



AGENDA

Waiora Co-Governance Committee Meeting

Date: Tuesday, 9 September 2025

Time: 10.00am

Location: Council Chambers
Waikato Regional Council
Level 1, 160 Ward Street, Hamilton

Members: Trustee Maria Nepia – Committee Co-Chair - Tūwharetoa Māori Trust Board
Cr Bruce Clarkson – Committee Co-Chair – Waikato Regional Council
Trustee Jackie Colliar – Waikato Raupatu River Trust
Cr Robert Cookson – Waikato Regional Council
Cr Micheal Downard – Waikato Regional Council
Trustee Evelyn Forrest – Te Arawa River Iwi Trust
Trustee Nachele Griffiths – Raukawa Charitable Trust (interim)
Cr Stuart Kneebone – Waikato Regional Council
Trustee Gannin Ormsby – Te Nehenehenui
Cr Noel Smith – Waikato Regional Council

Alternates: Cr Angela Strange – Waikato Regional Council
Cr Jennifer Nickel – Waikato Regional Council
Cr Chris Hughes – Waikato Regional Council
Cr Tipa Mahuta – Waikato Regional Council

Waioira Co-Governance Committee

Terms of Reference | Ngā Tikanga Whakahaere

1. Mana ā-Ture | Status

This Committee is established as required by the requirements of Section 46(2)(c) of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, Section 48(2)(c) of the Ngāti Tūwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010, Section 22(2)(c) of the Ngā Wai o Maniapoto (Waipā River) Act 2012, and Section 140 of the Maniapoto Claims Settlement Act 2022. It is not discharged at the end (or start) of a council triennium, unless resolved otherwise.

The Committee is exempt from the application of Schedule 7 of the Local Government Act, pursuant to:

- a) Section 45-49 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010,
- b) Section 47-50 of the Ngāti Tūwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010,
- c) Section 21-24 of the Ngā Wai o Maniapoto (Waipā River) Act 2012,
- d) Section 139-141 of the Maniapoto Claims Settlement Act 2022.

2. Horopaki | Co-governance Context

All parties agree and acknowledge that effective co-governance requires shared respect and understanding of each party's relationship with the Waikato, Waipā, and Ngā Wai o Maniapoto Rivers and their catchments.

This Committee facilitates a co-governance arrangement, enabling the Council and the five River Iwi to implement the relevant provisions of the following legislation:

- Section 46 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010,
- Section 48 of the Ngāti Tūwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010,
- Section 22 of the Ngā Wai o Maniapoto (Waipā River) Act 2012, and
- Section 140 of the Maniapoto Claims Settlement Act 2022.

Within the framework of co-governance principles outlined in the joint management agreements¹ between the Council and River Settlement Iwi, the following key principles are emphasised:

- a) All parties are committed to working together in a spirit of partnership, ensuring that decisions are made collaboratively and reflect the interests of both Iwi and the Council.
- b) The Committee is responsible for making decisions on matters of mutual interest, ensuring that both perspectives are considered.
- c) The importance of incorporating Iwi knowledge, values, and perspectives into the management of natural resources is recognized. This includes respecting traditional practices and ensuring Iwi have a meaningful role in decision-making processes.
- d) A key focus is the sustainable management of natural resources, particularly the catchments of Waikato, Waipā, and Ngā Wai o Maniapoto Rivers. This involves working together to protect and enhance the health and wellbeing of these waterways for future generations.

¹ [Waikato River and Waipā River co-management | Waikato Regional Council](#)

- e) The parties are committed to transparent and accountable processes, ensuring that decisions are made openly and that there is clear communication about the outcomes and impacts of those decisions.

3. Ngā Kawenga | Responsibilities

This Committee is responsible for the promotion of the principles of co-governance and providing the mechanism for joint decision making on the Freshwater Policy Review to give effect to Te Ture Whaimana o Te Awa o Waikato to protect and enhance the health and wellbeing of the Waikato, Waipā and Ngā Wai o Maniapoto River Catchments. This Committee is also responsible for overseeing the development process of the Freshwater Policy Review, which includes the following tasks:

- Establishing and agreeing upon a process by which the five Iwi will participate in making decisions regarding the notified Plan Change.
- Receiving technical reports and seeking to understand their content and key messages.
- Receiving and considering recommendations from Te Rōpū Hautū (the Joint Steering Group).
- Reporting progress and providing recommendations to ensure compliance with relevant provisions of the treaty settlement legislation.
- Providing oversight and making necessary amendments to the Waikato Regional Policy Statement and the Waikato Regional Plan to protect and enhance the health and wellbeing of the Waikato, Waipā and Ngā Wai o Maniapoto River Catchments.
- Reviewing any provisions that the Council may refer back to the Committee for further consideration.

4. Ngā Apatono | Powers

All powers necessary to perform its responsibilities including:

- a) Calling meetings as required.
- b) Receiving reports as required.
- c) Discussing and jointly deciding on recommendations to Council.

5. Tokamatua | Quorum

Three elected members and three River Settlement Iwi Trustees

6. Ngā Tūranga | Membership:

6.1 Ngā Mema | Members

The Committee has ten members as follows:

- a) Five elected members of the Council, sourced from those councillors who are within the Te Ture Whaimana o Te Awa o Waikato rohe
- b) One Trustee from each River Settlement Iwi:
 - i. Te Arawa River Iwi Trust
 - ii. Tuwharetoa Māori Trust Board
 - iii. Raukawa Charitable Trust
 - iv. Te Nehenehenui
 - v. Waikato Raupatu River Trust

6.2 Ūpoko me te Ūpoko Tuarua | Chair and Deputy Chair

The Committee will be co-chaired by an elected member appointed by Council and a Trustee appointed by River Settlement Iwi. The Council and River Settlement Iwi may also appoint Deputy Co-Chairs, who will serve as Co-Chairs in their absence.

6.3 Ngā Kairiwhi | Alternates

Council may appoint alternate elected members for its representatives, and each River Settlement Iwi may appoint an alternate trustee.

7. Ngā Hui i te Tau | Frequency of meetings

Meetings will be held quarterly or as required.

The meetings are to be hosted by the Council and the five River Settlement Iwi on an alternating basis to be decided by Te Rōpū Hautū (the Joint Steering Group).

8. Tukanga mō te whakaae ki ngā taunaki | Process for approving recommendations

The Committee will submit its recommendations on the project to the next meeting² of the full Waikato Regional Council for consideration.

Upon reviewing the Committee's recommendations, the Council may decide to:

- a) Approve the recommendations as submitted, or
- b) Refer the recommendations back to the Committee, requesting reconsideration of specific aspects.

If the recommendations are referred back, the Committee will reconsider the specified aspects and may forward to the Council: (a) Amended recommendations, and/or (b) Additional information requested by the Council or deemed helpful by the Committee for the Council's decision-making.

Upon receiving amended recommendations or additional information, the Council will either:

- a) Approve the amended recommendations, or
- b) Convene a meeting with the full Council and Committee members to resolve any remaining differences.

If Council and River Settlement Iwi members are unable to resolve the issues, parties may invoke the dispute resolution procedures outlined below.

This process will also apply to the approval of the final draft of the Freshwater Policy Review for notification acknowledging that council is the final decision maker.

9. Ngā mātāpono whakataunga | Principles for reaching resolutions

The parties agree to address the resolution of issues between them in a constructive, co-operative, and timely manner consistent with the principles outlined in their respective legislation.

All parties agree that any decision made at a meeting will be made with the highest level of good faith and by way of consensus decision-making.

9.1. Dispute Resolution

- a) The dispute resolution process is as follows:
 - i. If the parties cannot reach agreement, then any party may give notice to the other parties that they are in dispute.

² To meet necessary timeframes in accordance with LGOIMA etc

- ii. As soon as practicable upon receipt of the notice, the Council and the River Settlement Iwi representative(s) will meet to work in good faith to resolve the issue.
- iii. If the dispute has not been resolved within 20 (twenty) business days of receipt of the notice, the Chief Executive of the Council and the General Manager(s)/Chief Executive Officer(s) of the River Settlement Iwi will meet to work in good faith to resolve the issue.
- iv. If the dispute has still not been resolved within 30 (thirty) business days of a meeting between the Chief Executive of the Council and the General Manager(s)/Chief Executive Officer(s) of the River Settlement Iwi, and as a matter of last resort, the respective Chairs (or nominees) will meet to work in good faith to resolve the issue.
- v. At any point during the issue resolution process the parties may appoint a facilitator or take any other action considered appropriate to promote the resolution of any issues.
- vi. If, after exhausting all the steps above, the dispute remains unresolved, the matter will be escalated to the respective governing bodies of the parties for final consideration and resolution.

10. Utu nama | Resourcing

The Council and the Trust participants will each bear its own costs of participation. Council will provide the Secretariat for the meetings.

11. Whakapā tūmatanui | Communication

Communications with the media and the wider public will be in accordance with an agreed communications protocol to be approved by the Committee Co-Chairs.

12. Whakahau tū / Standing orders

Committee procedure must accord with Waikato Regional Council *Standing Orders* (as current from time to time) (*Standing Orders*). Where any conflict arises between the *Standing Orders*, the joint management agreements or these *terms of reference*, the joint management agreements and these *terms of reference* prevail in that order of priority.

Order Of Business

1	Karakia Timatanga	7
2	Apologies	7
3	Confirmation of Agenda	7
4	Disclosures of Interest	7
5	Preliminary Items	8
5.1	Health and Safety Statement	8
6	Minutes for Confirmation or Receipt	9
	Waiora Co-Governance Committee Meeting - 21 July 2025.....	9
7	General Items	18
7.1	Resource Management (Consenting and Other System Changes) Amendment Act.....	18
7.2	Engagement update for the Freshwater Policy Review	22
7.3	Structured reporting approach for the Freshwater Policy Review	25
7.4	Policy update - identification of threatened species and protection of habitats of indigenous freshwater species.....	34
7.5	Introduction to Freshwater Policy Review topic: fish habitat and passage.....	46
7.6	Draft approach to lake management	57
8	Karakia Whakamutunga	71

1 KARAKIA TIMATANGA

Whakataka te hau ki te uru	Cease o winds from the west
Whakataka te hau ki te tonga	Cease o winds from the south
Kia mākinakina ki uta	Bring calm breezes over the land
Kia mātaratara ki tai	Bring calm breezes over the sea
E hī ake ana te atakura	And let the red-tipped dawn come
He tio	With a touch of frost
He Huka	A sharpened air
He hau hū	And promise of a glorious day
Tīhei mauri ora!	Behold we live

2 APOLOGIES**3 CONFIRMATION OF AGENDA****4 DISCLOSURES OF INTEREST**

Members are reminded of the need to be aware of maintaining a clear separation between personal interests and duties and their role as an elected member.

If any member has an interest that creates an actual, or could be perceived to create, a conflict in relation to any item on the agenda, it is recommended that this be disclosed.

5 PRELIMINARY ITEMS

5.1 HEALTH AND SAFETY STATEMENT

Rā | Date: 1 September 2025

Kaituhi | Author: Dave Daggart, Team Lead, Democracy Services

HEALTH AND SAFETY STATEMENT – 160 WARD STREET, HAMILTON

In case of an emergency during the meeting

1. Should an emergency occur that requires evacuation, a siren will sound followed by a voiceover message “Please evacuate the building at the nearest fire escape”.
2. If you feel you will require assistance during an emergency evacuation, please notify the Democracy Advisor.
3. Immediately leave the building via the exit onto Tristram Street from the main corridor.
 - (a) Do not use the internal lift or stairs
 - (b) Traffic wardens will direct you to the assembly point in Norris Ward Park
 - (c) Remain until given the all clear by the Fire Service or the Emergency Evacuation Warden (identified by their high visibility vest).
4. If a duress alarm is activated, staff will be notified of the potential threat via flashing lights or email. You will be guided by the Democracy Advisor to the Councillors’ lounge until the all clear has been given.
5. There is a defibrillator in reception next to the lift should it be required in a resuscitation event. Notify reception if assistance is required to operate the unit.
6. Please make yourself familiar with the full emergency response instructions in the Emergency Procedures flip chart in the main corridor and Councillors’ lounge.

ĀPITI HANGA | ATTACHMENTS

Nil

6 MINUTES FOR CONFIRMATION OR RECEIPT

Waiora Co-Governance Committee Meeting - 21 July 2025



MINUTES

Waiora Co-Governance Committee Meeting

Monday, 21 July 2025

Order Of Business

1	Karakia Timatanga	4
2	Apologies	4
3	Confirmation of Agenda	4
4	Disclosures of Interest	4
5	Minutes for Confirmation or Receipt	4
	Waiora Co-Governance Committee Meeting - April 2025	5
6	General Items	5
6.1	Waiora Co-Governance Committee - Terms of Reference	5
6.2	Engagement update for the Freshwater Policy Review	6
6.3	Mātauranga Māori in the Freshwater Policy Review	6
6.4	Introduction to Freshwater Policy Review topics - Farming Land Use and Water Quantity.....	6
6.5	Introduction to the economic approach - Freshwater Policy Review.....	7
6.6	Overview of Resource Management System Reform	7
6.7	Update on Proposed Plan Change 1 interim decision from the Environment Court.....	7
7	Karakia Whakamutunga	8

Waikato Regional Council
Waioira Co-Governance Committee Meeting
OPEN MINUTES

Date: Monday 21 July 2025, 10.00am

Location: Council Chambers
 Waikato Regional Council
 Level 1, 160 Ward Street, Hamilton

Members Present: Trustee Maria Nepia – Committee Co-Chair – Tūwharetoa Māori Trust Board
 Cr Noel Smith – Committee Deputy Co-Chair – Waikato Regional Council
 Trustee Jackie Colliar – Waikato Raupatu River Trust
 Cr Robert Cookson – Waikato Regional Council
 Cr Mich’eal Downard – Waikato Regional Council
 Trustee Evelyn Forrest – Te Arawa River Iwi Trust
 Cr Stuart Kneebone – Waikato Regional Council
 Cr Tipa Mahuta – Waikato Regional Council
 Trustee Gannin Ormsby – Te Nehenehenui

In Attendance: Cr Angela Strange – Waikato Regional Council
 Cr Pamela Storey – Waikato Regional Council

Staff Present: Chris McLay – Chief Executive, Waikato Regional Council
 Jo Ireland – Chief Executive, Te Arawa River Iwi Trust
 Mali Ahipene – Acting Director, Customer, Community and Services, Waikato Regional Council
 Anaru Begbie – Environment Group Manager, Raukawa Charitable Trust
 Billy Brough – Technical Advisor, River Iwi (virtually via Teams)
 Tracey May – Director, Science, Policy and Information, Waikato Regional Council
 Tramaine Murray – Group Taiao Manager, Te Nehenehenui
 Jason Nepia – Economic Manager, Te Nehenehenui
 Tuhoro Paki – Rights and Interest Advisor, Waikato Raupatu River Trust (virtually via Teams)
 Peter Shepherd – Manager Natural Resources, Tūwharetoa Māori Trust Board (virtually via Teams)
 Dave Doggart – Team Lead, Democracy Services, Waikato Regional Council
 Jordan Metz – Democracy Advisor, Waikato Regional Council

The contents of these minutes meet all legal requirements and include a full set of decisions.

An audio-visual recording of the open session of the meeting is available on Waikato Regional Council’s public website.

Recording	Document ID #	YouTube Link
Meeting Recording 1	#32744473	https://youtu.be/V3PX1yQGf3k
Meeting Recording 2	#32743017	https://youtu.be/G-Vnu320GY

1 KARAKIA TIMATANGA

Item commenced in recording 1, at start.

Cr Stuart Kneebone opened the meeting with a karakia.

The Democracy Advisor (Jordan Metz) summarised the *Health and Safety Statement*.

2 APOLOGIES

Item commenced in recording 1, at 9 minutes 44 seconds.

APOLOGY**COMMITTEE RESOLUTION WCGC25/01**

Moved: Cr Mich'eal Downard

Seconded: Cr Stuart Kneebone

That the apologies of Trustee Nachele Griffiths and Cr Bruce Clarkson for absence be accepted.

CARRIED

3 CONFIRMATION OF AGENDA

Item commenced in recording 1, at 10 minutes 3 seconds.

COMMITTEE RESOLUTION WCGC25/02

Moved: Cr Noel Smith

Seconded: Trustee Maria Nepia

- 1. That the agenda of the Waiora Co-Governance Committee Meeting of 21 July 2025, as circulated, be confirmed as the business of the meeting.**
- 2. That the order of items follows the order set out in the minutes.**
- 3. That the meeting may sit longer than two hours continuously and continue longer than six hours including adjournments.**

CARRIED

4 DISCLOSURES OF INTEREST

Item commenced in recording 1, at 10 minutes 35 seconds.

No interests were disclosed pertaining to items on the agenda or interests not already recorded on a relevant register.

5 MINUTES FOR CONFIRMATION OR RECEIPT

Item commenced in recording 1, at 11 minutes.

WAIORA CO-GOVERNANCE COMMITTEE MEETING - APRIL 2025**COMMITTEE RESOLUTION WCGC25/03**

Moved: Cr Noel Smith

Seconded: Trustee Maria Nepia

That the minutes of the Waiora Co-Governance Committee Meeting held on 4 April 2025 be confirmed as a correct record.

CARRIED

6 GENERAL ITEMS**6.1 WAIORA CO-GOVERNANCE COMMITTEE - TERMS OF REFERENCE**

Item commenced in recording 1, at 11 minutes 7 seconds.

10.16am – The meeting adjourned to allow the members to caucus. Staff were not present.

11.10am – The meeting reconvened.

Item continued in recording 2, at start.

Presented by the Acting Director, Customer, Community and Services (Mali Ahipene). Refer Document # 32761403 for the PowerPoint presentation or on the public website.

COMMITTEE RESOLUTION WCGC25/04

Moved: Cr Noel Smith

Seconded: Trustee Maria Nepia

- 1. That the report *Waiora Co-Governance Committee - Terms of Reference* (Waiora Co-Governance Committee, 21 July 2025) be received.**
- 2. That the Committee endorses the amended *Terms of Reference* and recommends them to each partner organisation for formal approval through their respective governance processes.**
- 3. That the *Terms of Reference* be amended as follows:**
 - (a) Section 9.1, paragraph vi: *If, after exhausting all the steps above, the dispute remains unresolved, the matter will be escalated to the respective governing bodies of the parties for final consideration and resolution.***
 - (b) Section 4, paragraph c: *Discussing and Jointly deciding on Recommendations to Council.***
 - (c) Section 8, paragraph 6: *This process will also apply to the final draft of the Freshwater Policy Review for Notification. Acknowledging that council is the final decision maker.***
- 4. Further, that River Iwi representatives will confirm acceptance of the amendments to the *Terms of Reference* within 24 hours.**

5. That the Waiora Co-Governance committee requests that this recommendation be tabled at the Council meeting on Wednesday the 23rd of July, as a late item that cannot be delayed.

CARRIED

6.2 ENGAGEMENT UPDATE FOR THE FRESHWATER POLICY REVIEW

Item commenced in recording 2, at 1 minute 4 seconds.

