

# PROPOSED WAIKATO REGIONAL PLAN CHANGE 1 WAIKATO AND WAIPĀ RIVER CATCHMENTS



Submission form on publicly notified – Proposed  
Waikato Regional Plan Change 1 – Waikato and  
Waipā River Catchments.

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FORM 5 Clause 6 of First Schedule, Resource Management Act 1991

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## SUBMISSIONS CAN BE

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Delivered to	Waikato Regional Council, 401 Grey Street, Hamilton East, Hamilton
Faxed to	(07) 859 0998 <b>Please Note:</b> if you fax your submission, please post or deliver a copy to one of the above addresses
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**We need to receive your submission by 5pm, 8 March 2017.**

## YOUR NAME AND CONTACT DETAILS

Full name: \_\_\_\_\_  
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 Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

## ADDRESS FOR SERVICE OF SUBMITTER

Full name: \_\_\_\_\_  
 Address for service of person making submission: \_\_\_\_\_  
 \_\_\_\_\_  
 Email: \_\_\_\_\_  
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## TRADE COMPETITION AND ADVERSE EFFECTS *(select appropriate)*

- I could /  could not gain an advantage in trade competition through this submission.
- I am /  am not directly affected by an effect of the subject matter of the submission that:
- adversely effects the environment, and
  - does not relate to the trade competition or the effects of trade competition.

Delete entire paragraph if you could not gain an advantage in trade competition through this submission.

## THE SPECIFIC PROVISIONS OF PROPOSED PLAN CHANGE 1 THAT MY SUBMISSION RELATES TO

Please state the provision, map or page number e.g. Objective 4 or Rule 3.11.5.1 (Continue on separate sheet(s) if necessary).

## I SUPPORT OR OPPOSE THE ABOVE PROVISION/S

(Select as appropriate and continue on separate sheet(s) if necessary).

- Support the above provisions
- Support the above provision with amendments
- Oppose the above provisions

## MY SUBMISSION IS THAT

Tell us the reasons why you support or oppose or wish to have the specific provisions amended. (Please continue on separate sheet(s) if necessary).

## I SEEK THE FOLLOWING DECISION BY COUNCIL

(Select as appropriate and continue on separate sheet(s) if necessary).

- Accept the above provision
- Accept the above provision with amendments as outlined
- Decline the above provision
- If not declined, then amend the above provision as outlined

**PLEASE INDICATE BY TICKING THE RELEVANT BOX WHETHER YOU WISH TO BE HEARD IN SUPPORT OF YOUR SUBMISSION**

- I wish to speak at the hearing in support of my submissions.
- I do not wish to speak at the hearing in support of my submissions.

**JOINT SUBMISSIONS**

- If others make a similar submission, please tick this box if you will consider presenting a joint case with them at the hearing.

**IF YOU HAVE USED EXTRA SHEETS FOR THIS SUBMISSION PLEASE ATTACH THEM TO THIS FORM AND INDICATE BELOW**

- Yes, I have attached extra sheets.  No, I have not attached extra sheets.

**SIGNATURE OF SUBMITTER**

Signature:



Date:

Personal information is used for the administration of the submission process and will be made public. All information collected will be held by Waikato Regional Council, with submitters having the right to access and correct personal information.

**PLEASE CHECK** that you have provided all of the information requested and if you are having trouble filling out this form, phone Waikato Regional Council on 0800 800 401 for help.

## Submission by

# Hamilton City Council

## Proposed Waikato Regional Plan Change 1 - Waikato and Waipa River Catchments

2 March 2017

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### 1.0 EXECUTIVE SUMMARY

This submission:

- (1) Supports *Proposed Waikato Regional Plan Change 1 - Waikato and Waipa River Catchments* (PPC1) in parts and opposes it in other parts;
- (2) Recognises that PPC1 is necessary in order to achieve, over time, the Vision and Strategy for the Waikato River; and
- (3) Seeks amendment to parts of PPC1 for the purposes of:
  - (a) Including:
    - (i) Specific policy recognition for municipal discharges and planned growth;
    - (ii) Provisions for Hamilton City Council (HCC) involvement in relevant planning and implementation activities; and
  - (b) Making provisions clearer and more certain.

### 2.0 INTRODUCTION

- 2.1. HCC welcomes the opportunity to make a submission to PPC1.
- 2.2. This letter and its appendices supplement the attached, completed Form 5<sup>1</sup>.
- 2.3. Prior to notification of PPC1, HCC provided a written response<sup>2</sup> to Waikato Regional Council's (WRC's) request<sup>3</sup> for feedback on the draft PPC1, pursuant to Clause 3 of Schedule 1 of the Resource Management Act 1991 (the RMA).
- 2.4. A glossary of abbreviations used in the Submission is included in Appendix A.

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<sup>1</sup> Clause 6 of First Schedule, RMA

<sup>2</sup> HCC document D-2201322 dated 23 August 2016.

<sup>3</sup> WRC letter dated 5 August 2016 (file No: 23 10 12).

### 3.0 OVERVIEW OF THIS SUBMISSION

- 3.1. HCC supports the proposed plan change in parts and opposes it in other parts, as set out in Appendices B and C below.
- 3.2. HCC recognises the plan change is necessary in order to achieve, over time, the Vision and Strategy for the Waikato River.
- 3.3. HCC supports the proposed plan change in part despite the fact it may eventually result in the Council having to make significant funding provision for improving its three-waters infrastructure, for example, further upgrades to its wastewater treatment plant. This would be additional to the significant investment already made in relation to improving the quality of the wastewater discharge and therefore the quality of the Waikato River.

### 4.0 SCOPE OF SUBMISSION

- 4.1. This submission:
  - Summarises the importance of Waikato River to Hamilton City;
  - Explains why HCC:
    - supports achieving the Vision and Strategy for the Waikato River;
    - opposes parts of PPC1;
    - has an interest in the provisions of the proposed plan change that will apply to rural areas, as well as to urban areas;
  - Seeks amendments to some provisions; and
  - Explains why HCC wants these changes.
- 4.2. HCC has an interest in PPC1 in its entirety. While HCC is generally supportive of the principles which underlie the provisions of the proposed plan change, there are a number of the proposed provisions which are considered to be inappropriate and require amendment, and/or otherwise require additional policies and rules.

### 5.0 HAMILTON CITY AND THE IMPORTANCE OF THE WAIKATO RIVER

- 5.1. Hamilton is New Zealand's fourth largest city, the Waikato Region's largest urban area and is scheduled to grow, as provided for in the Waikato Regional Policy Statement. Under the National Institute of Demographic and Economic Analysis (NIDEA) 2016 Low Series population growth predictions, Hamilton's population is projected to grow from 150,180 in 2013 to around 193,414 in 2033 and 226,675 in 2063.<sup>4</sup>
- 5.2. The Waikato River and its contribution to New Zealand's cultural, social, environmental, and economic wellbeing are of national importance<sup>5</sup>.
- 5.3. The City straddles the Waikato River, which is the City's principal source of potable water<sup>6</sup>. In addition, the Waikato River receives the City's treated wastewater. The Waikato and Waipa rivers and some of their tributaries also provide drainage for the City's stormwater.
- 5.4. The Waikato River is an outstanding natural feature in Hamilton City. The river and its margins contain significant habitats of indigenous fauna and vegetation, and it is recognised as an area of

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<sup>4</sup> Source: *2016 Update of Population, Family and Household, and Labour Force Projections for the Waikato Region, 2013 - 2063* by Michael P. Cameron and William Cochrane (National Institute of Demographic and Economic Analysis, University of Waikato, October 2016). See HCC document D-2249410.

<sup>5</sup> Section 9(1) of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010.

<sup>6</sup> Some properties in HCC's jurisdiction have bores or rainwater tanks.

high amenity value with natural, cultural and heritage significance. Protecting, restoring, and enhancing the health and wellbeing of the river and its margins are essential to ensure the quality of the resource is available for future generations.<sup>7</sup>

5.5. The Waikato River at Hamilton is already at, or approaching, full allocation of water.

## 6.0 WHY HCC SUPPORTS ACHIEVEMENT OF THE VISION AND STRATEGY FOR THE WAIKATO RIVER AND PARTS OF PPC1

6.1. The Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 and the RMA<sup>8</sup>, in combination, require HCC to give effect to the Vision and Strategy for the Waikato River.

6.2. Since the enactment of the Vision and Strategy for the Waikato River, HCC has integrated its requirements into the following key statutory and strategic documents:

- (1) *Hamilton City Partly Operative District Plan*;
- (2) HCC's Corporate Strategy;
- (3) *The Hamilton Plan*;
- (4) *The Hamilton City River Plan*; and
- (5) *HCC's Long-Term Infrastructure Strategy (2015-2045)*.

6.3. HCC anticipates the following benefits from realisation of the Vision and Strategy for the Waikato River:

- (1) The ecology and habitat value of the Waikato River will be improved;
- (2) The river will become a more aesthetically attractive natural feature within the City;
- (3) The river will provide more recreational opportunities for Hamilton residents and visitors to Hamilton
- (4) Water quality improvements will enable humans to have physical contact with the city's natural waterways and to harvest and consume food from them with minimal risk of experiencing any adverse health effects as a consequence of that contact or consumption;
- (5) These improvements will help make Hamilton a more attractive city for families, support efforts to improve connections to the Waikato River and support tourism; and
- (6) Maori cultural aspirations will be realised.

6.4. HCC supports parts of PPC1 because they will begin the transition towards achieving the Vision and Strategy for the Waikato River, which is expected to yield the benefits set out in 6.3 above.

## 7.0 WHY HCC OPPOSES PARTS OF PPC1

7.1. A regional plan must give effect to any national policy statement and any regional policy statement<sup>9</sup>.

### **National Policy Statements**

7.2. Two national policy statements particularly relevant to PPC1 are:

- (1) *National Policy Statement for Freshwater Management 2014* (the NPS FM); and
- (2) *National Policy Statement on Urban Development Capacity 2016* (the NPS-UDC).

