

BEFORE THE ENVIRONMENT COURT

ENV-2020-AKL-

IN THE MATTER of the Resource Management Act 1991 (“the Act”)

AND an appeal under Clause 14 of Schedule 1 of the Act against the decision of the Waikato Regional Council on Proposed Plan Change 1 to the Waikato Regional Plan

BETWEEN **AUCKLAND/WAIKATO AND EASTERN FISH AND GAME COUNCILS**

Appellant

AND **WAIKATO REGIONAL COUNCIL**

Respondent

NOTICE OF APPEAL

Dated: 8 July 2020

Mr Ben Wilson
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NOTICE OF APPEAL TO ENVIRONMENT COURT

TO: The Registrar
Environment Court
AUCKLAND

1. The AUCKLAND/WAIKATO AND EASTERN FISH AND GAME COUNCILS (“Fish & Game”) appeal against a decision of the Waikato Regional Council on the following plan:

Proposed Plan Change 1 to the Waikato Regional Plan (“PC 1”)

2. Fish & Game made a submission on PC 1.
3. Fish & Game is not a trade competitor for the purposes of Section 308D of the Resource Management Act 1991.
4. Fish & Game received notice of the Decision on 22 April 2020.
5. The decision was made by the Waikato Regional Council.
6. The part of the decision that Fish & Game is appealing is set out in Column 1 of the Table appended to this Notice.
7. The reasons for Fish & Game’s appeal are:
 - 7.1. The reasons set out in Column 2 of the Table appended to this Notice;
 - 7.2. The provisions the subject to this appeal are contrary to the purpose and principles of the Act, Vision and Strategy (Te Ture Whaimana), the National Policy Statement Freshwater Management (NPSFM), the New Zealand Coastal Policy Statement and the Waikato Regional Policy Statement;
 - 7.3. The decision-maker is required to have regard to the Sports Fish and Game Management Plans to the extent that they have a bearing on the resource management issues of the Region (section 66(2)(c)(i) of the Act), and to have particular regard to the protection of the habitat of trout (section 7);

7.4. The provisions the subject of this appeal do not adequately protect the habitat requirements of the Region's sports fisheries, or provide for the compulsory value of ecosystem health in the Waikato and Waipā waterbodies within the coverage of PC 1.

8. Fish & Game seeks the following relief:

8.1. The relief sought as set out in Column 3 of the Table appended to this Notice; and

8.2. Such further or other relief as the Court considers appropriate or necessary to address the concerns set out in this Appeal (including nomenclature changes that may become appropriate and necessary due to a new NPSFM or associated new NES); and

8.3. Consequential amendments on the relief generally sought within this Appeal, including to ensure that the provisions are consistent with the balance of PC 1 and are incorporated adequately into in the Plan; and

8.4. Costs of and incidental to this Appeal.



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B Wilson

ON BEHALF OF THE AUCKLAND/WAIKATO FISH AND GAME COUNCIL



.....

A Garrick

ON BEHALF OF THE EASTERN FISH AND GAME COUNCIL

Address for service of Appellant:

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APPENDIX A

Specific changes sought to provisions of Proposed Waikato Regional Plan Change 1 (PC 1) by the Auckland/Waikato and Eastern Fish and Game Councils

The wording sought by Fish & Game is shown in underlined and original text to be deleted is shown as ~~strikethrough~~.

Provision	Reasons	Relief sought
3.11.1 Values and uses for the Waikato and Waipa Rivers		
3.11.1 Values and uses for the Waikato and Waipa Rivers	<p>While the values are not <i>required</i> to be included, the identification of values for each FMU is central to the identification of freshwater objectives and limits. The values are also vital components of monitoring and measuring the success of policies and methods.</p> <p>(This appeal also seeks that the values be referenced in some of the PC 1 Objectives).</p>	<p>Reinsert section 3.11.1 “<i>Values and uses for the Waikato and Waipa Rivers</i>” with the changes as shown in Appendix 1 to this Appeal. In particular:</p> <ul style="list-style-type: none"> • Re-insert the <i>intrinsic values</i> in section 3.11.1.1 (with the additions merged through Variation 1). • Include appropriate recognition of wetlands and lakes. • Include values for introduced fishery species, including for feeding, migration and spawning requirements (this is not transparent in the ecosystem health value). • Reinsert the Mahinga Kai value from the Mana tangata – Use values in section 3.11.1.2 and to amend it to also include fishing of valued introduced species and for recreational purposes.

3.11.1 Objectives/ Ngā Whāinga		
Heading	The freshwater objectives of PC1 should be labelled as such for the purpose of clear implementation of (part of) the NPSFM. This part of PC 1 includes freshwater objectives.	Amend the heading as follows: Objectives <u>and freshwater objectives</u> /Ngā Whāinga
Objective 1/Te Whāinga 1	<p>There are other contaminants that need to be managed to achieve restoration and protection of the health and wellbeing of the Waikato and Waipā Rivers (as well as nitrogen, phosphorus, sediment and microbial pathogens). The Decision found that additional attributes that are sufficiently connected with the content of PC1, are within ‘scope’. They <i>do</i> have merit and should be referenced in the Objectives and Policies.</p> <p>The NPSFM requires values to be identified for each freshwater management unit (FMU). The values should be transparent, be stated in the planning document, and referred to in Objectives. The values of swimming and taking food should remain specially stated.</p> <p>The freshwater objectives of PC1 should be labelled as such for the purpose of clear implementation of (part of) the NPSFM, and should clearly cross- reference the Table 3.11-1 attribute states. This Objective should be identified as a</p>	<p>Amend Objective 1 as follows:</p> <p><i>“In relation to the effects of nitrogen, phosphorus, sediment and microbial pathogens <u>and other contaminants</u> on water quality, the health and wellbeing of the Waikato and Waipā Rivers, including all springs, lakes and wetlands within their catchments, is both restored over time and protected, with the result that with the result that <u>the values are provided for, in particular that these waterbodies are safe for people to swim in and take food from, and the water quality attribute states in Table 3.11-1 are achieved, at the latest by 2096.</u>”</i></p> <p><i>(This is a Freshwater Objective for the purpose of the NPSFM).”</i></p> <p>AND:</p> <ul style="list-style-type: none"> • Amend Table 3.11-1 as sought in this submission; • Reinstate the “Values” as sought in this submission.

