



**Waikato River**  
Authority

***CLEAN WATER CONSULTATION 2017***

Ministry for the Environment  
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E te Minita o te Taiao me te Minita Ahu Matua, tēnā korua

The Waikato River Authority (the Authority) supports the purpose of the Clean Water Consultation 2017 to improve freshwater quality, in particular as it relates to supporting and strengthening the Vision and Strategy (Te Ture Whaimana) for the Waikato River and its catchments.

## **WAIKATO RIVER AUTHORITY AND VISION AND STRATEGY (TE TURE WHAIMANA) FOR THE WAIKATO RIVER**

The Waikato River Authority is an independent statutory body formed in 2010 under the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 and the Ngāti Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010, with additional responsibilities arising from the Ngā Wai o Maniapoto (Waipā River) Act 2012 (and He Māhere Taiao – The Maniapoto Iwi Environmental Management Plan).

The Authority has ten Board Members who are appointed by the River iwi (5) and Ministers of the Crown (5). The Authority is the sole Trustee of the Waikato River Clean-up Trust whose role is to fund projects which meet the purpose of the Authority.

The purpose of the Waikato River Authority is to:

- set the primary direction through the Vision and Strategy to achieve the restoration and protection of the health and wellbeing of the Waikato River for future generations
- promote an integrated, holistic, and co-ordinated approach to the implementation of the Vision and Strategy and the management of the Waikato River
- fund rehabilitation initiatives for the Waikato River in its role as trustee for the Waikato River Clean-up Trust.

The three Acts of Parliament that relate to the management of the Waikato River and its catchment (Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, Ngāti Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010, Ngā Wai o Maniapoto (Waipā River) Act 2012) all provide legislative recognition of the Vision and Strategy for the Waikato River.

The Vision and Strategy (Te Ture Whaimana) for the Waikato River is the primary direction-setting document for the Waikato River and has the status of a National Policy Statement, prevailing over any inconsistent provision in any other National Policy Statement where there is a conflict, including the NPS-FM.

It contains a set of objectives and strategies for the restoration and protection of the health and wellbeing of the Waikato River for present and future generations. These are as follows:

- a. The restoration and protection of the health and wellbeing of the Waikato River.
- b. The restoration and protection of the relationship of Waikato-Tainui with the Waikato River, including their economic, social, cultural, and spiritual relationships.
- 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.
- 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.
- e. The integrated, holistic and coordinated approach to management of the natural, physical, cultural and historic resources of the Waikato River.
- 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.
- 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.
- h. The recognition that the Waikato River is degraded and should not be required to absorb further degradation as a result of human activities.
- i. The protection and enhancement of significant sites, fisheries, flora and fauna.
- 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.
- 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.
- l. The promotion of improved access to the Waikato River to better enable sporting, recreational, and cultural opportunities.
- m. The application to the above of both Mātauranga Māori and latest available scientific methods.

The objectives within Te Ture Whaimana encompass all people of the River and their relationships with it – through their communities, industries, recreation, social and cultural pursuits. It will take commitment and time to restore and protect the health and wellbeing of the Waikato River. Only by us all working together collaboratively and cooperatively in a coordinated approach will the Vision be realised.

#### **WRA VIEWS ON FRESHWATER REFORMS**

The following submission points outline the position of the Waikato River Authority relating to the Clean Water Consultation 2017 document, in particular the proposals listed below:

1. 90% of rivers and lakes swimmable by 2040;
2. Amending the NPS for Freshwater Management 2014;
3. Funding to improve fresh water; and
4. Keeping stock out of our waterways.

## 90% of rivers and lakes swimmable by 2040

The Waikato and Waipā Rivers and Lakes provide multiple places for swimming. The value of swimming is identified in Objectives A, B, C, D and more specifically Objective K of Te Ture Whaimana:

*“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.”*

The Objectives and associated Values were identified and supported by the Waikato and Waipā River Iwi and Community partners. However, it was intended that the ability to safely swim within the catchment extend to areas identified by the Marae and community, which is greater than the fourth order river scope presented in the Clean Water document. For these targets to be meaningful and better achieve the Objectives of Te Ture Whaimana, “swimmable” areas should not be limited to fourth order rivers. The Authority would apply the “swimmable” value to the definition of the Waikato River, which in this case includes all waterways within the catchment, including lakes.

Also, to ensure that appropriate consultation is undertaken with Iwi and communities, the Government may need to reconsider extending the deadline beyond October 2017 for Regional Councils to provide regional water quality targets. Iwi and communities should also be adequately resourced to participate.

It is the view of some *kaumātua* (respected elders) that if the water is swimmable, then *kai* (food) should be able to grow, be good, and safe to eat. The water would also be more appropriate for cultural purposes to *whakarite* (bless) our people.

*“We do not whakarite in paru (unclean) water”.*

Therefore, to Iwi, attaining a swimmable standard will not only achieve recreational values, but also provide for some cultural values and allow more cultural practices to occur.

The Authority would also like the Government to provide, or determine, further information on the following:

- What is the definition of “deep enough to swim in”?
- Cyanobacteria is a very important factor in determining whether an area is safe to swim in, as this factor is a significant water quality issue for many lower Waikato lakes. Cyanobacteria is generally measured by the Regional District Health Board, could this information be included as a factor to determine the swimmability of an area?