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<sup>7</sup> The Explanation regarding Objective 2.2.7 in the Hamilton City Partly Operative District Plan

<sup>8</sup> See sections 73(4), 75(3)(a) and 75(3)(c) of the RMA

<sup>9</sup> s.67(3) of the RMA

- 7.3. PPC1 gives effect to the NPS FM within the Freshwater Management Units shown on Figure 3.11-1 of PPC1. Consequently, PPC1 makes multiple references to the NPS FM; but there are no references to the NPS-UDC because it only came into effect on 1 December 2016, after PPC1 was publicly notified<sup>10</sup>. Nevertheless, the Waikato Regional Plan must give effect to the NPS-UDC.
- 7.4. The NPS-UDC requires all local authorities to ensure that at any one time there is sufficient development capacity available within the next thirty years to meet demand for work and business places and dwellings<sup>11</sup>.
- 7.5. Areas administered by Hamilton City Council, Waikato District Council, Waipa District Council and WRC fall within the definition of a “high-growth urban area” in the NPS-UDC<sup>12</sup>. For these areas the NPS-UDC requires the local authorities to provide an additional margin of feasible development capacity over and above projected demand of at least 20% in the short and medium term, and 15% in the long term.<sup>13</sup> Furthermore, these local authorities are required to consider all practicable options for providing sufficient, feasible development capacity and enabling development to meet demand.<sup>14</sup>

**Regional Policy Statement**

- 7.6. The Waikato Regional Policy Statement (the RPS) adopts the Future Proof land use pattern and specifies where in the City and Districts urban development is to take place<sup>15</sup>.
- 7.7. The RPS will need to be amended where necessary in order to give effect to the NPS-UDC.<sup>16</sup>

**Lack of recognition for urban growth**

- 7.8. PPC1 gives no specific recognition to the requirements the RPS and the NPS-UDC places on Hamilton City Council, Waikato District Council and Waipa District Council to accommodate urban growth. The RPS and the NPS-UDC are driving urban growth into Hamilton City and the identified areas of the Waikato and Waipa Districts. This growth will generate more urban stormwater and more wastewater to be treated and discharged to the Waikato and Waipa Rivers. It will result in changes to the contaminant loads discharged from the growth areas to the Waikato River.
- 7.9. This lack of recognition means there is a disconnect and a lack of alignment between PPC1 and the higher hierarchy document, the RPS, to which the PPC1 must give effect. To this extent, PPC1 is unlawful. HCC opposes this aspect of PPC1.
- 7.10. HCC also opposes other parts of PPC1, as identified in Appendices B and C. The reasons for HCC’s opposition to these other parts is explained in detail within Appendix B, but generally result because the identified provisions:
- (1) Lack clarity and certainty; or
  - (2) Fail to provide for HCC’s involvement in relevant planning and implementation.

**8.0 HCC’S INTEREST IN RURAL PROVISIONS**

- 8.1. Hamilton City has within its boundaries over 3,000 hectares of rural land which will be urbanised progressively in the future – see Table 1 and Figure 1.

<sup>10</sup> PPC1 was publicly notified on 22 October 2016.

<sup>11</sup> See Objective OA2 and Policy PA1 on p10 and p11 of NPS-UDC.

<sup>12</sup> See p.7 of the NPS-UDC and *Summary of the National Policy Statement on Urban Development Capacity* (2016, p.2).

<sup>13</sup> Policy PC1 of NPS-UDC (2016, p.13)

<sup>14</sup> Policy PC4 of NPS-UDC (2016, p.14)

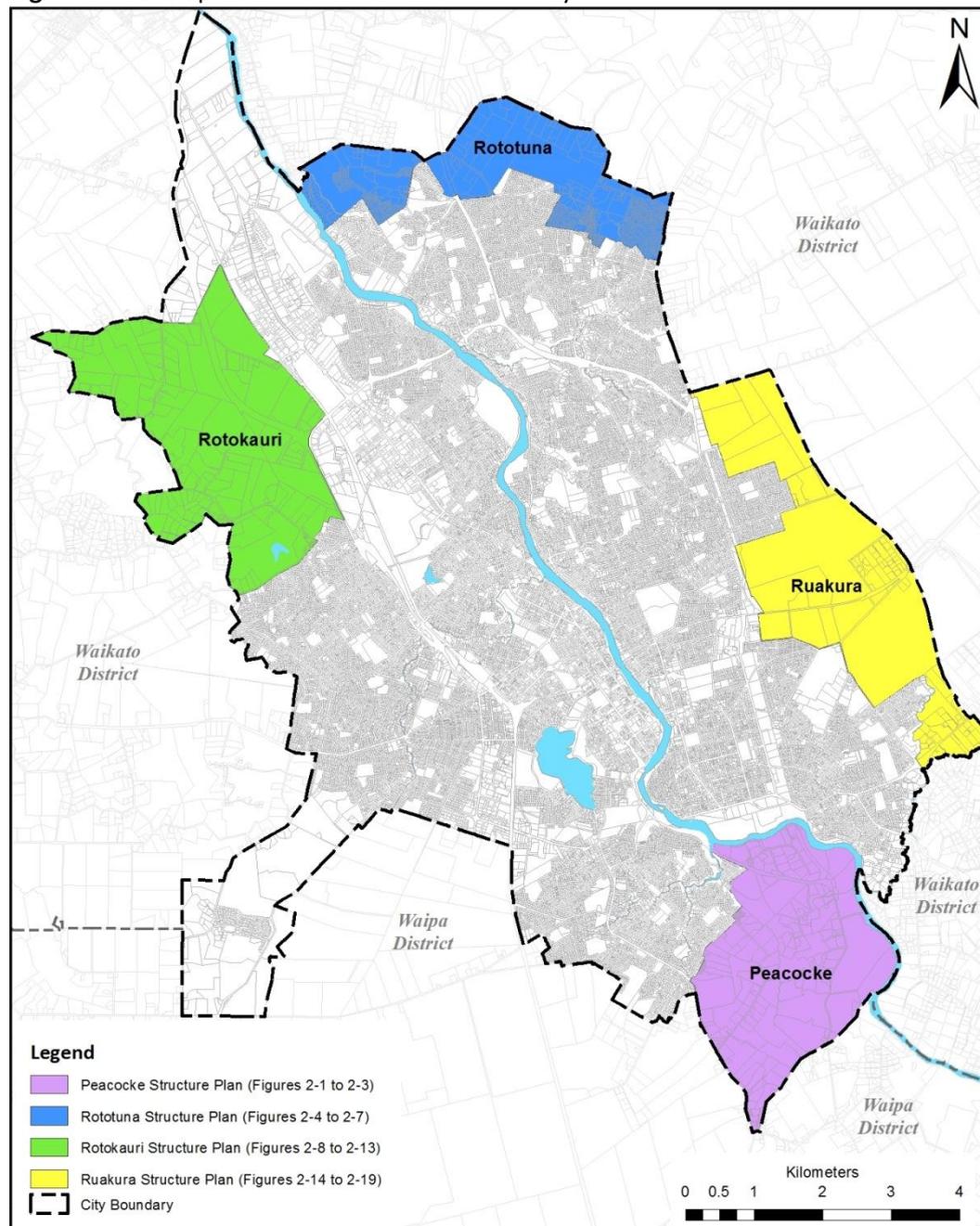
<sup>15</sup> See Policy 6.14 of the RPS (2016, p.6-20)

<sup>16</sup> S62(3) of the RMA

**Table 1:** Rural Land in Hamilton as at July 2016

Development Area	Area (hectares)
Rototuna	514.17
Rotokauri	955.23
Ruakura	800.81
Peacocke	746.74
<b>Total</b>	<b>3,016.95</b>

**Figure 1:** Development Areas within Hamilton City<sup>17</sup>



8.2. In addition, some tributaries of the Waikato River flow through the city from rural areas outside the City boundary, for example, Kirikiriroa, Waitawhiriwhiri, Mangakotukutuku, and Mangaonua Streams. On the other hand, some tributaries have their source within urban areas and flow

<sup>17</sup> Figure 1 reproduces Figure 3.1a of the Hamilton City Partly Operative District Plan

through rural areas before discharging to the Waikato or Waipa Rivers, for example, Otamangenge Stream and Mangaheka Stream respectively.

- 8.3. Because the City is reliant on the Waikato River for its water, which drains from mainly rural areas upstream, and because the city contains rural areas and rural areas discharge through the City, HCC has an interest in the provisions of PPC1 that relate to rural properties as well as those that relate to urban areas.
- 8.4. In addition to these direct relationships with rural areas, the City has indirect social, economic and cultural relationships with the rural parts of the Waikato and Waipa River catchments. The health, wealth and vibrancy of rural communities flows-on to affect the social, economic and cultural well-being of the City. Consequently, the effects of PPC1 on rural communities will also flow on to affect Hamilton, and this is another reason why HCC is interested in the rural provisions of PPC1.

## 9.0 DETAILED SUBMISSION POINTS

- 9.1. The detail of the relief sought by HCC is set out in the table of submission points (Appendix B) and Appendix C. In addition to this specific relief, HCC seeks any other similar, alternative or consequential relief which will address the reasons for the submission outlined in this submission.
- 9.2. The proposed changes are presented in red in Appendices B and C as follows:
  - Additions: underlined; and
  - Deletions: ~~strikethrough~~.

## 10.0 FURTHER INFORMATION

- 10.1. Should WRC wish to discuss the points raised by HCC, please contact Paul Ryan (Senior Planner, Economic Growth and Planning) on 07 838 6478, or email [Paul.Ryan@hcc.govt.nz](mailto:Paul.Ryan@hcc.govt.nz), in the first instance.

Yours faithfully



**Lance Vervoort**  
**ACTING CHIEF EXECUTIVE**

### **Appendices**

- Appendix A: Glossary of Abbreviations Used in this Submission
- Appendix B: Detailed Submission Points
- Appendix C: Amendments Sought to Mana Tangata – Use Values
- Appendix D: References

## APPENDIX A: GLOSSARY OF ABBREVIATIONS USED IN THIS SUBMISSION

FMU	Freshwater Management Unit
HCC	Hamilton City Council
NIDEA	National Institute of Demographic and Economic Analysis <sup>18</sup>
NPS FM	<i>National Policy Statement for Freshwater Management 2014</i>
NPS-UDC	<i>National Policy Statement on Urban Development Capacity 2016</i>
PPC1	<i>Proposed Waikato Regional Plan Change 1 - Waikato and Waipa River Catchments</i>
RMA	<i>Resource Management Act 1991</i>
RPS	<i>Waikato Regional Policy Statement (2016)</i>
s	Section of a statute (such as the RMA), or section of the PPC1
WRC	Waikato Regional Council

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<sup>18</sup> This institute is based at the University of Waikato.