	Freshwater Objective for the purposes of the NPSFM.	
Objective 2 (Freshwater Objective)/Te Whāinga 2 (Te Whāinga Wai Māori):	<p>There are other contaminants that need to be managed to achieve restoration and protection of the health and wellbeing of the Waikato and Waipā Rivers.</p> <p>The short-term numeric goals in Table 3.11-1 do not include all the attributes required, and some attributes are not stringent enough to give effect to Policy A1(a) of the NPSFM.</p> <p>The numeric water quality goals in Table 3.11-1 do not include attributes for wetlands (other than Whangamarino wetland) so the objective fails to meet Objectives A2(b) and B4 of the NPSFM which require that the significant values of all wetlands to be protected.</p> <p>Water quality goals should also be included for lakes.</p> <p>This Objective should be identified as a Freshwater Objective for the purposes of the NPSFM.</p>	<p>Amend Objective 2 as follows (or similar):</p> <p><i>“Progress is made over the life of this Plan towards the restoration and protection of the health and wellbeing of the Waikato and Waipā River catchments in relation to nitrogen, phosphorus, sediment, and microbial pathogens <u>and other contaminants</u>, by the short-term numeric water quality values <u>attribute states</u> in Table 3.11-1 being met no later than 10 years after Chapter 3.11 of this Plan is operative.</i></p> <p><i>(This is a Freshwater Objective for the purpose of the NPSFM).”</i></p> <p>AND:</p> <p>Amend Table 3.11-1 as sought in this submission.</p>
Objective 3/Te Whāinga 3:	<p>There are other contaminants that need to be managed to achieve restoration and protection of the health and wellbeing of the Waikato and Waipā Rivers.</p>	<p>Amend as follows:</p> <p><i>“...staging the reduction of the discharges of nitrogen, phosphorus, sediment and microbial pathogens <u>and other contaminants</u>...”</i></p>

<p>Objective 5/Te Whāinga 5:</p>	<p>Objective 5 only recognises nitrogen, phosphorus, sediment and microbial pathogens and fails to recognise other quality, and related <u>quantity</u>, effects of discharges to wetlands or management of the movement of water (including on water levels).</p> <p>All significant hydrological and ecosystem functions and values need to be protected to ensure that the Whangamarino Wetland is appropriately managed as required by Objective A2(a) and (b) and B4 of the NPSFM and to recognise and provide for the significant habitat it provides, in accordance with s6(c) RMA.</p> <p>This Objective should be identified as a Freshwater Objective for the purposes of the NPSFM.</p>	<p>Amend Objective 5 as follows:</p> <p><i>“Restoration and protection of the health, and wellbeing <u>and ecosystem function</u> of the Whangamarino Wetland, over time and in relation to <u>contaminants including nitrogen, phosphorus, sediment, and microbial pathogens and associated hydrological drivers</u>, at the latest by 2096, consistent with its status as an outstanding waterbody with significant values, including habitat for threatened species and sensitive raised bog ecosystems.</i></p> <p><i>(This is a Freshwater Objective for the purpose of the NPSFM).”</i></p> <p>AND:</p> <p>Amend Table 3.11-1 as sought in this submission, including appropriate targets for nutrients, sediment as well as the hydrological regime (including water levels) for the Whangamarino wetland.</p>
<p>3.11.2 Policies/ Ngā Kaupapa Here</p>		
<p>Policy 1/Te Kaupapa Here 1</p>	<p>There are other contaminants that need to be managed to achieve restoration and protection of the health and wellbeing of the Waikato and Waipā Rivers.</p> <p>The term ‘general improvement’ is vague. It does not provide plan users with clear guidance as to the degree of improvement required to achieve the PC1 Objectives or to give effect to the Objectives of the NPSFM. It should be replaced with a</p>	<p>Amend Policy 1 as follows:</p> <p><i>“Manage farming land uses to reduce diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens <u>and other contaminants</u>, by:</i></p> <p><i>a. Requiring a general improvement in farming practice to reduce diffuse discharges of those contaminants, <u>both individual and collectively, to achieve the short term and long term water quality attribute states in Table 3.11-1; and</u></i></p> <p><i>b. Focusing priority action on those farming practices that reduce those contaminant(s) set out in Table 3.11-2; and</i></p>

	<p>requirement for the reduction in diffuse discharges necessary to achieve the short term and long term numeric goals in each sub-catchment, and in the entire catchment, to be made individually and collectively.</p> <p>The reference to the priority contaminants in Table 3.11-2 is inappropriate as all contaminants require reduction if catchment level goals are to be achieved.</p> <p>Volcanic and dune lakes should be the subject sub-clause (d) (not just riverine and peat lakes).</p> <p>Amend sub-clause (e) to require <u>implementation</u> of Farm Environment Plans within 5 years. The term ‘timely’, in subclause (c) lacks the required degree of specificity.</p>	<p>c. <i>Enabling, through permitted activity rules, low intensity farming and horticultural activities (not including commercial vegetable production), with low risk of diffuse discharge of contaminants to water bodies, and requiring resource consents for all other activities; and</i></p> <p>d. <i>Requiring a greater level of scrutiny, by resource consents, of those farming activities (including commercial vegetable production) that diffusely discharge into sub-catchments that include riverine or peat lakes identified on Map 3.11-1 in accordance with Policy 15; and</i></p> <p>e. <i>Requiring the timely implementation of <u>all</u> Farm Environment Plans <u>within 5 years of this plan becoming operative</u> to reduce diffuse discharges of those contaminants.”</i></p>
<p>Policy 2/Te Kaupapa Here 2</p>	<p>The phrase ‘provide for farming activities’ could provide an (incorrect) implication that all consent applications (other than controlled activities) will be ‘provided for’ and therefore granted.</p> <p>The phrases ‘lowest practicable’, ‘significant reduction’ and ‘appropriate transition’ are ambiguous, and do not clearly correlate with achieving water quality goals.</p>	<p>Amend Policy 2 to:</p> <ul style="list-style-type: none"> • restate the chapeau as follows: “<u>Manage Provide for farming activities (that require a resource consent) other than commercial vegetable production, with a Farm Environment Plan prepared in accordance with Policy 4, as follows ...</u>”; • delete the phrases ‘lowest practicable’, ‘significant reduction’ and ‘appropriate transition’ and provide clear interpretation of those phrases consistent with controlling farming to achieve water quality goals;

