



Healthy Rivers
PLAN FOR CHANGE

Wai ora
HE RAUTAKI WHAKAPAIPAI

Scope, goals and drivers of the Healthy Rivers: Plan for Change/Wai Ora: He Rautaki Whakapaipai Project

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1 Introduction

The purpose of this paper is to outline the scope, goals and drivers of the Healthy Rivers: Plan for Change/Wai Ora: He Rautaki Whakapaipai Project (herein referred to as 'the project').

The end result of the project will be a series of recommendations to the Waikato Regional Council (WRC) on changes to the Waikato Regional Plan. These changes will form a revised Waikato Regional Plan (called a 'proposed regional plan') that will be publically notified under the Schedule 1 process outlined in the Resource Management Act (1991) (RMA).

The Collaborative Stakeholder Group contribution to this end result is to produce detailed recommendations for consideration by the project partners (described later in this report).

2 The project scope and goals

The project scope and goals have informed the development of the project approach (co-governance, co-management, collaboration and evidence based decision making), its structure and resourcing (under the Local Government Act 2002).

2.1 Project scope

The decision to commence the project and the boundaries and approach to the project was agreed to by WRC, Waikato and Waipa river iwi partners (the partners) and then became a resolution of Council in August 2012.

The resolution of WRC is as follows:

THAT the Waikato Regional Council commences the development of a Plan Change to the Waikato Regional Plan to address the priority issue of effects of discharges to land and water in the Waikato and Waipa River catchments, and

THAT the Partnership Charter (Doc#2146626) be endorsed to guide development of the draft Plan Change, and

THAT in developing this plan change in accordance with the Partnership Charter between WRC and the Waikato and Waipa river iwi (doc#2146626), WRC confirms its commitment to, and the importance of working closely with, all interested and potentially affected stakeholders, so that the issue can be understood from all sides and solutions found that are sensible and practical, which help sustain the environment and the economy.

In late 2012, using the resolution as the guiding document, the partners agreed what would be in-scope and out-of-scope. This was further confirmed in a set of key communication messages to be used by the partners and approved by WRC in February 2013.

Further to this in February 2014, the partners discussed the project scope in a workshop. Due to recent elections, some partners (at the governance level) are

relatively new to the project, the purpose of the workshop was to gain a common understanding of the project scope (and agree on what is in and what is out of scope) in order to provide clear guidance to the Collaborative Stakeholder Group. The outcome of this workshop was an agreement on the project scope (as previously agreed) and no changes to the project scope were suggested.

2.1.1 What is in scope

The following are included in the project scope:

- Diffuse and point source discharges to land and water.
Both discharges are in scope given the related subject matter and potential for efficiencies in scale in reviewing both sources of discharges.
- Adverse effects of rural land use activities on water bodies.
The current regional plan does not adequately address how to manage activities on land to protect water quality and manage the effects of problematic amounts of sediment, bacteria and nutrients entering water bodies.
- All land and water bodies contained within the Waikato and Waipa River Catchments.
- Consequential changes to regional plan provisions, to ensure the Waikato River catchment is integrated with the rest of the regional plan.

In the development of the project scope the partners understood and acknowledged the Waikato and Waipa Rivers and its contribution to New Zealand's cultural, social, environmental and economic wellbeing are of national importance, but the water quality of the rivers are degraded) and should not be required to absorb further degradation as a result of human activities (this is stated in the settlement legislation¹).

When the partners considered why the water quality of the rivers were degraded they referred to various reports and monitoring information prepared by central government and WRC. This includes the Waikato River Independent Scoping Study, 2010 prepared by NIWA ("the WRISS report") (a precursor to the Waikato River Authority).

This report states amongst other things that:

"About 80 percent of nutrients, disease-causing organisms and sediment going into the Waikato River catchment now come from 'diffuse sources' (mostly farm run-off)".

This provided for the focus of the project scope to be further defined from "...to address the priority issue of effects of discharges to land and water.." to focusing on the biggest contributors to water quality decline in the Waikato and Waipa Rivers (nutrients, bacteria and sediment).

¹ Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, Schedule 2 Vision and strategy for the Waikato River 1(3)(h)

The 'content scope' of the project is to:

- Promote the reduction, over time, of sediment, bacteria and nutrients (nitrogen and phosphorus) entering waterways (and groundwater) in the Waikato and Waipa river catchments.
- This includes measures that do not specifically control discharges, but aim to mitigate the effects of discharges (i.e. riparian and wetland management).
- To play a part in restoring and protecting the health and wellbeing of the rivers for current and future generations. Note that this project in itself is not aiming to ensure the regional plan in its entirety gives effect to the Vision and Strategy. Additionally this project is only one of many measures WRC and other agencies are providing to give effect to the Vision and Strategy.

Secondary benefits

Reducing the four contaminants (sediment, bacteria, nitrogen and phosphorus) will improve habitat quality (i.e. the water quality), thereby going some way to enhancing ecology and food safety of fisheries/kai species.

