinion, to address both these matters, the following should be added to PPC1:

The drainage function enables people and communities to provide for their social, economic and cultural well-being and for their health and safety.

- *The drainage function helps minimise the risks of flood damage to property and loss of human and animal life from drowning or disease.*

Mitigating flood hazards

115. I note that PPC1 includes a separate “Mitigating flood hazards” value. That value addresses the value of flood management systems including river engineering, stopbanks and diversions. Contrary to the claim in the four Māori trusts’ further submissions, it is separate again from the natural drainage function of surface water bodies.

²⁴ See paragraph 105 above.

Horticulture New Zealand’s further submission

116. I disagree with Horticulture New Zealand’s further submission, which claims the text of the proposed “Drainage” value does not relate to the stated value, “drainage”.

Inclusion of reference to “lakes and wetlands”

- 117. The Officers recommend the insertion of “lakes and wetlands” in the Commercial, municipal and industrial use” value. This is not explicitly identified in the s.42A Report but is identified in the consolidated tracked version of the Officers’ recommended changes to PC 1 that the Independent Hearings Coordinator, Mr Steve Rice, emailed to me on 18 January 2019.
- 118. I note that at paragraph 267 of the s.42A Report the Officers recommend: “References to lakes and wetlands are added to a number of the value and use statements”. The footnote annotated to that recommendation, footnote 17, lists seven Department of Conservation (DoC) submission points, PC1-8136, 8189, 8152, 8532, 8533, 8535 and 8540.
- 119. The second cross reference, to PC1-8189, is incorrect. PC1-8189 is a submission by Lorraine Bilby (Submitter ID: 74090) regarding Schedule B – Nitrogen Reference Point. The correct cross reference is PC1-8139, which is DoC’s submission point on the “Ecosystem Health” value.
- 120. As none of those submission points relate to the “Commercial, municipal and industrial use” value, the DoC submission may not provide the scope for incorporating “lakes” and “wetlands” into the “Commercial, municipal and industrial use” value.
- 121. Accordingly, in my opinion, in the absence of scope, “lakes” or “wetlands” should not be included in a separate “Drainage” value.

Conclusion

122. For the reasons set out above, in my opinion the “Drainage” value of the rivers should be recognised separately as follows:

Drainage

<p><u>The rivers provide drainage for stormwater and treated wastewater. The drainage function enables people and communities to provide for their social, economic and cultural well-being and for their health and safety.</u></p>	<ul style="list-style-type: none"> • <u>Individuals, communities, industries and commercial enterprises rely on the capacity of surface water bodies and their associated ecosystem services to assimilate stormwater and treated wastewater.</u> • <u>The drainage function helps minimise the risks of flood damage to property and loss of human and animal life from drowning or disease.</u>
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Economic or commercial development

123. HCC’s submission²⁵ seeks for the “Economic or commercial development” value statement to be amended as follows:

Ko ngā āu putea / Economic or commercial development

~~*Commercial, municipal and industrial use*~~

<p><i>The rivers provide economic opportunities to people, <u>communities</u>, businesses and industries.</i></p>	<p><i>Fresh water is used for industrial and municipal processes, which rely on the assimilative capacity for discharges to surface water bodies. In addition: The Waikato and Waipā Rivers are working rivers. In addition to supplying water, providing drainage, generating electricity, and supporting primary production, the rivers provide other opportunities for wealth creation: The rivers provide for economic wellbeing, financial and economic contribution, individual businesses and the community and the vibrancy of small towns. They are working rivers; they create wealth. Those industries are important to the monetary economy of Waikato region, enabling a positive brand to promote to overseas markets.</i></p> <ul style="list-style-type: none"> <i>• The primary production industries, together with the on-going development of new technology and diversification of products derived from the primary production, generate demand and opportunities for other supporting services and industries. This fosters economic growth and development and contributes to the vibrancy of the region’s rural and urban areas.</i> <i>• The rivers provide for domestic and international tourism. Promotion of a clean, green image attracts international and domestic visitors.</i> <p><i>The rivers provide assimilative capacity for wastewater disposal, flood and stormwater, and ecosystem services through community schemes or on-site disposal.</i></p>
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124. A clean version of this is:

Ko ngā āu putea / Economic or commercial development

<p><i>The rivers provide economic opportunities to people, communities, businesses and industries.</i></p>	<p><i>The Waikato and Waipā Rivers are working rivers. In addition to supplying water, providing drainage, generating electricity, and supporting primary production, the rivers provide other opportunities for wealth</i></p>
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²⁵ Submission 74051-PC1-10152