	<p>There is no ‘pathway’ or plan direction for when a resource consent is declined, including where it does not have a Farm Environment Plan, where it does not adequately or appropriately reduce the loss of contaminants proportionate with its current contaminant loss and the amount of reduction required to achieve sub-catchment and catchment water quality goals. For example, it is not clear whether the relative vulnerability of the land to nitrogen leaching, would be a valid reason that significant reductions in a farm’s Nitrogen Leaching Loss Rate are not required, or are required only over an extended timeframe.</p> <p>Sub-clause (b)(ii) is inappropriate as <i>all</i> farming activities with a “High” Nitrogen Leaching Loss should make significant reductions over time.</p> <p>Sub-clause (c) should provide more definitive guidance on the circumstances under which such consents will be granted. Any availability of more intensive land use consent applications must be closely confined. (Refer also the reasons listed against Rule 3.11.4.9 in this appeal).</p> <p>Sub-clauses (d) and (e) should provide adequate guidance for decision-makers on when or what circumstances the discretion</p>	<ul style="list-style-type: none"> • provide a clear pathway and direction for when a resource consent is declined, including where it does not have a Farm Environment Plan, where it does not adequately or appropriately reduce the loss of contaminants proportionate with its current contaminant loss and the amount of reduction required to achieve sub-catchment and catchment water quality goals; • delete sub-clause (b)(ii); • Insert new clause after (b) as follows: <ul style="list-style-type: none"> <i>“Not granting land use consent applications for farms:</i> <ul style="list-style-type: none"> <i>i. that do not have Farm Environment Plan prepared under Policy 4, or</i> <i>ii. that have High Nitrogen Leaching Loss Rate and do not demonstrate significant reductions to their Nitrogen Leaching Loss Rate, or</i> <i>iii. where reductions to the Nitrogen Leaching Loss Rate or other contaminants is not proportionate to the farm’s current contaminant loss and the amount of reduction required to achieve sub-catchment and catchment water quality goals.”</i> • amend sub-clause (c) as follows: <ul style="list-style-type: none"> “Generally Not granting land use consent applications for changes in land use that involve a material increase in the intensity of the use of land compared to the land uses as at 22 October 2016, unless it can be demonstrated that would result in a positive contribution to the health and wellbeing of the
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	<p>should be exercised to waive the requirement. In the absence of such guidance, the discretion should be removed. Subclause 2(e) should provide clear examples of how stock access to waterways can be mitigated to ensure that plan users understand if Policy 2(e) is being met, for example with reference to Schedule C.</p>	<p>Waikato and Waipā river catchments in accordance with Policy 5” And clarify:</p> <ul style="list-style-type: none"> ○ what “material increase” means; ○ the farm(s) ‘existing environment’ does not provide a baseline - so that an assessment of effects that analyses mitigation measures/reductions alone, will not meet the requirements of the Fourth Schedule; and ○ that for such consents, the <i>cumulative</i> adverse effects at the sub-catchment and catchment scales need to be assessed, requiring a full analysis of sub-catchment and catchment loads (and modelling) to establish expected effects in-stream. <ul style="list-style-type: none"> ● delete the word ‘Generally’ from sub-clause (d) and delete sub-clause (e) OR provide adequate guidance on the exercise of discretion/measures considered adequate mitigation(s).
<p>Policies 3, 11, 16 & 19</p>	<p>There are other contaminants that need to be managed to achieve restoration and protection of the health and wellbeing of the Waikato and Waipā Rivers (as well as nitrogen, phosphorus, sediment and microbial pathogens).</p>	<p>Refer to the effects of other contaminants e.g. “<i>nitrogen, phosphorus, sediment, and microbial pathogens and other contaminants</i>”.</p>
<p>Policy 4/Te Kaupapa Here 3</p>	<p>There are other contaminants that need to be managed to achieve restoration and protection of the health and wellbeing of the Waikato and Waipā Rivers (as well as nitrogen, phosphorus, sediment and microbial pathogens).</p>	<p>Amend Policy 4 to:</p> <ul style="list-style-type: none"> ● Refer to the effects of other contaminants where reference is made to nitrogen, phosphorus, sediment, and microbial pathogens e.g. “... <i>nitrogen, phosphorus, sediment, and microbial pathogens and other contaminants ...</i>”.

	The reference to the priority contaminants in Table 3.11-2 is inappropriate as all contaminants require reduction if catchment level goals are to be achieved.	AND: <ul style="list-style-type: none"> Delete sub-clause (e).
Policy 5/Te Kaupapa Here 5	The word “overall” in sub-clause (a) of this Policy indicates that contaminants may be traded off against each other. It is inappropriate for contaminants to be traded against other contaminants, or to allow contamination in one sub-catchment or FMU to be offset against contamination in another sub-catchment or FMU. Trading-off different contaminants is ecologically inappropriate and is inconsistent with the NPSFM. Refer also reasons under Policy 12 (below)	Delete Policy 5. If Policy 5 remains then it must be on the basis of a definition of “offset/compensation” contained in Policy 12 (as sought to be amended in this appeal) or as follows: <i>“Offset/compensation: For the purpose of Chapter 3.11 means for a specific contaminant/s a measurable conservation action, demonstrated to achieve ‘net gain’ through robust and appropriate methodology, that reduces the intensity, extent and/or duration of residual adverse effects on water quality and achieves conservation outcomes above and beyond that which would have been achieved if the offset had not taken place.”</i>
Policy 7/Te Kaupapa Here 7:	If there is to be the opportunity for a robust allocation regime under a future plan change, land use consents under PC1 should not be issued beyond 2035. The word “generally” provides an invitation to apply for consents with a longer duration. This could, in some cases, put significant pressure on decision-makers to grant consents with a longer duration (for example pressure from applicants seeking to ‘pre-empt’ a future allocation regime).	Amend Policy 7 as follows: <i>“Generally Not granting resource consents that authorise farming and commercial vegetable production activities for a duration beyond 2035 in recognition of the possibility that a replacement regional plan(s) may include new requirements for management after that date, including an allocation regime.”</i>
Policy 8/Te Kaupapa Here 8 Policy 10/Te Kaupapa Here 10:	There is insufficient messaging in Policies 8 and 10 to make it clear to plan readers, that PC 1 is only a first step on a journey that will likely include a future ‘allocation’ regime for nutrients, in order to achieve	Amend Policies 8 and 10 to provide certainty around future reductions and allocations, and that those reductions and allocations will have to be sufficient to achieve the long term numeric water quality goals, and to specifically address that future management regimes may re-allocate contaminant loss

	<p>Objective 1. This may in turn require more significant changes to land use.</p> <p>Sub-clause (b) of Policy 8 may indicate to readers that long term numeric water quality goals could be ‘re-thought’, should the mechanisms needed to achieve those goals be found to cause significant impacts upon people and communities. Such messaging is incorrect and inappropriate.</p>	<p>differently to the current plan, and that future (additional) changes to land use will likely be required.</p> <p>Amend Policy 10 by removing the word “diffuse”, because any future management regime, including an allocation regime, should cover point-source as well as diffuse discharges of (allocable) contaminants.</p>
Point source discharges/Ngā rukenga i ngā pū tuwaha		
Policy 11/Te Kaupapa Here 11:	<p>There are other contaminants that need to be managed to achieve restoration and protection of the health and wellbeing of the Waikato and Waipā Rivers (as well as nitrogen, phosphorus, sediment and microbial pathogens).</p> <p>This policy potentially applies to a large range of industries (given the WRPS definition). While the Decision properly renders the “provide for” aspect of this Policy “subject to” policies 12 and 13, the Decision does not also make the Policy “subject to” achieving Objective 1. The words “have regard to” in this Policy, do not reflect the absolute importance of the need to achieve Objective 1, when considering applications for RSI. This is particularly the case when compared to Policy 13, which uses the words “taking into account”.</p>	<p>Amend Policy 11 as follows:</p> <p><i>“When considering resource consent applications for point source discharges of <u>contaminants, including nitrogen, phosphorus, sediment and microbial pathogens to water or onto or into land, in the Waikato and Waipā River catchments, subject to policies 12 and 13 and having regard subject to the need to achieve Objective 1, provide for the continued operation and development of regionally significant infrastructure and regionally significant industry.”</u></i></p>

