

# **Outcome statement and principles for implementing Te Ture Whaimana – the Vision and Strategy for the Waikato and Waipā Rivers**

**July 2015**

## **Purpose**

The purpose of this paper is to identify the principles that underpin the Waikato River iwi (the River iwi) engagement in the Waikato Regional Council (WRC) Healthy Rivers Wai Ora Plan Change (the Plan Change). The River Iwi have also articulated a common outcome statement that is an extension of Te Ture Whaimana

Te Ture Whaimana is the primary direction-setting document for the restoration and protection of the Waikato and Waipā Rivers. The Healthy Rivers Wai Ora Plan change is a key piece of resource management policy that will contribute towards achieving the overall outcomes sought by Te Ture Whaimana the Vision and Strategy. The proposed outcome statement and principles reflect the aspirations of the River iwi and, will assist the Collaborative Stakeholder Group in developing water quality objectives including limits and targets for the Waikato and Waipā catchments.

It is important to note the proposed outcome statement and principles articulated in this paper do not collectively or individually usurp the autonomy of individual River Iwi to express different views and aspirations in respect of any Proposed Plan Change.

## **Proposed outcome statement and principles**

Te Ture Whaimana requires that the health and wellbeing of the Waikato and Waipā Rivers is restored and protected for current and future generations.

The proposed outcome statement and principles were developed through several hui with the River iwi and the Waikato River Authority and, are an extension of the objectives contained in Te Ture Whaimana the Vision and Strategy and underpin the outcomes that River iwi and Waikato River Authority want to see expressed through the Plan Change process.

The proposed outcome statement is:

- The Waikato and Waipā Rivers must be restored so that they are safe to swim in and take food from over their entire length and, protected from further degradation —it is not enough to simply halt the decline water quality; water quality must improve everywhere—.

The following proposed principles set out how the outcome will be achieved:

- The special relationship between River iwi and the Waikato and Waipā River is paramount;
- Existing over-allocation (eg, where discharge of contaminants exceed the water quality limits set in the Proposed Plan Change) is to be phased out and, no new over-allocation above those water quality limits<sup>1</sup> is to be created;
- A precautionary approach to setting limits and addressing water quality problems must be adopted;
- Recognition and avoidance of cumulative effects;
- Averaging of water quality within or between Freshwater Management Units is not acceptable;
- Restoring water quality of the Waikato and Waipā Rivers is likely to be intergenerational, however long timeframes are not an excuse for delay;
- Operating in an integrated manner across catchments to restore and protect the health and wellbeing of the Waikato and Waipā Rivers;
- Recognise the potential of landowners to develop land within the water quality limits and, incentivise voluntarily changes to current land use to fit within water quality limits; and
- Avoid creating inequitable outcomes between landowners through the allocation of any rights to discharge contaminants.

The two tables below set out the proposed outcome statement and principles. Each table includes a narrative explanation of the outcome statement and principles together with a succinct summary of the key matters that would need to be addressed through the Healthy Rivers Wai Ora plan change process.

The linkages between the proposed outcome statement and principles and Te Ture Whaimana the Vision and Strategy objectives are identified in the tables.

At this time the River iwi are not in a position to accurately specify the matters that would be required to achieve the overarching outcome statement and give effect to the principles in the Proposed Plan Change.

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<sup>1</sup> Note the term over allocation also refers to water quantity in the NPS-FM and, the notion of phasing out over allocation of water quality is inherently linked to water quantity allocation. However for the purpose of Te Wai Ora Healthy Rivers plan change phasing out over allocation is explicitly concerned with water quality.