**APPENDIX B: DETAILED SUBMISSION POINTS**

Provision	Support/ Oppose	Submission	Decision sought
<p><b>3.11 Background and explanation:</b> Full achievement of the Vision and Strategy will be inter-generational</p>	<p>Oppose in part</p>	<p>HCC supports amendment of the following paragraph (p.15):</p> <p><i>Municipal and industrial point source dischargers will also be required to revise their discharges in light of the Vision and Strategy and the water quality objectives, and sub-catchment limits^ and targets^ that have been set. This will happen as the current consent terms expire.</i></p> <p>This paragraph sets out the intent of PPC1 that any municipal and industrial point source discharge will be able to continue subject to the conditions of its current consent, and the water quality limits and targets set out in PPC1 will apply when the consent is renewed.</p> <p>HCC has made significant investment in its existing wastewater infrastructure and has planned further investment (which is set out in its <i>Long-Term Infrastructure Strategy (2015-2045)</i><sup>19</sup>). This planning is based on meeting the requirements of its current consents. It would be unreasonable for WRC to expect HCC to comply with different consent conditions before the current consents expire.</p> <p>However, the second sentence in the paragraph quoted above, “<i>This will happen as the current consent terms expire</i>”, is ambiguous. There is a risk that it could be construed as indicating a requirement for the water quality objectives, and sub-catchment limits and targets to be <b>achieved</b> when the current consent expires, rather than a requirement regarding</p>	<p>Amend the paragraph as follows:</p> <p><i>Municipal and industrial point source dischargers will also be required to revise their discharges in light of the Vision and Strategy and the water quality objectives, and sub-catchment limits^ and targets^ that have been set. This <u>new requirement</u> will <del>happen</del> <u>apply</u> as the current consent terms expire. <u>It may take further time, over the 80 year period, for the 80 year targets specified in Table 3.11-1 to be achieved.</u></i></p>

<sup>19</sup> This strategy forms Volume II of Hamilton City Council’s 2015-2025 10-Year Plan.

Provision	Support/ Oppose	Submission	Decision sought
		<p>when new water quality targets will <b>apply</b>.</p> <p>In many cases it may take a long period of time, including up to the full 80 year period, to achieve the water quality targets set out in Table 3.11-1 of PPC1. In some cases, it may not be practicable for a specific discharge to achieve these targets. The policy framework introduced by PPC1, which includes provisions for staging, application of best practicable option and off-setting, provides for these possible outcomes.</p> <p>Amendments to the paragraph are sought in order to clarify the meaning and implementation of PPC1.</p>	
<p><b>3.11.1 Values and uses for the Waikato and Waipa Rivers</b></p>	<p>Oppose in part</p>	<p>As explained in the first paragraph of s.3.11.1 of PPC1, the NPS FM requires that values relevant to a Freshwater Management Unit (FMU) are established as a first step in the process of setting objectives and water quality limits for each FMU.</p> <p>While establishing the values and uses for the rivers is a stepping stone to setting objectives and water quality targets, the values and uses are referred to in Objective 4 and Implementation Method 3.11.4.11, and will therefore have significance during implementation of PPC1. The parts of these provisions referencing values and uses, as notified, are:</p> <p><b><i>Objective 4: People and community resilience/Te Whāinga 4: Te manawa piharau o te tangata me te hapori</i></b>  <i>A staged approach to change enables people and communities to undertake adaptive management to continue to provide for their social, economic and cultural wellbeing in the short term while:</i></p> <p>a. <i>considering the values and uses when taking action to achieve the attribute^ targets^ for the Waikato and Waipa Rivers in Table 3.11-1; and ...</i></p>	<p>Amend the following Mana Tangata – Use Values as set out in <b>Appendix C</b> to this submission:</p> <ul style="list-style-type: none"> <li>• Use values – Primary production: Ko ngā mahi māra me ngā mahi ahu matua / Cultivation and primary production;</li> <li>• Water supply: Ko ngā hapori wai Māori / Municipal and domestic water supply;</li> <li>• Use values – Commercial [sic], municipal and industrial use: Ko ngā āu putea / Economic or commercial development; and</li> <li>• Use values - Mitigating flood hazards; and</li> </ul> <p>Insert a new Mana Tangata – Use Value for “Drainage”, as set out in <b>Appendix C</b> to this submission.</p>

Provision	Support/ Oppose	Submission	Decision sought
		<p><b>3.11.4.11 Monitoring and evaluation of the implementation of Chapter 3.11/Te aroturuki me te arotake i te whakatinanatanga o te Upoko 3.11</b>  <i>Waikato Regional Council will: ...</i>                      c. <i>Monitor the achievement of the values^ for the Waikato and Waipa Rivers and the uses made of those rivers.</i></p> <p>As the values and uses will have significance when PPC1 is implemented, it is appropriate that care is taken during consideration of PPC1 to ensure that they are fully described and appropriate.</p> <p>HCC considers there are a number of deficiencies with some of the statements of the values and uses, as discussed below.</p> <p><b>Overlapping values</b></p> <p>(a) The value statements for “<i>Ko ngā hapori wai Māori / Municipal and domestic water supply</i>” and “<i>Ko ngā āu putea / Economic or commercial development: Commercial, municipal and industrial use</i>” overlap. Specifically, municipal water supplies typically provide water for industrial and commercial uses as well as domestic uses. However, some industrial and commercial enterprises source their water directly from the Waikato River rather than from a municipal water supply. The common value is the taking and using of water for multiple purposes. There are two value statements recognising the importance of the same thing – the taking and using of water.</p> <p>(b) The value statements for “<i>Ko ngā mahi māra me ngā mahi ahu matua / Cultivation and primary production</i>” and “<i>Ko ngā āu putea / Economic or commercial development</i>” also overlap. For example, the former value statement includes: “... These industries and associated primary production also support other industries and communities with rural and urban settings”, and “Due to the economies of scale of these industries, other service</p>	

Provision	Support/ Oppose	Submission	Decision sought
		<p>sectors, such as agritech, aviation and manufacturing, are able to operate”. These statements are very similar to the following statements under “Ko ngā āu putea / Economic or commercial development”: “The rivers provide economic opportunities to people, businesses and industries”, and “... provide for economic wellbeing, financial and economic contribution, individual businesses and the community and the vibrancy of small towns. They are working rivers; they create wealth”.</p> <p><b>Inconsistent expression of values</b></p> <p>(c) The scope and detail of the value statements are inconsistent. In particular, the value statement for “Electricity generation” reflects the wording of Section 5 of the RMA. It refers, for example, to “social and economic wellbeing” and “contributes to the health and safety of people and communities”. Comparable statements are missing from other value statements. This could result in the Electricity Generation value being assigned a greater significance than other values that are not as comprehensively described.</p> <p><b>“Drainage” value not articulated clearly</b></p> <p>(d) The drainage value of the rivers is not clearly articulated; it’s mixed up with the description of other values. Even in natural, undeveloped areas, the rivers drain stormwater and naturally occurring waste (vegetation litter and animal faeces, for example) and sediments from the land. In the current value statements, the drainage value of the rivers is subsumed under the “Ko ngā āu putea / Economic or commercial development” value as follows: “The rivers provide assimilative capacity for wastewater disposal, flood and stormwater, and ecosystem services through community schemes or on site disposal”. Furthermore, the rivers, themselves, provide “assimilative capacity for wastewater disposal, flood and stormwater and ecosystem services”. They are not reliant on “community schemes or on site disposal” for the capacity to assimilate wastewater and stormwater, or for ecosystem services. The</p>	

Provision	Support/ Oppose	Submission	Decision sought
		<p>drainage value of the rivers warrants separate identification.</p> <p><b>Livestock protection during floods omitted</b></p> <p>(e) The value of flood management in protecting livestock has been omitted from “Mitigating flood hazards”.</p> <p><b>Sense of community pride and culture for urban residents</b></p> <p>(f) The rivers and the surrounding land contribute to the lifestyle and sense of community, pride and culture in Hamilton City and other urban areas, as well as in rural Waikato. The value statement for “Ko ngā mahi māra me ngā mahi ahu matua / Cultivation and primary production” does not recognise this.</p> <p>The “Decision sought” in respect of these submission points identifies amendments to existing value statements, and a new value statement, to correct the above deficiencies. The suggested amendments retain the original concepts of the notified value statements, but reorganise some of them to provide clarity and to avoid accounting twice for the same value.</p> <p>The term “ecosystem services”, which is used in “Ko ngā āu putea / Economic or commercial development: Commercial, municipal and industrial use”, is not defined in the Operative Waikato Regional Plan, so should be defined in PPC1. This matter, and the decision sought are addressed below in relation to Part C: Additions to Glossary of Terms.</p>	
<p><b>3.11.2 Objective 3 Short-term improvements in water quality in the first stage of restoration and protection of water quality for each sub-</b></p>	<p>Oppose in part</p>	<p>The meaning of Objective 3 is not absolutely clear, and some of the wording is inappropriate. Furthermore, Objective 3 could be simplified and made easier to understand without diminishing its effect.</p> <p>The reasons for adopting Objective 3 (PPC1, p.29) include:</p> <p><i>The effort required to make the first step may not be fully reflected in water quality improvements that are measureable in the water in 10 years. For this reason, the achievement of the objective will</i></p>	<p>Objective 3 is amended as follows:</p> <p><i>Actions put in place and implemented by 2026 to reduce discharges of nitrogen, phosphorus, sediment and microbial pathogens, are Changes to water management and land use sufficient to achieve, eventually, ten percent of the required change between current water quality and the 80-year water quality attribute^ targets^ in Table 3.11-1. A ten percent change towards the long term water quality improvements is indicated by the short term water quality attribute^ targets^ in Table 3.11-1</i></p>

