

BEFORE THE

Waikato Regional Council Hearing
Commissioners

IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER

of Waikato Regional Proposed Plan Change 1 –
Waikato and Waipā River Catchments

**JOINT STATEMENT ON BEHALF OF THE
WAIKATO AND WAIPA RIVER IWI IN RELATION TO THE HEARING
TOPICS FOR HEARING BLOCK 1**

(Submitter No. 74035)

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INTRODUCTION

1. This joint statement is given on behalf of the Waikato and Waipā River Iwi in relation to the involvement of the Waikato and Waipā River Iwi in the process to develop and notify Proposed Plan Change 1 – Waikato and Waipa River Catchments (**PPC1**). It is a joint statement because the Waikato and Waipā River Iwi participated jointly in that process as co-governors and co-managers of the Waikato and Waipā Rivers pursuant to the various legislative and planning instruments relevant to PPC1.
2. This joint statement is not given as expert evidence, but it is given for and on behalf of the Waikato and Waipā River Iwi. The Waikato and Waipā River Iwi made a joint submission on PPC1 and this statement supports that submission.
3. This joint statement is given through representatives of each of the Waikato and Waipā River Iwi, who are authorised to speak on behalf of their respective Iwi. Those representatives are:
 - (a) Rukumoana Schaafhausen for Waikato-Tainui;
 - (b) John Kaati for Maniapoto;
 - (c) Vanessa Jonelle Eparaima for Raukawa;
 - (d) Evelyn Forrest for Te Arawa River Iwi; and
 - (e) Maria Nepia for Ngāti Tūwharetoa.
4. Each of the Waikato and Waipā River Iwi have provided their own evidence about their relationship with the Waikato and Waipā Rivers, the importance of those Rivers to them physically, culturally, spiritually and socially, and their respective journeys to agree with the Crown about their involvement in the governance and management of these significant taonga. This evidence is provided in addition to that evidence.

SCOPE OF EVIDENCE

5. This evidence covers:

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- (a) the process that was followed by the Waikato and Waipā River Iwi to give effect to the legislative co-governance and co-management arrangements for the Waikato and Waipā Rivers in the context of the development and notification of PPC1; and
- (b) the key objectives of the Waikato and Waipā River Iwi throughout that process, as reflected in the notified version of PPC1.

PROCESS TO DEVELOP PPC1

Legislative Framework

6. The starting point for the process to develop PPC1, and the involvement of the Waikato and Waipā River Iwi in that process, is the legislative framework established through the various Acts of Parliament that give effect to our agreements with the Crown for the co-governance and co-management of the Waikato and Waipā Rivers. These Acts are the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, the Ngāti Tūwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010 and the Ngā Wai o Maniapoto (Waipa River) Act 2012 (together, the **River Acts**).
7. The legal effect of the River Acts, and the various statutory mechanisms and instruments that derive from them, are matters for legal submission. However, the important point to note in the present context is that the River Acts have given rise to Te Ture Whaimana o te Waikato Awa - Vision and Strategy for the Waikato and Waipā Rivers (Te Ture Whaimana). Te Ture Whaimana is the primary direction setting document for the restoration and protection of the Waikato and Waipā Rivers.
8. Consistent with the co-governance and co-management arrangements established through the Acts, the Waikato and Waipā River Iwi share a common goal with the Waikato Regional Council and have worked collaboratively in the spirit of co-management and co-governance to improve the health and wellbeing of the Waikato and Waipā Rivers and are committed to working alongside the community and stakeholders to achieve Te Ture Whaimana into the future.