OUTCOME STATEMENT	EXPLANATION	VISION AND STRATEGY OBJECTIVE	WHAT DOES SUCCESS LOOK LIKE?
<p>The Waikato and Waipā Rivers must be restored and protected so that it is safe to swim and take food from over its entire length</p>	<p>The Plan change must, as an outcome, seek to restore and protect the quality of water bodies within the Waikato and Waipā catchments. The Vision and Strategy applies to land within the Waikato and Waipa River catchments and includes all water bodies including tributaries, streams, lakes and wetlands within the Waikato and Waipa river catchments [refer settlement and co-management legislation].</p> <p>The expectation of River iwi and the community is water bodies will be restored to an agreed level of water quality (the restoration target) and then protected in that improved state in the long-term.</p> <p>The quality of water in Waikato and Waipā River catchments needs to be restored to a level that is safe for people to swim in and harvest kai from over their entire lengths. The aspiration is that kai is safe to eat raw, whilst acknowledging the practicalities of this goal. Swimmable includes in all seasons across a range of flows, with the understanding that different standards might apply at flood flows.</p> <p>Restoration means the water quality of the Waikato and Waipā Rivers continually improves and, will support an abundance and diversity of freshwater fisheries resources, flora and fauna.</p> <p>Protection has a dual meaning of: (i) ensuring current water quality does not decline and (ii) protecting the quality of water bodies once restoration targets have been achieved.</p>	<p>Objective A - The restoration and protection of the health and wellbeing of the Waikato River.</p> <p>Objective H - The recognition that the Waikato River is degraded and should not be required to absorb further degradation as a result of human activities</p> <p>Objective I - The protection and enhancement of significant sites, fisheries, flora and fauna.</p> <p>Objective K - The restoration of water quality within the Waikato River so that it is safe for people to swim in and take food from over its entire length.</p>	<p>The Waikato and Waipā Rivers are swimmable over their entire lengths.</p> <p>Kai is healthy and abundant through the entire length of the Waikato and Waipā Rivers.</p>
<p>The Waikato and Waipā Rivers must be protected from further degradation</p>	<p>Restoration is to happen throughout the Waikato and Waipā River catchments. The aim must be to prevent further degradation of the Waikato and Waipā Rivers acknowledging there is a lag effect of some nutrients (ie, nitrogen in transit through the soil column</p>	<p>Objective H - The recognition that the Waikato River is degraded and should not be required to absorb further degradation as a result of</p>	<p>The water quality of the Waikato and Waipā Rivers does not deteriorate while mechanisms to achieve restoration outcomes are</p>

	<p>before entering groundwater).</p> <p>The inter-generational timeframes, lag effects and complexity of the problem are not defensible reasons to delay putting in place management interventions.</p> <p>Maintaining the status quo will not contribute to achieving restoration outcomes nor will the status quo prevent water quality from deteriorating further.</p>	human activities.	being implemented.
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PRINCIPLES	EXPLANATION	VISION AND STRATEGY OBJECTIVE	WHAT DOES SUCCESS LOOK LIKE?
<p>The special relationship between River iwi and the Waikato and Waipā Rivers is paramount</p>	<p>The health and wellbeing of the Waikato River reflects the health and wellbeing of the Waikato River iwi and the wider community</p> <p>The special relationship between the River iwi and the Waikato and Waipā Rivers must be upheld by any plan change. Equally the plan change needs to recognise the Waikato and Waipā Rivers are fundamental to the health and wellbeing of the entire Waikato regional community.</p> <p>The restoration of relationships with, and the re-connection of people to, the Waikato and Waipā Rivers also needs to be articulated as an outcome in the plan change. The restoration of the relationship between the River iwi and Waikato and Waipā Rivers will partly reflect the restoration of the water body itself and, is also likely to involve mechanisms that are in addition to the plan change (eg, building on existing governance relationships and functions, iwi allocation). Similarly the Waikato community needs to have an opportunity to re-connect with the Waikato and Waipā Rivers.</p>	<p>Objective B - The restoration and protection of the relationship of Waikato-Tainui with the Waikato River, including their economic, social, cultural, and spiritual relationships.</p> <p>Objective C - The restoration and protection of the relationship of Waikato River iwi according to their tikanga and kawa, with the Waikato River, including their economic, social, cultural and spiritual relationships.</p> <p>Objective D - The restoration and protection of the relationship of the Waikato region's communities with the Waikato River including their economic, social, cultural and spiritual relationships.</p>	<p>The special relationship between the River iwi and the Waikato and Waipā Rivers is strengthened.</p> <p>The community are re-connected with the Waikato and Waipā Rivers and, the importance and value of freshwater to the Waikato regional community is truly recognised and sustainably managed in the long-term.</p>

