

Report to the Collaborative Stakeholder Group – for information

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To: Collaborative Stakeholder Group
From: Chairperson – Bill Wasley
Subject: Healthy Rivers Wai Ora and the Coastal Marine Area
Section: For information

Purpose

The purpose of this report is to highlight to the Collaborative Stakeholder Group (CSG):

- the jurisdictions of different plans within the area covered by Healthy Rivers: Plan for Change/Wai Ora: He Rautaki Whakapaipai project
- how and when the management of the coastal marine area at Te Puuaha o Waikato will be reviewed and;
- the current mechanisms that are in place to manage effects in this area.

Recommendation:

That the report “Healthy River/Wai Ora and the Coastal Marine Area” (Doc 3462866 dated 27 July 2015) be received for information.

Background

Healthy Rivers: Plan for Change/Wai Ora: He Rautaki Whakapaipai project commenced with a joint recommendation from Council and five River Iwi partners which recommended that:

*The Waikato Regional Council commences the 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 Waipa River catchments¹...*

The geographic scope of the Healthy Rivers/Wai Ora project is from Huka Falls to where the Waikato River meets the sea at Te Puuaha o Waikato (Port Waikato), the entire length of the Waipa River (headwaters to the confluence at Ngaruawahia) and including all land draining into the Waikato and Waipa Rivers and their tributaries². This is the area covered by the Vision and Strategy³.

¹ Decision L&W12/19 Land and Water Quality Subcommittee 26 July 2012 Minutes Doc# 2227460, and WRC12/198, Waikato Regional Council 15 August 2012 Minutes Doc #2242297

² Preparation notes for TRH and co-governance committee workshop 24 February 2014 Healthy Rivers Wai Ora project scope. Document # 2975416

³ Section 6 Interpretation, definition of Waikato River and Te Puuaha o Waikato. Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010

The Resource Management Act 1991 sets up plan boundaries near the coast that are somewhat arbitrary and differ to the scope of the Vision and Strategy and Healthy Rivers/Wai Ora project. The Waikato Regional Plan and Regional Coastal Plan cover similar activities in different locations near the coast, and the plans have a different final sign off process. The Regional Coastal Plan requires final approval from the Minister of Conservation.

Waikato Regional Plan and Regional Coastal Plan extent

A **regional plan** covers land, rivers and lakes, and includes controls on:

- land use⁴;
- structures, disturbances, depositions and reclamation of river and lake beds⁵;
- water takes, uses, damming and diverting water⁶;
- direct discharges into water, the air or onto land, and diffuse discharges⁷.

The jurisdiction of the **regional plan** on the Waikato River stops at the coastal marine area (CMA) boundary (shown in black in Figure 1). However, the regional plan continues to control activities on the land downstream from this point and around to the coast, from the land towards the river and sea down to mean high water springs.

From the CMA boundary to the sea, the **coastal plan** applies on the river up to mean high water springs. For the Waikato River this is a distance of just over 10 kilometres. The coastal plan includes controls on:

- structures, disturbances, depositions and reclamation of river and lake beds⁸;
- water takes, uses, damming and diverting water⁹ and:
- direct discharges into water¹⁰

for the stretch of river which is in the CMA.

Therefore, there is a portion of the Waikato River, approximately 10km of river at Te Puuaha o Waikato, which will not have new objectives, policies and rules notified as part of the Healthy Rivers/Wai Ora project. This is because that area is under the jurisdiction of the Regional Coastal Plan, which will not be amended through Healthy Rivers/Wai Ora project.

Current water quality in the CMA portion of the Waikato River

Council surveyed the water quality of the estuary on seven occasions during 2012-13. Surveys were undertaken by boat, at about the time of high water. A preliminary survey had indicated that at other stages of the tide, the water present in the area was almost entirely fresh (due to the relatively large input of freshwater from the river). A range of water quality parameters were studied¹¹. Measurements were made at four sites, including near the last of the islands ("Site 1"), and near the mouth of the river ("Site 4"). Summarised results of the investigation are shown on WRC website¹². As it happens, these two sites encompass most of the CMA shown in Figure 1.