Presented by the Director, Science, Policy and Information (Tracey May) and the Senior Social Scientist (Jacqueline Henry). Refer Document # 32761403 for the PowerPoint presentation or on the public website.

COMMITTEE RESOLUTION WCGC25/05

Moved: Trustee Jackie Colliar

Seconded: Trustee Gannin Ormsby

That the report *Engagement update for the Freshwater Policy Review* (Waiora Co-Governance Committee, 21 July 2025) be received.

CARRIED

6.3 MĀTAURANGA MĀORI IN THE FRESHWATER POLICY REVIEW

Item commenced in recording 2, at 30 minutes 23 seconds.

Presented by the Scientist, Mātauranga Māori (Oliver McLeod) and the Kaitohutohu (Tutahanga Douglas). Refer Document # 32761403 for the PowerPoint presentation or on the public website.

COMMITTEE RESOLUTION WCGC25/06

Moved: Trustee Gannin Ormsby

Seconded: Cr Mich'eal Downard

That the report *Mātauranga Māori in the Freshwater Policy Review* (Waiora Co-Governance Committee, 21 July 2025) be received.

CARRIED

6.4 INTRODUCTION TO FRESHWATER POLICY REVIEW TOPICS - FARMING LAND USE AND WATER QUANTITY

Item commenced in recording 2, at 44 minutes 14 seconds.

Presented by the Manager, Environmental Science (Mike Scarsbrook) and Project Technical Advisor, Resource Management Consultant (Angela Fenemor). Refer Document # 32761403 for the PowerPoint presentation or on the public website.

COMMITTEE RESOLUTION WCGC25/07

Moved: Trustee Gannin Ormsby

Seconded: Cr Robert Cookson

That the report *Introduction to Freshwater Policy Review topics - Farming Land Use and Water Quantity* (Waioira Co-Governance Committee, 21 July 2025) be received.

CARRIED

6.5 INTRODUCTION TO THE ECONOMIC APPROACH - FRESHWATER POLICY REVIEW

Item commenced in recording 2, at 1 hour 50 seconds.

Presented by Economist (Femi Olubode). Refer Document # 32761403 for the PowerPoint presentation or on the public website.

COMMITTEE RESOLUTION WCGC25/08

Moved: Cr Stuart Kneebone

Seconded: Trustee Jackie Colliar

That the report *Introduction to the economic approach - Freshwater Policy Review* (Waioira Co-Governance Committee, 21 July 2025) be received.

CARRIED

6.6 OVERVIEW OF RESOURCE MANAGEMENT SYSTEM REFORM

Item commenced in recording 2, at 1 hour 19 minutes 11 seconds.

Presented by the Manager, Strategic Policy Implementation (Lisette Balsom). Refer Document # 32761403 for the PowerPoint presentation or on the public website.

COMMITTEE RESOLUTION WCGC25/09

Moved: Cr Noel Smith

Seconded: Trustee Evelyn Forrest

That the report *Overview of Resource Management System Reform* (Waioira Co-Governance Committee, 21 July 2025) be received.

CARRIED

6.7 UPDATE ON PROPOSED PLAN CHANGE 1 INTERIM DECISION FROM THE ENVIRONMENT COURT

Item commenced in recording 2, at 1 hour 23 minutes 45 seconds.

Presented by the Director, Science, Policy and Information (Tracey May) Refer Document # 32761403 for the PowerPoint presentation or on the public website.

COMMITTEE RESOLUTION WCGC25/10

Moved: Cr Mich'eal Downard

Seconded: Trustee Evelyn Forrest

That the report *Update on Proposed Plan Change 1 interim decision from the Environment Court (Waiora Co-Governance Committee, 21 July 2025)* be received.

CARRIED

7 KARAKIA WHAKAMUTUNGA

Item commenced in recording 2, at 1 hour 27 minutes.

Cr Stuart Kneebone closed the meeting with a karakia.

12.40pm – The meeting closed.

7 GENERAL ITEMS

7.1 RESOURCE MANAGEMENT (CONSENTING AND OTHER SYSTEM CHANGES) AMENDMENT ACT

Rā | Date: 21 August 2025

Kaituhi | Author: Naomi Crawford, Team Leader - Water Policy

Kaituku | Authoriser: Tracey May, Director, Science, Policy and Information

TE ARONGA | PURPOSE

1. To provide the Waiora Co-Governance Committee with an update on the Resource Management (Consenting and Other System Changes) Amendment Act (the Act), implications for freshwater planning instruments.

KŌRERO WHAKATAKI | EXECUTIVE SUMMARY

2. This report provides the Waiora Co-Governance Committee with an update on the implications of the Act for freshwater planning in the Waikato Region. The Bill moved quickly through Parliament. It was introduced in December 2024, had its first reading later that month, and was reported back from the Select Committee in June 2025. It passed its second and third readings in July and August, respectively, and received Royal Assent on 20 August 2025.
3. Under Sub-part 5B of Part 5 of the Resource Management Act 1991 (RMA) the Act introduces changes to New Zealand's environmental planning framework, including new regulation-making powers for the Minister for the Environment. These powers allow the Minister to modify or remove provisions in regional policy statements and plans if they are deemed to hinder economic growth, development capacity, or employment³. Although protections exist for provisions linked to Treaty settlement legislation such as Te Ture Whaimana o te Awa o Waikato (Te Ture Whaimana).
4. Key amendments to section 70 of the RMA enable regional councils to permit discharges with existing adverse effects, provided standards are in place to reduce those effects within 10 years. The Environment Court's interim decision on Proposed Plan Change 1 (PC1) may be affected, especially if provisions are not aligned with national direction or economic priorities.
5. The protection of Treaty settlement instruments, such as Te Ture Whaimana, remains a key feature for freshwater planning. Continued engagement with iwi, stakeholders, and the community will be essential to uphold co-governance principles and maintain relationships throughout this transitional period.
6. This report was prepared by council staff and has been reviewed by the River Iwi Technical Advisor.

³ s360I to 360O Resource Management (Consenting and Other System Changes) Amendment Act

TAUNAKITANGA KAIMAHI | STAFF RECOMMENDATION:

That the report *Resource Management (Consenting and Other System Changes) Amendment Act* (Waiora Co-Governance Committee, 9 September 2025) be received.

HOROPAKI | BACKGROUND

7. The Act represents a shift in New Zealand's environmental legislative framework. Introduced as part of the Government's second phase of RMA reform, the Act aims to streamline consenting processes for infrastructure, housing, and renewable energy, while also simplifying planning systems and increasing investment certainty for the primary sector. It introduces new powers for the Minister for the Environment (Minister) to enforce national direction. Key changes relevant to this project include:
 - A pause on notifying new plan changes until 2028
 - A requirement to withdraw any proposed planning instrument (unless it has progressed to the hearing stage)
 - The ability for the Minister to make regulations modifying or removing provisions in plans and policy statements
 - Further amendments to s70 requirements for including permitted activity rules for discharges.
8. The Resource Management (Consenting and Other System Changes) Amendment Bill was first introduced in December 2024, had its first reading later that month, and was reported back from the Select Committee in June 2025. It passed its second and third readings in July and August, respectively, and received Royal Assent on 20 August 2025.

TE TAKE | ISSUE**Amendments to the RMA**

9. On August 12 an Amendment Paper to the Resource Management (Consenting and Other System Changes) Amendment Bill was introduced to grant the Minister new regulation-making powers to modify or remove provisions of regional policy statements, regional plans, or district plans. These powers can be exercised if the Minister believes the provisions negatively impact economic growth, development capacity, or employment.
10. The Act includes specific protections that ensure planning instruments intended to give effect to Treaty of Waitangi settlement legislation (settlement legislation), such as Te Ture Whaimana, are safeguarded from procedural delays and ministerial override under s360 of the RMA:
 - s80T automatically exempts planning instruments that implement settlement legislation from the temporary halt on plan-making processes until 31 December 2027.
 - s360I(2)(c)(i) prohibits the Minister from recommending regulations that would modify or remove provisions in plans or policy statements that implement settlement legislation.
11. A key amendment to s70 of the RMA allows regional councils to include permitted activity discharge rules where the Council is satisfied those performance standards will contribute to a reduction in adverse environmental effects over time. This change aligns with the 2024

Freshwater Amendment Act and is intended to provide clarification to Councils on how to interpret and apply s70 in regional plans. Further amendments to s70 now enable councils to include a rule that allows, as a permitted activity, a discharge of contaminants that may allow the following effects in the receiving waters:

- any conspicuous change in the colour or visual clarity
 - the rendering of fresh water unsuitable for consumption by farm animals.
12. Before the council can include a permitted activity rule that may allow for those effects, the following criteria (the relevant criteria) must be met:
- those effects are already in the receiving waters; and
 - the council must be satisfied that the rule includes standards for the permitted activity; and
 - those standards will contribute to a reduction of those effects over a period no greater than 10 years.

Implications for the Freshwater Policy Review

13. One of the most significant shifts for planning is the temporary suspension of most plan-making processes until 31 December 2027⁴. This includes proposed plans, plan changes, and variations, unless they qualify for specific exemptions. The intent is to prevent councils from investing time and rate-payer resources into planning instruments that may be rendered obsolete by future legislative reform. Freshwater planning instruments which give effect to the NPSFM 2020 are exempt from the suspension as they are already on pause, with their own exemption pathway under clause 42 of Schedule 12 of the RMA. Therefore, the amendments have limited impact on existing timeframes for the freshwater policy review project.
14. One of the key aspects of the Act which will have impact to the Freshwater Policy Review is the introduction of a new regulation-making power for the Minister for the Environment, which enables the Minister to modify or remove provisions of a Regional Policy Statement, regional plan, or district plan such as the Waikato Regional Policy Statement (WRPS) or Waikato Regional Plan (WRP). This power can be exercised if the Minister is satisfied that the provisions negatively impact economic growth, development capacity, or employment. However, the power cannot be used to alter provisions that give effect to Treaty settlements or national policy statements.
15. The process for exercising this power includes an investigation, a report, and consultation with affected parties and councils. However, public consultation is not required, and council feedback can be disregarded. Concerns have been raised that this represents a centralisation of planning authority, undermining local democracy and environmental protections. This change can allow the Minister to selectively re-write plans based on economic priorities, potentially dismantling long-standing environmental safeguards.
16. A key amendment to Section 70 of the RMA will allow Waikato Regional Council to include permitted activity discharge rules even where adverse effects on water quality may occur, provided those effects already exist in the receiving waters and the rule includes standards that will reduce those effects over time (within a 10-year horizon). This change introduces

⁴ S80 to 80x Resource Management (Consenting and Other System Changes) Amendment Act

more flexibility in managing discharges but could weaken environmental protections if not carefully implemented. For Waikato Regional Council, this could influence how rules are drafted under the Freshwater Policy Review for areas with existing water quality degradation, such as the Whangamarino Wetland. The changes introduce a higher evidential threshold for including permitted activity rules for discharges. Specifically, councils may only permit discharges that could cause adverse effects if they can demonstrate that such effects already exist in the receiving waters, and that the rule includes standards which, either alone or in combination with other plan provisions, will reduce those effects within a maximum of 10 years. This means councils will need to provide a robust evidential basis likely including scientific and technical assessments to justify such rules, ensuring they are both necessary and effective in improving environmental outcomes.

Considerations

17. Council will need to carefully consider the risks implications of the Minister's new regulation-making powers, which allow for the modification or removal of WRPS or WRP provisions if they are deemed to hinder economic growth.
18. Council will maintain transparency and accountability by continuing to engage with iwi, stakeholders, and the public. Even during the legislative change and pause on notifying plans, it is important to uphold JMA requirements and provide regular updates to the Waiora Co-Governance Committee and Te Rōpū Hautū.

WHAKAKAPINGA | CONCLUSION

19. The Act marks a shift in New Zealand's environmental planning landscape, with implications for freshwater policy in the Waikato region. While the Act aims to streamline consenting and promote economic development, it also centralises decision-making authority. These changes present both risks and opportunities for Waikato Regional Council.
20. The Act includes specific protections that ensure planning instruments giving effect to Treaty of Waitangi settlement legislation such as Te Ture Whaimana o Te Awa o Waikato are safeguarded from procedural delays and ministerial override. Additionally, section 360I(2)(c)(i) prohibits the Minister from recommending regulations that would modify or remove provisions in plans or policy statements that give effect to these same Treaty-related obligations.
21. The protection of Treaty settlement instruments such as Te Ture Whaimana remains a priority. Continued engagement with iwi, stakeholders, and the community is essential throughout this transitional period.

ĀPITI HANGA | ATTACHMENTS

Nil

7.2 ENGAGEMENT UPDATE FOR THE FRESHWATER POLICY REVIEW

Rā | Date: 21 August 2025

Kaituhi | Author: Jacqui Henry, Manager - Social and Economic Science

Kaituku | Authoriser: Tracey May, Director, Science, Policy and Information

TE ARONGA | PURPOSE

1. To provide the Waiora Co-Governance Committee with an engagement update for the freshwater policy review (FPR).

KŌRERO WHAKATAKI | EXECUTIVE SUMMARY

2. This report provides an update on engagement activities for the Waikato Regional Council (WRC) Freshwater Policy Review (FPR). Engagement is structured across three key workstreams: tangata whenua, sector, and community.
3. The engagement approach for tangata whenua had previously been shared with the committee as well as the formation of a science-based (previously named) Technical Advisory Group⁵. While there has been uncertainty around national policy changes and the potential impact on the FPR, where practical, engagement for this project is continuing. This report provides a brief update on engagement activities for tangata whenua and the formation of a newly established technical group, the Collaborative Science Advisory Group (CSAG).
4. This report was prepared by council staff and has been reviewed by the River Iwi Technical Advisor.

TAUNAKITANGA KAIMAHI | STAFF RECOMMENDATION:

That the report *Engagement update for the Freshwater Policy Review* (Waiora Co-Governance Committee, 9 September 2025) be received.

HOROPAKI | BACKGROUND

5. Engagement is an important part of the FPR process and is structured across the three main workstreams of tangata whenua, sector, and community engagement. The engagement approach is designed to align regional planning documents with the National Policy Statement for Freshwater Management (NPSFM), and council's statutory commitments under Treaty Settlement legislation and Te Ture Whaimana o te Awa o Waikato.

⁵ Report to Waiora Co-Governance Committee – Waiora Co-Governance Committee – Engagement Update for the Freshwater Policy Review- Document 32672576

TE TAKE | ISSUE

6. River Iwi engagement has been revised in response to feedback from River Iwi, emphasising tailored and co-designed processes. WRC is working directly with each iwi to plan engagement formats and topics that reflect their priorities. This will include one-on-one meetings with each of the River Iwi. Concerns about the lack of co-design in previous engagement efforts have been addressed through bespoke iwi-specific engagement. Broader tangata whenua engagement also extends to pre-settlement iwi and those without joint management agreements.
7. Sector engagement has been temporarily paused due to uncertainty around national policy changes. This pause is intended to prevent misalignment and confusion, allowing for more meaningful engagement once the national direction is clearer. Future sector engagement will include general stakeholder meetings.
8. The formation of Technical Advisory Groups (TAGs) is envisaged where technical experts will be identified based on their skills, experience and in-depth understanding of particular topics, with a mix of face-to-face and online formats. A Collaborative Science Advisory Group has been established with one of the objectives to provide expert science-based insights on preliminary policy thinking for the FPR.
9. Community engagement, also on hold, will resume once national policy direction is clarified, ensuring clear and relatable communication with the public.

Tangata whenua engagement update

10. WRC staff initially met with the key iwi liaisons of each River Iwi in April and May. WRC staff have since circulated to each River Iwi liaison a draft engagement approach for feedback, including possible topic groupings, timing, and engagement methods. WRC also circulated a copy of a draft discussion document for feedback from each River Iwi⁶. Staff will continue to work with the River Iwi on designing the engagement approach.
11. WRC has received feedback from Waikato Tainui staff seeking amendments to the material to better reflect the river settlement legislation, Te Ture Whaimana, the Waikato Tainui Iwi Environmental Plan, and the co-design of future topics. Staff intend to meet with Waikato Tainui staff to respond to the feedback and refine the material and approach ahead of a meeting with the Taiao Forum. WRC is awaiting feedback from River Iwi. WRC may present a brief agenda item at the Ngā Kaihautū Committee at the end of August, depending on Committee availability.
12. Ngā Tira Mātauranga (NTM) technical working group meetings were hosted in May and June. The 14 May 2025 meeting was hosted at Wintec in Hamilton and attended by seven iwi and hapū groups. Attendees provided feedback on draft outcomes and attributes for mahinga kai, tauranga waka, and Waitī/waimāori. Relevant staff are working through the feedback and intend to provide a progress update at a future NTM meeting. Two online meetings were hosted on 11 June 2025 to discuss the topic of Outstanding Water Bodies. The two meetings were attended by 15 iwi representatives; WRC is seeking advice and guidance from iwi in respect of culturally outstanding water bodies. Staff are working through the feedback shared

⁶ A draft document that describes the review process and some key kaupapa (topics) for consideration. It also provides an overview of the mahi (work) WRC has been doing and how engagement with tangata whenua and the community has informed this mahi.

during these meetings. WRC staff also engaged with the Tahaaroa Lakes Trust on the topic of outstanding water bodies on 16 June 2025.

13. The next NTM meeting is scheduled for 27 August 2025 at Wintec, to discuss preliminary options for water quantity, allocation, and an update on the Proposed Plan Change 1 process.

Collaborative Science Advisory Group update

14. Waikato Regional Council formed CSAG (a technical science group of experts) to provide a technical review of initial policy thinking and to provide insights from freshwater policy processes throughout the country. The group comprises scientists with substantial expertise in working at the Science-Policy interface. Many of the scientists invited to join the group have direct experience from Plan Change 1 (PC1), while others have experience from supporting Wellington, Horizons, Canterbury and Southland Regional Councils, as well as sector groups (e.g. Dairy NZ and Beef & Lamb, Department of Conservation and iwi groups).
15. In addition to the 12 scientists, are three active observers – two from the WRC Policy Team and the other being the River Iwi Technical Advisor.
16. The first meeting of the CSAG was held in Hamilton on 1 August. The agenda included an introduction to the FPR. Discussion was also held on capturing collective insights from PC1 and other processes and members identified content for another three meetings to be held over the next 2-3 months. A summary report (capturing areas of agreement and disagreement) from the CSAG will be completed in mid-November. Outputs from the CSAG will inform the policy development process and help understand the likely degree of consensus among scientists on issues and solutions.

WHAKAKAPINGA | CONCLUSION

17. Once there is more certainty regarding national policy direction, the engagement process can resume fully and involve a co-designed approach and process for planning and implementation.
18. In the meantime, engagement updates across the engagement workstreams will continue to be provided to the committee and Te Rōpū Hautū.

ĀPITI HANGA | ATTACHMENTS

Nil

7.3 STRUCTURED REPORTING APPROACH FOR THE FRESHWATER POLICY REVIEW

Rā | Date: 21 August 2025

Kaituhi | Author: Naomi Crawford, Team Leader - Water Policy

Kaituku | Authoriser: Tracey May, Director, Science, Policy and Information

TE ARONGA | PURPOSE

1. This report introduces a structured reporting approach to support the Waiora Co-Governance Committee's oversight of the Freshwater Policy Review. It outlines how key policy topic areas will be regularly presented to the Committee, ensuring consistent updates and transparency throughout the review process.