Some measures to reduce the four contaminants will also have benefits for habitat e.g. riparian management will provide shade, reduce stock effects including trampling spawning areas and beds, and provide food and shelter for aquatic life. We would expect riparian management to fall within scope as riparian margins have a filtering role and can reduce the amount of contaminant entering water bodies. Other measures aimed more at habitat, but with some benefits in reducing discharges include preserving/protecting/expanding wetland areas, including by setting lake levels.

Measures to reduce the four contaminants will also have a secondary benefit in reducing other contaminants to water such as pesticides, but only to the extent that they attach to soil/sediment.

2.1.2 What is out of scope?

The following are not included in the project scope:

- Measures that may improve the amount of habitat available to kai species, but are not related to mitigating the effects of the four contaminants (sediment, bacteria, nitrogen and phosphorus); however these may be picked up in the wider Waikato Regional Plan review from 2015 onwards.
- Other measures aimed at habitat that will not affect discharges at all, e.g. addressing barriers to fish migration, such as culverts. These will become part of the wider Waikato Regional Plan review.
- Water takes and use are outside the scope of the plan change. A recent review (Variation 6, now incorporated into Chapter 3.3 of the Waikato Regional Plan) included the water quality effects of setting minimum river flows that are sufficient for maintaining habitat quality. There is a new method in the Plan (3.3.4.9.a) that specifically provides for a review of minimum and allocable flows once limits are set in this project.

Other aspects that are excluded:

- Harvest pressure on fisheries (this is not within WRC's legal mandate)
- Management of diffuse contaminants accumulating in soil e.g. Cadmium (this will be part of the full Waikato Regional Plan review)
- Management of whitebait stands in the lower Waikato River (this will be part of the full Waikato Regional Plan review)
- Advocacy to district and city councils about implementation of the Vision and Strategy into district plans
- Implementing the biodiversity provisions of the Proposed Regional Policy Statement (this will be part of the full Waikato Regional Plan review)
- Review of domestic on-site wastewater treatment and disposal provisions in the regional plan (this will be part of the full Waikato Regional Plan review)
- General or specific alterations to Waikato Regional Plan provisions in catchments other than the Waikato and Waipa River Catchment.

2.1.3 Why is the scope prescribed in this way?

At the March 2014 Collaborative Stakeholder Group workshop, some questions were raised about the defined focus of the project scope.

Discussions regarding the scope of the project have been extensive between the partners, and highlighted the different perspectives on what restoring and protecting the health and wellbeing of the Waikato and Waipā Rivers entails.

From the River Iwi perspective, the regional plan is required to give effect to the Vision and Strategy, and a single, comprehensive review of the regional plan would be preferable and more consistent with the holistic Māori world-view. It is acknowledged, however, that there are budget and resource constraints, and that the issue of the effects of discharges on the health and wellbeing of the Waikato and Waipa Rivers needs to be addressed as a matter of urgency.

The partners agreed a plan change be commenced as soon as possible addressing as a matter of priority the effects of diffuse discharges on the health and wellbeing of the Waikato and Waipa Rivers, and that this plan change also incorporate a review of the provisions relating to point source discharges, given the related subject matter and potential for efficiencies of scale.

The project scope is deliberately defined; underlying principles behind the scope set by project partners are as follows:

- Focus on the critical issues and what's really going to make a difference to give effect to the Vision and Strategy (i.e. reducing the four contaminants – nitrogen, phosphorus, sediment and bacteria).
- A focused scope allows identification of priorities and these to be applied to resourcing and to meet the timelines as anticipated.
- A tight focus does not compromise the holistic view of the Vision and Strategy, as there are other pathways to address other matters, and the broader context still forms the bigger picture in which the four contaminants are considered.
- Focusing on the four contaminants will allow the project to stay on track (notification of a draft plan in 2015), and other wider issues will be addressed by the full regional plan review at a later date, and by other means.
- The leading cause of project failure is too wide a scope.

2.1.4 Key areas of the scope

The scope of the project as provided by the Council resolution cited above can be broken down into the following key areas:

- Drafting a proposed change to the Waikato Regional Plan
- Addressing the priority issue of effects of discharges to land and water
- The geographic focus is on the Waikato and Waipa River Catchments
- A partnership project with Waikato and Waipa River Iwi
- The partnership will work with stakeholders to find solutions that will help sustain the environment and economy.

Each of these is described in more detail below.

Drafting a proposed change to the Waikato Regional Plan

The legal framework for managing freshwater quality is set out in the RMA and supported by the Local Government Act (2002). Regional councils have the main responsibility for managing freshwater quality.

The RMA is implemented through a planning framework that is described later. The RMA provides regional councils with a variety of tools to manage freshwater, including regional policy statements, regional plans, and resource consents. The Waikato Regional Plan is a tool that the WRC uses to manage freshwater.

