

# General feedback and comments from River Iwi Governors on the Collaborative Stakeholder Group overview document

March 2016

## Purpose

The purpose of this paper is to set out the general feedback and comments from River Iwi Governors on the Collaborative Stakeholder Group overview document titled, “Restoring and protecting our water – Te Whakapaipai me te tiaki i ō tātou Wai: Overview of Collaborative Stakeholder Group’s recommendations for Waikato Regional Plan Change 1 – Waikato and Waipa River catchments”.

## Context for River Iwi Governors feedback and comments

The River Iwi Governors (RIG) acknowledge the Collaborative Stakeholder Group (CSG) is leading the development of content for the Healthy Rivers: Plan for Change/Wai Ora: He Rautaki Whakapaipai (the HRWO plan change).

The timeframe set out by the CSG and agreed by the Healthy Rivers Wai Ora Committee (HRWOC) in November 2015 specifies the CSG will finalise the full content of the HRWO plan change (including Section 32 of the RMA reporting) on 9 May 2016. Individual River Iwi must then “jointly decide” the content of the final recommendation of the HRWO plan change with Waikato Regional Council (WRC) as prescribed in their respective Joint Management Agreements (JMA). The HRWOC will also need to make a decision on 17 June 2016 whether to recommend the content of the HRWO plan change for public notification by WRC. The decision of the HRWOC would need to be cognisant of the decisions under the principle River Iwi JMAs.

To ensure the direction of travel developed by the CSG is consistent with the expectations of HRWOC —and ahead of directing WRC staff to draft the substance of objectives, policies and methods for the HRWO plan change—, the CSG have prepared an overview document<sup>1</sup> for consideration by HRWOC. The River Iwi Managers (RIM) received the CSG overview document from WRC on Thursday 10 March 2016.

In preparing key messages for RIG to articulate at the 22 March HRWOC meeting, the RIM completed an assessment of the overview document against the River Iwi developed “Outcome statement and principles for implementing Te Ture Whaimana - the Vision and

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<sup>1</sup> Restoring and protecting our water – Te Whakapaipai me te tiaki i ō tātou Wai: Overview of Collaborative Stakeholder Group’s recommendations for Waikato Regional Plan Change 1 – Waikato and Waipa River catchments

Strategy for the Waikato and Waipā Rivers” that was submitted to the CSG in July 2015. The RIG met prior to the HRWOC meeting to discuss the work undertaken the RIM and to agree on the final shape of the key messages.

At the HRWOC meeting on 22 March, the RIG committed to providing the CSG with a copy of the key messages, transcribed as “general feedback and comments”, to aid the CSG in their continued development of the HRWO plan change. The copy of the feedback and comments would be in addition to the verbal key messages (including the resulting discussion) that were delivered by the RIG.

The RIG consider the CSG should exercise caution in reading the general comments and feedback as a definitive list that encapsulates all individual River iwi views on the pending and yet-to-be-completed content of the HRWO plan change.

## **General feedback and comments on key aspects of the overview document**

### *Overarching outcome and a sequenced and staged approach*

The minimum outcome for water quality that is required to achieve Te Ture Whaimana is 100% of Scenario 1.

The staged and sequenced approach to achieving 100% of Scenario 1 (ie, 10% of Scenario 1 in 10-years etc) is an appropriate response. Each stage of the HRWO project, however, must include a review process that is built into the new management framework to ensure the project remains on track to meeting the staged outcome within the set timeframe (eg, review of progress to stage 1 outcome is set at 5-years).

The 10% of Scenario 1 outcome must be expressed in the plan change as a robust and enforceable water quality limit. That limit also needs to be achieved to ensure the process has creditability in the specified 10-year timeframe and is ultimately on track for delivering the water quality outcomes in 80 years time.

The WRC should provide annual reporting to the community and River Iwi to demonstrate relative change in water quality that has occurred as a result of management interventions that are undertaken on properties. This information should be derived from the (yet to be developed) accounting framework and, could be assessed by an independent panel of experts.

There needs to be flexibility within the HRWO project to review the 10%, 25%, 50% breakpoints to ensure the project maintains a constant rate of water quality improvement over time. If 10% of Scenario 1 turns out to be a low target across the Waikato and Waipa River catchment, there is a risk that landowners will not be incentivised to continue working toward reducing contaminants to maximise change in the first 10-year period. In this instance the 25% target may require adjusting to maintain a balanced trajectory over the 80-year timeframe.

