

Talking points for Bob Penter, Chief Executive, Waikato River Authority
Hearing on Waikato Regional Council Plan Change 1
13 March 2019, Hamilton

1. There are three key points that I would like to emphasise from my evidence:
 - a. the role of the Waikato River Authority ('WRA');
 - b. the status and importance of the Vision and Strategy; and
 - c. the Authority's position on PC1.

The Role of the WRA

2. It is critical to remember that the WRA and the Vision and Strategy were established through three unique pieces of legislation, which implement significant agreements between the Crown and five Iwi of the Waikato and Waipaa Rivers.
3. The WRA is an independent statutory body established in 2010 through that legislation.
4. The WRA has had an ex-officio seat (with no voting rights) on the iwi/Waikato Regional Council steering group Te Roopuu Hautuu throughout the Healthy Rivers Plan Change process including discussions related to Variation 1.

The Vision and Strategy

5. The Vision and Strategy was also recognised through that unique legislation.
6. The legislation recognises the Vision and Strategy as the 'primary direction-setting document' for the Waikato River and activities within its catchment affecting the Waikato River.
7. The Vision and Strategy has a status akin to a National Policy Statement, but importantly prevails over any inconsistent provision in any National Policy Statement and the New Zealand Coastal Policy Statement, where there is a conflict.
8. The WRA's position is that it is no longer sufficient for resource users to demonstrate that adverse effects are avoided, remedied, or mitigated. Instead, resource users

should demonstrate that any resource use within the Waikato and Waipaa River catchments will also result in some positive benefit contributing to the restoration of the Waikato River, proportionate to the activity in question.

9. The Vision and Strategy contains a set of objectives and strategies for the restoration and protection of the health and wellbeing of the Waikato / Waipaa Rivers, and all it embraces, for generations to come. These objectives are set out in my evidence at paragraph 12. I bring to the panel's attention a minor error in my evidence within Objective J's wording where "subject to" is incorrect and "requires" is the correct replacement wording.
10. The objectives within the Vision and Strategy encompass all people of the Waikato / Waipaa River and their relationships with it – through their communities, industries, recreation, social and cultural pursuits. It will take commitment and time to restore and protect the health and wellbeing of the Waikato / Waipaa Rivers. Only by us all working together collaboratively and cooperatively in a coordinated approach will the Vision be realised.
11. The WRA acknowledges that the required changes to achieve the Vision and Strategy will take many years, and that PC1 provides a positive step forward. PC1 demonstrates betterment for the Waikato / Waipaa Rivers.
12. I understand the panel has sought clarification from the Waikato Regional Council in relation to whether there is an internal hierarchy within the objectives of the Vision and Strategy. I further understand that some submitters have queried the status of social and economic wellbeing within the Vision and Strategy.
13. I can advise the panel that while there is no internal hierarchy within the objectives they must be interpreted in a manner that best achieves the over-riding Vision for the Waikato River. In this regard the health and wellbeing of the Waikato and Waipaa Rivers and their catchments is of the foremost importance.
14. This is clear in the Vision (emphasis added):

Our Vision is for a future where a **healthy Waikato River sustains abundant life and prosperous communities** who, in turn, are all responsible for

restoring and protecting the health and wellbeing of the Waikato River, and all it embraces, for generations to come.

15. Social and economic wellbeing is viewed by the WRA as being a consequence of healthy Waikato and Waipaa Rivers and their associated waterways, lakes and wetlands. That is reinforced through objective (j) of the Vision and Strategy which states:

“the recognition that the strategic importance of the Waikato River to New Zealand’s social, cultural, environmental, and economic wellbeing **requires** the restoration and protection of the health and wellbeing of the Waikato River.”

(emphasis added)

The WRA’s position on PC1

16. The WRA acknowledges and respectfully supports the statements of the River Iwi that have presented to the Hearing Panel.

17. The WRA:

- a. supports PC1 (and Variation 1) as a whole, in particular as it relates to restoring and protecting the health and well-being of the Waikato and Waipaa Rivers and all it embraces for future generations; and
- b. does not support its withdrawal (as recommended in submissions as noted in section 108 of the Section 42A report).

18. The Authority also supports the thrust of the s42A report, for example that the Vision and Strategy must be ‘given effect to’ and that no viable alternative to PC1 has been identified to meet that statutory directive.

19. The WRA’s position is that the Hearing Panel needs to be particularly focussed on the unique legal and planning status of the Vision and Strategy, and the requirement to give effect to the Vision and Strategy through PC1. This is a significant obligation that is embedded in the unique legislation that applies to these rivers.