	<p>In this respect, Fish & Game agrees with the reasoning in the Decision that the NPS-UDC does not require provision to be made for urban development at the cost of further degradation of the Waikato River, and that Te Ture Whaimana applies to point source discharges to the same degree as it does to diffuse discharges.</p>	
<p>Policy 12/Te Kaupapa Here 12</p>	<p>There are other contaminants that need to be managed to achieve restoration and protection of the health and wellbeing of the Waikato and Waipā Rivers (as well as nitrogen, phosphorus, sediment and microbial pathogens).</p> <p>Sub-clause (b)(iv) needs to clarify that the consent condition or other legally binding mechanism is to be for the duration of the adverse residual effect. Otherwise there could be argument that such security need not be provided ‘up front’.</p> <p>The BBOP¹ principles of additionality and demonstrability are important. These principles are missing, or are not obvious, in the offset requirements. ‘Compensation’, as well as ‘offset’, should be <u>demonstrated</u> using appropriate methodology for the purpose of this Policy.</p>	<p>Amend Policy 12 to:</p> <ul style="list-style-type: none"> • Refer to the effects of other contaminants where reference is made to nitrogen, phosphorus, sediment, and microbial pathogens e.g. “... <i>nitrogen, phosphorus, sediment, and microbial pathogens and other contaminants ...</i>”. • Amend sub-clause (b)(iv): “<i>it remains in place for the duration of the adverse residual effect and is secured by consent condition or other legally binding mechanism for at least that duration</i>”; • Add a new sub-clause in (2)(b) e.g. (v): <ul style="list-style-type: none"> “<i>it is demonstrated that positive effects will be sufficient to offset or compensate for residual adverse effects using methodology that is appropriate and commensurate to the scale and intensity of the residual adverse effects</i>”. • Add a new sub-clause in (2)(b) e.g. numbered (vi):

¹ 2009: Principles on biodiversity offsets. Business and Biodiversity Offsets Programme. Washington D.C.

		<i>“the measure achieves outcomes above and beyond that which would have been achieved if the offset/compensation had not taken place.”</i>
Policy 13/Te Kaupapap Here 13	<p>The policy requires protection where the receiving environment is of “high water quality” but does not define this. There is no guidance on how “high water quality” is to be measured (sub-clause (b)).</p> <p>It is also unclear what constitutes a “high level of contaminant reduction” and whether that assessment would be influenced by the Best Practicable Option (‘BPO’) assessment (which would be inappropriate). Sub-clause (e) should clarify what level of reduction constitutes “high” or, at least how that is to be assessed.</p>	<p>Provide clarity on the term “high water quality” e.g. by reference to Table 3.11-1 (as sought to be amended by Fish & Game in this submission).</p> <p>Provide clarity on the term “high level of contaminant reduction” and clarify this is to be considered entirely independently from the BPO assessment.</p>
Policy 14/Te Kaupapap Here: 14	<p>Policy 7 provides that land use consents for farming/commercial vegetable production activities should not be granted beyond 2035 in recognition of the possibility that a replacement regional plan may include an allocation regime. It is only fair and equitable that point source discharges be part of any such allocation regime. For some point source discharges granted beyond 2035, it may be difficult to review consent conditions e.g. if the activity consented were to be undermined in a review. For those point source discharges, a shorter consent duration is appropriate in order to enable a full and comprehensive</p>	<p>Amend Policy 14 as follows: “In addition to having regard to the matters set out in Policy 1.2.4.6, when determining an appropriate duration for any consent granted for a point source discharge have regard to the following matters:</p> <ul style="list-style-type: none"> a. The matters set out in Policies 12 and 13; b. The magnitude and significance of the investment made or proposed to be made in contaminant reduction measures and any resultant or predicted movement in the water quality of the receiving environment; c. The desirability of providing certainty of investment where contaminant reduction measures are proposed (including investment in treatment plant upgrades or land-based application technology); and

	<p>replacement plan process (after PC 1), and its effective implementation. This would also be efficient as it would head-off potentially lengthy legal argument/litigation.</p> <p>In the absence of medium term targets being included in PC1, point-source discharges seeking consents should be required to demonstrate that they are on track to achieving a relatively 'straight line' progression toward achieving the 80 year targets, based on their contribution as a proportion to the catchment load. Currently, in sub-clause (d), it is not clear what a "steady" improvement would comprise and whether this could be achieved through a 'bendy', rather than 'straight', line. An argument that unspecified technologies will be developed at some point along the trajectory enabling a sudden shift toward the 80 year goals, should not be accepted for point source discharges.</p>	<p>ca. <u>Whether anticipated difficulty in undertaking future review(s) of the consent due to the relationship between the activity and the need to discharge the contaminant(s), means that a duration beyond 2035 could create an impediment to a future regime that allocates the assimilative capacity of waterbodies; and</u></p> <p>d. <u>The need not to compromise a steady improvement in water quality consistent with the achievement of Objective 1 through point source dischargers being required to demonstrate how a (relatively) straight line progression will be made toward the long term water quality attribute states in Table 3.11-1 based upon an assessment of their proportional contribution to catchment load together with any offset/compensation under Policy 12."</u></p>
<p>Policy 15/Te Kaupapa Here 15</p>	<p>More appropriate attribute states should be developed for lakes, based on more refined lake groupings. (This should include for volcanic and dune lakes, as well as for riverine and peat lakes).</p> <p>The four coarse groupings for lakes, centred around geo-morphological processes, are not sufficiently refined for</p>	<p>Identify management units for <i>all</i> lakes in the Region that are of a scale appropriate for assessing lake ecosystem health.</p> <p>Set short and long-term water quality targets (attribute states) for lakes based on the information currently available, and the more refined management unit classification.</p>

	<p>the purpose of assessing ecosystem health, or for designing restoration approaches.</p> <p>The long term attribute states for lakes in Table 3.11-1 are unambitious and do not achieve Te Ture Whaimana. In particular, it is counter-productive to set targets that are worse than current state for lakes that are above NOF bottom lines. Arresting the further decline of the relatively few <i>high</i> quality lakes in the Region, requires immediate site-specific action. Once lake systems collapse, and change to a turbid algal dominated state, it becomes exponentially more difficult and expensive to restore. Non-regulatory methods (as provided in this Policy and in Method 3.11.3.1) are supported but without robust regulatory backing, these methods do not recognise the urgency required for these lakes.</p> <p>A precautionary approach should be taken. Lack of information should not be a reason to delay effective interventions for the Region’s lakes (Te Ture Whaimana Strategies (b) and (c) and Objective (f)).</p>	
<p>Policy 16/Te Kaupapa Here 16</p>	<p>Although the reference to ‘contribute to’ [restoration and protection] and ‘assist’ [protection], recognise that water <u>quantity</u> as well as quality will need to be managed to achieve the ultimate goal (refer Decision at [1427]), these words dilute the policy</p>	<p>Amend Policy 16 as follows:</p> <p><i>“Contribute to Restoration and protection of the Whangamarino Wetland <u>including</u> by the reduction of both diffuse and point source discharges of nitrogen, phosphorus,</i></p>