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<p><b>catchment and Freshwater Management Unit</b></p>		<p><i>rely on measurement and monitoring of actions taken on the land to reduce pressures on water quality.</i></p> <p>It is understood, therefore, that Objective 3 is <b>not</b> aiming to achieve the short term water quality attribute targets in Table 3.11.-1 by 2026. Rather, it is aiming for changes to water management and land use to be implemented by 2026. Furthermore, the changes that are to be implemented are those deemed sufficient to eventually yield the short term water quality attribute targets in Table 3.11.-1. In other words it is accepted that the improvement in water quality attributes resulting from the implemented changes may not be observed until some time, possibly years, after 2026. The objective is focused on ensuring a real start is made on protecting and restoring the rivers by requiring specified changes to be made on the ground. However, this is not clearly expressed in Objective 3, itself. The addition of the word “eventually” to the objective would remedy this.</p> <p>Inappropriate wording includes references to putting actions in place and implementing actions. “Actions” are not “put in place” or “implemented”; actions are “taken”.</p>	<p><u><i>are implemented by 2026.</i></u></p> <p>A clean version of the amended Objective 3 is as follows:</p> <p><i>Changes to water management and land use sufficient to achieve, eventually, the short term water quality attribute^ targets^ in Table 3.11-1 are implemented by 2026.</i></p>
<p><b>3.11.2 Objective 4: People and community resilience</b></p>	<p>Oppose in part</p>	<p>The meaning of part “a” of Objective 4 is unclear. Enabling people and communities to do something (undertake adaptive management to continue to provide for their wellbeing) while “considering” or thinking about something else (the values and uses) and simultaneously “taking action” (to achieve attribute targets) is not a clearly expressed objective. The nature of the change to which a staged approach will be taken is also unclear, and reference to “the values and uses” is vague. The objective should be worded better in order to express its intention more clearly.</p> <p>In addition, the inclusion in the objective of a reference to “adaptive management” is inappropriate in the context of PPC1. Adaptive management is a concept which, in general terms, requires specific and on-going monitoring and review of effects, which may then require amendment to management techniques to address those</p>	<p>Objective 4 is amended as follows:</p> <p><i>A staged approach to <del>change</del><u>changing the management of discharges of contaminants</u> enables people and communities to <del>undertake adaptive management to continue to</del> provide for their social, economic and cultural wellbeing in the <del>short term period to 2026, while:</del></i></p> <p><i><del>a. — considering and to continue to realise</del> the values and uses for the Waikato and Waipa Rivers, <del>when</del> while:</i></p> <p><i>a. taking actions to achieve the attribute^ targets^ for the Waikato and Waipa Rivers in Table 3.11-1; and</i></p> <p><i>b. recognising that further contaminant reductions will be required by subsequent regional plans <del>and signalling anticipated future management approaches that will be needed</del> in order to meet Objective 1.</i></p>

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		<p>effects. PPC1 does not establish an adaptive management regime which people and communities are required to undertake.</p> <p>It appears, instead, that the intention is for WRC to monitor the outcomes of the implementation of PPC1, and the results of this monitoring will inform future plan changes which may require further adaptations of land use activities in order to achieve further reductions in discharges of contaminants.</p> <p>At its heart the intentions of the Objective appear to be to enable people and communities to continue to provide for their wellbeing and to continue to realise the values and uses for the rivers while making the changes necessary to achieve Objective 1. Objective 4 also signals that adopting “a staged approach” is an integral element of the objective.</p> <p>Reference in “b” to “anticipated future management approaches” is unnecessary; it is sufficient to recognise, simply, that further contaminant reductions will be required by future regional plans. It logically follows that further changes to the way resources are managed will be necessary in order to further reduce contaminant discharges.</p> <p>The reference to “short term” in Objective 3 is vague; does it mean one year, two years, five years, ten years, or some other period? A formal definition of “short term” is not included in PPC1 or the Operative Regional Plan. This uncertainty could make it difficult to assess proposed activities against Objective 3. There would be greater clarity and certainty if the intended meaning of “short term” were clarified.</p> <p>Objective 3 includes: “Actions put in place and implemented by 2026 ...” In addition, the “Reasons for adopting Objective 3” (PPC1, p.29) include: “Objective 3 sets short term goals for a 10 year period, ...” These two statements imply that within PPC1, “short term” is intended to mean the ten year period to 2026. Accordingly, there</p>	<p>A clean version of the above amended objective is:</p> <p><i>A staged approach to changing the management of discharges of contaminants enables people and communities to provide for their social, economic and cultural wellbeing in the period to 2026, and to continue to realise the values and uses for the Waikato and Waipa Rivers, while:</i></p> <ol style="list-style-type: none"> <li><i>a. taking actions to achieve the attribute^ targets^ for the Waikato and Waipa Rivers in Table 3.11-1 and</i></li> <li><i>b. recognising that further contaminant reductions will be required by subsequent regional plans in order to meet Objective 1.</i></li> </ol>

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		<p>would be greater clarity and certainty if “short term” in Objective 3 were replaced with “period to 2026”.</p>	
<p><b>3.11.2 Reasons for adopting Objective 3</b></p>	<p>Oppose in part</p>	<p>The third paragraph, states:</p> <p><i>Point source discharges are currently managed through existing resource consents, and further action required to improve the quality of these discharges will occur on a case-by-case basis at the time of consent renewal, guided by the targets and limits set in Objective 1.</i></p> <p>This paragraph could be construed as requiring the water quality of point source discharges to meet the targets from the day a renewed point source discharge consent comes into effect. Such an interpretation would conflict with other provisions in PPC1 that recognise the need for a staged approach, require application of the best practicable option, and provide for offset measures to be implemented. The third paragraph should be amended in order to avoid such an inappropriate interpretation.</p> <p>HCC has made significant investments in its wastewater network and treatment plant in the past, and has planned for further upgrades of these in the future, in order to meet the requirements of its current wastewater discharge consent and accommodate growth.</p>	<p>Amend the third paragraph as follows:</p> <p><i>Point source discharges are currently managed through existing resource consents, and further action required to improve the quality of these discharges will occur on a case-by-case basis <del>at</del> following the time of consent renewal, guided by the targets and limits set in Objective 1 <u>and recognising the need for a staged approach and application of the best practicable option.</u></i></p>
<p><b>3.11.3 Policy 4</b></p>	<p>Oppose in part</p>	<p>The meaning of this policy is unclear. Specifically, what are “low discharging activities”? To what does “low” refer? The policy should be amended to clarify its meaning.</p> <p>The nature of the “further change” that may be required should also be clarified.</p>	<p>Amend as follows:</p> <p><b><i>Policy 4: <del>Enableing</del> activities with <del>discharges of lower volumes and concentrations of contaminants</del> discharges to continue or to be established while signalling further <del>change</del> <u>contaminant reductions</u> may be required in future</i></b></p> <p><i>Manage <del>sub-catchment-wide</del> diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens, and enable existing and new <del>low discharging</del> activities <u>discharging low volumes and concentrations of these contaminants</u> (“low</i></p>

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			<p><i>dischargers”) to continue, <u>or begin</u>, provided that cumulatively the achievement of Objective 3 is not compromised. Activities and uses currently defined as low dischargers may in the future need to take mitigation actions that will reduce <b>diffuse discharges</b> of nitrogen, phosphorus, sediment and <b>microbial pathogens</b> in order for Objective 1 to be met.</i></p>
<p><b>3.11.3 New Policy New urban development</b></p>	<p>Support the policy set with amendment</p>	<p>The RPS provides for new urban development to take place within Hamilton City, other towns and villages within specified urban limits<sup>20</sup>. Furthermore, new growth targets will be inserted into the RPS in order to give effect to the NPS-UDC. This urban development will result in increased volumes of stormwater and treated wastewater needing to be discharged. It will also result in changes to the contaminant load discharged from the development area and may include net increases in discharges of nitrogen, phosphorus, sediment or microbial pathogens or other contaminants. PPC1 needs to recognise that treated stormwater and treated wastewater will contain residual, irreducible contaminant concentrations, despite passing through a series, or train, of treatments or treatment devices. In order for PPC1 to give effect to the RPS, and thereby satisfy the requirement of s.67(3)(c) of the RMA, a policy should be added to PPC1 to allow for this urban development, and to recognise the effects of this development on contaminant loads and the volumes of stormwater and treated wastewater that need to be discharged.</p>	<p>Add a new policy as follows:  <u><b>Policy 5a: New urban development</b></u>  <u>Allow urbanisation of land that gives effect to the Waikato Regional Policy Statement, which will result in increased volumes of stormwater and treated wastewater and may result in increased discharges of contaminants.</u></p>
<p><b>3.11.3 Policy 6 Restricting land use change</b></p>	<p>Oppose in part</p>	<p>Policy 6 states “... <i>land use change consent applications that demonstrate an increase in the <b>diffuse discharge</b> of nitrogen, phosphorous, sediment or <b>microbial pathogens</b> will generally not be granted</i>”. New urban development may result in increases in diffuse discharges of some or all of these contaminants. Consequently, Policy 6, as notified, could prevent land use consents for conversion of land from rural to urban uses. Policy 6 should be amended so that new urban development undertaken to give effect to the RPS is exempt from Policy 6.</p>	<p>Amend as follows:</p> <p><i>Except as provided for in <u>Policyes 5a and 16</u>, land use change consent applications that demonstrate an increase in the <b>diffuse discharge</b> of nitrogen, phosphorus, sediment or <b>microbial pathogens</b> will generally not be granted.</i></p> <p><i>Land use change consent applications that demonstrate clear and enduring decreases in existing <b>diffuse discharges</b> of</i></p>

<sup>20</sup> See Policy 6.14 a) of the RPS.

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			<p><i>nitrogen, phosphorus, sediment or <b>microbial pathogens</b> will generally be granted.</i></p>
<p><b>3.11.3 Policy 7 Preparing for allocation in the future</b></p>	<p>Oppose in part</p>	<p>This policy should be amended to allow for urban growth undertaken to give effect to the RPS.</p>	<p>Amend Policy 7 by adding a new principle to be considered in relation to any future property or enterprise-level allocation of diffuse discharges of nitrogen, phosphorus, sediment or microbial pathogens as follows:</p> <p><i>... Any future allocation should consider the following principles: ....</i>  <i><u>(ba) Allowance for urban growth undertaken to give effect to the Waikato Regional Policy Statement; and ....</u></i></p>
<p><b>3.11.3 Policy 10 Provide for point source discharges of regional significance</b></p>	<p>Oppose in part</p>	<p>Territorial authorities have a statutory obligation to provide water services within their jurisdiction. Accordingly, the continued operation of HCC’s water supply, wastewater and stormwater infrastructure is of critical importance.</p> <p>PPC1 does not contain a definition of “regionally significant infrastructure”, and neither does the Waikato Regional Plan. The term is, however, defined within the <i>Waikato Regional Policy Statement</i> (2016) and includes:</p> <ul style="list-style-type: none"> <li><i>h) <b>lifeline utilities</b>, as defined in the Civil Defence and Emergency Management Act 2002, and their associated essential <b>infrastructure</b> and services;</i></li> <li><i>i) <b>municipal wastewater treatment plants, water supply treatment plants and bulk water supply, wastewater conveyance and storage systems, ... and ancillary infrastructure</b>;</i></li> </ul> <p>The definition in h) above (see Part B (4) of Schedule 1 – Lifeline utilities) includes an entity that disposes of stormwater.</p> <p>While this definition may capture HCC’s water supply, wastewater and stormwater infrastructure, it is inappropriate that such a key term is defined in a separate (albeit related) document. Furthermore,</p>	<p>Amend policy 10 to specifically recognise municipal water service providers as well as provide for the continued operation of the infrastructure which facilitates the provision of those same services. Proposed amendments are set out below:</p> <p>Amend Policy 10 as follows:</p> <p><i>When deciding resource consent applications for <b>point source discharges</b> of nitrogen, phosphorus, sediment and <b>microbial pathogens</b> to water or onto or into land, provide for the:</i></p> <ul style="list-style-type: none"> <li><i>a. <u>Continued operation of regionally significant infrastructure</u>’;</i> <i>and</i></li> <li><i>b. <u>Continued operation of regionally significant industry</u>’; <u>and</u></i></li> <li><i>c. <u>Continued operation of regionally significant infrastructure associated with the provision of municipal water supply, wastewater and stormwater services, including where this is in response to growth in urban development to give effect to the Waikato Regional Policy Statement.</u></i></li> </ul> <p>(See also, the submission below regarding Part C Additions to Glossary of Terms: “Regionally Significant Infrastructure”).</p>