		Objective J - The recognition that the strategic importance of the Waikato River to New Zealand's social, cultural, environmental and economic wellbeing is subject to the restoration and protection of the health and wellbeing of the Waikato River.	
Existing over allocation (eg, where discharge of contaminants exceed the water quality limits set in the Proposed Plan Change) is to be phased out and not new over allocation above those water quality limits is to be created	<p>The NPS-FM requires regional councils to specifically address existing over-allocation and prevent new over allocation from occurring. For water quality, over allocation refers to the situation where limits have been set and the sum total discharge of contaminants (eg, nutrients) from land use exceed those limits.</p> <p>In respect of the Plan Change, while the CSG is undertaking the work required to set water quality limits, it is essential that new discharges do not create new, or exacerbate existing, over allocation and further degrade the quality of water bodies.</p>	Objective H - The recognition that the Waikato River is degraded and should not be required to absorb further degradation as a result of human activities.	The water quality of the Waikato and Waipā Rivers does not deteriorate while mechanisms to achieve outcomes are being implemented.
A precautionary approach to setting limits and addressing water quality problems must be adopted	<p>The precautionary approach should be adopted within the Plan Change where the irreversibility of actual or potential impacts of the discharge of contaminants from the use of land creates an unacceptable level of risk. This is particularly the case where land use moves from low to high discharge of contaminants and the impact of that change is currently beyond the ability of the regional council to manage within water quality limits.</p> <p>The precautionary approach requires decision makers to be risk averse when considering applications that may compromise the achievement of the broader water quality outcomes. This is particularly the case where best available information is not</p>	Objective F – The adoption of a precautionary approach towards decisions that may result in significant adverse effects on the Waikato River, and in particular those effects that threaten serious or irreversible damage to the Waikato River.	<p>Sound resource management decisions are made using the best available information.</p> <p>Unnecessary risks to achieving the restoration outcomes within agreed timeframes are avoided.</p>

	available to support sound resource management decision-making. For example where there is uncertainty about the contribution of nutrient discharges to water quality deterioration throughout the catchment; it would be precautionary to address both the discharge nitrogen and phosphorus from all land uses.		
Recognition and avoidance of cumulative effects	<p>The cumulative effect of point source and diffuse source contaminants (including nutrients) across multiple land uses and over time needs to be recognised and fundamentally addressed in any plan change. This is one of the most important issues for iwi.</p> <p>The management of discharges needs to be flexible and adaptable to allow land uses the ability to modify practices over time while maintaining the robustness of limits that have been set for water bodies. This includes providing flexibility for land uses to adopt good management practice to reduce discharges of contaminants. The broad definition of land use includes both rural and urban land uses within a catchment.</p>	Objective G - The recognition and avoidance of adverse cumulative effects, and potential cumulative effects, of activities undertaken both on the Waikato River and within its catchments on the health and wellbeing of the Waikato River.	Every discharge is managed within the limits set by the Waikato regional community and, those limits achieve the desired outcomes over time.
Averaging within or between Freshwater Management Units is not acceptable	<p>The averaging methodology adopted in the NPS-FM within or between Freshwater Management Units (FMUs) is not acceptable. That is, where water quality limits that are set for an FMU allows water quality of individual water bodies to be managed down to that limit or, where aggregating individual monitoring data across FMU's allows water quality to be averaged and may mask deteriorating water quality within individual water bodies.</p> <p>Water quality of individual water bodies and the FMU collectively, must improve until the restoration target is achieved.</p>	<p>Objective A - The restoration and protection of the health and wellbeing of the Waikato River.</p> <p>Objective H - The recognition that the Waikato River is degraded and should not be required to absorb further degradation as a result of human activities</p>	There is no degradation of water bodies (or parts of water bodies) improve within a Freshwater Management Unit.
Restoring the water quality of the Waikato and Waipā Rivers is likely to be intergenerational,	The timeframe for achieving the restoration outcomes are likely to be inter-generational, however the expectation of River Iwi is significant effort needs to be made to deliver improvements over the life of the plan change and in subsequent plan change review	Objective A - The restoration and protection of the health and wellbeing of the Waikato River.	<p>The community agree on a timeframe to achieve the restoration outcome.</p> <p>Monitoring information determines</p>