	<p>direction. The Policy should include stronger directive language that unequivocally requires the <u>restoration and protection</u> of the Whangamarino wetland, consistent with its status as an outstanding freshwater body.</p> <p>Sub-clause (a) refers to the Whangamarino Wetland “Catchment area sub-catchments” but the Whangamarino Wetland should constitute a separate FMU - in recognition of the significant values associated with it.</p> <p>In sub-clause (a), timeframes should be set for achieving reductions in diffuse and point source discharges of contaminants. This should include short and long term timeframes. A lack of timeframes is inconsistent with the protection required for outstanding waterbodies.</p> <p>Sub-clause (c) should be amended to use the term ‘avoid’ rather than ‘minimise’ in order to ensure that the important values of the Whangamarino Wetland are protected.</p>	<p><u>sediment or microbial pathogens and other contaminants entering the wetland system, to:</u></p> <p><i>a. achieve the numeric water quality values and attribute states in Table 3.11-1 for <u>the Whangamarino Wetland FMU Catchment area sub-catchments</u> [shown in Map 3.11-3];</i></p> <p><i>b. assist protection of the significant values and ecosystem health of the wetland system;</i></p> <p><i>c. minimise <u>avoid any further loss of bog wetland habitat;</u></i></p> <p><i>d. increase the availability of mahinga kai;</i></p> <p><i>while taking account of <u>at all times managing the hydrological drivers that affect the Wetland’s water quality and associated values.</u>”</i></p> <p>AND:</p> <p>Provide a separate FMU for the Whangamarino Wetland complex.</p>
<p>Policy 17/Te Kaupapa Here 17</p>	<p>The words ‘[c]ontribute to’ dilute this policy direction. The Policy should include stronger language that unequivocally requires <u>restoration and protection</u> of the significant values and uses of wetlands – consistent with the NPSFM and the RMA.</p>	<p>Amend Policy 17 as follows:</p> <p><i>“Contribute to r<u>Restoration and protection of the significant values and uses of wetlands other than Whangamarino, including their natural form and character, wai tapu, mahinga kai, recreation values and their ecosystems by:</u></i></p>

	<p>The generic nature of the Policy 17 risks that it will achieve little in practice additional to the Operative Waikato Regional Plan (which has failed to protect the wetlands of the Waikato Region). Whether a wetland is ‘degraded’ will need to be argued on a case-by-case basis, which is inefficient. Policy 17 should be amended to include reference to attributes for each type of wetland consistent with maintaining (or restoring) wetlands in a healthy ecological state, and managing nutrients, sediment and the hydrological regime within the natural range for the wetland type.</p> <p>Wetlands should be managed to maintain health at the levels identified (in an amended Table 3.11-1), or where they do not achieve the levels in that Table, to restore the wetland so that it does achieve those levels.</p> <p>The values of wetlands should be more explicitly referenced in this Policy.</p>	<p><i>(a) maintaining the water quality and hydrological regime of wetlands where the attribute states in Table 3.11-1 are met; and</i> <i>(b) where one or more of the targets in Table 3.11-1 degraded are not met, improving the water quality and hydrological regime values of wetlands so that those targets are, or will be, met for the wetland, within the timeframes specified in Table 3.11-1 particularly in relation to the effects of nitrogen, phosphorus, sediment or microbial pathogen discharges.”</i></p> <p>AND:</p> <p>Amend Table 3.11-1 as sought in this submission, including appropriate targets for wetlands – at a minimum for nutrients, sediment and the hydrological regime (including water levels).</p>
3.11.4 Rules/ Ngā Ture		
Rule 3.11.4.4 Controlled Activity Rule – Moderate intensity farming	<p>All farms applying for consent under this rule should comply with all of the minimum farming standards in Schedule C, including the stock access requirements.</p> <p>All farms applying for consent under this rule should be required to prepare a Farm</p>	<p>Amend Rule 3.11.4.4 to require all farms applying for consent under this rule to comply with all of the minimum farming standards in Schedule C, including the stock access requirements.</p> <p>Amend Rule 3.11.4.4 to require farms applying for consent under this rule to prepare a Farm Environment Plan in</p>

	<p>Environment Plan in accordance with Schedule D1 (delete reference to Schedule D2).</p> <p>In ‘matter of control’ (vi) there is insufficient guidance on what healthy lake environments are, and the land use activities/discharges likely to have the greatest impact on each lake type.</p>	<p>accordance with Schedule D1 (delete reference to Schedule D2).</p> <p>Add further guidance on how to assess (vi) (<i>“the effects of the activity on lake water quality”</i>).</p>
<p>Rule 3.11.4.6 Restricted Discretionary Activity Rule – Farming in Whangamarino Wetland catchment</p>	<p>All farms applying for consent under this rule should comply with all of the minimum farming standards in Schedule C, including the stock access requirements.</p> <p>All farms applying for consent under this rule should be required to prepare a Farm Environment Plan in accordance with Schedule D1 (delete reference to Schedule D2).</p>	<p>Amend Rule 3.11.4.6 to require farms applying for consent under this rule to comply with all of the minimum farming standards in Schedule C, including the stock access requirements.</p> <p>Amend Rule 3.11.4.6 to require farms applying for consent under this rule to prepare a Farm Environment Plan in accordance with Schedule D1 (delete reference to Schedule D2).</p> <p>AND:</p> <p>Amend Rule 3.11.4.6 to refer to the Whangamarino Wetland FMU (rather than the Whangamarino Wetland catchment) as sought by Fish and Game elsewhere in this appeal.</p>
<p>Rule 3.11.4.7 Discretionary Activity Rule – Farming in a collective, high intensity farming, and farming not otherwise authorised</p>	<p>All farms applying for consent under this rule should comply with all of the minimum farming standards in Schedule C, including the stock access requirements.</p> <p>All farms applying for consent under this rule should be required to prepare a Farm Environment Plan in accordance with</p>	<p>Amend Rule 3.11.4.7 to require farms applying under this rule to comply with the minimum farming standards in Schedule C, including the stock access requirements.</p> <p>Amend Rule 3.11.4.7 to require farms applying under this rule to prepare a Farm Environment Plan in accordance with Schedule D1 (delete reference to Schedule D2).</p>