	<p>creation:</p> <ul style="list-style-type: none"> • <i>The primary production industries, together with the on-going development of new technology and diversification of products derived from the primary production, generate demand and opportunities for other supporting services and industries. This fosters economic growth and development and contributes to the vibrancy of the region’s rural and urban areas.</i> • <i>The rivers provide for domestic and international tourism. Promotion of a clean, green image attracts international and domestic visitors.</i>
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125. The s.42A Report recommends the “Economic or commercial development” value be amended as follows:

Ko ngā āu putea / Economic or commercial development
Commercial, municipal and industrial use

<p><i>The rivers, lakes, and wetlands provide economic opportunities to people, businesses and industries.</i></p>	<p><i>Fresh water is used for industrial and municipal processes, which rely on the assimilative capacity for discharges to surface water bodies. In addition:</i></p> <ul style="list-style-type: none"> • <i>The Lakes, rivers and wetlands provide for economic wellbeing, financial and economic contribution, individual businesses and the community and the vibrancy of small towns. They are working lakes, rivers and wetlands; they create wealth.</i> • <i>Those industries are important to the monetary economy of Waikato region, enabling a positive brand to promote to overseas markets.</i> • <i>The Lakes, rivers and wetlands provide for domestic and international tourism. Promotion of a clean, green image attracts international and domestic visitors.</i> • <i>The Lakes, rivers and wetlands provide assimilative capacity for wastewater disposal, flood and stormwater, and ecosystem services through community schemes or on site disposal.</i>
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126. I note the following further submitters support HCC’s submission point:

- (1) Fonterra;
- (2) Hancock Forest Management (NZ) Ltd (HFM);
- (3) Oji Fibre Solutions (OjiFS); and

- (4) Waikato District Council (Waikato DC).
127. Fonterra's further submission seeks for HCC's amendments to be accepted in part for the following reasons: "*The wording proposed better reflects values in rivers. Fonterra does, however, support express recognition that rivers to (sic) provide assimilative capacity*".
128. HFM's further submission seeks for HCC's relief to be allowed to the extent not inconsistent with HFM's primary submission for the following reasons: "*The amendments are consistent with the relief sought by HFM in its primary submission and are supported for the reasons outlined in the Hamilton City Council submissions*".
129. OjiFS' further submission seeks for HCC's relief to be allowed to the extent not inconsistent with OjiFS' primary submission for the following reasons: "*The amendments are consistent with the relief sought by OjiFS in its primary submission and are supported for the reasons outlined in the Hamilton City Council submissions*".
130. Waikato DC's further submission supports HCC's relief because the latter seeks ultimate outcomes aligned with Waikato DC's submission.
131. I note the following further submitters oppose HCC's submission point:
- (1) Fish & Game;
 - (2) Maniapoto Māori Trust Board;
 - (3) Raukawa Charitable Trust;
 - (4) Te Arawa River Iwi Trust; and
 - (5) Tuwharetoa Māori Trust Board.
132. Fish & Game seek for HCC's relief to be disallowed for the following reasons: "*The amendments including in relation to 'working rivers' are opposed and are not consistent with giving effect to the Vision and Strategy, the NPS FM, the Waikato RPS or promote sustainable management*".
133. The four Māori trusts oppose HCC's amendments for the following reasons:
- (1) "*The proposed amendments are ... contrary to a Te Ao Māori perspective and do not give effect to Objective AA1 of NPS-FM 2017 – to consider and recognise Te Mana o te Wai in the management of freshwater – Treating the waterbodies associated with the Waikato and Waipā River catchment as "working rivers" that can be exploited at zero cost is entirely inappropriate*".
 - (2) "*Amending the commercial or economic development value in such a way would set up a platform to skew the short-term freshwater objectives —to put in place the necessary mitigation measures required to achieve 10% of the journey towards Te Ture Whaimana— that is to be achieved in 10-years (by 2026), and the long-term freshwater objectives to achieve Te Ture Whaimana in 80-years (by 2096).*"

Giving effect to the Vision and Strategy for the Waikato River

134. Fish and Game and each of the four Māori trusts oppose referring to the Waikato and Waipā Rivers as "working rivers".