<p>however long timeframes are not an excuse for delay</p>	<p>processes.</p> <p>The plan change needs to set the direction of travel for achieving the overall outcome over several generations. Having said this, it is probable that selected outcomes —control of sediment run off— may be achieved more rapidly than an intergenerational timeframe. Therefore it is important to note that any Plan Change would operate on a range of parallel timeframes with freshwater objectives being achieved within 80 years.</p> <p>Everyone has a part to play in the protection and restoration of the Waikato and Waipā catchments but the community and iwi will need to commit to a timeframe that balances achievement of the Te Ture Whaimana with economic drivers.</p>		<p>the community is on track to achieve the outcomes.</p>
<p>Operating in an integrated manner across catchments to restore and protect the health and wellbeing of the Waikato and Waipā Rivers</p>	<p>Every person has a role to play in the restoration and protection of the water bodies within the catchment. This is because every person (whether individually or collectively) contributes to the water quality problems and will benefit from good water quality.</p> <p>The management of land use within a catchment and, the effects of that land use on water quality —within the same catchment—, must be integrated. Integrated means looking at and across the whole catchment and must include all of the land, tributaries, wetlands and lakes that fall within a catchment.</p> <p>For example, the demarcation of FMUs must extend beyond the definition of FMU in the NPS-FM (ie, the physical water body) and, instead must necessarily include the entire hydrological catchment that is associated with a water body.</p>	<p>Objective E - The integrated, holistic and coordinated approach to management of the natural, physical, cultural and historic resources of the Waikato River.</p>	<p>The Waikato regional community take ownership of the water quality problem and together contribute equitably to achieve the restoration outcome.</p> <p>River iwi can effectively participate in freshwater management including decision-making.</p>
<p>Recognise the potential of landowners to develop land within the water quality limits and,</p>	<p>The restoration and protection of the Waikato River is of paramount importance to River iwi and the community. While it is important to put in place a flexible approach that enables the community’s wellbeing to be met (including maintaining and</p>	<p>Objective D - The restoration and protection of the relationship of the Waikato region’s communities with the Waikato River including</p>	<p>The Waikato and Waipā Rivers are restored without compromising the performance of the regional economy.</p>

<p>incentivise voluntary changes to current land use to fit within water quality limits.</p>	<p>enhancing economic wellbeing), the restoration and protection of the Waikato and Waipā Rivers must not be compromised.</p> <p>Social, cultural and economic considerations are subject to the restoration and protection of the health and wellbeing of the Waikato River - meaning that economic development cannot occur at the expense of water quality outcomes. Ideally the community should strive towards enhancing economic wellbeing within the limits that are set to protect water quality. This is likely to mean providing the right mix of policy instruments to incentivise voluntary changes to current land use (eg, through the use of good management practice).</p> <p>The means by which River Iwi realise their economic potential is through activities that exemplify our role as kaitiaki. Historically the Waikato and Waipā Rivers were the main arteries linking Iwi and provided a means of sustenance, trade, and travel. In a modern context the economic interests from freshwater and the potential for future economic development remains intrinsically linked with the Waikato and Waipā Rivers and this requires recognition.</p> <p>New technology that is developed over time is likely to allow for continually improved information to support sound resource management decision-making (eg, consideration of applications for discharges of contaminants) and methods to improve the environmental performance of land use activities. At the same time, resource users must be accountable for the impacts they cause now or have caused historically.</p>	<p>their economic, social, cultural and spiritual relationships.</p> <p>Objective J - The recognition that the strategic importance of the Waikato River to New Zealand's social, cultural, environmental and economic wellbeing is subject to the restoration and protection of the health and wellbeing of the Waikato River.</p> <p>Objective F - The adoption of a precautionary approach towards decisions that may result in significant adverse effects on the Waikato River, and in particular those effects that threaten serious or irreversible damage to the Waikato River.</p>	
<p>Avoid creating inequitable outcomes between land owners through the</p>	<p>The Plan Change needs to carefully balance the unresolved rights and interests of iwi with the rights of existing users to discharge contaminants to avoid creating further inequity. Poor decisions to</p>	<p>Objective D - The restoration and protection of the relationship of the Waikato region's communities</p>	<p>Any new rights that are created to discharge contaminants do not create perverse or inequitable</p>