	Schedule D1 (delete reference to Schedule D2).	
Rule 3.11.4.9 Non-complying activity Rule – Land use change	<p>The ‘consenting pathway’ that is allowed under this Rule should be clarified.</p> <p>If PC 1 is to truly lay the ground for comprehensive future plan change(s), then this non-complying activity rule must directly reference a strong and definitive policy framework and require robust analysis from applicants.</p> <p>Although Policies 2(c) and 5 indicate that offset/compensation is required for these land use change applications, it is unclear whether this only applies to ‘increases’ in contaminants from current baseline levels, or whether it applies to all discharges from the activity. Operating from the current discharge as a ‘baseline’ is inconsistent with the High Court’s decision in <i>Ngati Rangī Trust v Manawatu-Wanganui Regional Council</i> [2016] NZHC 2949. In other regions applicants have argued that reduction in diffuse discharges of nitrogen and phosphorus from current farm levels is sufficient to show that effects are ‘minor’. This was rejected by the Environment Court in <i>Wellington Fish & Game Council v Manawatū Whanganui Regional Council</i> [2017] NZEnvC 37. The definition of “effect” in section 3 of the Act includes cumulative effects. Therefore for these</p>	<p>Amend Rule 3.11.4.9 as follows:</p> <p>Clarify that the farm(s) ‘existing environment’ does not provide a baseline, so that an assessment of the effects that relies on mitigation measures/reductions alone, will not meet the requirements of the Fourth Schedule.</p> <p>Clarify that consideration of potential adverse effects under this Rule requires consideration of <i>cumulative</i> adverse effects at the sub-catchment and catchment scales, using a baseline of ‘no discharges’, which will require an analysis of sub-catchment and catchment loads and modelling to assess potential effects ‘in-stream’.</p> <p>Clarify whether Policies 2(c) and 5 apply to all discharges proposed, or only to the increase(s) from current levels.</p>

	consents the Fourth Schedule requires a full analysis of sub-catchment and catchment loads. Allowing such conversions without that robust analysis of the effects of contaminants, from a starting point of 'zero' discharge, encourages stranded capital and fails to recognise that subsequent plan change(s) could well require conversions back to less intensive uses, in order to meet Objective 1.	
Insert a new non-complying activity rule	There is no suitable default rule for farming activities that do not meet the standards of the discretionary activity rule 3.11.4.7 (including additional or altered conditions as sought in this appeal). These activities should be 'non-complying'.	Amend the plan change to provide for a default rule for farming activities that do not meet the standards of the discretionary activity rule 3.11.4.7 (including additional or altered conditions as sought in this appeal) as a non-complying activity.
Limits	<p>The NPSFM requires freshwater quality limits to be set for FMU's. A "limit" is the maximum amount of resource use available, which allows a freshwater objective to be met.</p> <p>There are limits for horticulture (maximum ha limits) and there are 'minimum standards' for farming, but the minimum standards do not apply to all farming activities and it is not clear that they are in fact limits. If the minimum farming standards <i>are</i> limits, it is not clear how they achieve the freshwater objectives.</p>	<p>Amend the plan change to provide clear limits for farming activities that will enable the freshwater objectives to be met. This includes clarifying what constitute "limits" in PC1, what constitute Freshwater Objectives, and how the two are linked.</p> <p>(Refer also the relief sought for Schedule D1 in this appeal).</p>

3.11.3 Implementation methods/ Ngā tikanga whakatinana		
3.11.3.6 Koi carp and Canada geese/ Te kāpa koi me te kuihi	The inclusion of rudd and tench in the list of pest species fails to have regard to the Auckland/Waikato Sports Fish and Game Bird Management Plan 2010 - which identifies these species as sports fish.	Remove rudd and tench from the list of pest fish species in this Method.
3.11.5 Schedules/Ngā Whakaritenga		
Schedule B - Nitrogen leaching loss rate for FMUs B. Table 1: Nitrogen Leaching Loss Rate levels:	Differentiation between FMUs and leaching loss intensity needs to be based on risk of adverse effect, reductions in nitrogen loss required, and need for regulation, rather than on assessment based upon current loss rates in each FMU.	Amend Table 1: Nitrogen Leaching Loss Rate levels so that the levels of nitrogen leaching loss rate allowed in each category are commensurate with the levels of nitrogen in the catchment and the amount and rate of change required to reach instream nitrogen goals.
Schedule C - Minimum farming standards/Te Whakaritenga C – Te Pae Raro o Ngā Taumata Mahi Pāmu	<p>For slopes of over 15 degrees, the rule fails to provide for the Objectives of PC 1, because the ‘trigger’ stocking rate of 18 units per hectare is too high.</p> <p>The setback distances included in Schedule C are insufficient to achieve the removal of fine sediment and do not appear to be based on sound scientific evidence. Sediment and riparian zones are priorities management in the Waikato Region, in order to achieve ecological health for rivers streams: <i>Pingram, M.A. et al. (2019) “Improving region-wide ecological condition of wadeable streams: Risk analyses highlight key stressors for policy management” Environmental Science and Policy. Elsevier, 92 (July 2018), pp 170-181.</i></p>	<p>Include a lesser stocking rate for Schedule C (1)(b).</p> <p>Amend Schedule C to require fences to exclude stock to be set back at least 5 metres from the edge of the bed of the waterbody other than wetlands and lakes (rather than 1m to 3m as set out in the decision).</p> <p>Amend Schedule C to include require fences to exclude stock to be setback at least 10 metres from the edge of all wetlands (not just those identified in Table 3.7.7) and 20 metres from the edge of the bed of all lakes.</p> <p>Amend Schedule C to require stock exclusion from all wetlands, regardless of size, and specifically to delete the 50m² threshold in the Decision.</p>

	<p>Fencing will be ineffective and inefficient where setbacks are too close to the channel and/or in the floodplain and likely to be damaged by flood events (which are expected to be more frequent and severe due to climate change impacts).</p> <p>Schedule C should clarify what the ‘edge of the bed’ means. The definition of ‘bed’ under the Act includes ‘the space of land which the waters of the river cover at its fullest flow’. If this point is not clarified the point at which the setbacks are measured from will be highly variable amongst farms.</p>	<p>Clarify what the “edge of the bed” or the “outer edge of the bed” means, using illustrations and by reference to the definition in the Act.</p>
<p>Schedule D1 - Requirements for Farm Environment Plans for farming under Rule 3.11.4.3/Te Whakaritenga D1 – Ngā here mō ngā Mahere Taiao ā-Pāmu mō te mahi pāmu i raro i te Ture 3.11.4.3</p>	<p>The trigger for a review of a Farm Environment Plan in the event of a “material increase” in the intensity of farming (Part E (b)) should be clarified.</p> <p>The Schedule should require the removal of redundant drains.</p> <p>A link should be made between Farm Environment Plan actions and the water quality attribute states in Table 3.11-1 (refer also reasoning under the topic “Limits” above in this submission)</p>	<p>Include a definition of “material increase” for the purposes of Part E(b) of Schedule D1.</p> <p>Require the identification and removal of redundant drains in Farm Environment Plans.</p> <p>Provide clarity as to whether the requirements of Schedule D1 constitute “limits” for the purpose of the NPSFM and, if so, how these limits are predicted to achieve the Freshwater Objectives of PC1.</p>
<p>Schedule D2 - Requirements for Farm Environment Plans for farming that requires consent/Te Whakaritenga D2 – Ngā here mō ngā Mahere Taiao ā-Pāmu mō te mahi pāmu me mātua whai whakaaetanga</p>	<p>Schedule D2 does not provide appropriate requirements for Farm Environment Plans for farms that require consent.</p>	<p>Delete Schedule D2</p>