135. The term “working rivers” is in the notified version of PPC1 – in the “Economic of commercial development” use value.
136. The definitions of “working” in the Collins English Dictionary include:
- (1) Relating to or concerned with a person or thing that works; and
 - (2) Exists to do normal work and make a profit.
137. The Vision and Strategy for the Waikato River includes (emphasis added):
- “(2) *Our vision is for a future where a healthy Waikato River sustains abundant life and **prosperous communities** who, in turn, are all responsible for restoring and protecting the health and wellbeing of the Waikato River, and all it embraces, for generations to come*”.
- “(3) *In order to realise the vision, the following objectives will be pursued:*”
- “(b) *The restoration and protection of the relationships of Waikato-Tainui with the Waikato River, including their **economic, social, cultural and spiritual relationships:***”
- “(d) *The restoration and protection of the relationships of Waikato Region’s communities with the Waikato River, including their **economic, social, cultural and spiritual relationships:***”
- “(j) *The recognition that the strategic importance of the Waikato River to **New Zealand’s social, cultural, environmental, and economic wellbeing** requires the restoration and protection of the health and wellbeing of the Waikato River*”
138. The vision clearly includes a healthy Waikato River sustaining abundant life and prosperous communities.
139. The Collins English Dictionary’s definition of “prosperous” includes:
- (1) “Rich and successful”;
 - (2) “Flourishing; prospering”; and
 - (3) “Rich, affluent, wealthy”.
140. The Vision and Strategy recognises that Waikato-Tainui and the Waikato Region’s communities have economic relationships with the Waikato River and, furthermore, that the Waikato River is strategically important to New Zealand’s economic wellbeing. These relationships and the ways a healthy River will sustain prosperous communities is through the various ways the River is used. The Collaborative Stakeholder Group identified these use values, and PPC1 lists them.
141. I understand the term “working rivers” means the rivers are performing many functions and some of these support activities that generate wealth for individuals and communities, including Waikato-Tainui and other river iwi.
142. Therefore, in my opinion, it is appropriate and consistent with the Vision and Strategy to describe the Waikato and Waipā Rivers as “working rivers”.

143. I do not agree with the Māori trusts' further submissions that assert that recognising the Waikato and Waipā Rivers as “working rivers” means the rivers “*can be exploited at zero cost*”.
144. I agree with the trusts that it would be inappropriate to treat the rivers as if they could be exploited at zero cost.
145. Integral with the Vision for the Waikato River is the concept that those who derive benefit from and prosper from using the Waikato River are responsible for protecting its health and well-being for generations to come.²⁶

Avoiding “double counting”

146. A principle underlying HCC’s submission on PPC1 is the avoidance of accounting twice for the same use value.
147. If reliance on “assimilative capacity” were recognised under a separate “drainage” use value for the reasons I have set out above, or for any other reasons, then there would be no need to repeat that use value under the banner “economic or commercial development”, except by cross-referencing it for completeness.
148. If reference to assimilative capacity were removed, then the use value would refer to two different means by which the rivers contribute to economic or commercial development, namely, through:
 - (1) Tourism; and
 - (2) Wealth creation.
149. HCC’s submission seeks inclusion of the words, “*In addition to supplying water, providing drainage, generating electricity, and supporting primary production, the rivers provide other opportunities for wealth creation*”.
150. The intention of this insertion was to recognise two things:
 - (1) That providing drainage, generating electricity and supporting primary production are ways the rivers support economic or commercial development; and
 - (2) That, in addition to these, the rivers provide other opportunities for wealth creation as well, which are not recognised by other use values.
151. However, the four listed uses (“water supply”, “drainage”, “generating electricity” and “supporting primary production”) are not the only uses that support economic or commercial development. The following uses do as well:
 - (1) “Water supply”;
 - (2) “Mitigating flood hazards”²⁷;
 - (3) “Geothermal”;
 - (4) “Mahinga kai”;
 - (5) “Human health for recreation”; and
 - (6) “Transport”.

²⁶ See (2) in paragraph 137 above.

²⁷ By minimising risks of flooding, river engineering (including stop banks, diversions and associated flood gates and pumping stations) has enabled large areas of land to be used productively.

152. Recognising these values in PPC1 as supporting or contributing to economic or commercial development, doesn't mean people would necessarily have to pay for these uses, for example, to swim in the river or catch a meal of tuna. Rather, it recognises the uses help sustain other commercial activities. For example, a meal caught from a local stream is one less meal that must be bought. The money saved would be available for some other purpose or commercial activity.
153. Similarly, river or lake-based sporting or recreational activities, the "human health for recreation" use value, support economic activities. For example, everything related to the supply, maintenance, storage and transport of waka, and accommodation and catering for people attending regattas. Furthermore, health savings accrue from people being able to lead active life styles.