KŌRERO WHAKATAKI | EXECUTIVE SUMMARY

2. This report provides the Waiora Co-Governance Committee with an update on the Freshwater Policy Review Project (FPR), focusing on the proposed structure for reporting policy options. The review aims to update the Waikato Regional Plan (WRP) and Waikato Regional Policy Statement (WRPS) to give effect to the National Policy Statement for Freshwater Management (NPSFM) 2020, while meeting iwi partnership obligations under Treaty settlement legislation.
3. The reporting approach introduces thematic groupings of freshwater policy topics, each designed to support inclusive and informed governance. These topics will be presented to the Waiora Co-Governance Committee in a staged manner, incorporating statutory drivers, iwi expectations, scientific evidence, draft policy options, and engagement feedback. The review project will be looking at both regulatory and non-regulatory tools, ensuring a balance between enforceable standards and community-led solutions.
4. Key components of the review include reassessment and learnings from the Proposed Plan Change 1 (PC1) process, integration of mātauranga Māori, and the use of case studies to inform policy development. Engagement with tangata whenua, sectors, and communities is central to the process, with tailored and co-designed approaches being implemented. The Committee will receive regular updates and an updated roadmap in 2026, leading toward plan notification, post December 2027.
5. In accordance with section 23A of the RMA, as amended by the Resource Management (Consenting and Other System Changes) Amendment Act 2025, Waikato Regional Council is prohibited from notifying a freshwater planning instrument before 31 December 2027. Given the statutory requirement, Council will then proceed with notification after the restriction period ends post December 2027 in alignment with this new requirement.
6. Overall, the Freshwater Policy Review sets a foundation for legally sound freshwater planning instruments. It positions the Waiora Co-Governance Committee to play a strategic role in shaping the future of freshwater management in the Waikato and Waipā River catchments.
7. This report was prepared by council staff and has been reviewed by the River Iwi Technical Advisor.

TAUNAKITANGA KAIMAHI | STAFF RECOMMENDATION:

That the report *Structured reporting approach for the Freshwater Policy Review* (Waiora Co-Governance Committee, 9 September 2025) be received.

HOROPAKI | BACKGROUND

8. Both the WRPS and the WRP are being reviewed as part of the FPR to give effect to the NPSFM. The scope of the review of the WRP is limited to the provisions related to freshwater. This includes provisions which manage:
 - discharge of contaminants to the environment and discharge of water to water
 - take, use, damming and diversion of water
 - restrictions on the use of the beds of rivers and lakes
 - land and soil disturbance activities
 - control of the use of land (as far as the use affects freshwater)
 - the introduction of plants into the bed of a river or lake
 - indigenous biodiversity in waterbodies and freshwater ecosystems.
9. This paper addresses a proposed approach of reporting policy options to the Waiora Co-Governance Committee.

TE TAKE | ISSUE**Statutory Context**

10. Te Ture Whaimana o Te Awa o Waikato (Te Ture Whaimana) is the leading directive for freshwater management in the Waikato and Waipā river catchments, where inconsistencies arise with national policy direction Te Ture Whaimana prevails. Treaty settlements with iwi including Waikato-Tainui, Ngāti Tūwharetoa, Raukawa, Te Arawa, and Maniapoto have led to Joint Management Agreements (JMAs), supported by Joint Management Committees. These arrangements require collaborative processes, including the formation of a Joint Working Party (Te Rōpū Hautū), to guide RMA planning document development. The Council must also give effect to the NPSFM, while fulfilling additional statutory obligations under settlement legislation, which go beyond standard consultation requirements under the RMA and Local Government Act (LGA) 2002. Importantly, River Iwi must be involved in decision-making processes for freshwater policy reviews, ensuring their participation is embedded in future planning.
11. The central Government is currently reviewing national direction documents (such as the NPSFM) and have clearly signalled the reform of the RMA. While these processes are occurring, the FPR will focus on local Waikato-specific issues in the context of the current legislative framework including implementing Te Ture Whaimana. WRC staff consider that focusing attention on regional issues will reduce the risk of significant shifts in policy approach when the outcome of RMA reforms is known.
12. Policy regulatory tools are central to the statutory framework and include enforceable mechanisms such as rules, limits, and methods embedded in the WRP and WRPS. These tools are designed to give effect to national direction, including the NPSFM, and are used to manage

discharges, water takes, land use impacts, and biodiversity protection. In catchment planning, regulatory instruments will define environmental outcomes, set target attribute states, and establish enforceable limits to achieve those outcomes.

13. Non-regulatory tools complement statutory mechanisms by supporting implementation and encouraging voluntary action. These tools include education programmes, technical guidance, collaborative initiatives, and action plans. In catchment planning, they are particularly valuable for enabling community-led solutions, adaptive management, and partnerships with iwi and stakeholders. Their flexibility and responsiveness support innovative approaches that reflect local values and conditions.
14. Together, these tools will inform the development of policy options that are both effective and culturally grounded. The Waiora Co-Governance Committee will be presented with options that reflect this dual approach balancing enforceable standards with supportive, non-statutory measures. This enables the committee to assess the full spectrum of policy responses, ensuring that decisions are aligned with both environmental goals and community aspirations.

Approach to topics

15. The recommended themes of the freshwater policy review are outlined in Attachment 1 under the freshwater planning process leading to plan notification post December 2027.
16. To ensure the freshwater policy review workstream supports meaningful governance input, each topic will be framed to reflect its development pathway across engagement, science, and policy. This includes outlining how engagement —iwi, stakeholder and community feedback— has shaped the issue, what scientific investigations or collaborative processes (such as the Collaborative Science Advisory Group) are informing the evidence base, and how draft policy responses are being developed. Reports would clearly distinguish what is covered by PC1, what remains unaddressed, and how current national direction intersects with regional priorities. Using regionally specific case studies, examples of consent processes, and indicative timeframes for implementation will help governors understand the scale, complexity, and potential costs of policy interventions. This approach ensures transparency, avoids repetition, and supports informed decision-making throughout the freshwater planning process.
17. Each thematic group will be staged and reported to the Waiora Co-Governance Committee with summaries of statutory drivers, iwi expectations, draft provisions, engagement feedback, and decision points. This structured reporting will support clear and informed recommendations within the plan development process leading to notification post December 2027.
18. In parallel, new legislation replacing the RMA is likely to alter the freshwater planning process and new national direction will change the NPSFM. These changes could affect the scope, timing, and procedural requirements for plan development, including the freshwater-specific Schedule 1 pathway. As such, the Waiora Co-Governance Committee will need to remain adaptive, ensuring its recommendations are responsive to both current statutory obligations and emerging national direction.
19. Into 2026 staff will provide the Waiora Co-Governance Committee an updated roadmap of the freshwater policy review in line with these recommendations to support the Waiora Co-Governance Committee in fulfilling its role as a strategic decision-making body, ensuring that freshwater planning instruments are robust, responsive to iwi and community values, and legally sound.

Proposed Plan Change 1, Waikato and Waipā River catchments

20. PC1 marks the beginning of an 80-year programme to restore and protect the Waikato and Waipā Rivers, guided by Te Ture Whaimana. It focuses on reducing contaminants particularly nitrogen, phosphorus, sediment, and pathogens with dairy farming identified as the main nitrogen source and drystock farming contributing more sediment and phosphorus.
21. PC1 applies to the Waikato and Waipā catchments and introduces a framework for managing land-based discharges. PC1 for the WRP was developed under the NPSFM 2014, which differs significantly from the current NPSFM 2020. PC1 does not fully meet the expanded NPSFM 2020 requirements. It must be reviewed to address gaps like Outstanding Freshwater Bodies and drinking water zones.
22. We expect the final Environment Court decision on PC1 by late 2025 or early 2026. We will then need to reassess PC1 and ensure the FPR addresses any gaps.

Science

23. The science requirements for the FPR are essential for implementing the NPSFM 2020. Scientific data is used to establish baseline states for freshwater attributes, which serve as reference points for assessing environmental outcomes. These baseline states are drawn from State of Environment (SOE) reports and monitoring data. If the baseline state for an attribute is below the national bottom line, policy changes must be made to improve water quality and ecosystem health.
24. The NPSFM requires the identification of values such as ecosystem health, human contact, mahinga kai, and threatened species and the setting of measurable environmental outcomes for each. These outcomes must be supported by specific attributes, many of which are biophysical (e.g., water quality, quantity, habitat, aquatic life, and ecological processes). Waikato Regional Council must use the best available information, even if data is partial or uncertain, and interpret it in a way that best gives effect to the NPSFM.
25. Scientific input is also needed to identify additional attributes for Māori freshwater values and other community-identified values. Where attributes cannot be quantified, alternative criteria must be developed to assess environmental outcomes. The science workstream is responsible for compiling and interpreting this data, ensuring it informs the National Objectives Framework (NOF) process and supports the development of draft objectives and policy options.
26. In summary, science underpins the entire freshwater policy review process from defining baseline states and attributes to setting environmental outcomes and informing policy directions. It ensures that decisions are evidence-based, measurable, and aligned with both national standards and community aspirations.

Using case studies

27. Case studies will play a valuable role in informing policy topics within the Freshwater Policy Review. They offer practical insights into how previous initiatives have been implemented highlighting both successes and challenges. These real-world examples provide a foundation for evidence-based decision-making, helping to shape future policy directions by illustrating what has worked in similar contexts and where improvements are needed.
28. Within the review process, case studies will be used to support the development of options papers and policy recommendations. They will help clarify the implications of different

approaches to freshwater management, particularly in areas such as nutrient reduction, land use impacts, and community engagement. By drawing on lessons learned from past planning efforts, including collaborative processes and technical assessments, case studies will help ensure that new policies are both practical and effective.

29. For the Waiora Co-Governance Committee, case studies will serve as a key tool for supporting informed decision-making. They will provide context for evaluating policy options, especially in relation to Te Mana o te Wai and long-term visions for freshwater. Case studies will also help demonstrate how iwi values and mātauranga Māori have been integrated into previous planning processes, offering a basis for strengthening co-governance and partnership approaches.
30. Overall, the use of case studies will enhance transparency, build trust, and support the development of policies that are grounded in local experience and aligned with national direction.

Engagement approach

31. As outlined to the Waiora Co-Governance Committee in July⁷, the engagement approach for the Freshwater Policy Review is structured around three key workstreams: tangata whenua, sector, and community. This approach is designed to align regional planning documents with the NPSFM, while also respecting commitments under Treaty Settlement legislation and Te Ture Whaimana o te Awa o Waikato.
32. River Iwi engagement has been revised in response to feedback from River Iwi, emphasising tailored and co-designed processes. WRC is working directly with each iwi to plan engagement formats and topics that reflect their priorities. This will include one-on-one meetings with each of the River Iwi. Concerns about the lack of co-design in previous engagement efforts are being addressed through bespoke iwi-specific engagement. Broader tangata whenua engagement also extends to pre-settlement iwi and those without joint management agreements.
33. Sector engagement has been temporarily paused due to uncertainty around national policy changes. This pause is intended to prevent misalignment and confusion, allowing for more meaningful engagement once the national direction is clearer. Future sector engagement will include general stakeholder meetings.
34. The formation of Technical Advisory Groups (TAGs) is envisaged where technical experts will be identified based on their skills, experience and in-depth understanding of particular topics, with a mix of face-to-face and online formats. A Collaborative Science Advisory Group has been established with one of the objectives to provide expert science-based insights on initial policy thinking for the FPR.
35. Community engagement, also on hold, has previously involved Community Reference Groups and public events. Future engagement will focus on gathering feedback on proposed policy tools and interventions for different levels of water quality improvement. This engagement will resume once national policy direction is clarified, ensuring clear and relatable communication with the public.
36. Engagement with the community and tangata whenua will occur at different stages as outlined in the engagement approach above. The policy workstream will present draft policy

⁷ Report to Waiora Co-Governance Committee – Waiora Co-Governance Committee – Engagement Update for the Freshwater Policy Review - Document 32672576

directions and objectives for feedback. Engagement methods will include face-to-face events, online tools, surveys, and co-designed plans with iwi partners. Feedback from these engagements will be used to shape and validate the options before they are finalised.

37. Throughout the process, options will be documented, reviewed, and updated to reflect stakeholder input and evolving legislative requirements. This ensures that both governance and engagement processes are transparent, inclusive, and responsive to the needs of the region.

Presenting options

38. Presenting policy options to governance involves a structured and transparent approach that ensures elected members and co-governance partners can make informed decisions aligned with statutory obligations and community values.
39. Under the Waiora Co-Governance Committee approved terms of reference decisions are made by endorsement and recommendation, rather than binding resolution⁸. The Committee reviews policy proposals, provides feedback, and endorses recommendations which are then referred to each partner organisation for formal approval through their respective governance processes. This ensures that all parties retain autonomy while participating in a unified decision-making forum. The Terms of Reference also include provisions for dispute resolution, allowing the Committee to appoint a facilitator or take other appropriate steps to resolve issues collaboratively. Importantly, the Committee is not automatically disestablished at the end of a council triennium, ensuring continuity and stability in its work beyond election cycles.
40. Overall, the Waiora Co-Governance Committee's decision-making process is designed to uphold the principles of partnership, equity, and rangatiratanga, aligning with both the LGA and Treaty settlement legislation. It supports robust, inclusive governance that enables iwi and council to co-develop freshwater policy in a way that reflects shared values and responsibilities.
41. Under Schedule 1 of the RMA, councils must follow a plan-making process that includes early engagement with stakeholders, drafting policy options, and formal consultation. Governance is typically involved through workshops and briefings where staff present the issue, legislative context, and a range of policy options. These options are supported by technical analysis, community feedback, and alignment with national direction. Once a preferred option is endorsed, it is developed into a proposed plan or plan change, which is then publicly notified for submissions and hearings. Governance decisions are made following hearings, with submitters having appeal rights to the Environment Court.
42. The FPP is a streamlined, mandatory process for freshwater-related plan changes. It requires councils to notify a freshwater planning instrument, which is then considered by a Freshwater Hearings Panel appointed by the Chief Freshwater Commissioner. Governance involvement occurs earlier in the process, where elected members and co-governance partners provide direction on policy options before notification.
43. Under the FPP, an independent hearings panel is appointed to review submissions on proposed freshwater plans. The panel conducts hearings where submitters can present evidence and express their views. After considering all submissions, the panel makes formal recommendations on the proposed plan. The regional council then decides whether to accept or reject these recommendations. If accepted, the recommendations are incorporated into

⁸ Report to Waiora Co-Governance Committee – Waiora Co-Governance Committee – Terms of Reference- Document 32582885

the plan. If rejected, the council must provide a written justification. Importantly, appeals on accepted recommendations are limited to points of law and must be made to the High Court, which helps streamline the process and reduce delays. Appeals on rejected recommendations go through the regular appeals process on points of merit to the Environment Court. Once the process is complete, the plan becomes operative and guides freshwater management decisions in the region.

44. In both the Schedule 1 and FPP processes, presenting policy options to governance involves preparing clear and concise briefing papers that outline the issue, policy context, statutory requirements, and implications of each option. Staff facilitate workshops or strategy sessions to support informed decision-making, ensuring that governance understands the trade-offs, risks, and alignment with principles such as Te Mana o te Wai. This approach ensures that regional planning instruments are robust, legally sound, and reflective of community and iwi aspirations.
45. Options for the Freshwater Policy Review will be presented to Waiora Co-Governance Committee through a structured and iterative process. Governance bodies, including Council and River Iwi co-governance partners, will receive high-level policy options that are informed by technical analysis, community feedback, and tangata whenua engagement. These options will be tested through workshops and formal reporting, allowing for refinement and endorsement before progressing to notification stages.

Next Steps

46. The Waiora Co-Governance Committee will begin receiving structured reports on thematic freshwater policy topics, each designed to support transparent and informed decision-making. These reports will include statutory drivers, iwi expectations, scientific evidence, draft provisions, and engagement feedback. An updated roadmap for the freshwater policy review will be presented in 2026 to reflect progress and ensure alignment with legislative developments and community values.
47. Engagement with iwi, sectors, and communities will resume once national policy direction is clarified, with a focus on co-designed processes and tailored formats. The Committee will also monitor ongoing reforms to the resource management system to remain responsive to any changes that may affect the freshwater planning process. Case studies will be used to illustrate practical implications of policy options and support evidence-based governance. Finally, procedural steps for plan development including consultation, hearings, and appeals will be clarified to guide the Committee through the freshwater-specific planning pathway toward plan notification post December 2027.

WHAKAKAPINGA | CONCLUSION

48. The Freshwater Policy Review represents a critical opportunity to strengthen the region's freshwater planning framework in alignment with national direction, iwi partnership obligations, and community aspirations. Through a structured and transparent reporting approach, the Waiora Co-Governance Committee will be well-positioned to provide strategic oversight and informed guidance throughout the review process.
49. The integration of scientific evidence, mātauranga Māori, and stakeholder engagement ensures that policy development is both robust and inclusive. As the review progresses toward plan notification post December 2027, continued collaboration, adaptability to legislative changes, and a commitment to co-governance will be essential to delivering freshwater

outcomes that uphold Te Mana o te Wai and reflect the values of the Waikato and Waipā River catchments.

ĀPITIHANGA | ATTACHMENTS

1. **Themes of the Freshwater Policy Review (#33040634)** [↓](#)

Attachment 1: Themes of the Freshwater Policy Review**Strategic Direction and Integrated Management**

Includes Te Mana o te Wai, long-term FMU visions, integrated catchment management, tangata whenua chapter, and cross-boundary coordination. Ensures alignment with iwi settlement instruments and national directives.

Environmental Outcomes and Target Setting

Covers freshwater values, environmental outcome statements, target attribute states, sub-catchment classifications, and science gap analysis.

Land Use and Discharges

Addresses farming practices, diffuse and point source discharges, farm animal effluent, and stormwater and wastewater management. Supports risk-based frameworks and consent thresholds.

Water Quantity and Allocation

Focuses on environmental flows and levels, allocation limits, sustainable yields, hydraulic connection, well interference, fish screening, and iwi allocation mechanisms.

Physical Environment and Habitat Protection

Includes damming and diversion, activities in beds of lakes and rivers, and wetland management. Ensures compliance with NPSFM policies and supports restoration efforts.

7.4 POLICY UPDATE - IDENTIFICATION OF THREATENED SPECIES AND PROTECTION OF HABITATS OF INDIGENOUS FRESHWATER SPECIES

Rā | Date: 21 August 2025

Kaituhi | Author: Naomi Crawford, Team Leader - Water Policy

Kaituku | Authoriser: Tracey May, Director, Science, Policy and Information

TE ARONGA | PURPOSE

1. The purpose of this report is to provide the Waiora Co-Governance Committee with an introduction to the identification of threatened species and the protection of habitats of indigenous freshwater species, as they relate to the following policy topics of the Freshwater Policy Review (FPR) Project.
2. This paper is provided for information purposes only, with further updates to work on this topic to be provided in future reports.

