

Report to the Collaborative Stakeholder Group – for Agreement and Approval

File No: 23 10 02
Date: 27 July 2015
To: Collaborative Stakeholder Group
From: Chairperson – Bill Wasley
Subject: Plan Change template: incorporating the subgroup’s recommended new headings and wording of water quality outcomes
Section: **Agreement and Approval**

1 Purpose

The purpose of this report is update the plan change template to incorporate the CSG subgroup’s recommended new headings, and to provide text for water quality outcomes that apply to the whole catchment.

Recommendation:

1. That the report [Plan Change template: incorporating the subgroup’s recommended new headings and wording of water quality outcomes] (Doc #3448854 dated 27 July 2015) be received, and
2. That the Collaborative Stakeholder Group:
 - a) Confirm that the Plan Change template as amended reflects the CSG subgroup’s new headings
 - b) Provide feedback on the text of the water quality outcomes.

2 CSG decisions on the Plan Change template

Policy staff prepared some draft wording for the purpose, area covered and background and explanation sections of the plan change template (Waikato Regional Council, 2015). CSG considered this wording at workshop 12, (5th June in Taupo) and agreed to the suggested wording. In addition, CSG agreed to establish a plan change template subgroup to work with staff to review the template (Workshop notes, CSG12). This working group met with council staff on 16 June to discuss how an alternative template might look, which is framed in a positive way and reflects the Vision and Strategy, National Policy Statement for Freshwater Management 2014 and the Proposed Waikato Regional Policy Statement.

This subgroup reported back to the CSG at workshop 13, and recommended some changes to the headings in the plan change template (Plan Change subgroup, 2015). CSG agreed to the new headings, and also agreed on a set of attributes (Workshop notes, CSG13).

Staff consider that the new headings reflect the changes to the NPS-FM 2014, and as long as the objectives, policies and methods are still labelled clearly as such, this will meet the requirements of s67 of the Resource Management Act 1991 – Contents of Regional Plans. A legal check is also being undertaken.

Staff have now updated the plan change template to reflect the changes recommended by the subgroup and the agreement on attributes (which form part of the freshwater objectives and are specific to each FMU).

The amended plan change template is attached.

3 Water quality outcomes

The heading water quality outcomes was intended by the Plan change template subgroup to encompass 'where we need to get to' and include both narrative objectives and the more detailed and numeric objectives for each freshwater management unit. This report sets out some suggested text for the narrative objectives that will apply to all water bodies in the Waikato and Waipa River catchment.

Freshwater objectives

A freshwater objective is defined in the NPS-FM as an intended environmental outcome in a FMU. It describes the environmental state required to enable the values to be achieved.

Ministry for the Environment has produced some guidance on implementing the national Policy Statement for Freshwater management. It states that:

Freshwater objectives must be set for all values that are relevant to the freshwater management unit (FMU) and any other values your council has chosen.

In practice, the process for setting freshwater objectives is likely to be an iterative rather than a linear process. For instance, the values and attributes that are identified earlier in the process may need to be revisited when the freshwater objectives are being developed.

Freshwater objectives can also be set for other attributes that regional councils consider appropriate and can be set at a variety of scales and levels of detail. They must be numeric wherever practicable, but can also be a description of the environmental outcome that is sought (ie, a narrative rather than a numeric freshwater objective).

(Ministry for the Environment, 2014)

General principles for drafting these narrative objectives are:

- There is no need to repeat what is already in legislation, or policy documents that sit above the Regional Plan, such as the Regional Policy Statement
- Plan change 1 objectives that apply everywhere, should ensure the CSG's values are achieved
- The detailed objectives for each FMU cannot be written until the CSG has settled on the limits and timeframes for achieving them
- At this stage, narrative objectives should encompass the overall intent of the Plan Change 1

Draft Narrative objectives

These are contained in the attached template and are:

Objective 1: Mana Atua – Protecting and Restoring Intrinsic Values

Within a generation, the health and wellbeing of the river and other water bodies within the catchment is increased, which enhances natural qualities and sustains abundant indigenous species and their habitats.

Objective 2: Mana Tangata – Protecting and Restoring Human Values

Tangata whenua values are integrated into the management of the river and other water bodies within the catchment including recognition that:

- Tangata whenua connection with the Rivers and other water bodies in the catchment is strengthened through the co-management of the natural resource,
- Improvement in the Rivers water quality increases the spiritual and physical wellbeing of iwi and their tribal identity and culture.