Inclusion of reference to "lakes and wetlands"

154. As discussed in paragraphs 117 to 120 above, there may not be scope for including reference to "lakes and wetlands" in the "Economic or commercial development" use value.
155. In my opinion, in the absence of scope, "lakes" or "wetlands" should not be included.

Further simplification of the economic or commercial development use value

156. Rather than listing within the "economic or commercial development" use value all the other individual values and uses that support economic or commercial development, which are listed in paragraph 151 above, the statement could simply refer instead to "*the other mana tangata – use values that support economic or commercial development*".
157. Including this reference would avoid accounting twice for the same use value.
158. I rely on the part of HCC's submission that sought "*any other similar, alternative or consequential relief*" for scope for this amendment.
159. HCC's submission also sought the addition of the following within the "economic or commercial development" use value:
- *The primary production industries, together with the on-going development of new technology and diversification of products derived from the primary production, generate demand and opportunities for other supporting services and industries.*
160. However, this bullet point, to an extent, repeats the following, which is included in the "cultivation and primary production" use value:
- These industries and associated primary production also support other industries and communities within rural and urban settings.*
161. Furthermore, it is not just the primary production industries that generate demand and opportunities for other supporting services and industries. The same could be said for any of the other uses that support economic or commercial development.²⁸

²⁸ Those referred to in paragraphs 151 above.

Accordingly, in my opinion the additional bullet point in paragraph 159 above should be deleted.

Heading

162. Because uses other than commercial, municipal or industrial generate demand and opportunities for supporting services and industries, and contribute to economic or commercial development, the secondary heading “Commercial, municipal and industrial use” is inappropriate. It should be deleted. A single heading, “Economic or commercial development” is sufficient.

Conclusion

163. For the reasons set out above, in my opinion the “Economic or Commercial Development” value of the rivers should be recognised as follows:

Ko ngā āu putea / Economic or commercial development
~~Commercial, municipal and industrial use~~

<p>The rivers, lakes, and wetlands provide economic opportunities to people, communities, businesses and industries.</p>	<p>Fresh water is used for industrial and municipal processes, which rely on the assimilative capacity for discharges to surface water bodies. In addition: The Waikato and Waipā Rivers are working rivers. In addition to the other mana tangata – use values that support economic or commercial development, the rivers provide other opportunities for wealth creation:</p> <ul style="list-style-type: none"> • This fosters economic growth and development and contributes to the vibrancy of the region’s rural and urban areas. • Lakes, rivers and wetlands provide for economic wellbeing, financial and economic contribution, individual businesses and the community and the vibrancy of small towns. They are working lakes, rivers and wetlands; they create wealth. • Those industries are important to the monetary economy of Waikato region, enabling a positive brand to promote to overseas markets. • The Lakes, rivers and wetlands provide for domestic and international tourism. Promotion of a clean, green image attracts international and domestic visitors. • Lakes, rivers and wetlands provide assimilative capacity for wastewater disposal, flood and stormwater, and ecosystem services through community schemes or on-site disposal.
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164. A clean version of this is:

Ko ngā āu putea / Economic or commercial development

The rivers provide economic opportunities to people, communities, businesses and industries.

The Waikato and Waipā Rivers are working rivers. In addition to the other mana tangata – use values that support economic or commercial development, the rivers provide other opportunities for wealth creation:

- This fosters economic growth and development and contributes to the vibrancy of the region’s rural and urban areas.*
- The rivers provide for domestic and international tourism. Promotion of a clean, green image attracts international and domestic visitors.*

165. This relief relies on the following submission points for the scope of these changes:

- (1) HCC’s submission 74051-PC1-10152; and
- (2) the part of HCC’s submission that sought “*any other similar, alternative or consequential relief*”.

Mitigating flood hazards

166. HCC’s submission²⁹ seeks an amendment to the bullet point under 3.11.1.2 Mana Tangata – Use values: “Mitigating flood hazards” to improve the quality of the drafting. The amendment is the addition of an “s” to “protect”. This is to achieve agreement between the singular noun, “river engineering”, and the verb, which should be “protects”, not “protect”.

167. The s.42A Report is silent on, or doesn’t address, this submission point³⁰. However, I remain of the opinion that the amendment would improve PPC1 and should be made.