3.11.6 List of Tables and maps/Te rārangī o ng		
Table 3.11-1 General	Attribute states for some sub-catchments are missing.	Include attribute states for <i>all</i> sub-catchments using the best information currently available.
Table 3.11-1(b): Dissolved Nitrogen and Phosphorus Attribute States Table 3.11-1(c) – Chlorophyll, Total Nitrogen and Total Phosphorus Attribute States	<p>Setting all of the DRP attribute states (short term and long term) at the current state concentrations is inadequate for those sub-catchments that require improvement, either in their own right or to meet downstream goals.</p> <p>Nitrogen attribute states should be set at the minimum level that will achieve the values-based Freshwater Objectives and the ‘lowest common denominator’ - including for nutrient sensitive downstream receiving environments and with reference to meeting other attribute states - including periphyton, dissolved oxygen and MCI.</p>	<p>Amend Tables 3.11-1(b) and (c) to provide for attribute states that are consistent with providing for ecosystem health and that reflect the habitat requirements of trout (for the Region’s trout fisheries).</p> <p>In Table 3.11-1(c), include periphyton attribute states as required by the NPSFM.</p>
Table 3.11-1(d) – Dune, Riverine, Volcanic and Peat Lakes Freshwater Management Units	Replace Table 3.11-1(d) with a more appropriate FMU categorisation and table of attributes, limits and targets which reflects good ecosystem health for lakes.	Amend Table 3.11-1(d) to reflect an alternative re-categorisation of lake FMUs, and appropriate short and long-term attributes, limits and targets for the purpose of achieving PC 1 Objectives 1 and 2, based upon the best information/data currently available.
Table 3.11-1: New sub-table(s)	To manage ecosystem health there is a need to manage the main factors driving ecosystem health - these primarily include nutrients, sediment, habitat and flow. Clear numeric objectives that <u>measure</u> ecosystem health in its entirety (i.e. structure (species diversity and composition), function (ecological processes) and resilience) are needed.	<p>Amend Table 3.11-1 to provide attribute states for all aspects of ecosystem health, and reflecting the habitat requirements of trout for the Region’s trout fisheries, including:</p> <ul style="list-style-type: none"> - MCI (% change) - numeric objective at all wadeable monitoring sites. - Fish Q – IBI. - Dissolved Oxygen 7-day mean minimum (mg/L). - Dissolved Oxygen 1-day minimum (mg/L).

	<p>These should reflect the precautionary principle, be naturally achievable and not result in poor ecosystem health.</p> <p>Insert sub-tables in Table 3.11-1 comprising the full range of attributes to measure and manage ecosystem health, for the mainstem and tributary sites, and for significant sites (sub-catchments) for the Region’s trout fisheries that reflect the habitat requirements of trout.</p> <p>Sediment is a key contaminant that has been identified as a primary driver of ecosystem health in the Waikato Region and a measure of deposited sediment in Table 3.11 is required in order to evaluate improvements, such as improvements from stock exclusion and setbacks.</p> <p>For wetlands, although recommended attributes for TN and TP for the Whangamarino Wetland have been included, targets should be applied to all wetlands for TN, TP, sedimentation and for hydrological alteration (where it exacerbates water quality contamination).</p>	<ul style="list-style-type: none"> - Deposited sediment (% cover) - no naturally hard-bottomed sites should have a deposited fine sediment cover greater than 20%. - QMCI and ASPM. <p>Amend the tables to include a table which lists water quality attribute states for all wetlands (in addition the Whangamarino Wetland) for TN, TP, sedimentation and for hydrological alteration (where it exacerbates water quality contamination). This may require narrative or numeric attribute states.</p>
<p>Table 3.11-2 – Prioritisation of contaminants in each sub-catchment (as noted under Policy 1)/</p>	<p>All contaminants require managing if healthy water quality is to be achieved. Failure to meet the required attribute state for one contaminant can have cascading impacts that alter entire community composition.</p>	<p>Delete Table 3.11-2</p>

Map 3-11-1	The inclusion of specific FMU, along with attributes and targets for the Whangamarino wetland will better reflect the wetland's significance and requirements for protection.	Amend Map 3.11-1 to include a specific FMU for the Whangamarino wetland. Amend Map 3.11-1 to recategorise the lake FMUs to better reflect their values, as sought elsewhere in this submission.
Map 3.11-3 Whangamarino Wetland		Amend Map 3.11-1 to appropriately refer to the Whangamarino FMU.

APPENDIX 1

to the Notice of Appeal of Fish & Game

Reinsert 3.11.1 Values and uses for the Waikato and Waipa Rivers/Ngā Uara me ngā Whakamahinga o ngā Awa o Waikato me Waipā

Track changes show the amendments sought by Fish & Game shown on the version recommended by the Council Officers (for the relevant values sought)

“The National Policy Statement – Freshwater Management Policy CA2 requires certain steps to be taken in the process of setting limits[^]. These include establishing the values[^] that are relevant in a FMU[^], identifying the attributes[^] that correspond to those values[^], and setting objectives based on desired attribute states[^]. This section describes values and uses for the Waikato and Waipa Rivers, to provide background to the objectives and limits[^] in later sections.

Vision and Strategy for the Waikato River/Te Ture Whaimana o Te Awa o Waikato²

“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

Te Mana o te Wai: Mana Atua, Mana Tangata

Values can be thought of in terms of Mana Atua and Mana Tangata, which represent Te Mana o te Wai⁴. Mana Atua represents the intrinsic values of water including the mauri (the principle of life force), wairua (the principle of spiritual dimension) and inherent mana (the principle of prestige, authority) of the water and its ecosystems in their natural state. Mana Tangata refers to values of water arising from its use by people for economic, social, spiritual and cultural purposes. Mana Atua and Mana Tangata values encompass past, present and future.

A strong sense of identity and connection with land and water (hononga ki te wai, hononga ki te whenua) is apparent through the Vision and Strategy and the many values associated with the rivers. This is represented in the figure below as a unifying value that provides an interface between the Mana Atua and Mana Tangata values.