Objective 3: Mana Tangata – Protecting and Restoring Human Values

The Rivers continue to support a range of active and passive human uses for recreation, food gathering, electricity generation, primary production, water supply, commercial, municipal and industrial use.

Recognition that Waikato and Waipa Rivers are working rivers that must sustain people and communities and that any changes to restore and protect water quality in of the river catchment will take many years to be fully realised.

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Policy development workstream
Waikato Regional Council

Bill Wasley
Independent Chairperson, Collaborative
Stakeholder Group

Attachment 1: Excerpt from TEMPLATE: Waikato Regional Plan Change No. 1 - Waikato and Waipa Catchments (Proposed), Version #3. Document #3287412.

References

Ministry for the Environment 2014. National Policy Statement for Freshwater Management: 2014: Draft Implementation Guide. Wellington: Ministry for the Environment.

Plan Change subgroup, 2015. Report to CSG: Agreement and Approval. Plan Change template. Document #3435649.

Waikato Regional Council, 2015. Report to CSG: Agreement and Approval. Populating the plan change template: wording of purpose, area covered and background and explanation. Document #3398071.

Workshop notes CSG 12, 5 June 2015, Section 13 Approvals and updates, Plan change template. Document #3419983.

Workshop notes CSG 13, 3 July 2015, Follow up on attributes, and approvals session – follow up: Plan change template. Document #3439320.

Waikato Regional Plan Change No. 1 - Waikato and Waipa River Catchments (Proposed)

TEMPLATE ONLY

Template version #	Date	Revision by	Description of change
0	25/02/2015	Emma Reed, Ruth Lourey and Justine Young	Original template showing headings. Explanations and examples of content only to illustrate how template could be used.
1	13/04/2015	Emma Reed	Edits as requested at CSG 10, 6 March 2015, including language which is consistent with NPS 2014 and settlement acts, addition of a glossary and re-wording of the purpose statement.
2	25/05/2015	Emma Reed	Suggested wording of Purpose, Area covered, and Background and Explanation sections of template, for CSG agreement at CSG12 5 June 2015.
3	27/07/2015	Emma Reed	Edits as per plan change template subgroup of CSG members including values, water quality outcomes, freshwater objectives, freshwater management regime and monitoring evaluation. Suggested wording of water quality outcomes. Update of attributes in freshwater objectives section.

Section	Agreement Date	Description of agreement and any notes
Forewords(s)		
Purpose	5 June Workshop 12	Suggested wording by staff agreed by CSG.
Area covered	5 June Workshop 12	Suggested wording by staff agreed by CSG.
Background and explanation	5 June Workshop 12	Suggested wording by staff agreed by CSG.
Vision and Strategy for the Waikato River		
Values		
Water Quality Outcomes		
Freshwater objectives		
Freshwater Management regime		
Policies		
Implementation methods		
Environmental Results Anticipated		
Consequential amendments		
Glossary		

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Co-Chairs' Foreword

The Healthy Rivers/Wai Ora project is working in a new paradigm of co-management for the Waikato and Waipa Rivers. The co-chairs of the Healthy Rivers/ Wai Ora Committee may wish to make a statement here.

Co-Chair's name
Co-Chair
Waikato Regional Council

Co-Chair's name
Co-Chair
Relevant Iwi Trust Board

Chair's Foreword

In this section the Chair of the Waikato Regional Council traditionally writes a few comments about the document, why the project was undertaken and the process for development.

Chair's name
Chair
Waikato Regional Council

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Table of Contents

Co-Chairs' Foreword	1		
Chair's Foreword	1		
Table of Contents	2		
Purpose of this document	4		
3.11 Change No. 1 – Waikato and Waipa River Catchments	5		
Area covered by this document	5		
Background and Explanation	6		
Vision and Strategy for the Waikato River	7		
3.11.1 Values	7		
3.11.2 Water Quality Outcomes	7		
3.11.3 Freshwater Objectives	8		
3.11.4 Freshwater Management Regime	11		
3.11.5 Environmental Results Anticipated	12		
Consequential amendments to Waikato Regional Plan		Error!	Bookmark not defined.
Glossary		Error!	Bookmark not defined.
Appendix I: How to make a submission		Error!	Bookmark not defined.