Paul S Ryan

HCC reference: D-2884166

Attachments

Attachment A: Abbreviations and Glossary
Attachment B: References
Attachment C: Relief Sought

²⁹ 74051-PC1-10167

³⁰ Paragraphs 256 to 260 and 271 in the s.42A Report

Attachment A**Abbreviations and Glossary**

DoC	Department of Conservation
HCC	Hamilton City Council
HFM	Hancock Forest Management (NZ) Limited
OjiFS	Oji Fibre Solutions
PPC1	<i>Proposed Waikato Regional Plan Change 1 – Waikato and Waipā River Catchments</i>
RMA	Resource Management Act 1991
s.42A Report	<i>Section 42A Report: Proposed Waikato Regional Plan Change 1 - Waikato and Waipā River Catchments: Part A: Overview and Context. Part B: Overall Direction, Values and Uses, Science and Economics, Objectives, Limits and Targets. Prepared for Waikato Regional Council by Matthew McCallum-Clark, Angela Fenemore, Adele Dawson (Incite) and Naomi Crawford and Alana Mako (Waikato Regional Council). (21 December 2018). Document # 13383130.</i>
Waikato DC	Waikato District Council
WRC	Waikato Regional Council
Watercare	Watercare Services Limited

Attachment B**References**

- Hamilton City Council. (2 March 2017). Submission by Hamilton City Council on Proposed Waikato Regional Plan Change 1 – Waikato and Waipā Catchments.³¹
- Hamilton City Council. (17 September 2018). Further Submissions by Hamilton City Council on Proposed Waikato Regional Plan Change 1: Waikato and *Waipā River Catchments* and Variation 1 to Proposed Waikato Regional Plan Change 1: Waikato and *Waipā River Catchments*.
- Waikato Regional Council. (2016). *Proposed Waikato Regional Plan Change 1 – Waikato and Waipā River Catchments*.
- Waikato Regional Council. (2018). *Supporting Document Incorporating Variation 1 Amendments to Proposed Waikato Regional Plan Change 1 – Waikato and Waipā River Catchments. Waikato Regional Council Policy Series 2018/05*³².
- Waikato Regional Council. (21 December 2018). *Section 42A Report: Proposed Waikato Regional Plan Change 1 - Waikato and Waipā River Catchments: Part A: Overview and Context. Part B: Overall Direction, Values and Uses, Science and Economics, Objectives, Limits and Targets*. Prepared for Waikato Regional Council by Matthew McCallum-Clark, Angela Fenemore, Adele Dawson (Incite) and Naomi Crawford and Alana Mako. Document # 13383130³³.
- Waikato Regional Council. (2019). *Proposed Waikato Regional Plan Change 1 – Waikato and Waipā: Officer’s “Tracked Changes” Version: Hearing Block 1 Recommendations Only*. Document # 13362402.³⁴

³¹ HCC reference: D-2361677

³² HCC reference: D-2872745

³³ HCC reference: D-2862685

³⁴ HCC reference: D-2867253

Attachment C

Relief Sought

168. For clarity, the text which follows reflects any Variation 1 amendments and the Officers' recommended amendments, and the relief sought is shown in tracked changes as follows:

- Additions: underlined; and
- Deletions: ~~strikethrough~~.

169. Amendments to the definition of "Wetland":

Wetland*: *Includes permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions. Where used in Chapter 3.11 excludes constructed wetlands.*

170. This relief relies on the following submission points for the scope of these changes. Paragraph 4.2 of HCC's primary submission states that HCC has an interest in PPC1 in its entirety, and that there are several proposed provisions which are inappropriate and require amendments, and/or otherwise require additional policies and rules (page 2 of 38).³⁵

171. Amendments to 3.11.1.2 Mana Tangata – Use Values: Identity and sense of place through the interconnections of land with water

- *The rivers contribute to a sense of community and sustaining community wellbeing.*
- *The rivers are an important part of whānau/family life, holding nostalgic feelings and memories and having deep cultural and historical significance.*
- *For River Iwi and other iwi, respect for the rivers, natural wetlands and springs lies at the heart of the spiritual and physical wellbeing of iwi and their tribal identity and culture. The river, natural wetlands and springs are not separate from the people but part of the people, "Ko au te awa, ko te awa ko au" (I am the river and the river is me).*
- *Whanaungatanga is at the heart of iwi relationships with rivers, natural wetlands and springs. Te taura tāngata is the cord of kinship that binds iwi to rivers, natural wetlands and springs. It is a braid that is tightly woven, tying in all its strands. It is unbroken and infinite, forming the base for kaitiakitanga and the intergenerational role that iwi have as kaitiaki.*
- *The rivers are a shared responsibility, needing collective stewardship: kaitiakitanga – working together to restore the rivers. There is also an important intergenerational equity concept within kaitiakitanga.*
- *Mahitahi (collaborative work) encourages us all to work together to achieve common goals.*

³⁵ This relief relied upon for the scope of these changes is addressed in legal submissions.