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		<p>reliance on this definition and proposed policy 10 does not provide the level of policy recognition and protection which is appropriate for municipal water service providers, in light of their statutory obligations.</p> <p>The ability to continue to operate this infrastructure is essential in order to enable people and communities to provide for their social, economic and cultural well-being and for their health and safety. On the basis that “regionally significant infrastructure” is included in the definitions contained within PPC1 and that the policy is amended to specifically recognise the unique position of municipal water service providers, the policy will enable HCC and other territorial authorities to satisfy their requirements under the Local Government Act 2002 to provide core infrastructure.</p> <p>Policy 10 also needs to be amended to make it clear that it applies not only to <b>existing</b> regionally significant infrastructure and <b>existing</b> regionally significant industry, but also to new or extended such infrastructure or industry, which may be necessary in order to accommodate urban growth in accordance with the Waikato Regional Policy Statement.</p>	
<p><b>3.11.3 New Policy 10a Revision of existing consented municipal and industrial point source discharges</b></p>	<p>Oppose in part</p>	<p>The “Background and explanation” (PPC1, p.15) includes:</p> <p><i>Municipal and industrial point source dischargers will also be required to revise their discharges in light of the Vision and Strategy and the water quality objectives, and sub-catchment limits^ and targets^ that have been set. This will happen as the current consent terms expire.</i></p> <p>HCC supports this principle and seeks for it to be secured in PPC1 by inclusion of a relevant objective, policy and rule.</p>	<p>Add a new policy as follows:</p> <p><b><u>Policy 10a: Revision of existing consented municipal and industrial point source discharges at the expiry of existing consent terms</u></b></p> <p><b><u>Incorporate the requirements of the Vision and Strategy, the water quality objectives, and sub-catchment limits^ and targets^ into the consent conditions for point source discharges from regionally significant infrastructure, including municipal water supplies, wastewater and stormwater infrastructure, and regionally significant industry when the current consents expire and are renewed, while recognising the benefits to communities of the continued operation of such activities, which are provided for in</u></b></p>

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			<u><a href="#">Policy 10.</a></u>
<p><b>3.11.3 Policy 11 Application of Best Practicable Option and mitigation or offset of effects to point source discharges</b></p>	<p>Oppose in part</p>	<p><b>Best Practicable Option</b> HCC supports a requirement for any person undertaking a point source discharge of the four target contaminants to adopt the Best Practicable Option to avoid or mitigate the adverse effects of the discharge. This is a reasonable requirement and is consistent with sections 2, 108(2)(e), 128(1)(a)(ii) of the RMA.</p> <p><b>Offset Measures</b> HCC also supports the principle of a point source discharger being able to implement one or more measures at a location other than at the point of discharge in order to offset any adverse effects of the discharge that cannot be avoided, remedied or mitigated and to help restore the health and wellbeing of the Waikato River.</p> <p>The requirement to adopt Best Practicable Option and the provision for offset measures will allow HCC to evaluate and propose a range of options to avoid and mitigate adverse effects of municipal discharges on, and to enhance, water bodies.</p> <p><b>Lack of clarity and certainty</b> The phrase “at the time a resource consent is decided” in the first sentence of Policy 11 creates uncertainty. It is not clear whether this phrase is intended to refer to:</p> <ol style="list-style-type: none"> <li>1. The timing of notification by WRC to a point source discharger of the requirement to adopt the Best Practicable Option; or</li> <li>2. The required timing of implementation of the Best Practicable Option; or</li> <li>3. The timing of a decision about what is the Best Practicable Option; or</li> <li>4. Several of the above; or</li> <li>5. Something else.</li> </ol> <p>Interpretation 2 (above) would not recognise that there is normally a time lag between an applicant obtaining resource consent and</p>	<p>Amend Policy 11 as follows:</p> <p><i>Require any person undertaking a <b>point source discharge</b> of nitrogen, phosphorus, sediment or <b>microbial pathogens</b> to water or onto or into land in the Waikato and Waipa River catchments to adopt the Best Practicable Option* to avoid or mitigate the adverse effects of the discharge (<u>“the primary discharge”</u>), <del>at the time a resource consent application is decided</del>. Where it is not practicable to avoid <del>or mitigate</del> all adverse effects, <del>an one or more</del> <b>offset measures</b> may be proposed. <u>Offset measures may apply in an alternative location or locations to the <b>point source primary discharge</b>, for the purpose of ensuring positive effects on the environment to lessen any residual adverse effects of the discharge(s) that will or may result from allowing the activity provided that the:</u></i></p> <ol style="list-style-type: none"> <li>a. <i>Primary discharge does not result in any significant toxic adverse effect <del>at the point source discharge location</del>; and</i></li> <li><del>b. Offset measure is for the same contaminant; and</del></li> <li>c. <i><b>Offset measures</b> occurs preferably within the same <b>sub-catchment</b> in which the primary discharge occurs and if this is not practicable, then within the same Freshwater Management Unit<sup>^</sup> or a Freshwater Management Unit<sup>^</sup> located upstream, and</i></li> <li>d. <i><b>Offset measures</b> remains in place for the duration of the consent and <del>is</del>are secured by consent condition.</i></li> </ol> <p><u>The purpose of any <b>offset measure</b> shall be to ensure a net improvement in water quality in the specified <b>sub-catchment</b> or <b>Freshwater Management Unit</b> that exceeds the residual adverse effects of allowing the primary discharge.</u></p> <p><u>When a resource consent application is decided, decide also the <b>Best Practicable Option</b>, details of any <b>offset measures</b>, and the</u></p>

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		<p>implementing it. Also, it would not allow for implementation of the Best Practicable Option to be staged.</p> <p>Staging implementation of the Best Practicable Option and any offset measures is a sensible approach to managing an increasing contaminant load from a growing population, industrial and business base and road network. When a wastewater treatment plant is built, it will be designed with surplus capacity to meet a predicted future load. Provided the infrastructure performs as intended, it should ensure the treated discharge from the plant complies with the design water quality targets, until such time as the contaminant load from the growing municipal area approaches the design capacity of the plant. At that time it will be necessary to provide additional treatment capacity by upgrading, expanding or supplementing the existing plant. It is a more efficient use of a community’s financial resources to delay providing additional treatment capacity, until just before it is actually required.</p> <p>As well as being a sensible approach to managing growth, staging implementation of the Best Practicable Option and any offset measures is consistent with the requirements of the Local Government Act 2002. For instance, the purpose of local government set out in this Act includes: “to meet the current and future needs of communities for good-quality local infrastructure ... in a way that is most cost-effective for households and businesses”<sup>21</sup>. Furthermore, a local authority is required to act “in an efficient and effective manner” when “performing its role” and “giving effect to its identified priorities and desired outcomes”<sup>22</sup>.</p> <p>It would be appropriate to decide, at the time resource consent is decided, what the Best Practicable Option for managing the point-source discharge to which the consent relates (interpretation 3 above). This is because the Best Practicable Option could change over</p>	<p><u><i>required timing for implementation of the Best Practicable Option and any offset measures. Allow implementation of the Best Practicable Option and any offset measures to be staged.</i></u></p> <p>A clean version of the above amended Policy 11 is:</p> <p><i>Require any person undertaking a <b>point source discharge</b> of nitrogen, phosphorus, sediment or <b>microbial pathogens</b> to water or onto or into land in the Waikato and Waipa River catchments to adopt the Best Practicable Option* to avoid or mitigate the adverse effects of the discharge (“the primary discharge”). Where it is not practicable to avoid all adverse effects, one or more <b>offset measures</b> may be proposed. <b>Offset</b> measures may apply in an alternative location or locations to the primary discharge, provided that the:</i></p> <ol style="list-style-type: none"> <li><i>a. Primary discharge does not result in any significant toxic adverse effect; and</i></li> <li><i>c. <b>Offset</b> measures occur preferably within the same <b>sub-catchment</b> in which the primary discharge occurs and if this is not practicable, then within the same Freshwater Management Unit<sup>^</sup> or a Freshwater Management Unit<sup>^</sup> located upstream, and</i></li> <li><i>d. <b>Offset</b> measures remain in place for the duration of the consent and are secured by consent condition.</i></li> </ol> <p><i>The purpose of any <b>offset</b> measure shall be to ensure a net improvement in water quality in the specified <b>sub-catchment</b> or Freshwater Management Unit that exceeds the residual adverse effects of allowing the primary discharge.</i></p> <p><i>When a resource consent application is decided, decide also the Best Practicable Option, details of any <b>offset</b> measures, and the</i></p>

<sup>21</sup> See s.10(1)(a) of the Local Government Act 2002.

<sup>22</sup> See s.14(1)(a)(ii) of the Local Government Act 2002.