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Purpose of this document

This document is a Change to the Waikato Regional Plan (WRP), to protect water quality in the Waikato and Waipa Rivers by managing point and non-point sources of discharges of problematic amounts of *E. coli*, sediment, nitrogen and phosphorus onto land in the catchment, where it may enter surface water or ground water and subsequently enter the rivers, or directly into a water body.

For the new Chapter 3.11 of the Waikato Regional Plan, all the text is new and shown as normal text.

For the consequential amendments to the Waikato Regional Plan listed, existing text with the proposed deletion is ~~struckthrough~~ and additions are in **bold underline**.

TEMPLATE ONLY

Insert the following as a new chapter in Module 3 of the Waikato Regional Plan

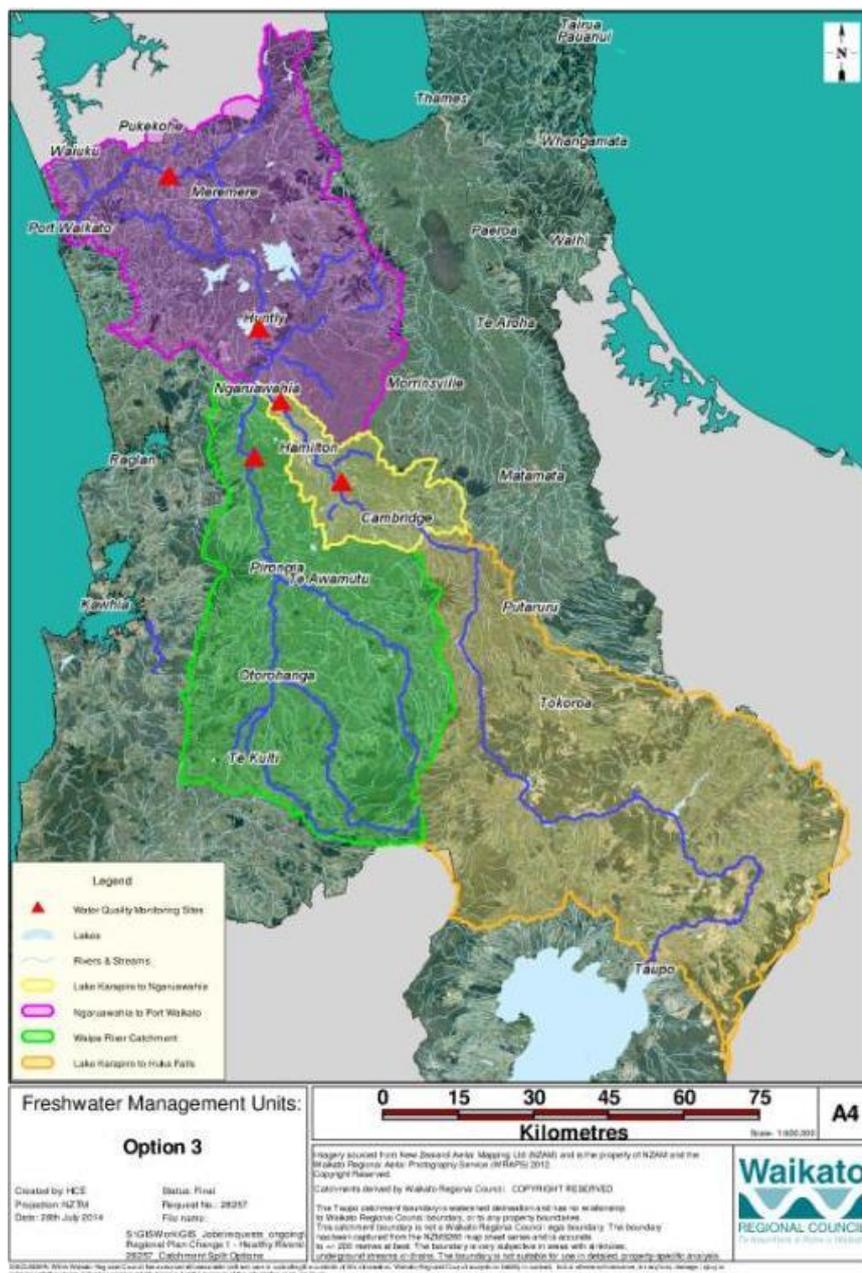
3.11 Change No. 1 – Waikato and Waipa River Catchments

Area covered by this document

This Change applies to land within the Waikato and Waipa River catchments. The map in **Error! Reference source not found.** shows the general catchment boundary, including the general boundaries of the Freshwater Management Units, which are Upper Waikato River, Middle Waikato River, Lower Waikato River, Waipa River and shallow lakes.