172. This relief relies on the following submission points for the scope of these changes:³⁶

- (1) HCC's submission (74051-PC1) paragraphs 4.2 and 9.1.
- (2) HCC's further submission on Submission 73991-8515. ID and BN Dorreen's Submission 73991-8515 opposed the use value in PPC1, not PPC1-V1. HCC's further submission opposes the Dorreens' submission point and seeks retention of the use value in PPC1.

173. Amendments to 3.11.1.2 Mana Tangata – Use Values: Ancestry and history

<p><i>River Iwi and other iwi have their own unique and intergenerational relationship with the rivers, <u>natural</u> wetlands and springs.</i></p>	<ul style="list-style-type: none"> • <i>Rivers, <u>natural</u> wetlands and springs have always been seen as taonga (treasures) to all River Iwi and other iwi.</i> • <i>Rivers, <u>natural</u> wetlands and springs have always given River Iwi and other iwi a strong sense of identity and connection with the land and water.</i> • <i>Rivers, <u>natural</u> wetlands and springs were used holistically; River Iwi and other iwi understood the functional relationships with and between all parts of the rivers, <u>natural</u> wetlands and springs, spiritually and physically as kaitiaki.</i> • <i>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.</i> • <i>Iwi tupuna inhabited a rohe that teemed with life in the rivers, <u>natural</u> wetlands and springs. These resources were subject to access and use rights as an essential part of kaitiakitanga.</i> • <i>Iwi strive to maintain and restore these relationships despite the modification and destruction that has occurred through different types of development affecting the rivers, <u>natural</u> wetlands and springs.</i>
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174. This relief relies on the following submission points for the scope of these changes:³⁷

³⁶ Another submission that could be relied upon is Federated Farmers of New Zealand Submission 74191-PC1-10810, which seeks to retain s.3.11.1 subject to refinement through the further submissions process.

³⁷ Other submissions that could be relied upon are Federated Farmers of New Zealand Submissions 74191-PC1-10810, which seeks to retain s.3.11.1 subject to refinement through the further submissions process, and 74191-V1PC1-103, which seeks to delete "wetlands and springs" from all parts of "Intrinsic values – Ancestry and History", and Te

- (1) HCC’s submission (74051-PC1) paragraphs 4.2 and 9.1.
- (2) HCC’s further submission in support of Heritage New Zealand Pouhere Taonga Submission 68939-PC1-3091, which supported the “History” value with the addition of another bullet point. The subject of Submission 68939-PC1-3091 and HCC’s further submission on it was the version of the value in PPC1, not PPC1-V1.

Ecosystem health

175. Amendments to 3.11.1.1 Mana Atua – Intrinsic values: Ecosystem health

<p><i>The Waikato and Waipa catchments support resilient freshwater ecosystems and healthy freshwater populations of indigenous plants and animals.</i></p>	<ul style="list-style-type: none"> • <i>Clean fresh water restores and protects aquatic native vegetation to provide habitat and food for native aquatic species and for human activities or needs, including swimming and drinking.</i> • <i>Clean fresh water restores and protects macroinvertebrate communities for their intrinsic value and as a food source for native fish, native birds and introduced game species.</i> • <i>Clean fresh water supports native freshwater fish species.</i> • <i>Natural Wwetlands and floodplains provide water purification, refuge, feeding and breeding habitat for aquatic species, habitat for water fowl and other ecosystem services such as flood attenuation.</i> • <i>Fresh water contributes to unique habitats including peat lakes, shallow riverine lakes and karst formations which all support unique biodiversity.</i> • <i>Rivers and adjacent riparian margins have value as ecological corridors.</i>
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176. This relief relies on the following submission points for the scope of these changes:³⁸

- (1) HCC’s submission (74051-PC1) paragraphs 4.2 and 9.1.
- (2) HCC’s further submission that opposes DoC Submission 71759-PC1-8139 in its entirety. The DoC submission point sought to amend the value notified in PPC1. The reasons for opposing the submission point include HCC’s concern that PPC1 distinguishes between natural and constructed wetlands.

Whakakitenga o Waikato Incorporated (Waikato-Tainui) Submission 74105-V1PC1-970, which seeks the deletion of the Variation 1 addition of “wetlands and springs” from the “Ancestry and History” value.