The outcome or deliverable of this project will be proposed changes to the Waikato Regional Plan.

Addressing the priority issue of effects of discharges to land and water

The drivers around the priority issue of effects of discharges to land and water are from legislation, policy effectiveness reviews, water monitoring results and community values.

These are covered in more detail later but are summarised below.

- There is unique co-management legislation which states the rivers are degraded, and requires amongst other things the restoration and protection of the health and wellbeing of the Waikato and Waipa Rivers.
- There is a national document that requires WRC to set limit and targets on all water bodies (National Policy Statement - Freshwater Management).
- A Parliamentary Commissioner for the Environment report states that the primary impact on water quality comes for four main contaminants; nitrogen, phosphorus, sediment and bacteria.²
- Apart from the Lake Taupō catchment, the current regional plan does not address how to manage activities on land to protect water quality and appropriately manage the effects of excessive amounts of non point source discharges sediment, bacteria and nutrients entering water bodies.
- The Office of the Auditor-General's 2011³ report on freshwater quality highlighted that more is needed to manage the risks to water quality in the Waikato than the current mix of regulatory and non-regulatory methods
- A 2011 policy effectiveness review of the current regional plan⁴ suggests managing the effects of agriculture on water bodies is the most important

² Parliamentary Commissioner for the Environment 2013. Water Quality in New Zealand: Land use and Nutrient Pollution.

³ Office of the Auditor-General 2011. Managing freshwater quality: Challenges for regional councils.

matter to deal with and that the plan's provisions are not enough to address the ongoing pressures.

- Water quality results vary across the Waikato and Waipa catchments. There has been improvement in some water bodies due to a focus on improving the quality of point source discharges, however water quality is still considered to be poor or marginal in some areas (particularly in low lying areas), attributed primarily to historic point source discharges and non-point source discharge sources.
- Water pollution is consistently the most important environmental issue for the Waikato community. In a 2013 survey, when asked about the most important environmental issue facing the Waikato region, 67 per cent of responses related to water quality or pollution. People want the rivers to support a range of uses⁵.

The geographic focus is on the Waikato and Waipa River Catchments

Under co-management legislation, the council's regional plan must give effect to the *Vision and Strategy for the Waikato River/Te Ture Whaimana o Te Awa o Waikato*, including the Waipa River. This plan change will, in part, do this. A full review of the regional plan is required to commence by 2017.

Direction is given in the Proposed Waikato Regional Policy Statement (freshwater chapter), where the Waikato River catchment is identified as a priority catchment for action in Method 8.4.1: "For the purposes of Policy 8.4, the catchments of the Waikato River and Lake Taupō have been identified as priority catchments that require intervention...to address the adverse effects of activities and land use changes on water bodies."

The council intends to begin plan changes for the Waihou-Piako and Coromandel catchments in 2015 and the West Coast in 2017. These plan changes may be rolled into the wider review of the Waikato Regional Plan, required to commence by 2017.

A partnership project with Waikato and Waipa River Iwi

Settlement legislation⁶ was enacted in 2010 (Waikato River) and 2012 (Waipa River). This legislation sets a new era of co-management for the Waikato and Waipa Rivers.

The iwi partners in this project are Ngāti Maniapoto, Raukawa, Ngāti Tūwharetoa, Te Arawa River Iwi and Waikato-Tainui.

The process (es) for preparing, reviewing, changing or varying the regional plan (hereafter referred to as a review), in terms of River Iwi involvement in the process, is set out in the legislation. This includes a requirement for council to establish a Joint Working Party with each of the River Iwi early or prior to commencement of a review, the purposes of which include making joint recommendations to the council regarding the plan change.

The legislation also provides the mandate to the Waikato and Waipa River Iwi and WRC to jointly recommend to Council the nature of the review to the regional plan under s46 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act

⁴ Waikato Regional Plan Policy Effectiveness Review July 2011 Prepared for Waikato Regional Council by GHD consultants. WRC Document number 2016418.

⁵ Environmental awareness, attitudes and actions and new ecological paradigm combined survey: A survey of residents of the Waikato region, Versus Research Ltd, September 2013 WRC document number 2486029.

⁶ Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, Ngati Tuwharetoa and Te Arawa River Iwi Waikato River Act 2010, Nga Wai o Maniapoto (Waipa River) Act 2012

2010 (...before any change commences the joint working party must discuss and recommend to the Council a) the process to be adopted for the preparation, review, change or variation, and b) the general form and content of any document to be drafted for the purposes of consultation or notification under Schedule 1 of the RMA).

WRC has established a project steering group (Te Rōpū Hautū) and the Healthy Rivers / Wai Ora Committee to ensure iwi partners at senior staff and governance levels can participate in the project. This will include discussing opportunities for iwi partners to participate in decision making after the proposed plan change is publicly notified.

The Waikato Regional Council is responsible for making the final decision on the plan to be notified under the RMA Schedule 1 process.