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		<p>time as technology and methods develop and improve. However, the Best Practicable Option at some future date cannot be reliably predicted.</p> <p>It is not clear in Policy 11, what is the “primary discharge”.</p> <p>Policy 11 should be amended in order to clarify its meaning and to allow implementation of the Best Practicable Option and offset measures to be staged.</p> <p><b>No opportunity to offset, if adverse effects are mitigated</b> The prerequisite conditions to be satisfied before offset measures may be proposed are: “it is not practicable to avoid or mitigate all adverse effects”.</p> <p>If a person undertaking a point source discharge were able to mitigate all adverse effects of the discharge, no matter how small the reduction (the mitigation) of each adverse effect, then it would not be consistent with the policy for an offset measures to be proposed in relation to that discharge. There may be situations where a discharger is quite willing to implement an offset measure, but it would not be consistent with the policy to allow this, because all adverse effects have been reduced to some degree.</p> <p>In order to avoid this situation, this submission proposes the words “or mitigate” should be deleted from the sentence beginning “Where it is not practicable ...”</p> <p><b>Only one offset measure allowed</b> Policy 11, as notified, refers only to a singular offset measure, but it provides for that measure to be implemented in more than one location. It is possible that a point-source discharger may be willing, or may need, to implement more than one type of offset measure. The policy should be amended to allow this.</p>	<p><i>required timing for implementation of the Best Practicable Option and any <b>offset</b> measures. Allow implementation of the Best Practicable Option and any <b>offset</b> measures to be staged.</i></p>

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		<p><b><i>Confused purpose of offset measures</i></b>                      Policy 11, as notified, identifies the purpose of offset measures is for:  <i>“ensuring positive effects on the environment to lessen any residual adverse effects of the discharge(s) that will or may result from allowing the activity”.</i></p> <p>This stated purpose is conflicted: it does not necessarily follow, logically, that an activity that has a residual adverse effect on the environment (after measures to mitigate effects have been applied) will have a positive effect on the environment.</p> <p>When an offset measure is implemented, the discharge it is offsetting will still have its original residual adverse effects at or downstream of the point of discharge. However, in order to be acceptable as an offset measure for that discharge, the offset measure should have to bring about improvements in the water quality that counterbalance, or offset, to a greater degree, the residual adverse effects.</p> <p>The requirement for the improvements to be to a greater degree than the residual adverse effects of the discharge being offset arises from the requirement set out in the Vision and Strategy for the Waikato River for users of the River to contribute towards its restoration.</p> <p>Policy 11 should be amended in order to clarify the purpose of any offset measures.</p> <p><b><i>Toxic effect</i></b>                      A discharge might not have a significant toxic adverse effect <i>“at the point source discharge location”</i>, but may have such an effect downstream. Accordingly, in order to protect the environment from any such effects, this submission seeks for this phrase to be deleted.</p> <p><b><i>Restricting offset measures to the same contaminant</i></b>                      The notified version of Policy 11 requires an offset measure to be for the same contaminant. This requirement may result in lost</p>	

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		<p>opportunities to protect and restore the Waikato River.</p> <p>It is conceivable, that it may not be practicable for a point source discharger to avoid or offset the effects of one of the four target contaminants. However, it may be practicable for that discharger to reduce another of the contaminants in the primary discharge to a greater extent than would otherwise be required. Such a reduction would improve the relevant water quality attribute(s) and may contribute to restoring aquatic ecosystem health. This would align with the objective of water being swimmable and safe for food harvesting.</p> <p>Rather than confining consideration to managing the effects of the single contaminant, it would be preferable to be able to offset residual adverse effects of that contaminant by proposing one or more offset measures that, together with the primary discharge, would make a net improvement in water quality in the relevant sub-catchment or Freshwater Management Unit.</p> <p>This approach would be preferable because it would provide the discharger with greater flexibility and more options and it could encourage implementation of water quality improvements that might not otherwise be undertaken.</p> <p>Accordingly, this submission seeks, in addition to other amendments discussed above:</p> <ol style="list-style-type: none"> <li>1. Deletion of the requirement in Policy 11 for the offset measure to be for the same contaminant; and</li> <li>2. Further amendment of Policy 11 to allow the residual adverse effects of a contaminant in the primary discharge to be offset by additional reduction of another contaminant in the primary discharge.</li> </ol>	
<p><b>3.11.3 Policy 12 Additional</b></p>	<p>Oppose in part</p>	<p>Policy 12 sets out additional considerations for point source discharges, but doesn't state when those matters are to be considered. This should be remedied by inserting the following words</p>	<p>Amend the provision as follows:  <i>When considering consent applications for point source discharges, <del>consider</del> the contribution made by a <b>point source</b></i></p>

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<p><b>considerations for point source discharges in relation to water quality targets</b></p>		<p>at the beginning of the policy:</p> <p style="padding-left: 40px;"><i>When considering consent applications for point source discharges</i></p> <p>Also, the meaning of Policy 12(b), “<i>past technology upgrades undertaken to model [and] monitor ... the discharge of nitrogen, phosphorus, sediment or microbial pathogens within the previous consent term</i>”, is unclear. Policy 12(b) should be amended to clarify its meaning.</p> <p>If the consent application under consideration were for a new point source discharge, then there would be no “<i>previous consent term</i>”. In order to recognise this possibility, and for the rest of the policy to make sense, the words “<i>where applicable</i>” should be added at the end of the first paragraph of Policy 12.</p> <p>As stated above in relation to Policy 11, the ability to stage mitigation or offset measures is important for municipal authorities who are required to accommodate population and industrial growth.</p> <p>With the above amendments the matters this policy identifies to be considered are reasonable and sensible.</p> <p><b>Recognising the effects of seasonal climatic conditions</b> The conditions of HCC’s current discharge consent for its Wastewater Treatment Plant<sup>23</sup> set water quality standards for summer months that are different from those set for winter months. For example, the total nitrogen summer mass load is 500kg/day, whereas the total nitrogen winter mass load is 1,700kg/day. The different standards reflect that the capacity of the Waikato River to assimilate nitrogen without adverse environmental effects is much higher in the cooler winter months than in summer.</p>	<p><b>discharge to the nitrogen, phosphorus, sediment and microbial pathogen catchment loads and the impact of that contribution on the likely achievement of the short term targets^ in Objective 3 or the progression towards the 80-year targets^ in Objective 1, taking into account <u>where applicable</u>:</b></p> <ol style="list-style-type: none"> <li>a. <i>The relative proportion of nitrogen, phosphorus, sediment or <b>microbial pathogens</b> that the particular <b>point source discharge</b> contributes to the catchment load; and</i></li> <li>b. <i>Past <u>modelling, monitoring and</u> technology upgrades undertaken to <del>model, monitor</del><u>understand</u> and reduce the discharge of nitrogen, phosphorus, sediment or <b>microbial pathogens</b> within the previous consent term; and</i></li> <li>c. <i>The ability to stage future mitigation actions or offset measures to allow investment costs to be spread over time and meet the water quality targets^ specified above; and</i></li> <li>d. <i>The diminishing return on investment in treatment plant upgrades in respect of any resultant reduction in nitrogen, phosphorus, sediment or <b>microbial pathogens</b> when treatment plant processes are already achieving a high level of contaminant reduction through the application of the Best Practicable Option*;</i></li> <li>e. <u>Seasonal climatic conditions affect biological processes within waterbodies and wastewater treatment plants, which means the contaminant assimilative capacity of the waterbodies and the contaminant reducing capacity of the plants change with the seasons; and</u></li> <li>f. <u>Other natural processes within waterbodies that affect the waterway’s capacity to assimilate contaminants.</u></li> </ol>

<sup>23</sup> Resource consent number AUTH114674.01.02, Condition 7

Provision	Support/ Oppose	Submission	Decision sought
		<p>HCC seeks for Policy 12 to be amended so that the effects of seasonal climatic conditions on the performance of biological wastewater treatment plants and the contaminant assimilative capacity of water bodies are taken into account where applicable.</p> <p><b><i>Recognising other naturally occurring phenomenon</i></b>                      Naturally occurring phenomenon affecting the capacity of a water body to assimilate contaminants should be taken into account when resource consent applications for discharge of contaminants to a water body are considered. For example, in the Waikato River between the Narrows Boat Ramp and Horotiu Bridge the concentration of Ammoniacal-Nitrogen reduces naturally by about 27 percent, despite additional discharges of Ammonia to the Waikato River within this reach. According to the <i>Waikato River water quality monitoring programme: Data report 2015</i> (Waikato Regional Council, 2016, p.10) the 5 Year Median for this contaminant at the Narrows is 0.015 g/m<sup>3</sup>, and at Horotiu Bridge is 0.011 g/m<sup>3</sup>. In-river nitrification may be contributing to this reduction. This naturally occurring reduction in Ammonia concentration should be taken into account when resource consent applications for discharge of any further ammonia within or downstream of this reach are considered.</p>	
<p><b>3.11.3 New Policy Consideration of the effects of land use change on discharges</b></p>	<p>Support policy set with amendments</p>	<p>Different land uses have different contaminant discharge characteristics. Some contaminants discharged from a particular land use may be higher than those discharged from another land use, while other contaminants may be lower.</p> <p>Future discharge consent applications under the Waikato Regional Plan should consider the effects of the net changes in the discharge of contaminants resulting from the land use change, for example, a conversion from rural to urban uses, and not just the effect of the discharge of contaminants from the new activity being consented. The net changes in effects should also take into account the effects of contaminants (such as nitrogen) discharged to land from past activities, which have not yet been seen in water.</p>	<p>Add the following new policy:</p> <p><u><i>Policy 12a: Consideration of the effects of land use change on discharges</i></u></p> <p><u><i>When considering a consent application to discharge contaminants from a changed land use, take into account any changes in contaminant load resulting from the change in land use as well as the contaminants associated with the new activity being consented.</i></u></p>

Provision	Support/ Oppose	Submission	Decision sought
		<p>Net changes in the discharge of contaminants should be considered in order to better understand whether or not the proposal is consistent with the direction of the Plan.</p>	
<p><b>3.11.3</b> <b>Policy 13</b> <b>Point sources</b> <b>consent duration</b></p>	<p>Oppose in part</p>	<p>The investment required to ensure municipal and industrial point source discharges meet the water quality attribute targets will be significant – of the order to tens or hundreds of millions of dollars. In addition, given the complexity of the matters, the consenting process is likely to have a significant cost as well. It is appropriate, therefore, to provide a long consent period in order to provide certainty for municipal authorities or industries. Industries are likely to need long consent periods in order to achieve a return on the investment in the infrastructure.</p> <p>Section 123(d) of the RMA allows a discharge consent to be granted for a term not exceeding 35 years. A consent for a municipal discharge of water and contaminants should be allowed for a term commensurate with the period during which its proposed treatment (prior to discharge), and any offset measures, will ensure the discharge will meet the consented standards, up to the maximum term of 35 years. An additional Policy 13(d) is sought to specifically provide for this.</p> <p>Section 128 of the RMA provides for the Regional Council to review the conditions of a consent to deal with any adverse effect on the environment that may arise from the exercise of the consent, or to enable new standards set in an operative Regional Plan to be met. These provisions should mitigate any risk of unforeseen adverse environmental outcomes resulting from fixing a long consent term.</p> <p>In addition to the new Policy 13(d), Policy 13 (c) should be amended to recognise that the contaminant reduction measures proposed may include offset measures.</p>	<p>Amend Policy 13 as follows:</p> <p><i>Policy 13: Point sources consent duration/Te Kaupapa Here 13: Te roa o te tukanga tono whakaetanga mō te pū tuwha</i> <i>When determining an appropriate duration for any consent granted consider the following matters:</i></p> <p><i>a. A consent term exceeding 25 years, where the applicant demonstrates the approaches set out in Policies 11 and 12 will be met; and</i></p> <p><i>b. The magnitude and significance of the investment made or proposed to be made in contaminant reduction measures and any resultant improvements in the receiving water quality; and</i></p> <p><i>c. The need to provide appropriate certainty of investment where contaminant reduction measures are proposed (including investment in treatment plant upgrades, <del>or</del> land based application technology, <u>or offsets</u>); and</i></p> <p><i><u>d. In respect of a municipal discharge, in addition to a, b and c above, allow a consent term for a period of 35 years, where the proposed treatment of the water and any contaminants prior to discharge, and any offset measures, are predicted to ensure the standards specified in the consent will be met for the duration of the consent.</u></i></p>
<p><b>3.11.4.4</b> <b>Method: Lakes</b></p>	<p>Oppose in part</p>	<p>HCC supports the preparation and implementation of Lake Catchment Plans. HCC has significant and varied interests in four lakes. Three lie</p>	<p>Amend Method 3.11.4.4 as follows:</p>