³⁸ Another submission that could be relied upon is Federated Farmers of New Zealand Submission 74191-PC1-10810, which seeks to retain s.3.11.1 subject to refinement through the further submissions process.

177. Amendments to 3.11.1.2 Mana Tangata – Use Values: Natural form and character

<p><i>Retain the integrity of lakes, rivers and natural wetlands within the landscape and its aesthetic features and natural qualities for people to enjoy.</i></p>	<ul style="list-style-type: none"> • <i>Lakes, rivers and natural wetlands have amenity and naturalness values, including native vegetation, undeveloped stretches, and significant sites.</i> • <i>People are able to enjoy the natural environment; it contributes to their health and wellbeing.</i> • <i>The rivers are an ecological and cultural corridor.</i> • <i>The lakes, rivers and natural wetlands as a whole living entity.</i>
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178. This relief relies on the following submission points for the scope of these changes:³⁹

- (1) HCC's submission (74051-PC1) paragraphs 4.2 and 9.1.
- (2) HCC's further submission that supported DoC Submission 71759-PC1-8152 in part and sought retention of the version of the value notified in PPC1.

179. Amendments to 3.11.1.2 Mana Tangata – Use Values: Wai tapu and wai kino

<p><i>Area of water body set aside for spiritual activities that support spiritual, cultural and physical wellbeing or have properties that require additional caution or care.</i></p>	<ul style="list-style-type: none"> • <i>Lakes, rivers and natural wetlands are a place for sacred rituals, wairua, healing, spiritual nurturing and cleansing.</i> • <i>Lakes, rivers and natural wetlands provide for cultural and heritage practices and cultural wellbeing, particularly at significant sites.</i> • <i>Lakes, rivers and natural wetlands have different states of wai tapu and wai kino that are adhered to and respected.</i>
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180. This relief relies on the following submission points for the scope of these changes:⁴⁰

- (3) HCC's submission (74051-PC1) paragraphs 4.2 and 9.1; and
- (4) HCC's further submission on DoC Submission 71759-PC1-8532. HCC's further submission supports the value as notified.

181. Amendments to 3.11.1.2 Mana Tangata – Use Values: Food gathering, places of food

³⁹ Another submission that could be relied upon is Federated Farmers of New Zealand Submission 74191-PC1-10810, which seeks to retain s.3.11.1 subject to refinement through the further submissions process.

⁴⁰ Another submission that could be relied upon is Federated Farmers of New Zealand Submission 74191-PC1-10810, which seeks to retain s.3.11.1 subject to refinement through the further submissions process.

<p><i>The ability to access the Waikato and Waipa Rivers, lakes, and natural wetlands and their tributaries to gather sufficient quantities of kai (food) that is safe to eat and meets the social and spiritual needs of their stakeholders.</i></p>	<ul style="list-style-type: none"> • <i>Lakes, rivers and natural wetlands provide for freshwater native species, native vegetation, and habitat for native animals.</i> • <i>Lakes, rivers and natural wetlands provide for freshwater game and introduced kai species.</i> • <i>Lakes, rivers and natural wetlands provide for cultural wellbeing, knowledge transfer, intergenerational harvest, obligations of manaakitanga (to give hospitality to, respect, generosity and care for others) and cultural opportunities, particularly at significant sites.</i> • <i>The rivers should be safe to take food from, both fisheries and kai.</i> • <i>Lakes, rivers and natural wetlands support aquatic life, healthy biodiversity, ecosystem services, flora and fauna and biodiversity benefits for all.</i> • <i>The rivers are a corridor.</i> • <i>Lakes, rivers and natural wetlands provide resources available for use which could be managed in a sustainable way.</i>
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182. This relief relies on the following submission points for the scope of these changes:⁴¹

- (1) HCC’s submission (74051-PC1) paragraphs 4.2 and 9.1.
- (2) HCC’s further submission on DoC Submission 71759-PC1-8533. HCC’s further submission opposes the extension of the value to human-made wetlands in urban area.

183. Alternative relief: Deletion of the addition of “wetlands and springs” in section 3.11.1.

184. This relief relies for the scope of these changes on a submission by Te Whakakitenga o Waikato Incorporated (Waikato-Tainui), 74105-V1PC1-968.