The partnership will work with stakeholders to find solutions that will help sustain the environment and economy

The partners appreciate that potentially affected people want to know what is expected of them and their businesses. Together with stakeholders and the community, we will consider a range of method types, such as rules, education, support and incentives. New ideas, initiatives and solutions not obvious at the start of this process may be generated through this dialogue.

The issue is complex and we will take the time to find out from local people, tāngata whenua, farmers, industry and community leaders, foresters, recreationists, environmental groups, councils and the Waikato River Authority which mix of methods is likely to work.

Each potential method's economic, social, environmental and cultural implications, practicality and effectiveness will be considered in-depth. Consideration will be given to setting limits on how much of each contaminant can be discharged, and encouraging land use practices that help reduce the amount of sediment, phosphorus, nitrogen and bacteria entering water.

Any objectives, policies and rules must be in accordance with the RMA and able to be implemented.

2.2 Project goals

The project goals were developed by the partners based on the scope conversations, and is included in the Stakeholder Engagement Strategy (approved by Council in March 2013). The project goals provide more direction on what the content and considerations of any recommendations changes to the regional plan should include.

Primary project goal:

The primary goal of the Healthy Rivers - Plan for Change/Wai Ora - He Rautaki Whakapaipai project is for Council and Waipa and Waikato River Iwi to jointly recommend that the Council notify a change to the Plan that addresses the adverse effects of discharges in the Waipa and Waikato River catchments (Project Plan, 28/1/13).

Secondary goals:

In order to contribute to achieving the restoration and protection of the Waikato and Waipa Rivers, the Waikato Regional Plan review process should:

- 1. seek, over time, to improve river/water body quality;*
- 2. focus at first on defining the issues and options relating to water quality;*
- 3. develop a range of possible land management scenarios, including options for limits and targets for the river/water bodies. These land management scenarios and limits and targets need to be based on sound environmental, cultural, scientific and economic information;*
- 4. use a mix of methods, which may include rules, education, incentives, including industry self-regulation, that the Waikato Regional Council may use to facilitate the necessary changes on the ground. These methods to be discussed and developed alongside the setting of limits and targets.*

Wherever possible decisions will:

- a. understand the impacts of the limits and targets on the wellbeing of the community;*
- b. maximise the economic and environmental sustainability of businesses;*
- c. minimise financial impacts on the regional community.*

3 The focus on managing the four contaminants

There are many types of water pollutants that can affect water quality (heavy metals, pesticides, pathogens and various chemicals). Those that come from point source discharges (such as a factory) are easily identified. Diffuse discharges (non-point source) generally come from a large number of small sources that are harder to locate such as eroding stream banks, urine patches etc.

In the last 20 years there have been major improvements in the treatment of reticulated municipal wastewater (domestic & trade waste effluents) in the Waikato region. These improvements have come about as a result of policy implementation,

together with the commitment and capital investment from Territorial Authorities, industry and their communities to improve water quality.

Where contaminant discharges from point sources exist, these are almost all controlled by resource consents. Resource consents generally have contaminant discharge limits, monitoring and reporting requirements.

There are still some opportunities for improvement from point source discharges, however the major water quality issues are associated with the following contaminants that now predominately come from diffuse discharges; sediment, bacteria and nutrients (nitrogen and phosphorus).

The Parliamentary Commissioner for the Environment states:

“In New Zealand there are three major water quality problems that primarily come from diffuse sources. One is sediment – the mud and silt that continues to build up on the beds of rivers, streams, lakes and estuaries, making water murky and smothering aquatic life. The second is bacterial contamination from water running over land and into waterways. The third is the two nutrients, nitrogen and phosphorus.”

Water Quality in New Zealand: Land use and Nutrient Pollution, November 2013 (Parliamentary Commissioner for the Environment).

The following paragraphs are from the same report.

Bacteria - *Faecal coliforms, E. coli, and enterococci indicate the presence of human or animal faeces and the associated risk of infectious disease for people swimming in or drinking the water, and for livestock from drinking the water.*

Nutrients - *Increased levels of various forms of nitrogen and phosphorus in water bodies can cause excessive plant growth rates, which can lead to blooms of algae and nuisance weeds. These can then reduce the recreational and aesthetic value of water bodies and affect fish and other aquatic animals.*

Sediment - *Sediment makes clear water murky (or turbid), smothers aquatic life, alters water flows, and exacerbates flooding.*

Visual clarity - *A river or lake with low clarity can indicate significant erosion in the catchment or algal growth in the water. Low clarity affects fish feeding and spawning habits, plants' growth rates, and recreational uses*

The Parliamentary Commission for the Environment report noted above also describes that how serious the impacts are from these three contaminants depends on the characteristics or vulnerability of the water body where they end up.

The greater the natural vulnerability of a body of fresh water, the greater the impact of human activities.