KŌRERO WHAKATAKI | EXECUTIVE SUMMARY

3. The Waikato Regional Policy Statement (WRPS) and Waikato Regional Plan (WRP) are being reviewed as part of the FPR project to give effect to the National Policy Statement for Freshwater (2020) (NPSFM).
4. The NPSFM includes specific requirements to ensure the protection and restoration of freshwater ecosystems. Council must also avoid further loss or degradation of rivers, streams, and wetlands. Any new structures or modifications must not compromise the natural form and function of water bodies.
5. Under the NPSFM, the protection of threatened species is a compulsory national value. Regional councils must identify habitats, locate and map habitats of threatened species within each Freshwater Management Unit (FMU) and include natural inland wetlands under 0.05 hectares if they are known to contain threatened species. Council must also set environmental outcomes and establish an objective for threatened species in each FMU. This objective must be measurable and align with the region's long-term freshwater visions. The NPSFM also has policy direction that the habitats of indigenous freshwater species are protected.
6. Alongside the NPSFM, the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES-F) was introduced as part of the 'Essential Freshwater' package. Similarly, the NES-F is a component of the Government's Essential Freshwater package and sets regulations and standards for carrying out certain activities that pose risks to freshwater and freshwater ecosystems. The NES-F includes several provisions that directly affect the habitats of fish, particularly through the regulation of structures and activities in and around freshwater bodies.
7. The Government is currently undertaking a programme of resource management reform and is consulting on a number of potential changes to National Direction. This paper focuses on both the current legislative requirements and local, Waikato-specific, issues.

8. The WRP does not currently include comprehensive or specific provisions for the management of threatened species, nor does it identify the habitats of threatened species. While the plan addresses broader environmental effects of activities such as damming and diversion, it was developed prior to the introduction of the NPSFM 2020 and therefore lacks alignment with more recent requirements—particularly those related to:
 - Mapping locations and catchments where threatened species records occur within FMUs
 - Setting measurable environmental outcomes and objectives for threatened species
 - Monitoring and reporting on the effectiveness of protection measures.
9. This report has been considered by Te Rōpū Hautū and reviewed by the River Iwi Technical Advisor.

TAUNAKITANGA KAIMAHI | STAFF RECOMMENDATION:

That the report *Policy update - identification of threatened species and protection of habitats of indigenous freshwater species* (Waiora Co-Governance Committee, 9 September 2025) be received.

HOROPAKI | BACKGROUND

10. Both the WRPS and the WRP are being reviewed as part of the FPR to give effect to the NPSFM. The scope of the review of the WRP is limited to the provisions related to freshwater. This includes provisions which manage:
 - discharge of contaminants to the environment and discharge of water to water
 - take, use, damming and diversion of water
 - restrictions on the use of the beds of rivers and lakes
 - land and soil disturbance activities
 - control of the use of land (as far as the use affects freshwater)
 - the introduction of plants into the bed of a river or lake
 - indigenous biodiversity in waterbodies and freshwater ecosystems.
11. This paper addresses the damming and diversion of water, and the use of beds of rivers and lakes, as they relate to the management of threatened species and the habitats of indigenous freshwater species. A separate paper provides an overview of these activities as they relate to fish passage.

Legislative and policy context

12. There are additional legislative requirements that provide direction for the management of land and freshwater in New Zealand. Attachment 1 provides an overview of the legislative and policy context for damming and diversion and the identification of threatened species which affect some of the key resource management issues described in this report.

13. Te Ture Whaimana o Te Awa o Waikato (Te Ture Whaimana) sets the overarching direction for all activities affecting the river and its catchment, including lakes. It aims to restore and protect the health and wellbeing of the Waikato River and its tributaries, recognising the interconnectedness of ecological, cultural, and community values. While all objectives and strategies of Te Ture Whaimana must be read together, the most relevant objective for the identification of threatened species and protection of habitats is (i) *“the protection and enhancement of significant sites, fisheries, flora and fauna”*.
14. Regarding damming and diversion, Te Ture Whaimana advocates a precautionary approach to avoid further degradation, emphasising the need to prevent cumulative adverse effects and uphold the mana whakahaere of iwi. These objectives reflect a commitment to intergenerational restoration and co-governance, placing Te Ture Whaimana above all other planning instruments under the Resource Management Act.
15. Success in restoring and protecting the Waikato River and its tributaries under Te Ture Whaimana will be reflected by tangible improvements in the overall wellbeing of the river system. For habitats of indigenous freshwater species, it means that habitats are restored to support spawning and lifecycle needs. In terms of river and lake health, success includes water that is safe for swimming and gathering kai, improved ecological integrity (for example native macrophyte cover, reduced pest fish), and rehabilitated shallow lakes that no longer suffer from algal blooms or poor clarity. Both these outcomes assist with the restoration and protection of the relationships of Waikato and Waipā River Iwi with the awa.

Current approach

16. The current plan recognises that both adverse and positive effects can result from the placement of structures on the beds of rivers and lakes, either individually or in combination. The freshwater policy review will review both WRP and WRPS damming and diversion and river and lake bed provisions – issues, objectives, policies, rules and other implementation methods – to ensure internal consistency and consistency with the fundamental NPSFM concept of Te Mana o te Wai, and alignment with national policy statements, national environmental standards and Te Tiriti claims settlement legislation that postdate the WRP becoming operative.
17. The reviewed WRP will recognise the ecological and cultural importance of the habitats of indigenous taonga fish species to allow the completion of lifecycles within protected and restored ecosystems as provided for by the relevant provisions of the NPSFM (cl.3.269) and the NES-F (subpart 3¹⁰).

TE TAKE | ISSUE

Threatened Species and Habitats of Indigenous Freshwater Species

Current issues

18. Since the WRP became operative, significant legislative and regulatory changes have occurred particularly through the NPSFM. As a result, some activities that impact freshwater threatened species and their habitats are now inconsistent with the requirements of higher-order

⁹ [National-Policy-Statement-for-Freshwater-Management-2020.pdf \(environment.govt.nz\)](#)

¹⁰ [Resource Management \(National Environmental Standards for Freshwater\) Regulations 2020 \(LI 2020/174\) \(as at 05 January 2023\) Subpart 3—Passage of fish affected by structures – New Zealand Legislation](#)

planning instruments. The NPSFM mandates that regional plans be updated to reflect strong directives concerning the protection of freshwater ecosystems, including:

- Avoiding loss of river extent and values, unless it is absolutely necessary and effects are appropriately mitigated.
 - Protecting the significant values of outstanding water bodies.
 - Safeguarding habitats of indigenous freshwater species, ensuring ecosystem viability and resilience.
19. Despite recent amendments to the WRP to incorporate some of these requirements broader updates are still needed to fully align with the NPSFM's intent and obligations. This includes giving effect to Te Mana o te Wai and ensuring that freshwater planning reflects the hierarchy of obligations prioritising ecosystem health.
20. Under the National Objectives Framework (NOF), water bodies and freshwater ecosystems can be assessed using ecological indicators such as submerged aquatic plants, macroinvertebrates (using the Macroinvertebrate Community Index [MCI] and Quantitative MCI [QMCI]), and the Fish Index of Biotic Integrity (IBI). These indicators help evaluate the presence and condition of indigenous species and inform targeted restoration and management efforts¹¹.
21. More fundamentally, the WRP was prepared before any iteration of the NPSFM was in force. The requirement in the NPSFM to give effect to Te Mana o te Wai requires reconsidering the existing provisions. Given the paradigm shift that is required to give effect to Te Mana o te Wai, substantial changes to the regional planning framework will be required to prioritise the health and wellbeing of the waterbodies and the ecosystems they support in accordance with the NPSFM objective (Clause 2.1).
22. Failure to give effect to national direction and current inconsistencies between the WRP and higher order RMA planning instruments leaves Council vulnerable to legal challenge. It is likely that there is uncertainty for plan users about which rules apply and how they interact with higher order documents. In addition to national direction setting instruments such as the NPSFM and NES-F there are also instruments arising from the Te Tiriti o Waitangi, Treaty of Waitangi `claims settlement legislation. Regional water quality monitoring shows that there are issues with various contaminants in different parts of the Waikato region, including suspended fine sediment and turbidity, which can be an effect of damming and diverting activities and impact on cultural values such as mahinga kai¹².

Identification of threatened species

23. The WRP does not currently include comprehensive or specific provisions for the management of threatened species within its operative framework, nor does it identify the habitats of these species. While the plan addresses broader environmental effects of activities such as damming and diversion, it was developed prior to the introduction of the NPSFM 2020 and therefore lacks alignment with its more recent requirements—particularly those related to:
- Mapping and identifying habitats of threatened species within FMUs

¹¹ Appendix 2A – Attributes requiring limits on resource use – NPSFM 2020

¹² State of the Environment Waikato Synthesis Report, 2022 – Executive Summary

- Setting measurable environmental outcomes and objectives for threatened species
 - Monitoring and reporting on the effectiveness of protection measures.
24. Although the Council is actively involved in biodiversity initiatives and works with the Department of Conservation to manage at-risk areas, these efforts are largely non-regulatory and sit outside the formal provisions of the WRP.
25. Clause 3.8 of the NPSFM requires regional councils to identify special sites and features (if present) within each FMU the location of habitats of threatened species. Appendix 1A of the NPSFM outlines the compulsory values for threatened species as the extent to which an FMU or part of an FMU that supports a population of threatened species has the critical habitats and conditions necessary to support the presence, abundance, survival, and recovery of the threatened species. All components of ecosystem health must be managed, as well as (if appropriate) specialised habitat or conditions needed for only part of the life cycle of the threatened species.
26. In guidance provided by MfE on the NPSFM¹³, some values clearly sit under priority 1 of Te Mana o te Wai, for example, ecosystem health and threatened species. For other values, only certain components may be relevant. For example, where 'natural form and character' contribute to the health and well-being of the water body, this should be a first priority. Priority 1 and the objective of the NPSFM call for prioritising values that contribute to the water body's health and well-being over those that do not. This provides some guidance on the types of values which may hold higher weight in identifying outstanding water bodies.
27. Clause 3.23 requires regional councils to map and monitor their region's natural inland wetlands. Councils must map and identify all wetlands 0.05 hectares or greater in extent or of a type that is naturally less than 0.05 hectares in extent and known to contain threatened species. The mapping of natural inland wetlands must be completed within 10 years of the commencement date (by 03/09/2030), and the regional council must prioritise its mapping, for example by:
- first, mapping any wetland at risk of loss of extent or values; then
 - mapping any wetland identified in a farm environment plan, or that may be affected by an application for, or review of, a resource consent; then
 - mapping all other natural inland wetlands of the kind described in subclause (1).
28. A list of threatened, at risk, and data deficient freshwater species in the Waikato Region was compiled in 2023 in response to the threatened species requirements under the NPS-FM. Data were derived primarily from the Waikato Regional Council Significant Natural Area (SNA) datasets and Department of Conservation (DOC) internal data sources. The list indicates that there are 65 threatened species, 89 at risk species and 13 data deficient species in the region which are freshwater dependent¹⁴. Of the threatened species, there are 2 freshwater fishes, 5 freshwater invertebrates, 44 vascular plants and mosses and 12 birds. The Waikato has at least 16 regionally endemic species, noting not all regional endemics are associated with

¹³ Ministry for the Environment (2022) *He ārahitanga mō Te Anga Whanga a-Motu o te NPS-FM: Guidance on the National Objectives Framework of the NPS-FM*, Wellington: Ministry for the Environment

¹⁴ List of Waikato Freshwater Threatened species for the NPSFM, August 2023, Document#26943393

freshwater. The total list includes four invertebrates, two plants, one frog and one lizard, and is a stronghold for breeding populations of several other threatened species.

Giving effect to the NPSFM 2020

29. Chapter 3.6 of the operative WRP provides a structured regulatory framework for damming and diversion activities, including:
 - Rules for small dams, stopbanks, diversions, discharges, and wetland/lake level control structures.
 - Provisions for temporary structures (e.g., coffer dams) and off-stream damming.
30. While the framework addresses both adverse and beneficial effects of these activities, it was developed prior to the NPSFM 2020 and is now outdated in several key respects.
31. The current provisions have some key gaps and misalignments with the NPSFM including:
 - Lack of alignment with Te Mana o te Wai
 - Inadequate protection of river extent and values
 - WRP does not identify threatened species
 - Fish passage and species management
 - Monitoring and report reporting deficiencies
 - Inconsistencies with national instruments – NES-F, NES-CF, NPS-REG and Treaty settlement legislation.
32. The existing WRP is reasonably effective at managing activities in and on the beds of lakes and rivers, including bed disturbances, structures and the planting and removal of vegetation with the exceptions outlined above. We are reviewing the provisions to ensure that the plan complies with additional restrictions and requirements set out in the NPSFM including aligning with the strong directions of Policies 7-10 of the NPSFM (avoiding the loss of river extent and values, protecting significant values of outstanding waterbodies, protecting habitats of indigenous freshwater species).
33. We are also ensuring we are not duplicating any regulations/rules from the National Environmental Standards for Freshwater (NES-F) summarised above, or including any provisions that are more lenient than those rules. These chapters will also ensure we reflect the NPSFM requirements around providing for fish passage and update the receiving water quality standards to ensure we meet our Environmental Outcomes.
34. To comply with the NPSFM, the WRP will need to be significantly updated to:
 - Include specific rules and objectives for threatened species
 - Align with Policies 7-10 of the NPSFM (avoiding the loss of river extent and values, protecting significant values of outstanding waterbodies, protecting habitats of indigenous freshwater species)
 - Align with Clause 3.8 of the NPSFM, which makes the protection of threatened species a compulsory national value
 - Integrate habitat mapping, attribute setting, and outcome monitoring into the WRP.

Next steps

35. The policy team is working closely with the WRC science group to confirm the final list of threatened freshwater species and map the waterbodies where these species have been found. The team are also working on developing a description of the habitats these species are typically found, and a list of the key threats to both the species and their habitat.
36. The policy team will use the list of key threats to develop a policy and rule framework that protects these habitats. While the current work programme is focused on threatened species, we will seek input from tangata whenua via engagement to identify taonga species and look at mechanisms we can include in a regional plan to protect these species.
37. We will be able to provide an update to the Waiora Co-Governance Committee once additional technical work has been completed and we have received further feedback from tangata whenua on taonga species. We anticipate that the next update will also provide some guidance on policy options for protecting these species and their habitats.
38. All of this work will need to remain flexible and adaptable to the changing legislative landscape. Within the next 12 months we will have refreshed legislation and national direction that may alter priorities. Updates on legislative change will be provided at appropriate times, where the implications on the existing work programme, and previous information shared with the committee, will be provided.

WHAKAKAPINGA | CONCLUSION

39. The current beds of lakes and rivers, and the damming and diversion provisions in the WRP are outdated and misaligned with national directives such as the NPSFM, NES-F, and Treaty settlement legislation. These gaps have contributed to insufficient water quality improvements, legal vulnerabilities, and a lack of alignment with Te Mana o te Wai, which prioritises the health and wellbeing of freshwater ecosystems.
40. Additionally, the WRP does not comprehensively manage threatened species. Key requirements such as mapping habitats within FMUs, setting measurable outcomes, and monitoring effectiveness are currently absent from the plan. While the Council engages in biodiversity initiatives, these efforts remain largely non-regulatory and sit outside the formal planning framework.
41. To address these issues, a comprehensive update to the WRP is essential. This update must:
 - Integrate current national standards and policy statements
 - Reflect iwi values and Treaty obligations
 - Include specific provisions for threatened species and wetlands
 - Strengthen ecological and cultural protections, especially for mahinga kai and fish habitats
 - Clarify rules to reduce uncertainty for users.
42. Waikato region's biodiversity data highlights the urgency of this task, with over 65 threatened freshwater species identified. Ultimately, the revised WRP must be ecologically robust, culturally responsive, and legally compliant, ensuring the long-term protection and

restoration of freshwater ecosystems in line with national legislative requirements and community values.

ĀPITIHANGA | ATTACHMENTS

1. **Legislative and policy context – Freshwater Policy Review (Doc #32329096)** [↓](#)

Attachment 1: Legislative and policy context – Freshwater Policy Review

This attachment sets out the legislative requirements that provide direction for the management of land and freshwater in New Zealand. It provides important legislative context for damming and diversion and the identification of threatened species which affect some of the key resource management issues described in this report.

Resource Management Act 1991 (RMA)

1. Section 30 of the RMA sets out the functions of regional councils and gives Waikato Regional Council (hereafter referred to as “council”) the ability to control land use for the purpose of the maintenance and enhancement of the quality of water in water bodies and coastal water (s30(1)(c)(ii) and discharge of contaminants into or onto land, air, or water and discharges of water into water (s30(1)(f). Rules can only be set in a regional plan (in accordance with section 68 of the RMA) if they are for the purpose of carrying out the functions listed in section 30.
2. Section 80A of the RMA refers to the Freshwater Planning Process (FPP) under the Resource Management Amendment Act 2020 (Amendment Act) to support the need for urgent action to improve freshwater outcomes by requiring all regional councils to publicly notify a freshwater planning instrument (regional plan) that gives effect to the NPSFM 2020. The timeframe for the notification of a FPP is December 2027, with the more recent amendment prohibiting regional councils from notifying a freshwater planning instrument earlier than a new NPSFM being published, or 31 December 2025 (whichever comes first).
3. On the 16 of July 2025 the government announced it will suspend 10-year reviews of plans, the Implementation of National Planning Standards and the notification of freshwater planning instruments is extended to 31 December 2027. Removing notifying a freshwater planning instrument earlier than a new NPSFM being published, or 31 December 2025 (whichever comes first). Notification of new plans or regional policy statement reviews, changes, or variations will stop unless proposed plans or statements are already notified but not yet at the hearings stage. Councils can apply to the Minister for the Environment for exemptions if not automatically covered, applications must be submitted within 3 months of the law’s enactment. The policy will be introduced via an Amendment Paper to the Resource Management (Consenting and Other System Changes) Bill and expected to pass into law before the end of 2025.

Te Ture Whaimana

4. Most importantly, Te Ture Whaimana is currently under review. As the primary direction-setting document for the management of the Awa, it will be important to review the provisions to determine whether any changes are required to give effect to any new Vision and Strategy (recognising that Te Ture Whaimana prevails over any other RMA national direction document).