Process to develop PPC1

9. PPC1 itself includes a section on the process that was followed to develop it through the co-governance and co-management arrangements established by the River Acts. The Waikato and Waipā River Iwi confirm that PPC1 accurately summarises that process.
10. For us, the first major step in this process occurred in 2012. At that stage, the Waikato and Waipā River Iwi and the Waikato Regional Council jointly developed a Partnership Charter to guide the development of the draft Waikato Regional Plan Change 1 – Waikato and Waipā Catchments. The charter confirmed the Waikato Regional Council’s commitment to co-governance and co-management jointly with the Waikato and Waipā River Iwi in reviewing the Waikato Regional Plan. The charter states:

“Healthy Rivers/Wai Ora project is seen by the parties as a priority first step towards achieving the overarching objectives set out in the river legislation for the Waikato and Waipā rivers.”
11. On 15 August 2012, the Waikato Regional Council resolved to commence development of a Plan Change to the Waikato Regional Plan to “...address the priority issue of effects of discharges to land and water in the Waikato and Waipā River catchments.”¹
12. On 28 November 2013, the Waikato Regional Council further resolved the “Committee Structure and Terms of Reference for the 2013-16 Triennium” and in doing so established the Healthy Rivers Wai Ora: He Rautaki Whakapaipai (HRWO) committee. Each of the Waikato and Waipā River Iwi were represented on the HRWO committee, together with an equal number of representatives from the Waikato Regional Council.
13. Even though the River Acts effectively required each Waikato and Waipā River Iwi to decide with the Waikato Regional Council the final recommendation to the Council on the content of PPC1, we acknowledged that working together and as a collective would be the most efficient way to proceed.

¹ Resolution WRC12/198
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14. Accordingly, the Terms of Reference for the HRWO committee state the purpose is to:

“fulfil 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 Nga Wai o Maniapoto (Waipā River) Act 2012 by jointly deciding on the final recommendation to the Waikato Regional Council on the content of the Healthy Rivers: Plan for Change/Wai Ora: He Rautaki Whakapaipai”.

15. In addition to the Terms of Reference for the HRWO committee, the Waikato and Waipā River Iwi each have individual Joint Management Agreements (JMA) with the Waikato Regional Council that set out, amongst other matters, the process for deciding jointly with the Waikato Regional Council on the final content of plan changes (in the present case, PPC1). So, the combination of the River Acts, the HRWO committee Terms of Reference, and our respective JMA set out the process for us to engage jointly with the Waikato Regional Council to develop PPC1.
16. The Waikato and Waipā River Iwi invested heavily in our co-governance role with the Waikato Regional Council and took a “leap of faith” in supporting the Collaborative Stakeholder Group to develop PPC1. While the Waikato and Waipā River Iwi were not members of the Collaborative Stakeholder Group, we jointly provided advice —when requested— to assist with the development of the then Draft Plan Change. We note this advice is referenced in the Section 32 report and includes the “Outcome statement and principles for implementing Te Ture Whaimana” and “Provision for the development of Māori land within the framework of Te Ture Whaimana o Te Awa o Waikato and Healthy Rivers: Plan Change/Wai Ora: He Rautaki Whakapaipai”.
17. The Waikato and Waipā River Iwi are pleased that the end result of the development of PPC1 was that each of the Waikato and Waipā River Iwi were able to agree jointly with the Waikato Regional Council on the final recommendation that was put to the Council on the content of PPC1. However, that did not mean that we agreed with PPC1 in its entirety, and

in our submission and further submission on PPC1 (and Variation 1) we noted the aspects of PPC1 that we thought could be improved. Our technical experts will address those points in due course.

KEY OBJECTIVES OF THE WAIKATO AND WAIPĀ RIVER IWI

18. The Waikato and Waipā River Iwi broadly agreed with the direction of travel set out in PPC1 and in our joint submission supported:
 - (a) the 80-year long-term objective to achieve Te Ture Whaimana;
 - (b) the short-term objective “to put in place the necessary mitigation measures required to achieve “10% of the journey towards Te Ture Whaimana” in 10-years and by 2026;
 - (c) the staged approach to achieve Te Ture Whaimana over 80-years;
 - (d) holding the line and preventing further degradation through unmanaged land use change;
 - (e) the pathway for the development of multiple Māori owned land and land returned through Treaty of Waitangi settlements; and
 - (f) setting aside the question of allocating long-term rights to discharge contaminants at a property-scale (based on current discharges) until there is sufficiently detailed information to properly inform such a debate.
19. The Waikato and Waipā River Iwi consider PPC1 represents the first step on the journey toward achieving Te Ture Whaimana by 2096. To realise the freshwater objectives set out in PPC1, the Waikato and Waipā River Iwi expect to see meaningful reduction in contaminants that are discharged from land use and a corresponding improvement in water quality by 2026. The Waikato and Waipā River Iwi believe the cost of failure to make meaningful reductions in the discharge of contaminants from land use by 2026 will be borne by the awa.
20. The Waikato and Waipā River Iwi acknowledge that achieving Te Ture Whaimana will require intergenerational change to the way land is used

in the Waikato and Waipā River catchment. The Waikato and Waipā River Iwi are in this for the long haul; achieving Te Ture Whaimana over the 80-year timeframe is not negotiable.