² The Nga Wai o Maniapoto (Waipa River) Act 2012 extended Te Ture Whaimana o te Awa o Waikato to also cover the Waipa River and its catchment

³ The Vision and Strategy is intended by Parliament to be the primary direction setting document for the Waikato River and activities within its catchment affecting the Waikato River. Values and uses are intrinsic to, and embedded in the Vision and Strategy.

⁴ The National Policy Statement for Freshwater Management 2014 states that the aggregation of a range of community and tangata whenua values, and the ability of fresh water to provide for them over time, recognises the national significance of fresh water and Te Mana o te Wai.

[INSERT FIGURE from PC 1 as notified]

Hononga ki te wai, hononga ki te whenua - 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, wetlands and springs lies at the heart of the spiritual and physical wellbeing of iwi and their tribal identity and culture. The river, wetlands and springs are is 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, wetlands and springs. Te taura tāngata is the cord of kinship that binds iwi to rivers, 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.

3.11.1.1 Mana Atua – Intrinsic values

Ko ngā hononga tūpuna me ngā hononga o mua i waenga i ngā iwi o te awa me ētehi atu iwi me ngā awa, ngā repo me ngā puna / Ancestral and Historical relationships connections between the rivers, wetlands, springs and River Iwi and other iwi

Ko ngā kōrero tūpuna me ngā Kōrero o Mua / Ancestry and History

River Iwi and other iwi have has their own unique and intergenerational relationship with the rivers, wetlands and springs.	<ul style="list-style-type: none">▪ Rivers, wetlands and springs have always been seen as taonga (treasures) to all River Iwi and other iwi.▪ Rivers, wetlands and springs have always given River Iwi and other iwi a strong sense of identity and connection with the land and water.▪ Rivers, wetlands and springs were used holistically; River Iwi and other iwi understood the functional relationships with and between all parts of the rivers, wetlands and springs, spiritually and physically as kaitiaki.
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	<ul style="list-style-type: none"> ▪ 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. ▪ Iwi tupuna inhabited a rohe that teemed with life in the rivers, wetlands and springs. These resources were subject to access and use rights as an essential part of kaitiakitanga. ▪ Iwi strive to maintain and restore these relationships despite the modification and destruction that has occurred through different types of development affecting the rivers, wetlands and springs.
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Ko te hauora me te mauri o te wai / The health and mauri of water

Ecosystem health

<p>The Waikato and Waipa catchments support resilient freshwater ecosystems and healthy freshwater populations of indigenous plants and animals <u>and valued introduced species.</u></p>	<ul style="list-style-type: none"> ▪ Clean fresh water restores and protects aquatic native vegetation to provide habitat and food for native aquatic species, <u>trout</u> and for human activities or needs, including swimming and drinking. ▪ Clean fresh water restores and protects macroinvertebrate communities for their intrinsic value and as a food source for native fish, <u>trout</u>, native birds and introduced game species. ▪ Clean fresh water supports native freshwater fish species. ▪ <u>Clean fresh water supports healthy populations trout and their habitats in appropriate locations, including spawning and migration habitats.</u> ▪ Wetlands 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. ▪ Fresh water contributes to unique habitats including peat lakes, shallow riverine lakes and karst formations which all support unique biodiversity. ▪ Rivers and adjacent riparian margins have value as ecological corridors.
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[Or, include separate fishing value (and trout spawning value)]

Ko te hauora me te mauri o te taiao / The health and mauri of the environment

Natural form and character

<p>Retain the integrity of lakes, rivers and wetlands within the landscape and its aesthetic features and natural qualities for people to enjoy.</p>	<ul style="list-style-type: none">▪ Lakes, rivers and wetlands have amenity and naturalness values, including native vegetation, undeveloped stretches, and significant sites.▪ <u>Matters contributing to natural form and character include the natural movement of water and sediment including hydrological and fluvial process, the colour of the water and the clarity of the water.</u>▪ People are able to enjoy the natural environment; it contributes to their health and wellbeing.▪ The rivers are an ecological and cultural corridor.▪ <u>The lakes, rivers and wetlands as a whole living entity.</u>
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3.11.1.2 Mana Tangata – Use values

Ko ngā wai tapu me ngā wai kino / Sacred and harmful waters

Wai tapu and wai kino

<p>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.</p>	<ul style="list-style-type: none">▪ Lakes, rivers and wetlands are a place for sacred rituals, wairua, healing, spiritual nurturing and cleansing.▪ Lakes, rivers and wetlands provide for cultural and heritage practices and cultural wellbeing, particularly at significant sites.▪ Lakes, rivers and wetlands have different states of wai tapu and wai kino that are adhered to and respected.
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Ko ngā wāhi mahinga kai / Food gathering, places of food

Mahinga kai and fishing

<p>The ability to access the Waikato and Waipa <u>Rivers, lakes, and wetlands</u> 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.</p>	<ul style="list-style-type: none">▪ Lakes, rivers and wetlands provide for freshwater native species, native vegetation, and habitat for native animals.▪ Lakes, rivers and wetlands provide for freshwater game and introduced kai species, <u>including trout</u>.▪ Lakes, rivers and 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.▪ The rivers should be safe to take food from, both fisheries and kai.▪ Lakes, rivers and wetlands support aquatic life, healthy biodiversity, ecosystem services, flora and fauna and biodiversity benefits for all.▪ The rivers are a corridor.▪ Lakes, rivers and wetlands provide resources available for use which could be managed in a sustainable way.▪ <u>The rivers provide for recreation needs and for social wellbeing.</u>
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[Or, include separate fishing value (and trout spawning value)]

Ko te hauora me te mauri o ngā tāngata / The health and mauri of the people

Human health for recreation

<p>Lakes and rivers are a place to swim and undertake recreation activities in an</p>	<ul style="list-style-type: none">▪ Lakes, and rivers <u>and wetlands</u> provide for recreational use, social needs and social wellbeing, are widely used by the community, and are a place to relax, play, exercise and have an active lifestyle.
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<p>environment that poses minimal risk to health.</p>	<ul style="list-style-type: none"> ▪ An important value for the lakes, and rivers and wetlands is cleanliness; the lakes, and rivers and wetlands should be safe for people to swim in. ▪ The lakes, and rivers and wetlands provide resources available for use (including for hunting and fishing) which could be managed in a sustainable way.
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He urungi / Navigation

Transport and tauranga waka

<p>All communities can use the lakes and rivers to pilot their vehicles and waka and navigate to their destinations.</p>	<ul style="list-style-type: none"> ▪ The Lakes and rivers provide for recreational use (navigation), and sporting opportunities. ▪ The Lakes and rivers are a corridor, mode of transport and mode of communication. ▪ The Lakes and rivers provide for culture and heritage, cultural wellbeing, and social wellbeing, particularly at significant sites.
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