The National Policy Statement for Freshwater Management 2020 (NPSFM)

5. NPSFM 2020 released in August 2020 as part of the government’s ‘Essential Freshwater’ package, aims to halt further degradation of New Zealand’s freshwater resources, improve water quality where it is degraded, and reverse declining trends. It directs regional councils to develop regional plans that include measurable targets for water quality and ecosystem health, along with limits, methods, minimum flows, and take limits to achieve these outcomes. Central to the NPSFM 2020 is the NOF, which outlines the process for managing freshwater. This includes identifying Freshwater Management Units (FMUs), determining freshwater values, setting environmental outcomes as objectives, and establishing flow levels and target attribute states for each FMU. For all values with attributes, except human contact - the target attribute state must be set at or above the baseline state. If the baseline is below any national bottom line, the target must meet or exceed that bottom line.
6. The NPSFM’s fundamental concept is Te Mana o te Wai which recognises the need to protect the health of the community and wider environment by protecting the health of freshwater. Te Mana o te Wai is given effect through the NPSFM’s National Objectives Framework, the implementation of which largely falls upon Regional Councils. The NPSFM also includes direction relevant to the river and lakebed structures and disturbances topic

of the FWPR to ensure the habitats of indigenous freshwater species are protected. Further direction in relation to structures and fish passage is provided in the NPSFM (Clause 3.26) – Fish Passage by way of an objective on fish passage that must be included in the WRP which requires Councils to identify and work towards outcomes for fish abundance and diversity. The clause also provides direction on policy development and work programmes that relate to fish species and receiving environments, and structures affecting or providing for fish passage. Waikato Regional Council amended the Waikato Regional Plan under s55(2A) of the RMA to align with updated requirements in the NPSFM. Specifically, the changes incorporated the revised fish passage objective from Clause 3.26 of the NPSFM, which aims to ensure that instream structures are designed, constructed, and maintained to provide for fish passage and support ecological connectivity. These amendments were made directly, without public consultation, as permitted under s55(2A), and took effect on 5 December 2024 through updates to Policy 3.A.2 in Section 3A of the Plan.

7. Councils must avoid further loss or degradation of rivers, streams, and wetlands, including impacts from damming and diversion, and ensure that any new structures or modifications do not compromise the natural form and function of water bodies. Dams and diversions must not create barriers to fish passage unless unavoidable, and councils are required to identify and work to remediate existing barriers over time. In addition, regional councils must set environmental flow regimes and water level limits to maintain ecosystem health, with damming and diversion activities required to comply with these limits to ensure sufficient flow for ecological processes. Councils must assess the effects of these activities on ecosystem health, threatened species, and mahinga kai, and where necessary, set limits on water takes and diversions to meet environmental outcomes. On-going monitoring is essential to evaluate the impacts on freshwater values and to adjust management approaches if outcomes are not being achieved.
8. Under the NPSFM 2020, the protection of threatened species is a compulsory national value. These species are defined as indigenous flora and fauna that depend on freshwater bodies for at least part of their life cycle and are classified as nationally critical, endangered, or vulnerable under the New Zealand Threat Classification System. Regional councils are required to identify, locate, and map habitats of threatened species within each Freshwater Management Unit (FMU), including natural inland wetlands under 0.05 hectares if known to contain such species. Councils must also set measurable environmental outcomes and establish objectives for threatened species in each FMU, aligned with the region's long-term freshwater visions. This includes defining relevant attributes and limits, such as water quality indicators, and implementing a combination of regional plan rules and action plans, such as habitat restoration to achieve these outcomes. Progress must be monitored to ensure the effectiveness of these plans can be assessed against the stated objectives.
9. On 13 December 2023 government announced that it will review and replace the NPSFM 2020. The most recent indication we have around timeframes for the NPSFM is that an exposure draft of the NPSFM 2020 will be released in late 2025. While there is currently some uncertainty about the future of the NPSFM, councils are required to implement existing national direction.
10. On the 29 May 2025 the government announced it is consulting on proposals to amend the NPSFM and the NES-F which impact how structures are designed, built and maintained in the bed of a river or lake which could adversely impact threatened species. The proposed amendments to the NES-F aim to simplify fish passage requirements, which directly affect how dams and diversions are designed and maintained and could include more flexible design standards or alternative compliance pathways for existing structures. The package also explores enabling water storage infrastructure, which often involves damming and diversion. There is a proposal to rebalance the hierarchy of obligations under Te Mana o te Wai, which could influence how damming and diversion are assessed in terms of ecological versus human use priorities within the framework of broader freshwater management objectives.

National Policy Statement for Renewable Electricity Generation 2011 (NPS-REG)

11. The National Policy Statement for Renewable Electricity Generation 2011 (NPS-REG) recognises the national significance of renewable electricity generation and directs regional councils to enable its sustainable management. Specifically, Policy E2 requires regional plans to include provisions (objectives, policies, and

methods) that support the development, operation, maintenance, and upgrading of hydro-electricity generation activities, including associated structures and ancillary activities within the beds and margins of lakes and rivers.

12. These provisions must also address small and community-scale distributed generation, where relevant. The NPS-REG further emphasises the need to:
- Recognise the benefits of renewable electricity generation,
 - Acknowledge practical constraints (e.g., site-specific limitations), and
 - Manage reverse sensitivity effects (e.g., land use conflicts near infrastructure).

National Policy Statement for Indigenous biodiversity 2023 (NPS-IB)

13. Under the NPS-IB, new uses and development must avoid a reduction in the population size or occupancy of threatened species that use an SNA for any part of their life cycle¹. Maintenance of improved pasture must not adversely affect a threatened species².
14. The NPS-IB requires local authorities to include objectives, policies, and methods in their policy statements and plans to promote the restoration of indigenous biodiversity, including through reconstruction of areas. The objectives, policies, and methods must prioritise threatened and rare ecosystems and natural inland wetlands whose ecological integrity is degraded or that no longer retain their indigenous vegetation or habitat for indigenous fauna.

National Environmental Standards for Freshwater (NES-F)

15. Alongside the NPSFM, the NES-F was introduced as part of the Government's 'Essential Freshwater' package. The NES-F sets national regulations and standards for carrying out certain activities that pose risks to freshwater and freshwater ecosystems.
16. Under the NES-F, the damming and diversion of water is regulated to protect freshwater ecosystems, particularly natural wetlands and streams. Part 3 of the NES-F sets standards for activities that affect natural wetlands, including damming and diversion. These standards aim to avoid adverse effects on wetland extent and values. Activities must not result in the loss of wetland extent or values unless they meet specific exceptions. The regulations also require the maintenance or restoration of fish passage and set conditions to manage sedimentation, preserve hydrological integrity, and maintain ecological connectivity.
17. While the NES-F does not explicitly regulate threatened species, it contributes indirectly to their protection by controlling activities that could impact their habitats such as damming and diversion of water, drainage or modification of natural wetlands, stream reclamation and diversion, and earthworks or vegetation clearance near water bodies. These controls help maintain the ecological integrity of freshwater habitats, which supports the survival of threatened species.
18. The NES-F also allows regional councils to include more stringent rules in their regional plans for damming and diversion of water, but only where the regulations explicitly permit it, in accordance with Section 43B of the RMA.

National Environmental Standards for Commercial Forestry (NES-CF)

19. The National Environmental Standards for Commercial Forestry (NES-CF) indirectly supports the protection of threatened freshwater species and the habitats of indigenous freshwater species by regulating forestry activities that could impact aquatic ecosystems. It includes provisions for identifying indigenous forest species and managing activities near significant natural areas, wetlands, and riparian zones which are habitats often critical

¹ National Policy Statement on Indigenous Biodiversity 2023, Clause 3.10.

² National Policy Statement on Indigenous Biodiversity 2023, Clause 3.17.

for freshwater biodiversity. NES-CF also sets conditions for sediment control and fish passage, helping to maintain water quality and connectivity for native aquatic species. While not explicitly focused on threatened freshwater species, its environmental safeguards contribute to preserving the habitats these species rely on, including habitats for threatened indigenous fish or a fish spawning area.

20. Again, like the NES-F under Section 43B of the RMA, regional councils may include more stringent rules in their regional plans than those set out in the NES-CF, but only if the NES-CF expressly allows it. Regulation 6 of the NES-CF provides this allowance, enabling councils to adopt stricter rules where necessary to give effect to objectives under the NPSFM. This is particularly relevant for the identification and protection of threatened indigenous freshwater species, as councils may justify more stringent controls such as enhanced sediment management, riparian setbacks, or fish passage requirements if these measures support freshwater ecosystem health and biodiversity outcomes. To implement such rules, councils must undertake a Section 32 evaluation to demonstrate that the increased stringency is appropriate for the Waikato Region.

New Zealand Fish Passage Guidelines 2018

21. NIWA has also published the New Zealand Fish Passage Guidelines 2018 for instream structures up to four metres in height, which set out recommended practice for the design of instream infrastructure to provide for fish passage. The intent of these guidelines is to set the foundation for improved fish passage and are to assist with understanding and promoting better management of fish passage requirements. These guidelines are non-statutory.

7.5 INTRODUCTION TO FRESHWATER POLICY REVIEW

TOPIC: FISH HABITAT AND PASSAGE

Rā | Date: 21 August 2025

Kaituhi | Author: Naomi Crawford, Team Leader - Water Policy

Kaituku | Authoriser: Tracey May, Director, Science, Policy and Information

TE ARONGA | PURPOSE

1. The purpose of this report is to provide the Waiora Co-Governance Committee with an introduction to the Freshwater Policy Review Project (FPR) topic of fish habitat and passage.

KŌRERO WHAKATAKI | EXECUTIVE SUMMARY

2. The Waikato Regional Policy Statement (WRPS) and the Waikato Regional Plan (WRP) are being reviewed as part of the FPR as part of the statutory review requirements, and to give effect to the National Policy Statement for Freshwater (NPSFM) 2020. WRP is undergoing a comprehensive review as part of the Freshwater Policy Review Project, to meet statutory requirements and give full effect to the NPSFM. This report focuses on the management of structures in the beds and lakes of rivers, and the damming and diversion of water, with particular emphasis on effects protecting fish habitat and ensuring fish passage.
3. The NPSFM introduces a new hierarchy of obligations prioritising the health and wellbeing of freshwater bodies and ecosystems. In response, the WRP and Waikato Regional Policy Statement (WRPS) are being updated to reflect this shift, including strengthened provisions for fish passage, ecological connectivity, and indigenous species protection. These updates will ensure consistency across planning instruments and alignment with national direction, including the Resource Management (National Environmental Standards for Freshwater) Regulations (NES-F) 2020.
4. Te Ture Whaimana o Te Awa o Waikato the Vision and Strategy for the Waikato River (Te Ture Whaimana) remains the overarching directive for freshwater management in the region. Its emphasis on restoring river health, protecting native fisheries, and removing migration barriers is central to the review. The revised WRP will incorporate these values, recognising the cultural and ecological significance of unimpeded fish passage.
5. The report outlines current plan provisions (Chapters 3.6, 4.2, and 4.3), identifies gaps, and proposes updates to ensure structures and activities in and around water bodies do not impede fish movement or degrade habitats. It also highlights recent initiatives such as the Mangawhero Pump Station upgrade and the Pathways to the Sea Strategy, which demonstrate innovative and collaborative approaches to improving fish passage. Zone Management Plans and non-regulatory approaches are also recognised as vital tools in supporting habitat restoration and community engagement. Together, these efforts contribute to achieving the goals of the NPSFM and Te Ture Whaimana, ensuring that freshwater ecosystems in the Waikato region are protected and enhanced for future generations.
6. This report has been considered by Te Rōpū Hautū and reviewed by the River Iwi Technical Advisor.

TAUNAKITANGA KAIMAHI | STAFF RECOMMENDATION:

That the report *Introduction to Freshwater Policy Review topic: fish habitat and passage* (Waioira Co-Governance Committee, 9 September 2025) be received.

HOROPAKI | BACKGROUND

7. Both the WRPS and the WRP are being reviewed as part of the FPR to give effect to the NPSFM. The scope of the review of the WRP is limited to the provisions related to freshwater. This includes provisions which manage:
 - discharge of contaminants to the environment and discharge of water to water
 - take, use, damming and diversion of water
 - restrictions on the use of the beds of rivers and lakes
 - land and soil disturbance activities
 - control of the use of land (as far as the use affects freshwater)
 - the introduction of plants into the bed of a river or lake
 - indigenous biodiversity in waterbodies and freshwater ecosystems.
8. This paper addresses the management of fish habitat and passage only. A separate paper provides an overview of the overall protection of identification of threatened species and protection of habitats of indigenous freshwater species.
9. All of this work will need to remain flexible and adaptable to the changing legislative landscape. Within the next 12 months we will have refreshed legislation and national direction that may alter priorities. Updates on legislative change will be provided at appropriate times, where the implications on the existing work programme, and previous information shared with the committee, will be provided.

TE TAKE | ISSUE**Legislative and policy context**

10. There are additional legislative requirements that provide direction for the management of land and freshwater in New Zealand. Attachment 1 provides an overview of the legislative and policy context for the management of fish habitat and passage, which affect some of the key resource management issues described in this report.
11. Te Ture Whaimana sets the overarching direction for all activities affecting the river and its catchment, including lakes, fish passage, and damming or diversion. It aims to restore and protect the health and wellbeing of the Waikato River and its tributaries, recognising the interconnectedness of ecological, cultural, and community values. In relation to lakes, the strategy promotes their restoration vital ecosystems within the river catchment, and for fish passage, it supports the protection and enhancement of native fisheries and the removal of barriers to migration.
12. While all objectives and strategies of Te Ture Whaimana must be read together, the most relevant objective for fish passage and lakes is (i) “the protection and enhancement of significant sites, fisheries, flora and fauna”.

13. Note, Te Ture Whaimana is currently under review and the Resource Management Act (RMA) 1991 is subject to legislative reform. It will be important to review draft provisions to determine whether any changes are required to give effect to any amendments to Te Ture Whaimana and replacement RMA legislation.
14. Success in restoring and protecting the health and wellbeing of the Waikato River and its tributaries under Te Ture Whaimana will be reflected by tangible improvements to fish passage, lake health, and the overall wellbeing of the river system.
15. For fish passage, success means native species like tuna (eels) and whitebait can migrate freely, with barriers removed or mitigated, and habitats restored to support spawning and lifecycle needs. In terms of river and lake health, success includes water that is safe for swimming and gathering kai, improved ecological integrity (for example native macrophyte cover, reduced pest fish), and rehabilitated shallow lakes that no longer suffer from algal blooms or poor clarity. Both these outcomes assist with the restoration and protection of the relationships of Waikato and Waipā River Iwi with the awa.

Current approach to fish passage

16. The Waikato Regional Plan (WRP) contains several chapters relevant to fish habitat and passage and the protection of freshwater ecosystems. Chapter 3.6 focuses on the damming and diversion of water bodies, outlining objectives, policies, and implementation methods to manage environmental effects. It emphasises maintaining sufficient flow and depth to support fish habitat and ensure unimpeded fish passage, aligning with broader goals to safeguard ecological integrity and connectivity. Provisions also cover spillway design and monitoring to avoid adverse impacts on aquatic species.
17. Chapter 4.1 introduces the River and Lake Bed Module, describing key environmental issues and the relationship between Chapters 4.2 and 4.3. Chapter 4.2 addresses the use and placement of structures in, on, under, or over river and lake beds, including associated disturbances. These structures used for transport, flood control, electricity generation, and recreation are regulated to prevent ecological harm, particularly to fish habitat and movement. The chapter sets rules for activity classifications (permitted, controlled, discretionary) and requires designs that avoid physical barriers, such as perched culverts or high-velocity zones, while promoting features like rock weirs and natural streambed materials.
18. Chapter 4.3 deals with activities that disturb river and lake beds, such as excavation, vegetation clearance, dredging, and reclamation. These activities are necessary for maintaining structures and managing flood control schemes but must be carefully regulated to protect ecological values. The chapter outlines conditions to preserve streambed features and support fish passage, including maintaining adequate depth, flow velocity, and substrate conditions. Best practice construction methods are encouraged to mitigate impacts and enhance habitat connectivity.
19. The current WRP recognises both positive and adverse effects from structures and disturbances in aquatic environments. As part of the freshwater policy review, Waikato Regional Council (WRC) will assess and update relevant provisions to ensure consistency with the NPSFM, Te Mana o te Wai, and other national directions and Treaty settlement legislation.
20. Recent amendments to the WRP under Section 55(2A) of the RMA incorporated updated fish passage requirements from Clause 3.26 of the NPSFM, which emphasise the ecological and cultural importance of unimpeded passage for indigenous taonga species. These changes, effective from 5 December 2024, ensure that instream structures are designed, constructed,

and maintained to support fish movement and ecosystem connectivity, and were implemented directly without public consultation as permitted under the RMA.

Fish passage in Waikato Region

21. WRC's 2022 State of the Environment Report highlights environmental pressures across the region, with key implications for freshwater policy. In relation to fish passage, the report identifies ongoing challenges due to physical barriers like culverts and dams, which restrict native fish migration and contribute to declining populations. Damming and diversion activities are noted as contributing to altered river flows and habitat fragmentation, exacerbating stress on aquatic ecosystems. The health and wellbeing of Waikato's lakes, particularly shallow peat lakes, is a major concern with over half have deteriorated, losing native plant communities and experiencing persistent algal blooms due to nutrient enrichment and sedimentation. These findings underscore the need for stronger protections and restoration efforts, and they directly inform the freshwater policy review by providing baseline data, identifying priority areas for intervention, and reinforcing the importance of integrating Te Ture Whaimana objectives.

Case studies: Improving fish passage

22. This section summarises recent case studies and strategic initiatives undertaken in the Waikato region to improve fish passage, particularly for native species such as tuna (eels). These efforts support the objectives of the NPSFM, Te Mana o te Wai, and broader ecosystem health goals.

Mangawhero Pump Station – Tuna Migration Restoration

23. In partnership with Ngāti Te Ata, WRC replaced an outdated pump system at the Mangawhero Pump Station with a fish-friendly Archimedes screw pump. The project was initiated in response to the observed decline in tuna populations in traditional habitats, including the Mangawhero awa. The new pump, imported from the Netherlands, is designed to allow safe downstream passage of native fish without causing injury.
24. Ngāti Te Ata played a central role in the project, providing cultural guidance and local knowledge, including assistance with eel tagging and monitoring. A sock net and passive integrated transponder system were installed to track fish movement and assess the pump's effectiveness. Early results suggest the technology could be scaled across other pumped catchments in the region.

Pathways to the Sea Strategy – Pump Station Mitigation

25. The Pathways to the Sea (PTTS) programme, launched in 2019, aims to improve fish passage through pump stations across the Waikato region. The strategy was developed in response to high mortality rates observed in traditional pump systems, particularly for larger species like tuna. Research at Orchard Road and Steiners pump stations confirmed the ecological risks posed by outdated infrastructure.
26. The PTTS programme tested a range of mitigation tools, including trap-and-transfer systems, electric barriers, gravity bypass outlets, and passive acoustic monitoring. It also trialled new pump technologies such as modified MacEwans pumps, encased Archimedes screw pumps, and Bedford submersible pumps. A tuna behavioural study was conducted to inform design improvements. The strategy now guides internal decision-making and provides a framework for other councils and stakeholders.

Regional Infrastructure Strategy – Identifying Priority Catchments

27. WRC is currently developing a regional infrastructure fish passage strategy to identify priority pumped catchments and appropriate mitigation measures. This includes evaluating the suitability of fish-friendly pumps and other design interventions to support safe fish movement.