More detailed paper maps are available for viewing at Waikato Regional Council offices on request.

Figure 1: Map of the Waikato and Waipa River catchments, showing freshwater management units



Background and Explanation

Co-management of the Waikato and Waipa Rivers

Co-management legislation sets up governance for the Waikato and Waipa Rivers. Waikato Regional Council are partners with five River Iwi: Ngāti Maniapoto, Raukawa, Ngāti Tūwharetoa, Te Arawa River Iwi and Waikato-Tainui. These partners jointly recommend to the Council on the management of the Rivers.

Co-management legislation also includes the Vision and Strategy for the Waikato River/Te Ture Whaimana o Te Awa o Waikato which is the primary direction setting document for the Waikato River. This document states that the rivers are degraded, and requires amongst other things the restoration and protection of the health and wellbeing of the Waikato Rivers. The Vision and Strategy applies to the Waikato and Waipa Rivers and activities within its catchment affecting the Waikato River. The water quality management approach outlined here plays a part in giving effect to the Vision and Strategy.

Water quality

The National Policy Statement for Freshwater Management 2014 requires Regional Councils to set limits in relation to water quantity and water quality. Water quality monitoring results show, that while there is variability across the catchment, there are issues associated with *E. coli*, nutrients (nitrogen and phosphorus) and sediment and there is opportunity for improvement in the management of discharges of these contaminants. More is needed to manage the risks to water quality in the Waikato than the current mix of regulatory and non-regulatory methods.

Collaborative approach

Waikato Regional Council has taken a collaborative approach to investigating and implementing fresh water management approaches in the Waikato and Waipa River Catchments.

A key feature of the collaborative approach was the Collaborative Stakeholder Group, which represented stakeholders and the wider community in Healthy Rivers: Plan for Change/Wai Ora: He Rauaki Whakapaipai. The Collaborative Stakeholder Group was the central channel for stakeholder and broader community involvement in the project. It intensively reviewed and deliberated on technical material (from the Technical Alliance) and on stakeholder and community views gathered from consultation, and ultimately proposed the solutions in this plan change to decision makers.

Freshwater values

~~Waikato and Waipa River iwi seek the restoration and protection of the health and wellbeing of the Waikato River and recognition that the river's strategic importance to New Zealand's social, cultural, environmental and economic wellbeing requires the restoration and protection of its health and wellbeing.~~

~~The community consider water quality or pollution is an important environmental issue for the Waikato community. There are many uses and values associated with the river and the water from the river, and people want to be able to continue to use the rivers.~~

~~The identified values underlying the approach in this chapter include:~~

- ~~— The overarching value of identity and sense of place through the interconnections of land with water, and~~
- ~~a) The values of ecosystem health, human health for recreation, natural form and character, mahinga kai and fishing, farming, wai tapu, water supply, commercial, municipal and industrial use, electricity generation, transport and tauranga waka and geothermal.~~

Integrated Management

Staff comment

CSG subgroup on the plan change template outlined that while the focus of the CSG is on the influence of water quality on instream values the methods of achieving those instream values are likely to be primarily land based. This requires an integrated management approach. An additional paragraph is suggested here on this topic. This could replace the summary of values, as they are included in full below.

Vision and Strategy for the Waikato River

A new requirement under the settlement legislation is for Resource Management Act documents to make an explicit statement in the document on how the vision and strategy has been given effect to.

3.11.1 Values

Staff comment

CSG subgroup on the plan change template has re-focused this section from 'what is the problem' to 'what do we want to achieve'. This section will include the values and uses list when agreed.

CSG has not precluded itself from also including issue statements in the plan change if this is deemed appropriate at a later date.

Items relevant for writing issues include:

- Vision and Strategy
- CSG values and uses
- Water quality state and trend information
- Policy effectiveness of current Waikato Regional Plan provisions

3.11.2 Water Quality Outcomes

Staff comment

CSG subgroup on the plan change template outlined that the overall water quality outcomes sought as identified by the preferred scenario will inform the identification of the Freshwater Objectives and the application of the selected attributes. The water quality outcomes in this section are broad narrative outcomes whereas the Freshwater Objectives below will describe the specific numerical limits and targets for each freshwater management Unit.