<p>allocation of any right to discharge contaminants</p>	<p>allocate rights to discharge contaminants within a limit may unintentionally reward land uses that currently discharge high levels of contaminants and 'lock in' land uses currently that discharge low levels of contaminants.</p> <p>It will be imperative to avoid creating inequitable outcomes between landowners, with particular recognition of the challenges faced by Multiple Maori Owned Land (MMOL). The River Iwi will need to carefully consider how the yet to be developed regional policy framework affects MMOL. The Plan Change should also ensure that where land has not been developed or is under-developed for various reasons (ie, historic, Treaty, CNI), the policy framework does not unreasonably restrict the future development opportunities of this land. In this regard MMOL may require a different approach to assisting in restoring the relationship of iwi with the awa.</p> <p>Ensuring low discharging land uses have the flexibility to maximise opportunities to develop is a key outcome that the Plan Change will need to address. This means land uses that currently discharge low levels of contaminants do not act as offsets or a sink for high discharging land uses within the same catchment or FMU.</p> <p>Any headroom that is created through the use of efficiency testing or good management practice should, as a matter of hierarchy, benefit: (i) the awa in phasing out over allocation and (ii) providing for the development potential of MMOL and undeveloped land.</p>	<p>with the Waikato River including their economic, social, cultural and spiritual relationships.</p> <p>Objective J - The recognition that the strategic importance of the Waikato River to New Zealand's social, cultural, environmental and economic wellbeing is subject to the restoration and protection of the health and wellbeing of the Waikato River.</p>	<p>outcomes for undeveloped or under-developed land.</p>
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## Regional Policy Success

In order to achieve the outcome statement and intent of Te Ture Whaimana, any regional freshwater policy regime must:

- Set freshwater objectives for the Waikato and Waipā Rivers that will achieve Te Ture Whaimana
- Set robust and enforceable limits and, where required clear and transparent targets, for the four contaminants to achieve the restoration and protection of Te Ture Whaimana. Limits and targets must:
  - Be robust and enforceable;
  - Based on the best available information at the time the limits and target were set;
  - Provide certainty to the River Iwi and the community;
  - Encourage innovation and adaptation, to incentivise water quality improvements;
  - Indicate and report both western science and mātauranga Māori values within water bodies and at a catchment scale;
  - Provide for cultural value and the relationship between Māori and the catchment; and
  - Ultimately achieve the freshwater objectives and in so doing Te Ture Whaimana.
- Develop a strong regulatory approach and enforcement regime with an emphasis on diffuse discharges from all land use activities, including:
  - Controlling the adverse effects of intensification of existing land use activities;
  - Controlling the adverse effects of changes in land use intensity from low contaminant discharges to higher contaminant discharges; and
  - Providing optimal solutions for municipal wastewater treatment.
- Develop robust monitoring and accounting frameworks to:
  - Manage all land uses —including urban and rural land uses— within water quality limits;
  - Measure progress towards achieving the freshwater objectives;
  - Provide the evidentiary basis to support compliance (if required); and
  - Ensure that improvements in the health and wellbeing of the catchment or FMU — including improvements made by land owners voluntarily— are recorded and can be demonstrated and communicated as progress to the community.
- Ensure that long term, intergenerational improvements can be realised; notwithstanding political changes and future plan review processes.
- Provide the required level of resourcing to ensure the reasonable expectation of iwi and the community are met in achieving freshwater outcomes.