Zone Management Plans

28. WRC's Zone Management Plans (ZMPs) are key tools for implementing river and catchment management across the region. Each catchment zone has a tailored ZMP that outlines a vision, strategy, and specific activities to address local environmental priorities, including the protection and enhancement of fish habitat and passage¹⁵. These plans integrate both regulatory and non-regulatory methods, ensuring that ecological values are maintained while supporting community-led initiatives.
29. The Council's non-regulatory approach includes practical support for landowners, such as technical advice, education, and funding assistance for restoration projects. For example, the Taupō Zone Plan promotes biodiversity and biosecurity management through voluntary actions, which indirectly benefit fish habitat by improving water quality and riparian conditions. These efforts complement regulatory frameworks by fostering stewardship and collaboration, particularly in areas where fish passage may be affected by land use or instream structures. Together, ZMPs and non-regulatory initiatives play a vital role in achieving the goals of the NPSFM, especially the protection of freshwater ecosystems and the restoration of ecological connectivity for indigenous fish species.

Cost implications of improving fish passage

30. Recent initiatives in the Waikato region such as the Mangawhero Pump Station upgrade, the Pathways to the Sea Strategy, and the development of a regional infrastructure fish passage strategy demonstrate a proactive and collaborative approach to improving fish passage and protecting native species like tuna. These projects, guided by cultural partnerships and technical innovation, align with the objectives of the NPSFM and Te Mana o te Wai. Similarly, efforts to manage and restore whitebait stands reflect a commitment to cultural heritage and ecological sustainability. Together, these case studies provide valuable insights and cost benchmarks that will inform WRC's section 32 analysis and freshwater policy review, ensuring that future regional plan provisions are both effective and economically justified.
31. WRC can estimate costs for improvements to fish passage, damming and diversion, and lake restoration in a section 32 analysis by using a combination of existing environmental data, pilot project benchmarks, expert input, and scenario modelling.
32. State of the Environment reporting provides baseline information on the extent of degradation and infrastructure barriers, while local case studies offer real world cost insights. Technical collaboration ensures feasibility and accuracy in cost projections, and stakeholder engagement helps identify practical constraints and funding opportunities. National tools and guidance under the NPSFM also support consistent and informed cost estimation. These approaches ensure that proposed plan provisions are economically justified and effective in achieving freshwater outcomes.

¹⁵ [Zone Management Plans of the Waikato Region](#)

Giving effect to the NPSFM 2020

33. The existing regional plan is reasonably effective at managing activities in and on the beds of lakes and rivers, including bed disturbances, structures and the planting and removal of vegetation. We are reviewing the provisions to ensure that the plan complies with additional restrictions and requirements set out in the NPSFM – including aligning with the strong directions of Policies 7-10 of the NPSFM (avoiding the loss of river extent and values, protecting significant values of outstanding waterbodies, protecting habitats of indigenous freshwater species).
34. We will need to ensure do not duplicate any regulations/rules from the NES-F or including any provisions that are more lenient than those rules. Of note, is the direction to regional councils to develop an action plan for maintaining or improving the passage of fish (clause 3.26(6)).
35. These chapters will also ensure we reflect the NPSFM requirements around providing for fish passage and update the receiving water quality standards to ensure we meet our Environmental Outcomes.

Action Plans for fish passage

36. Regional councils are also required under the NPSFM to develop an action plan for maintaining or improving the passage of fish (clause 3.26(6)). To support development of the fish passage objective, guidance is provided by the Ministry for the Environment’s “Fish passage action plan guidance” document¹⁶. Any action plan prepared to achieve the fish passage objective, must set targets and a work programme to identify, evaluate, prioritise, remediate, document and monitor existing instream structures that affect fish passage. Achieve any outcomes or target attribute states relating to abundance and diversity of fish (e.g., the Fish index of Biotic Integrity).
37. Best practice guidance for fish passage action plans has also been published,¹⁷ accompanied by a template. It recommends a four-step process based on an adaptive management approach – plan, do, evaluate and learn:
 - identify and document freshwater management units and instream structures.
 - categorise and prioritise.
 - improve and remediate.
 - monitor and maintain.

Next steps

38. Council will continue to make progress on developing an action plan for fish passage, including identifying existing structures and a work programme that aligns with the requirements of the NPSFM. The development of Action Plans is not within the scope of the Freshwater Policy Review project but plays an integral part of the overall package of interventions to address this important issue in the region. The policy team can provide the Waiora Co-Governance Committee with an update on progress on the draft Action Plan, from other parts of council, as further updates become available.
39. Government’s national direction change programme is also looking at amendments to the NES-F, particularly in relation to the regulations that manage fish passage. Staff will review

¹⁶ [Fish passage action plan guidance \(environment.govt.nz\)](https://www.environment.govt.nz)

¹⁷ Ministry for the Environment. 2022. Fish passage action plan guidance: Supporting the implementation of fish passage regulations in the National Policy Statement for Freshwater Management 2020. Wellington: Ministry for the Environment [Fish passage action plan guidance \(environment.govt.nz\)](https://www.environment.govt.nz)

any revised national direction on fish passage once it becomes available to ensure we do not duplicate these regulations, however, note that we are still able to include more stringent provisions in our regional plan where required. Staff will report back to the Waiora Co-Governance Committee once a final suite of national direction documents is available, with recommendations on whether any further work is required to meet tangata whenua and community aspirations related to fish passage.

WHAKAKAPINGA | CONCLUSION

40. Under the RMA, Regional Councils are required to manage land use, water quantity and flow, and aquatic ecosystems to protect freshwater values (s30). The review of the WRP presents a critical opportunity to strengthen the protection of freshwater ecosystems, particularly fish habitat and passage, in alignment with Te Ture Whaimana o Te Awa o Waikato and national direction. Key functions under s30 include the maintenance and enhancement of aquatic ecosystems (s30(1)(c)(iiia)), indigenous biodiversity (s30(1)(ga)), and the control of water flow and instream structures (s30(1)(e), (g)). While the current WRP provides a reasonably effective framework for managing activities in and around river and lake beds, the evolving legislative landscape including the NPSFM, NES-F, and Freshwater Fisheries Regulations 1983 requires a more integrated and proactive approach.
41. The updated provisions will ensure that structures and disturbances in freshwater environments do not compromise ecological connectivity or the lifecycle needs of indigenous fish species. This includes embedding Te Mana o te Wai as a guiding principle, aligning with national best practice, and developing targeted action plans for fish passage. The review also acknowledges the importance of cultural values and Treaty obligations, particularly through the ongoing review of Te Ture Whaimana.
42. Recent initiatives such as the Mangawhero Pump Station upgrade and the Pathways to the Sea Strategy highlight the value of collaborative and innovative approaches to improving fish passage. These case studies, alongside Zone Management Plans (ZMPs) and non-regulatory tools, provide a strong foundation for developing effective and economically justified policy. While WRC is currently restricted from notifying a freshwater planning instrument that gives effect to the NPSFM 2020, it continues to refine its approach in preparation for notification post 31 December 2027. This review process will help ensure that future provisions are robust, responsive, and reflective of both community aspirations and environmental imperatives.

ĀPITIHINGA | ATTACHMENTS

1. **Legislative and policy context – Freshwater Policy Review** [↓](#)

Attachment 1: Legislative and policy context – Freshwater Policy Review

This attachment sets out the legislative requirements that provide direction for the management of land and freshwater in New Zealand. It provides important legislative context for the management of Structures in the beds and lakes of rivers, fish habitat and passage which affect some of the key resource management issues described in this report.

Resource Management Act 1991 (RMA)

1. Section 30 of the RMA sets out the functions of regional councils and gives the Waikato Regional Council (hereafter referred to as “council”) the ability to control land use for the purpose of the maintenance and enhancement of the quality of water in water bodies and coastal water (s30(1)(c)(ii) and discharge of contaminants into or onto land, air, or water and discharges of water into water (s30(1)(f). Rules can only be set in a regional plan (in accordance with section 68 of the RMA) if they are for the purpose of carrying out the functions listed in section 30.
2. Section 80A of the RMA refers to the Freshwater Planning Process (FPP) under the Resource Management Amendment Act 2020 (Amendment Act) to support the need for urgent action to improve freshwater outcomes by requiring all regional councils to publicly notify a freshwater planning instrument (regional plan) that gives effect to the NPSFM 2020. The timeframe for the notification of a FPP is December 2027, with the more recent amendment prohibiting regional councils from notifying a freshwater planning instrument earlier than a new NPSFM being published, or 31 December 2025 (whichever comes first).
3. On the 16 of July 2025 the government announced it will suspend 10-year reviews of plans, the Implementation of National Planning Standards and the notification of freshwater planning instruments is extended to 31 December 2027. Removing notifying a freshwater planning instrument earlier than a new NPSFM being published, or 31 December 2025 (whichever comes first). Notification of new plans or regional policy statement reviews, changes, or variations will stop unless proposed plans or statements are already notified but not yet at the hearings stage. Councils can apply to the Minister for the Environment for exemptions if not automatically covered, applications must be submitted within 3 months of the law’s enactment. The policy will be introduced via an Amendment Paper to the Resource Management (Consenting and Other System Changes) Bill and expected to pass into law before the end of 2025.

Iwi Management plans and Te Tiriti claims settlement documents

4. Under Section 66(2A)(a) of the RMA, Iwi Management Plans (IMPs) lodged with a regional council must be taken into account when preparing or changing regional planning instruments. WRC has reviewed the freshwater provisions in its IMPs and identified key themes:
 - Protection of river and lake beds from activities causing more than minor disturbance.
 - Restrictions on lake structures near culturally significant sites (e.g., waahi tapu, marae, mahinga kai).
 - Collaborative efforts to restore freshwater fisheries, including:
 1. Raising awareness about fish passage barriers and research
 2. Improving fish passage through design, retrofitting, and removal of impediments
 3. Prioritising fish passage improvements, especially in culturally significant areas and the Waipā catchment.

Te Ture Whaimana

5. Most importantly, Te Ture Whaimana is currently under review. As the primary direction-setting document for the management of the Awa, it will be important to review the provisions to determine whether any changes are required to give effect to any new Vision and Strategy (recognising that Te Ture Whaimana prevails over any other RMA national direction document).

The National Policy Statement for Freshwater Management 2020 (NPSFM)

6. The NPSFM 2020 was released in August 2020 as a part of the governments 'Essential Freshwater' package, with a goal to stop further degradation of New Zealand's freshwater resources, improve water quality where it is degraded, and to reverse degrading water quality trends. The NPSFM 2020 directs regional councils to prepare regional plans that include measurable water quality and ecosystem health targets, limits, and methods to achieve them, as well as minimum flows and take limits.
7. The National Objectives Framework (NOF) sets out the framework for managing freshwater and provides steps that must be undertaken to implement the NOF. The NOF process within the NPSFM 2020 prescribes the identification of Freshwater Management Units (FMUs) and the subsequent identification of freshwater values, environmental outcomes as objectives, flow levels and target attribute states for each FMU. The target attribute state for every value with attributes (except the value human contact) must be set at or above the baseline state of that attribute. If the baseline state of an attribute is below any national bottom line for that attribute, the target attribute state must be set at or above the national bottom line.
8. The NPSFM's fundamental concept is Te Mana o te Wai which recognises the need to protect the health of the community and wider environment by protecting the health of freshwater. Te Mana o te Wai is given effect through the NPSFM's National Objectives Framework, the implementation of which largely falls upon regional government. The NPSFM also includes direction relevant to the river and lakebed structures and disturbances topic of the freshwater policy review to ensure the habitats of indigenous freshwater species are protected. Further direction in relation to structures and fish passage is provided in the NPSFM (Clause 3.26) – Fish Passage by way of an objective on fish passage that must be included in the Waikato Regional Plan (WRP). The clause also provides direction on policy development and work programmes that relate to fish species and receiving environments, and structures affecting or providing for fish passage.
9. Council must also set freshwater objectives which must be measurable and align with the region's long-term freshwater visions. Within each FMU Council must define attributes and limits, including water quality indicators relevant to achieving each outcome. Council must also use a combination of rules in regional plans, action plans (e.g., habitat restoration), to achieve those outcomes. And monitor progress and ensure that the effectiveness of their plans can be assessed against the stated objectives. Any new structures or modifications must not compromise the natural form and function of water bodies. Dams and diversions must not create barriers to fish passage unless unavoidable. Councils must identify and work to remediate existing barriers to fish passage over time.
10. On 13 December 2023 government announced that it will review and replace the NPSFM 2020. The most recent indication we have around timeframes for the NPSFM is that the NPSFM 2020 will be replaced in 2027. While there is currently some uncertainty about the future of the NPSFM, councils are required to implement existing national direction.
11. On the 29 May 2025 the government announced it is consulting on proposals to amend the NPSFM and the NES-F which impact how structures are designed, built and maintained in the bed of a river or lake which clarifies requirements for fish passage. This proposal is part of a wider consultation process that includes various other proposed changes related to freshwater management, and the government is seeking feedback on these proposals. Further consultation with more detail will be announced this year through an exposure draft of the NPSFM. While the NPS-REG remains unchanged. Regarding changes to the NPSFM, the NPS-REG implementation especially for hydro-electricity structures may be indirectly affected by stricter freshwater ecosystem protections under the NPSFM. Or clarified requirements for fish passage and wetland preservation, which could influence how hydro infrastructure is assessed and consented.

The National Policy Statement for Renewable Electricity Generation 2011 (NPS-REG)

12. The National Policy Statement for Renewable Electricity Generation 2011 (NPS-REG) recognises the national significance of renewable electricity generation and directs regional councils to enable its sustainable management. Specifically, Policy E2 requires regional plans to include provisions (objectives, policies, and methods) that support the development, operation, maintenance, and upgrading of hydro-electricity generation activities, including associated structures and ancillary activities within the beds and margins of lakes and rivers.
13. These provisions must also address small and community-scale distributed generation, where relevant. The NPS-REG further emphasises the need to:
 - Recognise the benefits of renewable electricity generation,
 - Acknowledge practical constraints (e.g., site-specific limitations), and
 - Manage reverse sensitivity effects (e.g., land use conflicts near infrastructure).

National Environmental Standards for Freshwater (NES-F)

14. Alongside the NPSFM, the NES-F was introduced as part of the 'Essential Freshwater' package. Similarly, the NES-F is a component of the Government's Essential Freshwater package and sets regulations and standards for carrying out certain activities that pose risks to freshwater and freshwater ecosystems. The NES-F includes several provisions that directly affect the habitats of fish, particularly through the regulation of structures and activities in and around freshwater bodies.
15. Subpart 3 of the NES-F is specifically focused on ensuring that structures in rivers and streams do not impede fish movement which applies to new structures (e.g., culverts, weirs, fords, dams) installed after 3 September 2020. The NES-F requires that these structures allow for the upstream and downstream passage of fish, be designed, installed, and maintained in a way that supports natural fish movement. Temporary structures (such as culverts used during construction) are not exempt and must also comply.
16. Regulation 71 of the NES-F stipulates culverts are a discretionary activity if they do not meet permitted activity conditions. This includes ensuring that the culvert does not create a barrier to fish passage, and it does not cause scouring or sedimentation that could degrade fish habitat. Of note the NES-F does not apply to structures installed before 3 September 2020. However, if such structures are unlawful or require consent, councils must consider fish passage requirements under the NPSFM.
17. The NES-F encourages the use of best practice design to minimise habitat fragmentation, avoid altering flow regimes that support fish spawning and feeding and prevent sediment discharge and bank erosion, which can degrade aquatic habitats. Under Section 43B of the RMA, councils may include more stringent rules in their regional plans only if the NES-F explicitly allows it. For structures in the bed of a river (like culverts, weirs, and bridges), the NES-F does allow for these only in certain contexts.

National Environmental Standards for Commercial Forestry (NES-CF)

18. Under the National Environmental Standards for Commercial Forestry (NES-CF), several provisions are in place that can affect the passage of fish, particularly indigenous freshwater species. These standards regulate how forestry activities interact with water bodies, especially when constructing or modifying instream structures such as culverts, fords, and bridges.
19. Firstly, any instream structure must be designed to maintain fish passage, following performance criteria outlined in the New Zealand Fish Passage Guidelines. This includes ensuring appropriate water depth, velocity, and slope to allow fish to move freely through their habitats. Structures that do not meet these criteria require resource consent and must demonstrate how fish passage will be achieved. Secondly, passive flap gates which can obstruct fish movement are classified as non-complying activities under NES-CF. Their installation requires strict conditions and

monitoring to ensure they do not hinder the migration or lifecycle of native fish species.

20. Additionally, forestry operators must provide detailed information to councils about the location and design of any instream structures, including how they will support fish passage. These requirements are critical for protecting the connectivity of aquatic habitats and ensuring the survival of threatened indigenous species that rely on free movement between feeding, spawning, and refuge areas.
21. Again, like the NES-F under Section 43B of the RMA, regional councils may include more stringent rules in their regional plans than those set out in national environmental standards, such as the NES-CF, provided the standard expressly allows it. Regulation 6 of the NES-CF permits councils to adopt stricter provisions where necessary to give effect to objectives under the NPSFM. This means councils can implement more rigorous requirements for fish passage such as enhanced culvert design or broader setback distances if justified through a Section 32 evaluation and aligned with freshwater ecosystem protection goals. These provisions are particularly relevant for safeguarding indigenous freshwater species and maintaining habitat connectivity.

Freshwater Fisheries Regulations 1983

22. The Freshwater Fisheries Regulations 1983 are a critical legal framework in New Zealand that help protect freshwater fish and their habitats. These regulations, administered by the Department of Conservation under the Fisheries Act 1983, set out specific requirements for the design and management of instream structures such as culverts, dams, and fords. Their primary purpose is to ensure that such structures do not obstruct the natural movement of fish, which is essential for feeding, spawning, and completing life cycles. The regulations require that fish passage be maintained and that any barriers include appropriate fish facilities, such as fish passes or screens, to support ecological connectivity.
23. These regulations are especially important for regional councils when developing regional plans under the RMA. They provide a statutory baseline that must be reflected in regional rules and resource consent conditions. By aligning regional plans with the 1983 regulations, councils ensure that freshwater ecosystems are managed in a way that supports the survival and health of indigenous fish species. Furthermore, the regulations complement national policy instruments like the NPSFM and the NES-F, which also emphasise the importance of fish passage and habitat protection. Together, these frameworks guide councils in creating integrated, effective freshwater management strategies that uphold both environmental and legislative standards.

New Zealand Fish Passage Guidelines 2018

24. NIWA has also published the New Zealand Fish Passage Guidelines 2018¹ for instream structures up to four metres in height, which set out recommended practice for the design of instream infrastructure to provide for fish passage. The intent of these guidelines is to set the foundation for improved fish passage and are to assist with understanding and promoting better management of fish passage requirements. These guidelines are non-statutory.

¹ <https://niwa.co.nz/sites/niwa.co.nz/files/NZ-FishPassageGuidelines-upto4m-NIWA-DOC-NZFPAG.pdf>

7.6 DRAFT APPROACH TO LAKE MANAGEMENT

Rā | Date: 21 August 2025

Kaituhi | Author: Naomi Crawford, Team Leader - Water Policy

Kaituku | Authoriser: Tracey May, Director, Science, Policy and Information

TE ARONGA | PURPOSE

1. The purpose of this report is to provide the Waiora Co-Governance Committee with an introduction to a draft approach for managing lakes, as a key topic of the Freshwater Policy Review Project. This report also includes an update on the Proposed Plan Change 1 (PC1) interim decision (as it relates to lakes), and implications on broader Freshwater Management Units (FMUs) and the Whangamarino wetland.