Provision	Support/ Oppose	Submission	Decision sought
<p><b>and Whangamarino Wetland</b></p>		<p>within Hamilton City – Lake Rotoroa (Hamilton Lake), Lake Rotokaeo (within Minogue Park) and Lake Waiwhakaeke. The fourth, Lake Rotokauri, lies within Waikato District, but receives drainage from land within the City. Amongst other matters of interest, HCC’s Comprehensive Stormwater Discharge Consent provides for HCC discharging to these lakes. Accordingly, HCC wishes to ensure that it is involved in the preparation and implementation of the Lake Catchment Plans for these lakes.</p> <p>The Method 3.11.4.4 (b) should be amended to clarify that the matters listed within it in sub-paragraphs (i) to (vi) refer to the Lake Catchment Plans and not the community involvement.</p>	<p><i>Waikato Regional Council, working with others, will: ....</i></p> <p><i>b. <u>With community involvement, Prepare and implement Lake Catchment Plans with community involvement</u> which include: ....</i></p> <p><i><u>ba. “Community” in b includes relevant territorial authorities. ....</u></i></p>
<p><b>3.11.4.6 Method: Funding and implementation</b></p>	<p>Oppose in part</p>	<p>Method 3.11.4.6 states WRC will provide leadership within the organisation for implementation of Chapter 3.11 and secure funding for the implementation through the annual plan and long term plan processes. However, it doesn’t state that it will take responsibility for actually implementing Chapter 3.11, including measures identified in sub-catchment scale planning.</p> <p>In order to ensure that WRC works with territorial authorities and other stakeholders on implementation of sub-catchment scale plans, HCC seeks a new provision 3.11.4.6c to be added as follows:</p> <p><i>Waikato Regional Council will: ....</i></p> <p><i>c. <u>When the relevant funding for implementation has been secured through the processes listed in b above, or by some other means, implement Chapter 3.11 and work with territorial authorities and stakeholders to implement measures identified in <b>sub-catchment</b> scale plans.</u></i></p> <p>The reference to “some other means” recognises that in some instances avoidance, remedial or mitigation measures may be able to be funded from a range of sources other than through the annual plan and long term plan processes. Other sources could include, for example, financial contributions, private developer agreements and</p>	<p>Add a new Method 3.11.4.6c as follows:</p> <p><i>Waikato Regional Council will:</i></p> <p><i>a. Provide staff resources and leadership within the organisation for the implementation of Chapter 3.11.</i></p> <p><i>b. Seek to secure funding for the implementation of Chapter 3.11 through the annual plan and long term plan processes.</i></p> <p><i><u>c. When the relevant funding for implementation has been secured through the processes listed in b above, or by some other means, implement Chapter 3.11 and work with relevant territorial authorities and stakeholders to implement measures identified in <b>sub-catchment</b> scale plans.</u></i></p>

Provision	Support/ Oppose	Submission	Decision sought
		<p>grants. It is recognised that WRC is currently unable to collect financial contributions and cannot collect development contributions. An advantage of WRC and territorial authorities working together is a wider range of funding sources for implementing measures identified in sub-catchment scale plans.</p>	
<p><b>3.11.4.9 Method: Managing the effects of urban development</b></p>	<p>Oppose in part</p>	<p>In HCC's view:</p> <ul style="list-style-type: none"> <li>• Uncertainties are likely to arise from the terminology used in Method 3.11.4.9, specifically the terms “urban sub-catchments” and “solutions for the urban context”; and</li> <li>• Method 3.11.4.9 should include requirements for WRC to: <ul style="list-style-type: none"> <li>○ Engage with relevant territorial authorities when undertaking planning for sub-catchments with urban area; and</li> <li>○ Work with relevant territorial authorities and other stakeholders to implement protection and enhancement measures for water bodies.</li> </ul> </li> </ul> <p>Each of these matters and proposed amendments to Method 3.11.4.9 to address them are discussed as follows.</p> <p><b>Terminology: “urban sub-catchments”</b>  Within PPC1 the term “sub-catchment” has a specific meaning, which is defined in the Glossary as follows:</p> <p><b>Sub-catchment:</b> For the purposes of Chapter 3.11, means an area of land within the Waikato River catchment representing the contributing area draining to one of 74 <sup>(12)</sup> locations in the stream and river network, and used as the basic spatial unit for analysis and modelling.</p> <p><small>12 Refer to Map 3.11-2.</small></p> <p>It appears unlikely that any of the sub-catchments shown on Map 3.11-2 are “urban <b>sub-catchments</b>”, per se. They are either rural sub-catchments or sub-catchments with a combination of rural and urban land uses. In order to ensure that the engagement described in</p>	<p>Amend 3.11.4.9b and add new methods 3.11.4.9aa and 3.11.4.9c as follows:</p> <p><i>Waikato Regional Council will:</i></p> <p>a. Continue to work with territorial authorities to implement the Waikato Regional Policy Statement set of principles that guide future development of the built environment which anticipates and addresses cumulative effects over the long term.</p> <p><u>aa Recognise the principles referred to in “a” above will create pressure for additional stormwater and wastewater discharges that needs to be recognised at the time of consenting these discharges.</u></p> <p>b. When undertaking <b>sub-catchment</b> scale planning under Method 3.11.4.5 in <del>urban</del> <b>sub-catchments with urban area</b>, engage with <u>the relevant territorial authorities</u>, urban communities <u>and other stakeholders</u> to raise awareness of water quality issues, and to identify <del>and implement</del> <u>effective solutions for the urban context measures to manage the adverse effects of activities and development on, and to enhance, water bodies.</u></p> <p><u>c. Work with relevant territorial authorities and stakeholders to implement the measures identified in b above.</u></p>

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		<p>3.11.4.9b occurs in relation to planning for sub-catchments that are a mixture of rural and urban land uses, HCC seeks for the words “in urban <b>sub-catchments</b>” to be replaced with “<b>sub-catchments</b> with urban area”.</p> <p>As sub-catchments may include both rural and urban areas, Method 3.11.4.9 needs to be amended to provide for stakeholders from both these areas to be involved in identifying and implementing measures to manage adverse effects of activities on, and to enhance, water bodies.</p> <p><b>Terminology: “Solutions for the urban context”</b> The term “solutions for the urban context”, which appears at the end of 3.11.4.9b, is vague. It is not clear what type of “solution” is envisaged.</p> <p>In order to improve the clarity and understanding of this provision, HCC seeks for the words “solutions for the urban context” to be replaced with the words “measures to manage the adverse effects of urban development on, or to enhance, water bodies”.</p> <p>We note the term “water body” is defined in the RMA as follows: <b>water body</b> means fresh water or geothermal water in a river, lake, stream, pond, wetland, or aquifer, or any part thereof, that is not located within the coastal marine area</p> <p><b>Engagement with territorial authorities regarding planning</b> Territorial authorities are likely to hold information relevant to understanding and managing the adverse effects of urban development on water bodies.</p> <p>Through preparation of its Stormwater Master Plan and ICMPs, HCC has, or will have, information relevant to decisions on activities that could affect water bodies within, or flowing through, the City. There could be duplication of effort, or conflicting recommendations for water management measures, if WRC were to act in isolation from the</p>	

Provision	Support/ Oppose	Submission	Decision sought
		<p>relevant territorial authorities when identifying or implementing effective measures to protect or enhance water bodies.</p> <p>In recognition of this, and in the interest of efficiency and effectiveness, Method 3.11.4.9 in PPC1 should be amended to ensure that WRC works with relevant territorial authorities to identify measures to protect and enhance water bodies in catchments with urban area.</p> <p><b>Further uncertainty regarding implementation of measures</b> Method 3.11.4.9b includes the words “implement effective solutions”. In addition to the uncertainty (discussed above) arising from the use of the word “solutions”, further uncertainty arises because these works are preceded by the phrase “when undertaking sub-catchment scale planning under 3.11.4.5 in urban sub-catchments”. Specifically, it is not clear whether “implementation” of measures is part of the “planning” process. In order to remove any uncertainty, and to ensure that WRC plays its vital role implementing measures to manage erosion, HCC seeks for the words “and implement” to be deleted from 3.11.4.9b, and for a new method, 3.11.4.9c, to be added as follows:</p> <p><i>Waikato Regional Council will: ....</i></p> <p><i>c. Work with relevant territorial authorities and stakeholders to implement the measures identified in b above.</i></p>	
<p><b>Table 3.11-1 Short term and long term numerical water quality targets for the Waikato</b></p>	<p>Oppose</p>	<p>Many of the short term and 80 year targets for Annual Median Ammonia and Annual Maximum Ammonia set out in Table 3.11-1 are below the detection limits for the current standard analytical methods used by Hill Laboratories, which are as follows<sup>24</sup>:</p> <ul style="list-style-type: none"> <li>For the “Ammoniacal-N (NH4-N)” test: 0.01g/m<sup>3</sup>, or 0.01mg/L; and</li> </ul>	<p>Amend Table 3.11-1 in order to ensure that short term and 80 year targets for Annual Median Ammonia and Annual Maximum Ammonia are meaningful and within the detection limits for current standard analytical methods.</p>

<sup>24</sup> Refer to the *Environmental Division Catalogue – Hill Laboratories: Version 9: Print Date 24/11/14* (p.16). The test methods listed in the catalogue, namely, APHA 4500-NH3 F and APHA 4500-NH3 H are specified in *Standard Methods for the Examination of Water and Wastewater, 22<sup>nd</sup> Edition* published by the American Public Health Association, the American Water Works Association, and the Water Environment Federation (01/01/12).