⁴ Section 9 RMA, Restrictions on use of land

⁵ Section 13 RMA, Restrictions on certain uses of beds and lakes of rivers

⁶ Section 14 RMA, Restrictions relating to water

⁷ Section 15 RMA, Discharge of contaminants into environment

⁸ Section 12 Restrictions on use of coastal marine area

⁹ Section 14 RMA, Restrictions relating to water

¹⁰ Section 15 RMA, Discharge of contaminants into environment

¹¹ Results in DM#2230667

¹² <http://www.waikatoregion.govt.nz/Environment/Natural-resources/coast/How-healthy-are-our-estuaries/Estuarine-water-quality-monitoring-map/Port-Waikato/>

Even at high tide, the water at Site 1 was generally almost all fresh (i.e. hardly any seawater was present), and the water quality was similar to that observed at Tuakau bridge—the most downstream of the council’s routine Waikato River monitoring sites. This is indicated by similar levels of nitrogen, phosphorus, sediment and *E. coli*. By contrast, at Site 4 the water (at high tide) was mostly seawater and the concentrations of those four contaminants in the estuarine water were lower than those in the river water – because of dilution of the river-borne contaminants with “clean” seawater. That is, within the CMA the fresh river water mixes with clean seawater and this generally reduces the concentrations of most contaminants.

Mechanisms for management of the CMA

As part of the Healthy Rivers/Wai Ora project there are a number of policy documents which require consideration of the CMA during a freshwater limit setting process, as the CMA is the receiving environment from those water bodies. These documents include:

- Regional Coastal Plan, which promotes the development of policies and objectives within regional plans to take in account the downstream effects on water quality¹³
- Proposed Waikato Regional Policy Statement, which requires regional plans to adopt a catchment based approach to ensure the integrated management of water resources, including the management of quality of marine waters¹⁴
- National Policy Statement for Freshwater Management 2014¹⁵, which requires councils to have regard to the connections between freshwater bodies and coastal water when establishing freshwater objectives and limits¹⁶, and to provide for the integrated management of the effects of the use and development of land and fresh water on coastal water¹⁷
- New Zealand Coastal Policy Statement (NZCPS), which applies in the ‘coastal environment’ (see Figure 1), which has been indicatively mapped for the Waikato Region in the Proposed Waikato Regional Policy Statement¹⁸.

The full regional and coastal plan review is currently in project planning and is due to commence in late 2015. The reviewed plan will identify types of marine water based on their capacity to assimilate discharges and establish water quality standards for each type. The science work to establish these types and standards is due to commence in mid to late 2015 and results are expected to be available by late 2017. This science work will be one input that feeds into the full regional and coastal plan review, which council and co-management partners will work on together. It is expected that the work on marine water types will be completed and ready for inclusion in the second or third stage of plan review, in time for notification in 2018/19 or 2019/20.

In the mean time activities in the CMA are covered by provisions in the Regional Coastal Plan, are subject to the Vision and Strategy, and can have consent conditions which reflect the changing policy environment, for instance short term consent duration or a review clause.

¹³ 17.3.9 Regional and District Plans, Regional Coastal Plan

¹⁴ 8.1.1 e), Proposed Waikato Regional Policy Statement Decisions Version, November 2012

¹⁵ In a recent report Parliamentary Commissioner for the Environment recommended that “The Minister for the Environment direct his officials to prioritise the work required to bring estuaries into the NPS.” (Managing Water Quality: Examining the 2014 National Policy Statement, page 22)

¹⁶ Policy A1 a)iii)

¹⁷ Policy C2 b)

¹⁸ 4A Indicative coastal environment maps, Proposed Waikato Regional Policy Statement Decisions Version, November 2012

Currently, there is only one coastal permit issued for an activity in the CMA of the Waikato River, which is a direct discharge. This consent will expire in 2021.

Figure 1: Plan boundaries at Te Puuaha o Waikato



Conclusion

Healthy Rivers/Wai Ora project will result in one plan change - to the Waikato Regional Plan. The portion of the Waikato River that falls within the jurisdiction of the Regional Coastal Plan will be addressed as part of the full regional and coastal plan reviews. The water quality near the boundary of the Regional Coastal Plan area is similar to that observed at Tuakau bridge - the most downstream of the council's routine Waikato River monitoring sites. Near the mouth of the river the water (at high tide) is mostly seawater and the concentrations of contaminants in the estuarine water were lower than those in the river water because of dilution of the river-borne contaminants with "clean" seawater.

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