KŌRERO WHAKATAKI | EXECUTIVE SUMMARY

2. This report provides an overview of Waikato Regional Council's (WRC) draft approach to lake management as part of the Freshwater Policy Review (FPR), with a focus on aligning with the National Policy Statement for Freshwater Management (NPSFM) 2020 and addressing the degraded state of many lakes in the Waikato and Waipā catchments. The report outlines the legislative context, including the role of Te Ture Whaimana o te Awa o Waikato (Te Ture Whaimana), which sets the overarching vision for restoring and protecting all water bodies, including lakes, to a state where they are safe for swimming and food gathering.
3. The report highlights that many of the region's lakes particularly shallow peat and riverine lakes are in poor ecological health due to nutrient enrichment, sedimentation, invasive species, and hydrological changes. The interim decision on PC1 acknowledges these challenges and introduces policies to reduce contaminant loads, exclude stock from lake margins, and support restoration through land use change where necessary. Lakes are categorised into three groups based on their level of degradation, with corresponding management strategies ranging from best management practices to full land use transition.
4. Case studies, including Lake Kimihia, Lake Whangape, Lake Ngaroto, Lake Taupō, and Waiwhakareke illustrate successful restoration efforts and innovative policy tools such as nitrogen trading. The report also outlines the development of Action Plans and the importance of collaborative, catchment-based approaches, particularly for complex systems like the Whangamarino Wetland. While PC1 provides a foundation, the report acknowledges that further planning, investment, and adaptive management will be essential to achieve long-term lake restoration goals.
5. This report has been considered by Te Rōpū Hautū and reviewed by the River Iwi Technical Advisor.

TAUNAKITANGA KAIMAHI | STAFF RECOMMENDATION:

That the report *Draft approach to lake management* (Waiora Co-Governance Committee, 9 September 2025) be received.

HOROPAKI | BACKGROUND

6. Both the Waikato Regional Policy Statement (WRPS) and the Waikato Regional Plan (WRP) are being reviewed as part of the FPR to give effect to the NPSFM. The scope of the review of the WRP is limited to the provisions related to freshwater. This includes provisions which manage:
- discharge of contaminants to the environment and discharge of water to water
 - take, use, damming and diversion of water
 - restrictions on the use of the beds of rivers and lakes
 - land and soil disturbance activities
 - control of the use of land (as far as the use affects freshwater)
 - the introduction of plants into the bed of a river or lake
 - indigenous biodiversity in waterbodies and freshwater ecosystems.

Legislative and policy context

7. There are additional legislative requirements that provide important legislative context for FMUs and the management of lakes in the Waikato Region, including environmental bottom lines and constraints, which affect some of the key resource management issues described in this report. Attachment 1 provides an overview of the legislative and policy context for the management of lakes in the Waikato Region.
8. The objective of Te Ture Whaimana for the Waikato River that relates to lakes is to ensure that all water bodies within the Waikato and Waipā catchments including lakes, wetlands, streams, and tributaries are restored and protected so they are safe for people to swim in and gather food from across their entire length. This includes improving water quality to support abundant and diverse freshwater species and ecosystems, and ensuring that once restoration targets are achieved, the improved state is maintained. Importantly, Te Ture Whaimana also seeks to restore and protect the relationships economic, cultural, social, and spiritual between the awa (including lakes by definition) and River Iwi. These relational objectives recognise the deep and enduring connections that River Iwi hold with lakes, which will be reflected in how policy is framed and implemented.
9. Te Ture Whaimana acknowledges that lakes are integral to the health of the river system and must not be further degraded by human activities. Restoration is expected to be intergenerational, and action needs to be taken to reverse decline and protect these ecosystems for future generations.
10. Note, Te Ture Whaimana is currently under review and the Resource Management Act (RMA) 1991 is subject to legislative reform. It will be important to review draft provisions to determine whether any changes are required to give effect to any amendments to Te Ture Whaimana and replacement RMA legislation.
11. All of the work that is being undertaken will need to remain flexible and adaptable to the changing legislative landscape. Within the next 12 months we will have refreshed legislation and national direction that may alter priorities. Updates on legislative change will be provided at appropriate times, where the implications on the existing work programme, and previous information shared with the committee, will be provided.

Interim Decision on Proposed Plan Change 1 (PC1), lakes management and the Whangamarino Wetland

12. The interim PC1 decision addresses the management of lakes within the Waikato and Waipā River catchments, noting their significance and current degraded state. Lakes are considered a significant feature of the Waikato-Waipā catchment. The Waikato catchment includes 58 shallow lakes, mostly peat lakes, with 15 riverine lakes in the northern part. Historically, these lakes, along with wetlands, were part of an extensive floodplain of the Waikato River, but flood protection works, and land drainage have altered their connectivity. Lakes generally exhibit poor water quality, with most peat and riverine lakes having 'D' band attribute states for total nitrogen (TN), total phosphorus (TP), and chlorophyll a (a plant pigment used to estimate algal biomass)¹⁸.
13. Many shallow lakes in the Lower Waikato FMU have lost submerged vegetation and are now dominated by phytoplankton. Most lakes in the Lower Waikato FMU fall into the supertrophic category, indicating very high amounts of phosphorus and nitrogen, often associated with poor water clarity and excessive algal growth, making them unsuitable for recreational purposes¹⁹. Pastoral farming dominates the catchments of many shallow lakes, contributing, on average, about 90% of nitrogen and phosphorus loads to these lakes². Despite long-term trend analysis showing a general increase in TN and total suspended solids (TSS), and a general decrease in TP, some short-term improvements in Lake Trophic Level Index (TLI) scores have occurred in six out of 12 long-term monitored sites²⁰.
14. Experts generally agree that lakes and wetlands are the most nutrient-sensitive receiving environments within the PC1 area.²¹ Objective 1 of PC1 aims for the restoration and protection of the health and wellbeing of the Waikato and Waipā Rivers, including lakes, to be safe for people to swim in and take food from, with 80-year target attribute states to be achieved by 2096. Objective 2 aims for progress towards this restoration by meeting interim target attribute states no later than 10 years after PC1 becomes operative. PC1 Policy 1f. specifically requires farming activities to be managed by recognising the particular vulnerability of lakes in the Lake FMUs.
15. While a final decision is yet to be issued by the Environment Court, Policies 2B)f and 2B)h of the Council's final proposal presented to the Environment Court generally exclude farmed cattle, horses, deer, and pigs from lakes and encourage the creation of riparian buffers where practicable adjacent to lakes to reduce contaminant overland flow and improve freshwater habitat quality. Policy 14 requires contributions to the restoration and protection of lakes by reducing both diffuse and point source discharges of the four primary contaminants entering their catchments.

Stock Exclusion and Setbacks

16. The Stock Exclusion Regulations require stock to be excluded from lakes, with a minimum setback of 3 metres (m). The Decisions Version of PC1 included a requirement for stock exclusion from lakes, requiring new temporary, permanent, or virtual fences to be installed no less than 10 m from the outer edge of the bed of the 58 shallow lakes named in Table

¹⁸*OJI Fibre Solutions (NZ) Ltd v Waikato Regional Council* [2025] NZEnvC [paragraph 171] [Proposed Waikato Regional Plan Change 1 \(PC1\) | Waikato Regional Council](#)

¹⁹*OJI Fibre Solutions (NZ) Ltd v Waikato Regional Council* [2025] NZEnvC [paragraph 266]

²⁰*OJI Fibre Solutions (NZ) Ltd v Waikato Regional Council* [2025] NZEnvC [paragraph 268]

²¹*OJI Fibre Solutions (NZ) Ltd v Waikato Regional Council* [2025] NZEnvC [paragraph 795]

3.11.3. This is a more stringent requirement than the 3 m setback in the Stock Exclusion Regulations. The Director General of Conservation and Fish and Game supported a 10 m setback distance from the edge of the bed of all lakes, citing the degraded state of many lakes⁴. The Court found no dispute regarding the 10 m setback distance from identified shallow lakes and accepted the relevant provisions in WRC's final proposal²².

Whangamarino Wetland, additional Whangamarino FMU

17. The Whangamarino Wetland is recognised as an internationally important natural feature of the Waikato region. Its ecological condition has significantly declined over the past 50 years, primarily due to high volumes of sediment, nitrogen, and phosphorus entering the system, coupled with an altered hydrological regime²³. Inflows from Lake Waikare via the Pungarehu Canal, part of the Lower Waikato Waipā Flood Control Scheme, are identified as a primary source of water quality contamination. Experts agreed that water levels and hydrological drivers directly influence where contaminants are deposited in the wetland and how they affect its health.
18. PC1 has limited scope for hydrological management. Objective 5 of PC1 aims for the restoration and protection of the Whangamarino Wetland in relation to nitrogen, phosphorus, sediment, and microbial pathogens. The Environment Court concluded that direct regulation of hydrological drivers in the Whangamarino is outside the scope and ambit of PC1 and would need to be addressed through the FPR. Despite the limitation in regulatory scope, PC1 Policy 16 (formerly Policy 15 in an earlier versions) does require contributions to the restoration and protection of the wetland. The Court accepts this wording as it helps "drawing attention to the issue without going outside scope"²⁴. However, experts indicated that "PC1 is not sufficiently broad to deliver improved wetland health outcomes for Whangamarino Wetland" and that "hydrological controls that will be needed to address issues"²⁵.
19. The interim decision confirms that anthropological hydrological changes contribute to the wetland's degraded state and require a planning response. However, these effects cannot be considered in isolation from the hydrology of the wider catchment, and this extensive work is "more appropriately addressed in a future plan change, rather than in PC1"²⁶. Fish and Game and the Director General of Conservation sought a specific FMU for the Whangamarino Wetland, arguing it would be an appropriate unit for water quality management and accounting. While WRC did not object in principle, it stated that establishing individual FMUs should follow a formal Schedule 1 process under the NPSFM 2020, which is outside the Court's role in PC1.

Challenges and Limitations for the management of lakes

20. The scale of measures required to reduce nutrient loads and restore lakes is substantial and extends beyond what can be achieved in PC1. Some experts suggested that each lake should ideally have its own FMU or be grouped with similar lakes, with individual water quality targets, but the establishment of 58 individual FMUs is a matter for WRC through a formal

²²*OJI Fibre Solutions (NZ) Ltd v Waikato Regional Council* [2025] NZEnvC [804]

²³*OJI Fibre Solutions (NZ) Ltd v Waikato Regional Council* [2025] NZEnvC [272]

²⁴*OJI Fibre Solutions (NZ) Ltd v Waikato Regional Council* [2025] NZEnvC [829]

²⁵*OJI Fibre Solutions (NZ) Ltd v Waikato Regional Council* [2025] NZEnvC [822]

²⁶*OJI Fibre Solutions (NZ) Ltd v Waikato Regional Council* [2025] NZEnvC [830]

Schedule 1 process, not something the Court can undertake in PC1. Even with extensive restoration efforts (e.g., Lake Ngaroto with a 25-year programme including fencing and large riparian buffers), some lakes still fail to meet national bottom lines for many attributes, highlighting the complexity and challenge of restoration. Modelling suggests that even significant reductions (e.g., 50% external TN and TP load reductions) might be insufficient to move some lakes out of the 'D' band classification²⁷. The interim decision noted there is no quantifiable evidence of environmental benefits from fencing wetlands as small as 50 m², especially if undertaken before necessary contaminant load reductions are achieved²⁸.

21. The interim decision addresses the management of the Whangamarino Wetland by acknowledging its severely degraded state, which is significantly influenced by altered hydrological regimes, but largely defers comprehensive regulation of its flow and levels to future planning processes.

Court's findings overall

22. The Court accepts that there is no dispute on the degraded condition of lakes in the PC1 area²⁹. The Court agrees with the 10 m setback distance from identified shallow lakes as proposed in WRC's Final Proposal¹⁴. The Court finds that the objectives and policies relating to the Whangamarino Wetland (a significant wetland often referenced alongside lakes) in the decisions version of PC1 are appropriate without amendment³⁰. The Court also notes that the establishment of individual FMUs for lakes is a matter for WRC's Freshwater Policy Review process, not the Court's determination in PC1³¹. The Court emphasises that solutions will need to be lake-specific and require comprehensive investigation programmes and analysis under s32 of the RMA.
23. The Court found that the objectives and policies relating to the Whangamarino Wetland in the Decisions Version of PC1 are appropriate without amendment, meaning that PC1's direct focus remains on contaminant reduction rather than hydrological control. Nevertheless, the Court explicitly states that "without what are likely to be very significant changes to present management approaches to restore the wetland by addressing both causes of adverse effects for example contaminant and hydrological, further deterioration of the wetland will be inevitable" and directed WRC to give serious consideration to whether a dedicated FMU for the wetland would be more effective and efficient for its restoration in the future.

Draft approach for manging lakes for the freshwater policy review

24. The 2022 Waikato State of the Environment Report found that many lakes in the region, particularly shallow peat lakes, are in poor ecological health due to long-term nutrient enrichment, sedimentation, invasive species, and hydrological changes³². While iconic lakes like Taupō remain in good condition, most monitored lakes show high nutrient levels, poor water clarity, and signs of ecological stress. Key pressures include agricultural runoff, loss of riparian vegetation, and legacy land use impacts¹⁵. Restoration efforts by WRC include riparian planting, wetland construction, pest fish control, and land management changes, but the

²⁷*OJI Fibre Solutions (NZ) Ltd v Waikato Regional Council* [2025] NZEnvC [801-802]

²⁸*OJI Fibre Solutions (NZ) Ltd v Waikato Regional Council* [2025] NZEnvC [859]

²⁹*OJI Fibre Solutions (NZ) Ltd v Waikato Regional Council* [2025] NZEnvC [258]

³⁰*OJI Fibre Solutions (NZ) Ltd v Waikato Regional Council* [2025] NZEnvC [345]

³¹*OJI Fibre Solutions (NZ) Ltd v Waikato Regional Council* [2025] NZEnvC [805]

³² Page 41, Te oranga o te taiao, Waikato State of the Environment 2022

report notes that recovery will take time and requires sustained, lake-specific interventions and collaborative catchment management³³.

Case Studies: Lakes

Lake Kimihia Restoration

25. Lake Kimihia, once a 318-hectare lake reduced to 44 hectares due to historic mining, has undergone a major restoration project. The initiative involved constructing a bund and weir to restore lake levels, planting over 33,000 native plants, fencing 8 km of lake margin, and restoring 9 hectares of wetland. The project was a collaborative effort involving Waikato-Tainui hapū, the Department of Conservation, and multiple government agencies, at a cost of \$1.51 million. It aimed to restore habitat for tuna (eels), improve water quality, and meet cultural aspirations³⁴. Key outcomes include bund and weir construction, wetland restoration, fencing, and native planting. The lake is now maintained as an open waterbody year-round, improving habitat for native species. Success is evident, though long-term monitoring is needed.

Lake Whangape Catchment Restoration

26. A \$2.9 million, multi-partner initiative launched in 2018 to halt further degradation of this hypertrophic lake. The project focused on improving water quality and habitat in the Lake Whangape catchment. It involved community engagement, fencing, riparian planting, and sediment control. The initiative was driven by local landowners and supported by WRC, with the goal of reducing nutrient and sediment inputs into the lake and restoring ecological balance³⁵. While fencing and planting have progressed, water quality remains poor due to internal nutrient loading and complex catchment sources. Recovery is expected to be slow and requires sustained, integrated efforts.

Lake Ngaroto Restoration

27. Lake Ngaroto, the largest of the Waipā peat lakes, has long suffered from poor water quality due to high nutrient and sediment loads. Restoration efforts began in 1995, led by Waipā District Council and supported by WRC. Actions included fencing the lake boundary, extensive native planting, weed control, and installation of sediment and nutrient traps. Positive impacts include improved habitat, encouraged native wildlife, and enhanced recreational access through boardwalks. However, restoration efforts are on-going with cumulative funding from various sources. Despite extensive restoration actions, the lake remains hypertrophic with limited ecological recovery. Challenges include legacy nutrient loads, peat lake sensitivity, and diffuse pollution. Significant reductions in external nutrient inputs are needed for measurable improvement.

Lake Taupō Catchment – Nitrogen Trading Scheme

28. Lake Taupō is a nationally significant case study due to its innovative nitrogen cap-and-trade scheme. Waikato Regional Council, in partnership with central government and iwi, implemented Variation 5 to the WRP to cap nitrogen discharges and allow trading among landowners. This market-based approach has successfully reduced diffuse nitrogen pollution and is considered a pioneering model for freshwater management in New Zealand³⁶. While it

³³ Page 47, Te ora ngā o te taiao, Waikato State of the Environment 2022

³⁴ [Lake Kimihia restoration | Waikato Regional Council](#)

³⁵ [Helping clean up Whangape 'the right thing to do' | Waikato Regional Council](#)

³⁶ [Variation 5 - Lake Taupō catchment | Waikato Regional Council](#).

has successfully capped nitrogen loss and influenced land management practices, water quality improvements are gradual due to legacy nitrogen and diffuse inputs. The scheme supports long-term protection but requires ongoing monitoring and stakeholder engagement.

Waiwhakareke

29. Waiwhakareke (Horseshoe Lake), located within the Waiwhakareke Natural Heritage Park in Hamilton, is a 60-hectare ecological restoration project notable example of lake water quality improvement in the Waikato region. As a shallow peat lake, it has historically faced challenges common to such ecosystems, including nutrient enrichment, sedimentation, and invasive species. The project is a joint partnership involving Hamilton City Council, University of Waikato, Wintec, Tui2000, and Nga Mana Toopu O Kirikiriroa, with extensive community and iwi involvement³⁷.
30. The cost of restoration efforts at Waiwhakareke Natural Heritage Park to date includes a mix of operational funding, capital development, and grants:
 - Hamilton City Council provides ongoing operational funding and contributes to capital development.
 - Grants and external funding have supported specific restoration activities. For example, a \$171,000 grant from the Ministry for the Environment funded the planting of over 40,000 seedlings³⁸.
 - The restoration has also benefited from volunteer contributions, including thousands of hours of community planting and maintenance work.
31. The restoration efforts have included extensive native planting, wetland rehabilitation, and pest control around the lake margins. These actions aim to improve water quality, enhance biodiversity, and restore ecological function. While the lake still faces ecological pressures, the restoration programme has led to gradual improvements, particularly in submerged plant diversity and habitat quality. Waiwhakareke demonstrates how targeted, collaborative restoration especially in urban-adjacent peat lakes can support long-term water quality and biodiversity goals. It highlights the importance of sustained investment, community involvement, and adaptive management in achieving meaningful ecological outcomes.

Shallow Lakes Restoration Review

32. A broader technical review by WRC assessed restoration strategies for shallow lakes across the region. It identified key techniques such as nutrient load reduction, sediment capping, bio-manipulation (e.g. koi carp removal), and hydrological restoration. The review also included international case studies and emphasised the need for tailored lake-specific approaches. The report highlights many lakes remain eutrophic or hypertrophic despite interventions like fencing and planting. Restoration is costly and complex, requiring integrated catchment management, prioritisation, and long-term commitment. The review offers guidance on cost-effective approaches.