Lakes, rivers and streams, wetlands, estuaries, and aquifers are different receiving environments. Moreover, a shallow warm lake is a different receiving environment from a deep cold lake. A river that meanders on a winding course to the sea is a different receiving environment from a river that flows swiftly straight to the sea.

On a larger scale, some catchments are naturally more sensitive than others. How much it rains, how steep or flat the terrain is, and the types of soil and rock present all influence how vulnerable a catchment is to water pollution. And within a catchment, all lakes, rivers and streams, wetlands, estuaries, and aquifers are linked to others, and the impacts of water pollution in them are linked too. This is why water pollution is best understood at the catchment level.

It is important to note that water quality science is complex. It will be role of the Technical Leaders Group to communicate the science to the Collaborative Stakeholder Group.

4 What are the drivers around the scope?

The four main drivers for the scope of this project are summarised below and covered in more detail later.

- 1) Legislation
 - a) Resource Management Act (1991)
 - i) Waikato Regional Policy Statement
 - ii) Waikato Regional Plan
 - b) Co-Management Legislation
 - i) Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010
 - ii) Ngati Tuwharetoa and Te Arawa River Iwi Waikato River Act 2010
 - iii) Nga Wai o Maniapoto (Waipa River) Act 2012
 - c) Te Ture Whaimana o Te Awa o Waikato (Vision and Strategy for the Waikato River)
 - d) National Policy Statement on Freshwater Management 2011
- 2) Policy effectiveness reviews
 - a) Office of the Auditor-General's 2011 report on freshwater quality
 - b) A Waikato River Council policy effectiveness review of the current Waikato Regional Plan
 - c) A review on the extent the Waikato Regional Plan gives effect to the Vision & Strategy
- 3) Water quality monitoring results
- 4) Community values

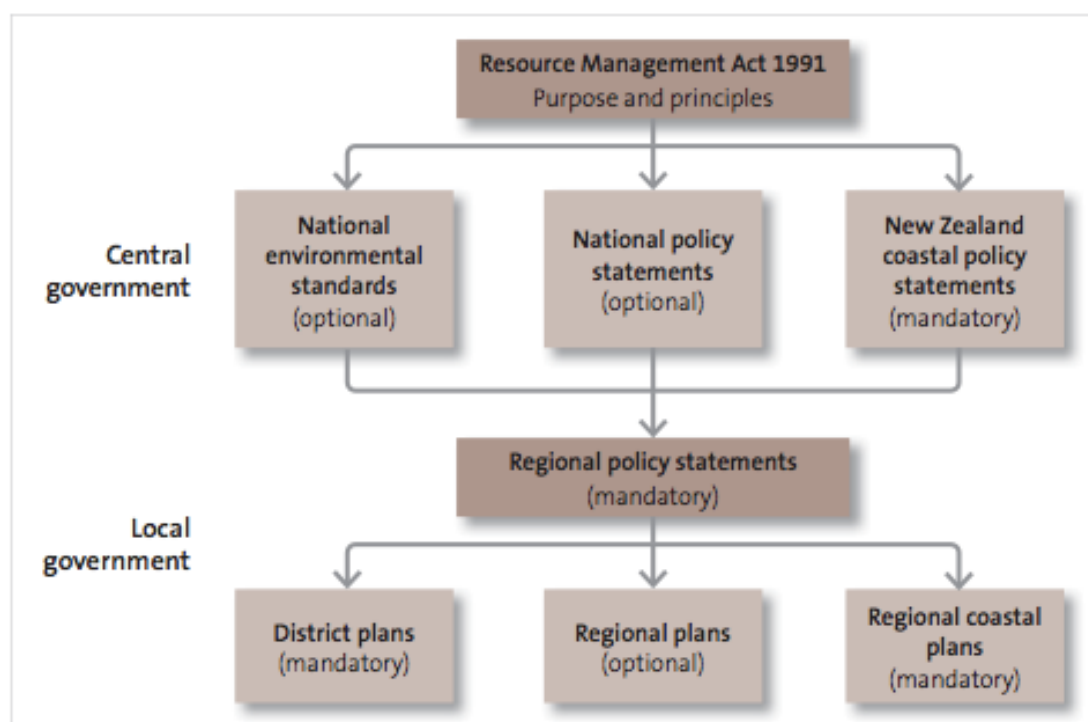
4.1 The Resource Management Act – mandate for Waikato Regional Council

The legal framework for managing freshwater quality is set out in the RMA and supported by the Local Government Act (2002). Regional councils have the main responsibility for managing freshwater quality. It is acknowledged that regional councils cannot do this alone.

The role of regional councils under the RMA includes a number of specific functions in managing freshwater. These include controlling discharges of contaminants into or onto land, air, or water and discharges of water into water (s30(1)(f)), as well as the control of the use of land for the purposes of the maintenance and enhancement of water in water bodies, and of ecosystems in water bodies (s30(1)(c)).