The CSG need to clarify what 10% of Scenario 1 translates to in terms of an overall improvement in the quality of the Waikato and Waipa Rivers. Does 10% of Scenario 1 equate to 10% in water quality improvement and if not, the plan change needs to carefully manage expectation of the community. Mixed messaging around the rate of change needs to be avoided in the HRWO plan change.

There is considerable uncertainty with respect to the “load to come” of nitrogen and, what impact the “load to come” will have on achieving 10% of Scenario 1 in 10-years (eg, at the end of stage 1 in 2026).

### Freshwater Management Units

River Iwi stringently oppose the use of averaging ‘overall water quality’ at either the FMU or regional scale.

Accurate monitoring of change in water quality over time is required to enforce compliance with the yet-to-be-completed draft objectives, policies and regulatory methods. This comment is related to the key message regarding the accounting framework that WRC need to develop and put in place to accurately track change in water quality over time.

The gaps in the WRC monitoring network, for the lakes FMU and in the 14 sub-catchments that are modelled —and do not have dedicated monitoring sites— need to be rectified.

### Draft objectives, policies and regulatory framework

The draft objectives and policies that are signalled in the overview document are incomplete. It is difficult to determine with any degree of accuracy the relative effectiveness and impact of the draft objectives and policies in relation to the regulatory framework.

River Iwi need to have confidence the regulatory framework is robust and, would result in the 10% of Scenario 1 being achieved within the 10-year timeframe. At this time, there is not enough detail for the RIG to form a view on whether the outcome for the first stage — being 10% of Scenario 1 in 10-years— will be achieved.

The rules to exclude stock from waterways must be clear and effective, while at the same time providing sufficient flexibility for landowners to achieve similar outcomes through the use of innovative and proven mitigation techniques.

There could be a conflict between a rule to prevent new land use change (eg, to “hold the line”) and a rule to provide for the development of certain Māori land. The CSG need to clearly articulate the rationale for designing a rule to provide for the development of certain Māori land to avoid any future misinterpretation in the HRWO plan change.

The use of Property Management Plans —as set out in the proposed rules— could have considerable value to achieving dual outcomes of reducing the discharge of contaminants

over time and mapping out how changes to management practices on land could be undertaken. However, at this time there is very limited detail on the content of these plans and, importantly, how they would work in the context of the Regional Plan.

The expectation of River Iwi is that everyone who contributes to the water quality problem should also contribute to the range of solutions to achieve desired water quality outcomes. In deciding who should go first, the CSG need to do more work to make sure the decision around prioritisation are technically robust, defensible and would result in the “best bang for buck”.

River Iwi take a dim view of the existing permissive regime in the Regional Plan. The continuation of a permissive regime in the HRWO plan change is unlikely to fill River Iwi with confidence that the outcomes agreed by the CSG will be achieved.

#### *Benchmarking (Rule 7) and preparing for future allocation*

A pure grand-parenting approach to future allocation is not be acceptable to River Iwi.

The language of “benchmarking for future allocation” is a cause for concern. The CSG should consider changing the existing benchmarking language to refer to the collection of detailed information on the loss of nitrogen from individual properties within a sub-catchment (and across the Waikato and Waipa River catchments) that can be used to establish a benchmark to measure the reduction in nitrogen losses over time and the effectiveness of property-scale management interventions.

The process of benchmarking of nitrogen loss should be undertaken for:

- establishing a point in time estimate to measure the reduction in nitrogen losses at the property-scale over time and, as an estimate of change (acknowledging lag times for nitrogen) towards achieving 10% of Scenario 1 in 10-years;
- supporting the design of management interventions to target the reduction of nitrogen loss from land uses across the Waikato and Waipa River catchments.

River Iwi are of the view that the allocation of rights to discharge contaminants from land use must be a secondary consideration to achieving 100% of Scenario 1 in the 80-timeframe. Principally the HRWO plan change should focus on improving water quality outcomes commensurate with Te Ture Whaimana and not on determining rights to discharge contaminants.

The full range of options, in lieu of allocating any rights to discharge, should be re-considered in 10-years.

River Iwi acknowledge improving information on the loss of contaminants from land use will greatly assist the formulation of precise objectives, policies and output-based regulatory methods in subsequent plan changes.