Narrative objectives which apply to the entire Waikato and Waipa catchment

Objective 1: Mana Atua – Protecting and Restoring Intrinsic Values

Within a generation, the health and wellbeing of the river and other water bodies within the catchment is increased, which enhances natural qualities and sustains abundant indigenous species and their habitats.

Objective 2: Mana Tangata – Protecting and Restoring Human Values

Tangata whenua values are integrated into the management of the river and other water bodies within the catchment including recognition that:

- Tangata whenua connection with the Rivers and other water bodies in the catchment is strengthened through the co-management of the natural resource,
- Improvement in the Rivers water quality increases the spiritual and physical wellbeing of iwi and their tribal identity and culture.

Objective 3: Mana Tangata – Protecting and Restoring Human Values

The Rivers continue to support a range of active and passive human uses for recreation, food gathering, electricity generation, primary production, water supply, commercial, municipal and industrial use.

Recognition that Waikato and Waipa Rivers are working rivers that must sustain people and communities and that any changes to restore and protect water quality in of the river catchment will take many years to be fully realised.

3.11.3 Freshwater Objectives

Staff comment

CSG subgroup on the plan change template outlined that Freshwater Objectives will describe the specific numerical limits and targets, which are informed by the Water Quality Outcomes as outlined above.

SMART objectives are specific, measureable, achievable, relevant and time bound. Writing objectives in this way helps in assessing if you have achieved an objective or not.

The National Policy Statement for Freshwater Management (NPS) 2014 outlines a process for developing freshwater objectives. This includes identifying values, attributes and attribute states for each freshwater management unit. If an attribute is listed in the NPS 2014 then a freshwater objective must be in numeric terms, by reference to a specified numeric attribute state. If an attribute is not listed in the NPS 2014 then a freshwater objective should be in numeric terms where practicable, otherwise in narrative terms.

There could be instances where a staged approach to achieving a freshwater objective may be appropriate. For example, the desired outcome needs to be met in 50 years, but 70% needs to be achieved in 10 years and 90% in 30 years. This could also be part of the policies.

CSG Policy selection criteria relevant to setting objectives include:

- *Achieves the outcomes of the Vision and Strategy and the RMA (including the NPS Freshwater Management)*
- *Provides for Māori cultural aspirations*
- *Achieves the restoration and protection of native habitats and biodiversity*
- *Gives positive social and community benefits*

Below are some examples of numerical objectives. These have been updated with the CSG's agreements on freshwater management units and attributes.

Numerical objectives which apply to specific freshwater management units

Objective 5: Restoration of water quality in the Upper Waikato River Freshwater Management Unit

Point and non-point source discharges to land and water are managed so that water quality in the Upper Waikato River is restored by YEAR as indicated by:

Water Quality Attribute	Attribute State	Standard deviation	Band
E. coli (E. coli/100mL)			
Clarity (metres)			
Phytoplankton (mg/m ³)			
Total Nitrogen (mg/m ³)			
Total Phosphorus (mg/m ³)			
Nitrate (mg NO ₃ -N/L)			
Ammonia (mg NH ₄ -N/L)			

Objective 6: Restoration of water quality in the Middle Waikato River Freshwater Management Unit

Point and non-point source discharges to land and water are managed so that water quality in the Middle Waikato River is restored by YEAR as indicated by:

Water Quality Attribute	Attribute State	Standard deviation	Band
E. coli (E. coli/100mL)			
Clarity (metres)			
Phytoplankton (mg/m ³)			
Total Nitrogen (mg/m ³)			
Total Phosphorus (mg/m ³)			
Nitrate (mg NO ₃ -N/L)			
Ammonia (mg NH ₄ -N/L)			

Objective 7: Restoration of water quality in the Lower Waikato River Freshwater Management Unit

Point and non-point source discharges to land and water are managed so that water quality in the Lower Waikato River is restored by YEAR as indicated by:

Water Quality Attribute	Attribute State	Standard deviation	Band
E. coli (E. coli/100mL)			
Clarity (metres)			
Phytoplankton (mg/m ³)			
Total Nitrogen (mg/m ³)			
Total Phosphorus (mg/m ³)			