The RMA is implemented through a planning framework, and this is the framework used for managing freshwater quality. The relationship between the co-management legislation and the RMA planning framework will be described later.

The Resource Management Act's planning framework



Source: "Managing Freshwater Quality: Challenges for Regional Councils" Office of Auditor General Report 2011

4.2 Settlement legislation – mandate for Waikato and Waipa river iwi

The Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, the Ngāti Tūwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010 and the Ngā Wai o Maniapoto (Waipa River) Act 2012 has introduced a new era of co-management for the Waikato and Waipa catchments.

The overarching purpose of the legislation is to restore and protect the health and wellbeing of the Waikato River for future generations. With regards to the Waipa River, the purpose of the legislation is to restore and maintain the quality and integrity of the waters that flow into and form part of the Waipa River for present and future generations and the care and protection of the mana tuku iho o Waiwaia.

As described earlier the Settlement Legislation outlines the process (es) for preparing, reviewing, changing or varying the regional plan, and river iwi involvement is set out in the legislation. This includes making joint recommendations to council regarding the plan change and scoping changes to the regional plan, in so far as it is relevant to giving effect to the Vision and Strategy.

4.3 Vision & Strategy

Through the Settlement process between Waikato-Tainui and the Crown the Guardians Establishment Committee was formed with the support of other Waikato River Iwi. In 2009 the Guardians Establishment Committee finalised its Vision and

Strategy for the Waikato River *Vision and Strategy for the Waikato River/Te Ture Whaimana o Te Awa o Waikato*.

That Vision and Strategy is to restore and protect the health and wellbeing of the Waikato River has been incorporated in the settlement legislation for the Waikato River Raupatu Claim – the legislation under which the Waikato River Authority is constituted.

The Waikato River Authority, which plays an important role as guardians of the Vision and Strategy and in managing the rivers, can start a review of the Vision and Strategy in 2016 and can set targets and limits for the catchments, which the regional plan would have to give effect to.

The Vision and Strategy incorporates the objectives sought by Waikato-Tainui and other objectives that reflect the interests of Waikato River Iwi and of all New Zealanders. These objectives encompass all people of the River and their relationships with it – through their communities, industries, recreation, social and cultural pursuits.

The Vision and Strategy, the primary direction setting document for the Waikato and Waipa rivers, must be 'given effect to' by regional and district plans within the rivers' catchments. The Vision and Strategy applies to the rivers and to activities in the rivers' catchments, and focuses on restoring and protecting the health and wellbeing of the rivers for current and future generations.

Under the legislation, the Vision and Strategy has the status of a National Policy Statement ("NPS") and prevails over any inconsistent provisions in other NPSs. The Vision and Strategy will have greater impact on Waikato's freshwater management than the NPS for Freshwater Management 2011. This is because the NPS for Freshwater Management 2011, although broadly consistent, is less specific than the Vision and Strategy.

WRC is required to update all its RMA planning documents to conform with the Vision and Strategy. This includes the Waikato Regional Policy Statement and Waikato Region Plan.

4.4 Proposed Waikato Regional Policy Statement and the Vision & Strategy

As per the diagram above, regional councils must produce a regional policy statement. These are high-level documents that provide an overview of the resource management issues in the region, and ways in which integrated management of the region's natural and physical resources will be achieved. They are also the key guiding document in the development, review or change of a regional plan.

The Waikato Region has an operative policy statement (2000) and a proposed policy statement (decisions version 2012).

On 25 November 2010, the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 came in to force in its entirety. From this date the Vision and Strategy is deemed to be part of the Operative Waikato Regional Policy Statement (Chapter 2).

The Regional Policy Statement and any other National Policy Statement cannot be inconsistent with the Vision and Strategy; if there is any inconsistency the Vision and

Strategy prevails. This then follows that the Waikato Regional Policy Statement recognises that the Waikato and Waipa Rivers are degraded and an important resource that requires balanced management and planning. It contains provisions aimed at restoring the rivers' health as a regional priority while continuing to provide for the communities they support.

A regional council can choose to produce a regional plan that assists with managing the region's resources. Regional plans must give effect to regional policy statements and must include objectives, policies and may also include rules (which have the force of regulation).

4.4.1 How does the regional policy statement and regional plan (and therefore the Vision & Strategy) influence the project scope?

Policy 8.1 sets out the overall approach for managing fresh water bodies⁷. The management of fresh water bodies will focus on the establishment of limits and targets.

There may be differences across the region in fresh water body limits and targets, depending on the particular uses and relationships humans have with fresh water, or from natural variation in vegetation, soil type or topography.

The regional plan will set numerical and narrative water quality and quantity limits and targets for each fresh waterbody. It is possible that limits and targets will differ in some areas. Principles or criteria to guide decision making may be needed in order to resolve tradeoffs in establishing limits and targets related to the range of ecological and human relationship and use values of water bodies.