³⁷ [Waiwhakareke Natural Heritage Park • New Zealand Plant Conservation Network](#)

³⁸ [Government grant a further boost for Waiwhakareke | infonews.co.nz New Zealand News](#)

Diffuse Discharges – Managing Lakes across the region

33. There are 365 lakes in the Waikato Region, with 183 of these being natural lakes. Many of the Region’s riverine and peat lakes are clustered in the Waikato and Waipa FMUs, however there are natural lakes in each FMU and significant variations in water quality across many lake catchments.
34. Acknowledging the vast number of lakes in the region, variations in water quality between lakes, and the spatial distribution of lakes and lake types, the draft FPR approach seeks to group lakes by trophic state and the level of improvement (or magnitude of reductions) required to meet proposed water quality targets. Three groups are being considered, including lake catchments where a small improvement is required, lake catchments requiring a moderate improvement, and lake catchments requiring significant contaminant load reductions to achieve the water quality outcomes sought. Further consideration will be given to which types of lakes this approach will apply to, such as whether it will only apply to natural lakes or also include modified or artificial lakes, like hydro-lakes.
35. The policy approach proposed in PC1 provides a base framework for developing options for managing farming activities within lake catchments where a moderate improvement in water quality is required. Building on the PC1 approach, options for managing farming land use in lakes catchments (excluding Taupo) include requirements to:
 - Implement minimum farming standards based on good management practices (e.g. stock exclusion, cultivation, intensive fodder grazing, erosion risk management, fertiliser use, farm animal effluent management).
 - Implement Farm Environment Plans detailing how farming activities will reduce the risk of diffuse discharges occurring and demonstrating how the minimum standards will be achieved.
 - Model losses at farm-scale so that nutrient loss reductions can be measured over time.
 - Manage intensification to achieve improved water quality.
36. Other options are also being considered, such as resource consent requirements for higher-risk farming activities and additional mitigation actions, including de-intensification or stand-off infrastructure. The effectiveness and efficiency of these options in achieving the draft water quality outcomes will be assessed not only in terms of environmental impact, but also through a cost-benefit lens that accounts for different implementation timeframes. For example, short-term costs may appear prohibitive, whereas longer-term horizons (e.g., 80 years) may reveal more manageable and economically viable pathways to restoration. This temporal context is critical to ensuring that policy decisions are both realistic and enduring. Over the next twelve months, feedback on these draft options will be sought from technical advisory groups, tangata whenua, and sector groups to ensure that the resulting policy is informed by diverse perspectives and reflects both immediate and intergenerational considerations.
37. The development of Action Plans for individual or groups of lakes, while sitting outside regional plan provisions, will also form an important part of the policy approach for lake catchments. Draft FPR policies will provide direction in terms of staging development of Action Plans to support catchment initiatives and other non-regulatory methods. Acknowledging the significant improvement required in our most degraded lakes, the FPR will provide an initial step towards achieving longer-term targets, focusing on moving all farming land use activities

to good management practices, achieving a reduction in anthropogenic sources of nitrogen, phosphorus and sediment reaching our lakes by 2047, development of Action Plans to encourage collaboration and guide implementation of non-regulatory initiatives, and on-going monitoring and research to inform future planning processes³⁹.

38. It is proposed that the Lake Taupo nitrogen cap and offsetting/trading regime implemented for the Lake Taupo catchment in Chapter 3.10 of the WRP be retained, with updates as required to meet the NPSFM requirements and to reflect any changing community values. In this respect, the Lake Taupo catchment would not fit within the framework options described above.
39. Managing farming activities in lake catchments is evolving and there are a number of uncertainties that require further discussion with WRC experts, tangata whenua and the wider community. To improve degraded water quality and reverse declining trends, a nuanced package of regulations and incentives will be essential to modify behaviour and gradually phase out high-nutrient land uses around lakes. Any policy options will be tested through engagement with careful consideration of timeframes, farmer investments in infrastructure and how to best manage land use activities around lakes.

Environmental Flows and Levels – Lakes

40. WRC staff are currently working to identify the technical work required for lake management, and whether this is within scope for the project over the next 18 months. Council will need to set lake levels (as required by the NPSFM), looking at what information is already available (for example consent conditions and lake management levels managed by Council's Integrated Catchment Management Directorate). Staff will ensure the flow regime for lakes implements Te Ture Whaimana. At this stage we don't anticipate that we will set allocation limits for Lakes, rather we will continue with the existing plan direction (which discourages the abstraction of water from lakes).
41. As summarised above PC1 has limited scope for hydrological management of the Whangamarino wetland. Objective 5 of PC1 aims for the restoration and protection of the Whangamarino Wetland in relation to nitrogen, phosphorus, sediment, and microbial pathogens. The Environment Court concluded that direct regulation of hydrological drivers in the Whangamarino is outside the scope and ambit of PC1. However, the interim decision on PC1 also confirmed the need for significant action to address contaminant loads in lakes and deferred more detailed hydrological management and specific lake action plans, including potential water allocation mechanisms, to future planning processes to be led by Council under the freshwater policy review. The Whangamarino Action Plan is considering options to improve management of water levels and flows in the Waikare/Whangamarino catchment.

Beds of Lakes and Rivers – Structures, disturbances and vegetation

42. The existing regional plan is reasonably effective at managing activities in and on the beds of lakes and rivers, including bed disturbances, structures and the planting and removal of vegetation. We are reviewing the provisions to ensure that the plan implements Te Ture Whaimana and complies with additional restrictions and requirements set out in the NPSFM – including aligning with the strong directions of Policies 7-10 of the NPSFM (avoiding the loss

³⁹ Clause 3.3 of the NPSFM 2020 – Regional Councils are required to set long-term visions for each Freshwater Management Unit (FMU), including environmental outcomes and timeframes for achieving them. These visions must reflect tangata whenua values and community aspirations and guide the development of both regulatory and non-regulatory interventions.

of river extent and values, protecting significant values of outstanding waterbodies, protecting habitats of indigenous freshwater species). We are also ensuring we are not duplicating any regulations/rules from the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES-F) or including any provisions that are more lenient than those rules.

43. These chapters will also ensure we reflect the NPSFM requirements around providing for fish passage and update the receiving water quality standards to ensure we meet our environmental outcomes for the freshwater policy review.

Reviewing PC1 provisions as part of the Freshwater Policy Review Project

44. As part of the FPR Project, WRC staff recommend largely retaining the PC1 provisions for the Waikato and Waipā catchments, given the extensive planning and legal processes they have already undergone. However, a comprehensive review of these provisions will be undertaken once the Environment Court's final decision is available. This review will help identify any necessary updates or amendments, particularly in areas where changes may be appropriate.
45. One key focus of the review will be ensuring consistency with national direction-setting documents. Since the notification of PC1, several national instruments have been introduced that influence freshwater management, including the NPSFM 2020, Stock Exclusion Regulations, National Environmental Standards such as the NES-F, and the Freshwater Farm Plan Regulations.
46. Because PC1 was notified prior to the release of these national directions, it does not fully give effect to the NPSFM 2020 and is not entirely consistent with the other instruments. While some alignment was sought through the Environment Court process, the scope of appeals limited the extent to which full consistency could be achieved. Therefore, once the final decision is released, a full review of PC1 provisions against current national direction documents is recommended to ensure alignment and identify any necessary updates.

Responding to other issues raised through the PC1 process

47. Several parties raised additional matters through the PC1 plan-making and appeals process, where it is anticipated that these amendments will also be sought via the FPR process. These matters are wide-ranging and also include directions from the Environment Court around methods to monitor and measure improvements in contaminant losses.

Responding to implementation challenges and emerging issues

48. Depending on when the provisions in PC1 are fully operative, and as a learning from this process, the FPR project is likely to benefit from the experience of plan users about the usability and practicality of the provisions from a plan implementation perspective. Should any particular challenges be identified through plan implementation, the FPR project team can consider amendments to ensure the plan is more effective, while ensuring consistency with Te Ture Whaimana and the plan objectives.

WHAKAKAPINGA | CONCLUSION

49. The management of lakes across the Waikato region presents a complex and urgent challenge, requiring a co-ordinated and adaptive policy response. The FPR builds on the foundation laid by PC1, while aligning with the NPSFM and the overarching direction of Te Ture Whaimana.
50. The report highlights the degraded state of many lakes particularly shallow peat and riverine systems and the need for targeted, lake-specific interventions. Categorising lakes by their level of degradation provides a practical framework for prioritising action, ranging from best management practices to full land use change. Case studies such as Lake Kimihia, Lake Whangape, Lake Ngaroto, and Lake Taupō demonstrate the value of collaborative, evidence-based restoration efforts.
51. Moving forward, the development of Action Plans, strengthened regulatory tools, and ongoing engagement with iwi, communities, and stakeholders will be critical to achieving long-term improvements in lake health. A full review of PC1 provisions, once the Environment Court's final decision is available, will ensure the region's freshwater planning remains robust, future-focused, and responsive to both environmental and cultural imperatives.

NGĀ TOHUTORO | REFERENCES**ĀPITIHINGA | ATTACHMENTS**

1. **Legislative and policy context – Freshwater Policy Review (Doc #32329096)** [↓](#)

Attachment 1: Legislative and policy context – Freshwater Policy Review

This attachment sets out the legislative requirements that provide important legislative context for Freshwater Management Units (FMUs) and the management of lakes in the Waikato Region, including environmental bottom lines and constraints, which affect some of the key resource management issues described in this report.

Resource Management Act 1991 (RMA)

1. Section 30 of the RMA sets out the functions of regional councils and gives Waikato Regional Council (hereafter referred to as “council”) the ability to control land use for the purpose of the maintenance and enhancement of the quality of water in water bodies and coastal water (s30(1)(c)(ii) and discharge of contaminants into or onto land, air, or water and discharges of water into water (s30(1)(f). Rules can only be set in a regional plan (in accordance with section 68 of the RMA) if they are for the purpose of carrying out the functions listed in section 30.
2. Section 80A of the RMA refers to the Freshwater Planning Process (FPP) under the Resource Management Amendment Act 2020 (Amendment Act) to support the need for urgent action to improve freshwater outcomes by requiring all regional councils to publicly notify a freshwater planning instrument (regional plan) that gives effect to the NPSFM 2020 by 31 December 2024. This Amendment Act also created Part 9A of the RMA, which sets out the requirements for Freshwater Farm Plans (FWFPs) to manage the adverse effects of farming on freshwater through the use of certified FWFPs.
3. However, subsequent amendments to the RMA in late 2023 and October 2024, had the effect of pausing the rollout of FWFP across the country and extended the timeframe for the notification of a FPP to December 2027, with the more recent amendment prohibiting regional councils from notifying a freshwater planning instrument earlier than a new NPSFM being published, or 31 December 2025 (whichever comes first).
4. On the 16 of July 2025 the government announced it will suspend 10-year reviews of plans, the Implementation of National Planning Standards and the notification of freshwater planning instruments is extended to 31 December 2027. Removing notifying a freshwater planning instrument earlier than a new NPSFM being published, or 31 December 2025 (whichever comes first). Notification of new plans or regional policy statement reviews, changes, or variations will stop unless proposed plans or statements are already notified but not yet at the hearings stage. Councils can apply to the Minister for the Environment for exemptions if not automatically covered, applications must be submitted within 3 months of the law’s enactment. The policy will be introduced via an Amendment Paper to the Resource Management (Consenting and Other System Changes) Bill and expected to pass into law before the end of 2025.

Te Ture Whaimana

5. Most importantly, Te Ture Whaimana is currently under review. As the primary direction-setting document for the management of the Awa, it will be important to review the provisions to determine whether any changes are required to give effect to any new Vision and Strategy (recognising that Te Ture Whaimana prevails over any other RMA national direction document).

The National Policy Statement for Freshwater Management 2020 (NPSFM)

6. The NPSFM 2020 was released in August 2020 as a part of the governments ‘Essential Freshwater’ package, with a goal to stop further degradation of New Zealand’s freshwater resources, improve water quality where it is degraded, and to reverse degrading water quality trends. The NPSFM 2020 directs regional councils to prepare regional plans that include measurable water quality and ecosystem health targets, limits, and methods to achieve them, as well as minimum flows and take limits.
7. The National Objectives Framework (NOF) sets out the framework for managing freshwater and provides steps that must be undertaken to implement the NOF. The NOF process within the NPSFM 2020 prescribes the

identification of FMUs and the subsequent identification of freshwater values, environmental outcomes as objectives, flow levels and target attribute states for each FMU. The target attribute state for every value with attributes (except the value human contact) must be set at or above the baseline state of that attribute. If the baseline state of an attribute is below any national bottom line for that attribute, the target attribute state must be set at or above the national bottom line.

8. Councils must express what communities and tangata whenua want the FMU, part of the FMU, or catchment to be like in the future. Assess whether each FMU, part of an FMU, or catchment (as relevant) can provide for its long-term vision, or whether improvement is required to achieve the vision. Council may set long-term visions at FMU, part of an FMU, or catchment level. Council may identify other values that apply to an FMU or part of an FMU must identify an environmental outcome for every value that applies to an FMU or part of an FMU.
9. Lakes must be assessed using attributes such as submerged plants, sediment, dissolved oxygen, ecosystem metabolism, macroinvertebrates (MCI and QMCI) and the fish index of biotic integrity (IBI). Under the NPSFM 2020 tougher national bottom lines also apply, especially for ammonia and nitrate toxicity, if a lake is assessed as degraded the water body must be improved. Councils must set environmental outcomes for all values and develop action plans or set limits on resource use to achieve these outcomes and monitor and report on progress annually. Councils are also required to manage flows and levels to support ecosystem health including setting minimum flow requirements, ensuring sufficient water remains in lakes to support life and avoiding over-allocation of water resources.
10. The Government has also indicated there will be a raft of changes to national direction documents under the RMA and Resource Management legislation reform. It is understood that an exposure draft for a revised NPS for Freshwater will be made available in the later part of 2025.
11. On the 29 May 2025 the government announced it is consulting on proposals to amend the NPS-FM and the NES-F which impact how structures are designed, built and maintained in the bed of a river or lake which could adversely impact lakes. The proposed amendments to the NES-F aim to simplify fish passage requirements, which directly affect how dams and diversions are designed and maintained and could include more flexible design standards or alternative compliance pathways for existing structures. The package also explores enabling water storage infrastructure, which often involves damming and diversion. There is a proposal to rebalance the hierarchy of obligations under Te Mana o te Wai, which could influence how damming and diversion are assessed in terms of ecological versus human use priorities within the framework of broader freshwater management objectives.

Zone Management Plans (ZMPs)

12. The Waikato region is divided into several catchment zones, each with a Zone Management Plan (ZMP) that outlines a vision, strategy, and specific activities to manage rivers, lakes, and wetlands. These plans are tailored to the unique environmental challenges of each zone. For example, the Lake Taupō Zone Management Plan focuses on protecting water quality through land use and nutrient discharge controls, while the Lower Waikato Zone Plan addresses sediment and nutrient issues affecting lakes like Waikare and Whangamarino¹.
13. Shallow Lakes Restoration Review - A comprehensive literature review commissioned by the Council outlines key restoration techniques for shallow lakes, which are often degraded by eutrophication. The review identifies four main strategies:
 - **Controlling external nutrient loads** (e.g., riparian planting, land use changes).
 - **Controlling internal loads** (e.g., dredging, sediment capping, phosphorus flocculation).
 - **Bio-manipulation** (e.g., removing invasive fish like koi carp, reintroducing native plants).

¹ [Zone Management Plans](#)

- **Hydrologic manipulations** (e.g., restoring natural water levels and flows).
14. The review emphasises that successful restoration requires lake-specific approaches and often a combination of these methods, especially in lakes with high internal nutrient loads².
15. Lake Waikare and Whangamarino Wetland Catchment Management Plan - This catchment-specific plan outlines a coordinated, collaborative approach to restoring water quality and biodiversity. Key actions include:
- **Constructed wetlands and bunds** to filter inflows and reduce sediment.
 - **Native planting and habitat restoration** to support wetland and lake species.
 - **Koi carp control** and potential **mudfish translocation** to restore ecological balance.
 - **Community and iwi engagement** to align restoration with cultural values and aspirations³
16. The plan is structured around three implementation themes: catchment-wide strategies, technical projects, and on-the-ground actions. It also includes a prioritisation framework to guide investment and effort based on ecological impact, feasibility, and alignment with strategic goals.

Whangamarino Catchment Action Plan

17. Lake Waikare and Whangamarino Wetland are in a highly degraded condition. Long-standing issues have led to fish and bird deaths and persistent algal blooms, increasing concern and frustration among stakeholders. The Whangamarino Response working group was established in April 2024 to develop a Catchment Action Plan⁴. The group includes statutory agencies, iwi partners, landowners, youth, and community representatives. The plan will build on past efforts (e.g., the 2018 Catchment Management Plan) and take a medium- to long-term view (10–25+ years)⁴. It emphasises inclusive engagement, ensuring all voices are heard and all options considered. Restoration options will be evidence-based, tested for feasibility, and aligned with community-agreed objectives.
18. The Whangamarino Catchment Action plan is non-regulatory and non-binding but provides strategic direction. The plan covers the entire Whangamarino Catchment upstream of SH1. Requires significant investment and sustained community commitment. The plan recognises the need for transformational thinking and adaptive management. The plan recognises pressures which are interconnected and impact environmental, cultural, social, and economic values.
19. Key actions focus on pressures and restoration such as human-Induced pressures from long-term activities which have significantly altered the catchment including:
- Hydrological changes – e.g., diversion of Lake Waikare’s outflow.
 - Vegetation shifts – loss of indigenous cover, aquatic plants.
 - Nutrient pollution – increased nitrogen and phosphorus inputs.
 - Habitat degradation – erosion, sedimentation.
 - Invasive species – e.g., koi carp.
 - Climate vulnerability – reduced system resilience.
 - Loss of human connection – limited access and engagement.
 - (Unspecified additional pressure) – to be identified.
20. The plan aims to identify and test solutions to these pressures through a collaborative, inclusive optioneering process. All options must be evidence-based, feasible, aligned with community-agreed objectives. Priority actions will be integrated into Waikato Regional Council’s 2027–2037 Long Term Plan. A Whangamarino Implementation Business Case will guide funding and delivery. Monitoring will ensure adaptive management and accountability.

² Waikato Regional Council Technical Report 2018/13, Shallow lakes restoration review: A literature review

³ [Lake Waikare and Whangamarino Wetland Catchment Management Plan](#)

⁴ Whangamarino Catchment Action Plan, January 2025, document #29584687

8 KARAKIA WHAKAMUTUNGA

Unuhia, unuhia
Unuhia mai te uru tapu nui
kia wātea, kia māmā,
te ngākau, te tinana, te hinengaro,
i te ara takatū
Koia rā e Rongo
e whakairia ake ki runga
kia tina! TINA!
Haumi ē, hui ē, TĀIKI ē!

Draw on, draw on,
Draw on to the supreme sacredness
To clear, to free
our heart, body and soul
Our pathway prepared
Lo, there is peace
suspended high above
manifest!
draw together!
Affirm!