21. The Waikato and Waipā River Iwi consider PPC1 must “hold the line” and prevent further unmanaged land use change in the short-term. In saying this, the five Waikato and Waipā River Iwi recognise the “hold the line” approach would equally affect undeveloped or under-developed Māori land.
22. Individually, the Waikato and Waipā River Iwi acknowledge they hold broader aspirations to achieve the economic potential of Māori land within their respective rohe over time and their respective tribal economies more generally. While the health and wellbeing of the Waikato and Waipā Rivers remains the primary concern of the Waikato and Waipā River Iwi, there is an acceptance that any development of Māori land would need to occur within the context of achieving Te Ture Whaimana.
23. As signaled by the Collaborative Stakeholder Group, the Waikato and Waipā River Iwi recognise further plan changes will be required to put in place the next stages of the 80-year journey to achieving Te Ture Whaimana. The Waikato and Waipā River Iwi believe hardwiring signals into the fabric of PPC1 —to forewarn plan users of necessary future plan changes— is a logical and common-sense response to planning for a long-term outcome.
24. The Waikato and Waipā River Iwi reaffirm their view that the allocation of rights to discharge contaminants from land use must be a secondary consideration to achieving Te Ture Whaimana within the 80-year timeframe. Principally, PPC1 should focus on improving water quality outcomes commensurate with achieving Te Ture Whaimana and must not lock in and/or pre-determine long-term rights to discharge contaminants. As such, a pure grand-parenting approach to future allocation is not acceptable to the Waikato and Waipā River Iwi.
25. As envisaged by the Collaborative Stakeholder Group, the Waikato and Waipā River Iwi consider the full range of options to allocate any rights to discharge contaminants must be reconsidered in 10-years when more

robust and fulsome data/information is available from the implementation of PPC1.

CONCLUSION

26. The Waikato and Waipā River Iwi jointly prepared an outcome statement and principles for implementing Te Ture Whaimana in July 2015 to assist the thinking of the Collaborative Stakeholder Group at that time. While being developed for a singular purpose, the outcome statement and principles remain relevant:

- (g) The Waikato and Waipā Rivers must be restored and protected so that it is safe to swim and take food from over its entire length. The expectation of River iwi and the community is water bodies will be restored to an agreed level of water quality (the restoration target) and then protected in that improved state in the long-term.
 - (i) The expectation of the Waikato and Waipā River Iwi is water bodies will be restored to an agreed level of water quality (the restoration target) and then protected in that improved state in the long-term.
 - (ii) The quality of water in Waikato and Waipā River catchments needs to be restored to a level that is safe for people to swim in and harvest kai from over their entire lengths. The aspiration is that kai is safe to eat raw, whilst acknowledging the practicalities of this goal. Swimmable includes in all seasons across a range of flows, with the understanding that different standards might apply at flood flows.
 - (iii) Restoration means the water quality of the Waikato and Waipā Rivers continually improves and, will support an abundance and diversity of freshwater fisheries resources, flora and fauna.
 - (iv) Protection has a dual meaning of: (i) ensuring current water quality does not decline and (ii) protecting the

quality of water bodies once restoration targets have been achieved.

27. We are very clear that the Waikato and Waipā Rivers must be protected from further degradation:
- (a) The aim must be to prevent further degradation of the Waikato and Waipā Rivers acknowledging there is a lag effect of some nutrients.
 - (b) The inter-generational timeframes, lag effects and complexity of the problem are not defensible reasons to delay putting in place management interventions.
 - (c) Maintaining the status quo will not contribute to achieving restoration outcomes nor will the status quo prevent water quality from deteriorating further.