185. Amendments to 3.11.1.2 Mana Tangata – Use Values: Water supply

~~Water supply~~

~~Ko ngā hapori wai Māori / Municipal and domestic w~~Water supply****

~~Water supply~~

<p><i>The rivers provide for community water supply, domestic or municipal supply, drinkable water</i></p>	<p><i>The catchments’ surface and subsurface water is of a quality that can be effectively treated to meet appropriate health standards for both potable and non-potable</i></p>
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⁴¹ Another submission that could be relied upon is Federated Farmers of New Zealand Submission 74191-PC1-10810, which seeks to retain s.3.11.1 subject to refinement through the further submissions process.

<p><u>supply and health water supply for primary production, commercial and industrial uses. Water supply is essential for life and enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety.</u></p>	<p>uses.</p>
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186. This relief relies on the following submission points for the scope of these changes:⁴²

- (1) HCC Submission: 74051-PC1-10136; and
- (2) HCC’s Further Submission supporting the whole of Watercare Submission 74077-PC1-8341. The latter submission seeks amendment of the value to refer to “domestic or municipal supply”.

187. Amendments to 3.11.1.2 Mana Tangata – Use Values. Addition of: “Drainage”:

Drainage

<p><u>The rivers provide drainage for stormwater and treated wastewater. The drainage function enables people and communities to provide for their social, economic and cultural well-being and for their health and safety.</u></p>	<ul style="list-style-type: none"> • <u>Individuals, communities, industries and commercial enterprises rely on the capacity of surface water bodies and their associated ecosystem services to assimilate stormwater and treated wastewater.</u> • <u>The drainage function helps minimise the risks of flood damage to property and loss of human and animal life from drowning or disease.</u>
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188. This relief relies on the following submission point for the scope of these changes:

- (1) HCC: 74051-PC1-10170.

189. Amendments to 3.11.1.2 Mana Tangata – Use Values: Economic or commercial development:

Ko ngā āu putea / Economic or commercial development

~~Commercial, municipal and industrial use~~

<p><u>The rivers, lakes, and wetlands provide economic opportunities to people, communities, businesses and industries.</u></p>	<p><u>Fresh water is used for industrial and municipal processes, which rely on the assimilative capacity for discharges to surface water bodies. In addition: The Waikato and Waipā Rivers are working</u></p>
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⁴² Other submission points that can be relied upon for the scope of these changes include: Ata Rangi 2015 Limited Partnership Submission 74045-PC1-6081 and Southern Pastures Limited Partnership Submission 74062-PC1-11086, which both seek for the value to be extended to include water supply for commercial, industrial and primary production purposes.

	<p><u>rivers. In addition to the other mana tangata – use values that support economic or commercial development, the rivers provide other opportunities for wealth creation:</u></p> <ul style="list-style-type: none"> • <u>This fosters economic growth and development and contributes to the vibrancy of the region’s rural and urban areas.</u> • Lakes, rivers and wetlands provide for economic wellbeing, financial and economic contribution, individual businesses and the community and the vibrancy of small towns. They are working lakes, rivers and wetlands; they create wealth. • Those industries are important to the monetary economy of Waikato region, enabling a positive brand to promote to overseas markets. • <u>The Lakes, rivers and wetlands provide for domestic and international tourism. Promotion of a clean, green image attracts international and domestic visitors.</u> • Lakes, rivers and wetlands provide assimilative capacity for wastewater disposal, flood and stormwater, and ecosystem services through community schemes or on-site disposal.
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190. A clean version of this is:

Ko ngā āu putea / Economic or commercial development

<p><i>The rivers provide economic opportunities to people, communities, businesses and industries.</i></p>	<p><i>The Waikato and Waipā Rivers are working rivers. In addition to the other mana tangata – use values that support economic or commercial development, the rivers provide other opportunities for wealth creation:</i></p> <ul style="list-style-type: none"> • <i>This fosters economic growth and development and contributes to the vibrancy of the region’s rural and urban areas.</i> • <i>The rivers provide for domestic and international tourism. Promotion of a clean, green image attracts international and domestic visitors.</i>
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191. This relief relies on the following submission points for the scope of these changes:

- (1) HCC submission 74051-PC1-10152; and

- (2) the part of HCC’s submission that sought “*any other similar, alternative or consequential relief*”.

192. Amendment to 3.11.1.2 Mana Tangata – Use Values: Mitigating flood hazards:

<p><i>Flood management systems protect land used and inhabited by people and livestock.</i></p>	<ul style="list-style-type: none"> • <i>River engineering, including stopbanks and diversions, protects land and infrastructure from damage by flooding.</i>
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193. This relief relies on the following submission point for the scope of this change:

- (1) HCC submission 74051-PC1-10167.