Nitrate (mg NO ₃ -N/L)			
Ammonia (mg NH ₄ -N/L)			

Objective 8: Restoration of water quality in the Waipa River Freshwater Management Unit

Point and non-point source discharges to land and water are managed so that water quality in the Waipa River is restored by YEAR as indicated by:

Water Quality Attribute	Attribute State	Standard deviation	Band
E. coli (E. coli/100mL)			
Clarity (metres)			
Nitrate (mg NO ₃ -N/L)			
Ammonia (mg NH ₄ -N/L)			

Objective 9: Restoration of water quality in the shallow lakes Freshwater Management Unit

Point and non-point source discharges to land and water are managed so that water quality in the shallow lakes is restored by YEAR as indicated by:

Water Quality Attribute	Attribute State	Standard deviation	Band
E. coli (E. coli/100mL)			
Planktonic cyanobacteria (mm ³ /L)			
Clarity (metres)			
Phytoplankton (mg/m ³)			
Total Nitrogen (mg/m ³)			
Total Phosphorus (mg/m ³)			
Ammonia (mg NH ₄ -N/L)			

Explanation and principle reasons for adopting Objectives 1 to 9

Objective 1

Objective 2

Objective 3

Objective 4

Objectives 5 to 9 set a long term goal for water quality in the Waikato and Waipa Rivers. Numerical limits for key contaminants across the Waikato and Waipa Rivers are specified, which will be used as the water quality characteristics to assess the effectiveness of the objectives.

The difference in current state and environmental characteristics of the areas are reflected in [the combination of different contaminant limits and timeframes to reach the water quality objectives in each freshwater management unit] **OR** [the different timeframes to reach the same water quality objectives in each freshwater management unit] **OR** [there is no difference in limits set or the timeframes to achieve the water quality objectives].

The limits set for contaminants in objectives 5 to 9 have been chosen to ensure the values for the water bodies are achieved.

3.11.4 Freshwater Management Regime

Staff comment

CSG subgroup on the plan change template outlined that policies and implementation methods are a requirement of the RMA, however the NPS describes them collectively as the Freshwater Management Regime. It is important that it is clearly connected how the package of policies and implementation methods will deliver the outcomes.

3.11.4.1 Policies

Staff comment

Policies are specific statements of the course of action (or type of intervention) which will be taken in order to achieve a stated objective. Policies should include who will be doing what, where and how.

CSG Policy selection criteria relevant to selecting policies and methods include:

- Realistic to implement, monitor and enforce
- Allows for intergenerational flexibility
- Optimises environmental, social and economic outcomes
- Supported by clear evidence
- Acceptable to the wider community

Below are some examples of policies based on the Vision and Strategy, National Policy Statement for Freshwater Management (NPS) 2014 and Proposed Waikato Regional Policy Statement (PRPS).

Policy 1

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. (Vision and Strategy)

Policy 2

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. (Vision and Strategy)

Policy 3

Ensure that the outstanding values of a fresh water body that result in that water body being identified as an outstanding fresh water body, and the significant values of wetlands, are protected and where appropriate enhanced. (PRPS)

3.11.4.2 Implementation methods

Staff comment

Implementation methods are methods, including rules, which are used to implement the objectives and policies. Methods can be regulatory (e.g. rules) or non-regulatory.

Sometimes it is appropriate for non RMA documents to contain implementation methods because these are only able to be finalised and implemented after public processes under the Local Government Act or formal or informal arrangements with other agencies.

CSG Policy selection criteria relevant to selecting policies and methods include:

- *Realistic to implement, monitor and enforce*
- *Allows for intergenerational flexibility*
- *Optimises environmental, social and economic outcomes*
- *Supported by clear evidence*
- *Acceptable to the wider community*

Monitoring and Evaluation

Staff comment

CSG subgroup on the plan change template outlined that monitoring and evaluation is critical to the success of the process and cannot rely on the current monitoring and evaluation regime of the Waikato Regional Plan. For example if industry driven environmental plans are included, who is going to monitor and evaluate them and how should be made explicit.

These requirements could usefully be written as implementation methods.

3.11.5 Environmental Results Anticipated

Staff comment

Macroinvertebrate Community Index was highlighted at CSG13 as a measure to be included in Environmental Results Anticipated.