The regional plan will then manage the adverse effects on the fresh water bodies to achieve the identified limits and targets. The management of fresh water bodies is most effectively undertaken at a catchment or sub-catchment level. This approach recognises the inter-connected nature of ground and surface water and land use, and is considered a more effective approach of managing the cumulative effects of activities and discharges on freshwater body values.

See Appendix 1 for a table on the relationship between the Proposed Waikato Regional Policy Statement and the project.

4.5 National Policy Statement for Freshwater Management 2011

The National Policy Statement for Freshwater Management 2011 ("NPS") sets out the objectives and policies for freshwater management under the Resource Management Act 1991.

The NPS will help drive national consistency in local RMA planning and decision-making while allowing for an appropriate level of regional flexibility. This will support improved freshwater management in New Zealand.

The NPS requires regional councils to manage water quality by setting objectives, limits and targets for all water bodies. A limit defines the loads allowed to be placed

⁷ Parts of Chapter 8 of the Proposed Waikato Regional Policy Statement are currently under appeal to the Environment Court.

on water quality from inputs like nutrients, or the amount of water permitted to be taken. A target simply puts a timeframe on achieving a limit.

Policy E1 (progressive implementation programme) requires policies of the NPS to be fully implemented by 31 December 2030. The Implementation Guide to the NPS states that the 2030 timeline relates to putting in place the necessary policies, plans and/or methods, and that these must be fully operative to be considered implemented. The improvements in water quality are not required to be met by 2030.

4.6 Water quality monitoring results

The Waikato River's water quality has improved a great deal. The country's longest river was, 60 years ago, one of the dirtiest. Today, while not pristine, it's much cleaner than in the 1950s and 60s.

Since the 1970s, considerable work has been done to improve the quality of effluent from industrial and urban sources. The 1970s saw major improvements to urban wastewater treatment. The longest water quality record for the Waikato River (at Mercer) shows that this was when river water quality began to improve.

The following water quality monitoring results are based on WRC's interpretation of its water quality monitoring data.

Nutrients - Nitrogen

Nitrogen levels in both rivers have been slowly but steadily rising over the last 20 plus years. Nitrogen in groundwater can take decades to emerge into surface water, and this indicator of water quality will probably worsen before it improves.

Sediment

Sediment levels in the lower reaches of both rivers are high, and have risen over the last 20 plus years.

Bacteria

Bacteria levels are low in the main channel of the Upper Waikato River, but high in the tributaries. Bacteria levels are high in the Waipa, and moderate from below Karāpiro to the mouth of the Waikato River. From 2008 to 2012 85% of Waipa River and 84% of lower Waikato River water samples were unsatisfactory for swimming (based on bacteria and sediment levels for the five sites on each stretch).

4.7 Policy Effectiveness Reviews

Apart from the Lake Taupō catchment, the current regional plan does not adequately address how to manage activities on land to protect water quality and manage the effects of problematic amounts of sediment, bacteria and nutrients entering water bodies. This has been identified in at least two reports which are described below.

4.7.1 Office of the Auditor-General's report on freshwater quality 2011

In September 2011, the Office of Auditor General completed a performance audit of four regional councils' management of freshwater. The aim was to provide an independent view of how effectively regional councils manage land use (and the resulting non-point source discharges) for the purpose of maintaining and enhancing freshwater quality in their regions. Four regional councils were audited; Waikato

Regional Council, Taranaki Regional Council, Horizons-Manawatu Regional Council and Environment Southland. Collectively, these agencies cover nearly one-third of New Zealand's land area.

The Auditor General stated the following in the Parliamentary Commissioner for the Environment authored report *Managing Freshwater: Challenges for Regional Councils*, September 2011.

“I conclude that Waikato Regional Council and Environment Southland are not adequately managing the causes of non-point source discharges in their regions. In both regions, significant intensification of land use (dairy farming) has meant more pressure on freshwater quality. The current regulatory and non-regulatory methods, and how they are being implemented in these regions, are not enough to reduce the known risks to freshwater quality. Both councils are trying to tackle the challenges of non-point source discharges and their cumulative effects, and there are some signs of improvement, but there is still significant work to be done.”

The Parliamentary Commissioner for the Environment provided specific recommendations to the Waikato Regional Council. The theme of these recommendations focuses on;

- the ineffectiveness of the current permissive framework for the Waikato Regional Plan in relation to land and freshwater quality management.
- the need for SMART targets and measures for our RMA policies and plans and our Long Term Plan;
- the need to integrate policy development, implementation, review and reporting to give council and the community a clear picture of the management of freshwater resources;
- a series of improvements to our compliance and monitoring of consents including annual reporting; and
- improvements to pollution complaints services.

4.7.2 WRC policy effectiveness review 2011

A 2011 policy effectiveness review of the current regional plan suggests managing the effects of agriculture on water bodies is the most important matter to deal with and that the plan's provisions are not enough to address the ongoing pressures.