## *Amending the NPS for Freshwater Management*

### ***Te Mana o te Wai***

The Authority supports the inclusion of Objective AAA1, in its entirety, in the NPSFM. Te Mana o te Wai incorporates values and recognition of mana for all waterbodies and therefore complements Te Ture Whaimana as the primary policy setting document for the Waikato and Waipā River.

### ***Economic well being***

The Authority notes the consideration of economic wellbeing in the implementation of the NPS-FM. It is the position of the Authority that economic assessments or values should not take precedence over environmental, social and cultural values as this would be inconsistent with objective j. of Te Ture Whaimana:

“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”.

### ***Maintain or improve***

To ensure consistency with Te Ture Whaimana, the Authority recommends stronger wording in the NPS-FW that clearly states that *“no Freshwater Management Unit (FMU) shall fall below its current state”*. Maintaining an FMU state within a Band allows flexibility (as long as the FMU operates within the Band) which in some cases will be detrimental to the ecosystems within the FMU.

### ***Overall Water Quality***

The use of the term “overall water quality” has similar connotations to “averaging” within an FMU, or Region. The application of this judgement to maintain an overall water quality state does not sit comfortably with the Authority as its application has the ability to trade the health of one water body to balance poor management of another. Te Mana o te Wai recognises the mana of all waterbodies, and each waterbody in its own right. In applying the “overall water quality” standard you compromise the health, or mana, of one waterbody for another. We do not have the right to diminish or sacrifice the mana of one waterbody for another, or trading off one community water need for another. A simple solution may be the removal of the word “overall” and focus on the words “water quality” which is consistent with the rest of the objectives in the National Objectives Frameworks.

### ***Policy CA3(b) and Appendix 3 (Exceptions)***

Te Ture Whaimana (the Vision and Strategy) for the Waikato River does not have provision for exceptions and therefore the Authority does not support Policy CA3 (b) or Appendix 3 of NPS being applied within the Waikato River catchment.

The Authority would like to work with the holders of significant infrastructure within the Waikato River catchment to collaborate on achieving outcomes that are of benefit for the river and work towards achieving Te Ture Whaimana. To avoid inconsistencies between the Vision and Strategy and the NPS Freshwater the Authority recommend that the applications of exceptions not apply within the Waikato River Catchment.

### ***Managing nutrients in rivers (in addition to periphyton)***

The Authority supports the consideration of strengthening the management of nutrients in rivers. Current science confirms that the discharge of diffuse sources of nutrient contaminants (nitrogen and phosphorus) have contributed to the deterioration of water quality in the Waipā and Waikato Rivers.

The Authority recognise that nutrient management in rivers is a critical component of improving water quality and achieving Te Ture Whaimana.

### ***Funding to improve freshwater***

The Waikato River Authority, Dairy NZ, the Waikato Regional Council and community stakeholders are currently developing the Waikato and Waipā River Restoration Strategy (the Restoration Strategy) which will complement the Proposed Waikato Regional Plan Change 1 – Waikato and Waipā River Catchments (PPC1). The purpose of the strategy is to identify prioritised actions through ‘on the ground’ activities to achieve Te Ture Whaimana for the Waikato River. The Strategy focusses on improving fisheries, access, recreational, biodiversity, water quality, erosion and sedimentation, and cultural values. Therefore, the Authority wishes to congratulate the Government on confirming a further \$100 million in the Freshwater Improvement Fund for the priority catchment areas. The aim of the fund to “*make the biggest difference with available funding*” is consistent with the purpose of the Restoration Strategy for the Waikato and Waipā River.

### ***Keeping stock out of our waterways***

The Authority is supportive of the new requirements to stop livestock from entering streams, rivers, lakes and wetlands. Achieving this requirement would support the purpose of Te Ture Whaimana. It should be noted that the Authority, through its Clean up Trust, has co-funded many restoration projects supporting the fencing of streams and lakes. The Authority will continue to fund activities above the minimum statutory requirements where these activities support Te Ture Whaimana.

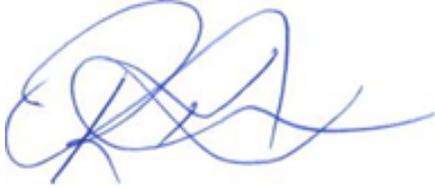
## **SUMMARY POINTS OF SUBMISSION**

1. The Freshwater Program should support the Vision and Strategy for the Waikato River;
2. Swimmable areas should not be limited to fourth order rivers;
3. Iwi, Marae and Communities should be adequately resourced to participate in the determination of swimmable areas;
4. The Authority is supportive of the full inclusion of Te Mana o te Wai;
5. Economic wellbeing should not be provided for, at the detriment of our environmental, social and cultural wellbeing;
6. The “exceptions” rule should not apply to the Waikato and Waipā Rivers catchment as it compromises a key function of Te Ture Whaimana (the Vision and Strategy);
7. The Authority congratulates the Government in the release of a further \$100 million as part of the Freshwater Improvement Fund; and
8. The Authority is supportive of the new requirements to stop livestock from entering streams, rivers, lakes and wetlands.

## **CONCLUSION**

The Waikato River Authority thanks the Ministry for this opportunity in considering our submission. The Authority is supportive of the intent around the Government's freshwater programme and looks forward to continued engagement, alongside Iwi and the community to restore and protect the health and wellbeing of the Waikato and Waipā Rivers for future generations.

Yours sincerely

A handwritten signature in blue ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Robert Penter  
Chief Executive