4.7.3 A review on the extent the Waikato Regional Plan gives effect to the Vision & Strategy

In June 2012 Council commissioned Opus International Consultants Limited (Opus) to independently review the operative Waikato Regional Plan to assess the extent to which the regional plan gives effect to the Vision and Strategy.

The review summarised that the regional plan will require amendments to give effect to the Vision and Strategy. As the review progressed, it became apparent that an important part of the review was to define what “giving effect to” the Vision and Strategy in the regional plan meant.

WRC are using this review to inform discussions with river iwi partners, together with the Waikato River Authority. It is anticipated this approach will provide guidance for

WRC to meet its legislative requirement to give effect to the Vision and Strategy (amendments to the regional plan) and the project.

4.8 Stakeholder and community expectations

Water pollution is consistently the most important environmental issue for the Waikato community. In a 2013 survey, when asked about the most important environmental issue facing the Waikato region, 67 per cent of responses related to water quality or pollution. People want the rivers to support a range of uses.

The rivers are a taonga to iwi, who have long been concerned about their management. This project plays a part in fulfilling iwi aspirations for the Waikato River. Iwi seek the restoration and protection of the health and wellbeing of the Waikato River and recognition that the river's strategic importance to New Zealand's social, cultural, environmental and economic wellbeing requires the restoration and protection of its health and wellbeing. Iwi anticipate restoration of the river's water quality so that it is safe for people to swim in and take food from over its entire length. Iwi also expect the rivers to provide for economic uses and opportunities, and some iwi would like drinkable water bodies.

Industry expects to be able to continue to use water from the rivers, and for the rivers to provide for future economic opportunities.

Appendix 1

Relationship between the Proposed Waikato Regional Policy Statement (and therefore the Vision and Strategy) and the project.

Project Relationship	Policy/method	Specifics
Managing adverse effects on fresh water bodies	Policy 8.1 Approach to managing fresh water bodies	Establish measurable limits and targets for each fresh water body to manage the adverse effects on them.
Focus on Waikato and Waipa Catchments	Implementation Method 8.1.1 Integrated catchment management of water resources	Regional plans shall adopt a catchment based approach to ensure the integrated management of water resources, including the management of: a) the allocation and use of water; b) flow regimes; c) quantity and quality of groundwater d) quantity and quality of surface water e) quality of marine waters; and f) land and water interactions
Limits and Targets	8.1.2 Establish fresh water body limits and targets	Regional plans shall establish freshwater body limits and targets, including for minimum and allocable flows, lake and wetland levels, and contaminant discharges.
Managing adverse effects	8.1.3 Manage adverse effects to achieve limits and targets	Limits and targets will be based on Objective 3.13 and will help determine whether a fresh water body achieves the outcome sought in that objective. Regional plans shall manage the adverse effects of activities to achieve the limits and targets identified for those fresh water bodies.
Healthy Rivers Committee Te Rōpū Hautū (Joint Steering Group) Tangata Whenua Engagement Strategy (in development)	8.1.4 Tāngata whenua involvement	Waikato Regional Council will work with tāngata whenua to develop systems and processes to: a) adequately involve tāngata whenua in the management and decision making regarding fresh water bodies and associated ecosystems; b) identify values and interests in fresh water bodies and associated ecosystems; and c) develop monitoring programmes,

Project Relationship	Policy/method	Specifics
		including mātauranga Māori, to monitor the achievement of identified values of fresh water bodies.
Collaborative Stakeholder Group Stakeholder Engagement Strategy (approved by Council 2013)	8.1.5 Stakeholder involvement	Waikato Regional Council will take a collaborative approach to investigating and implementing future fresh water body management approaches. This will include: a) providing for the early and meaningful involvement of stakeholders; b) working with stakeholders for the development and delivery of non-regulatory policy options including primary industry initiatives, third party audited self management and education programmes; c) involving stakeholders in the process identifying costs and benefits of any proposed regulatory management options; and d) involving stakeholders in the process of identifying the limits and targets
The focus on Nutrients (phosphorus, nitrogen), Sediment and Microbes.	Policy 8.3 All fresh water bodies	Manage the adverse effects of activities to maintain or enhance the values of fresh water bodies and coastal water by: a) reducing: i) sediment in fresh water bodies and coastal water (including bank instability) ii) accelerated sedimentation of estuaries; iii) microbial and nutrient contamination; iv) other contaminants; and b) protecting and improving: i) riparian and wetland habitat; ii) instream habitat diversity; iii) indigenous biodiversity; and c) providing for migratory patterns of indigenous freshwater species up and down rivers and streams and to the coastal marine area; and d) avoiding: i) physical modification of fresh water bodies where practicable; and ii) inappropriate development in flood plains; and e) managing: i) groundwater and surface water flow/level regimes, including flow regime variability; ii) linkages between groundwater and

Project Relationship	Policy/method	Specifics
		surface water; and iii) pest and weed species where they contribute to fresh water body and coastal water degradation.