Provision	Support/ Oppose	Submission	Decision sought
<p><b>and Waipa River catchments: Annual Median Ammonia and Annual Maximum Ammonia</b></p>		<ul style="list-style-type: none"> <li>For the “Ammoniacal-N (NH4-N) trace” test: 0.005 g/m3, or 0.005mg/L.)</li> </ul> <p>This fact brings into question the validity of these targets.</p>	
<p><b>Schedule C – Stock Exclusion</b></p>	<p>Oppose in part</p>	<p>The following animals at Hamilton Zoo have access to surface water:</p> <ul style="list-style-type: none"> <li><i>sitatunga antelope,</i></li> <li><i>Fishing cats;</i></li> <li><i>Brazilian tapir and waterfowl,</i></li> <li><i>siamang gibbons,</i></li> <li><i>zebra,</i></li> <li><i>antelope, and</i></li> <li><i>giraffe.</i></li> </ul> <p>These animals are not “cattle”, “horses”, “deer” or “pigs”, so are not subject to Clause 1 of Schedule C. However, they could fall within the definition of “stock” or “livestock”. These terms are not defined in the Waikato Regional Plan or PPC1, but the Collins English Dictionary (on-line) includes the following definitions [emphasis added]:</p> <p>“Stock”: 9. <b>a race, breed, or variety of animals or plants</b></p> <p>“Livestock”: <i>(functioning as singular or plural) cattle, horses, poultry, and similar <b>animals kept for domestic use but not as pets, esp on a farm or ranch.</b></i></p> <p>“Domestic”: 3. <b>(of an animal) bred or kept by man as a pet or for purposes such as the supply of food</b></p> <p>Schedule C includes an exclusion for “feral animals”, but Hamilton Zoo</p>	<p>Amend Schedule C as follows [emphasis added]:</p> <p><i>Except as provided by Exclusions I., <del>and</del> II. <b>and III.</b>, <b>stock must be excluded from the water bodies listed in i. to iv. below as follows:</b></i></p> <ol style="list-style-type: none"> <li><i>The water bodies must be fenced to exclude cattle, horses, deer and pigs, unless those animals are prevented from entering the bed of the water body by a stock proof natural barrier formed by topography or vegetation.</i></li> <li><i>New fences installed after 22 October 2016 must be located to ensure cattle, horses, deer and pigs cannot be within one metre of the bed of the water body (excluding constructed wetlands).</i></li> <li><i><b>Livestock must not be permitted to enter onto or pass across the bed of the water body, except when using a livestock crossing structure.</b></i></li> </ol> <p>....</p> <p><i>Water bodies from which cattle, horses, deer and pigs must be excluded:</i></p> <ol style="list-style-type: none"> <li><i>Any river that continually contains surface water.</i></li> <li><i>Any drain that continually contains surface water.</i></li> <li><i>Any wetland, including a constructed wetland.</i></li> <li><i>Any lake.</i></li> </ol> <p><i>Exclusions:</i></p> <p><i>The following situations are excluded from clauses 1 and 2:</i></p> <ol style="list-style-type: none"> <li><i>Where the entry onto or passing across the bed of the water body is by horses that are being ridden or led.</i></li> <li><i>Where the entry onto or passing across the bed of the water body is by a feral animal.</i></li> </ol> <p><b><i>III. Schedule C does not apply to animals at Hamilton Zoo.</i></b></p>

Provision	Support/ Oppose	Submission	Decision sought
		<p>animals could not be classed as “feral animals”. The Collins English Dictionary (on-line) includes the following definition for “feral”:</p> <p><i>(of animals and plants) existing in a <u>wild</u> or <u>uncultivated</u> state, esp after being domestic or cultivated</i></p> <p>If Hamilton Zoo animals were regarded as “stock” or “livestock”, then they would be subject to Clause 3 of Schedule C and would not be permitted to enter onto or pass across the bed of the water, except when using a livestock crossing structure. This would be unacceptable to the purpose and function of the Hamilton Zoo.</p> <p>Some species, such as the Brazilian tapir, fishing cats and sitatunga antelope, require access to water in which to swim or submerge on welfare grounds as it forms part of their natural behaviour.</p>	
<p><b>Part C Additions to Glossary of Terms</b></p>	<p>Oppose in part</p>	<p><b>“Ecosystem services”</b></p> <p>The term “ecosystem services”, which is used in “Ko ngā āu putea / Economic or commercial development: Commercial, municipal and industrial use” (s.3.11.1), is not defined in the Operative Waikato Regional Plan, so should be defined in PPC1. The term is defined in the Waikato Regional Policy Statement (2016) as follows:</p> <p><b><i>Ecosystem services – the benefits people obtain from ecosystems. These include:</i></b></p> <ul style="list-style-type: none"> <li><i>a) provisioning services (such as food and water);</i></li> <li><i>b) regulating services (such as flood and disease control);</i></li> <li><i>c) cultural services (such as spiritual, recreational, and cultural benefits); and</i></li> <li><i>d) supporting services (such as nutrient cycling);</i></li> </ul> <p><i>that maintain the conditions for life on Earth.</i></p>	<p>Amend to include the same definition of “ecosystem services” that is contained within the Waikato Regional Policy Statement (2016).</p>

Provision	Support/ Oppose	Submission	Decision sought
<p><b>Part C Additions to Glossary of Terms</b></p>	<p>Oppose in part</p>	<p><b>“Point source discharge”</b> Part C of PPC1 includes the following addition to the Glossary of Terms in the Regional Plan:</p> <p style="padding-left: 40px;"><b><i>Point source discharge:</i></b> <i>For the purposes of Chapter 3.11, means discharges from a stationary or fixed facility, including the irrigation onto land from consented industrial and municipal wastewater systems.</i></p> <p>There are two problems associated with this definition:</p> <ol style="list-style-type: none"> <li>1. It is not clear whether or not the definition includes stormwater outlets; and</li> <li>2. The definition could be interpreted, inappropriately, as including “culverts”.</li> </ol> <p><b>Stormwater outlets</b></p> <p>The definition of a “point source discharge” included in PPC1 should be amended to make it clear that it includes the discharge from a stormwater outlet. This is necessary in order for stormwater outlets to benefit from the policies relating to point source discharges included in PPC1, that is, Policies 10, 11, 12 and 13.</p> <p>The PPC1 definition of “point source discharge” includes the term “facility”, but neither PPC1 nor the Operative Regional Plan define it.</p> <p>Other relevant definitions in the Operative Waikato Regional Plan are [emphasis added]:</p>	<p>Amend as follows:</p> <p style="padding-left: 40px;"><b><i>Point source discharge:</i></b> <i>For the purposes of Chapter 3.11, means discharges from a stationary or fixed <u>human-made facility, including a stormwater outlet and the irrigation onto land from consented industrial and municipal wastewater systems, but does not include discharges from culverts unless the culvert is also a stormwater outlet.</u></i></p>

Provision	Support/ Oppose	Submission	Decision sought
		<p><b>Point source discharge:</b> A stationary or fixed facility from which contaminants are discharged or emitted.</p> <p><b>Non-point discharges:</b> Contamination sources which are diffuse and do not have a single point or origin or are not introduced into the receiving environment from a specific outlet.</p> <p><b>Stormwater:</b> Artificially channellised rainwater prior to its point of discharge to land or water.</p> <p><b>Structure:</b> Any building, equipment, device or other facility made by people and which is fixed to land, and includes a raft.</p> <p>The definition of “structure” in the Regional Plan implies that a structure, building, equipment or device made by people and fixed to land is a “facility”.</p> <p>The definition of “stormwater” makes it clear that stormwater is rainwater conveyed in an artificial, or human-made channel (which could include a pipe) prior to its point of discharge to land or water. It follows from the definition of “stormwater” that a “stormwater outlet” is the terminal point of an artificial (human made) channel (or pipe) where the stormwater is discharged to land or water.</p> <p><b>Culverts</b></p> <p>The Operative Regional Plan includes the following definition:</p> <p><b>Culvert:</b> Channel or conduit carrying water across or under a road, canal etc</p>	

Provision	Support/ Oppose	Submission	Decision sought
		<p>A culvert is “a stationary or fixed facility”, but the discharge from a culvert on a natural water body would not be a “point source discharge”, unless the culvert was also functioning as a stormwater outlet. Accordingly, culverts need to be specifically excluded from the definition of “point source discharge”, unless they are also functioning as stormwater outlets. In some situations the outlet pipe from a stormwater network may also function as a culvert, if a path or road is constructed above it.</p>	
<p><b>Part C Additions to Glossary of Terms</b></p>	<p>Oppose in part</p>	<p><b>“Regionally Significant infrastructure”</b> See the submission above regarding 3.11.3 Policy 10 Provide for point source discharges of regional significance.</p>	<p>Amend to include the same definition of “regionally significant infrastructure” that is contained within the Waikato Regional Policy Statement (2016).</p>

**APPENDIX C: AMENDMENTS SOUGHT TO MANA TANGATA – USE VALUES**

**Ko ngā mahi māra me ngā mahi ahu matua / Cultivation and primary production**

*Primary production*

<p>The rivers support regionally and nationally significant primary production in the catchment (agricultural, horticultural, forestry). These industries contribute to the economic, social and cultural wellbeing of people and communities, and are the major component of wealth creation within the region. These industries and associated primary production also support other industries and communities within rural and urban settings.</p>	<ul style="list-style-type: none"> <li>• The rivers support a wide variety of primary production in the catchment, including dairy, meat, wool, horticulture and forestry.</li> <li>• Due to the economies of scale of these industries, other service sectors, such as agritech, aviation and manufacturing, are able to operate.</li> <li>• These industries combined contribute significantly to regional and national GDP, exports, food production and employment.</li> <li>• The rivers and the surrounding land offer unique opportunities for many communities and industries to operate, contributing to the lifestyle and sense of community, pride and culture in rural <u>and urban</u> Waikato.</li> </ul>
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**Ko ngā hapori wai Māori / Municipal, community, industrial, commercial and domestic water supply**

*Water supply*

<p>The rivers provide for <u>municipal, community, industrial, commercial and domestic</u> water supply, <del>municipal supply, drinkable water supply and health</del> <u>which is essential for life and enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety.</u></p>	<p>The catchments’ surface and subsurface water is of a quality that can be effectively treated to meet appropriate health standards for both potable and non-potable uses.</p> <p><u>The water supplied is used for many purposes, including, but not exclusively, for drinking water, food preparation, hygiene, cleaning, irrigation, heating, cooling, commercial and industrial processes, construction, sports, recreation, therapy, amenity and fire-fighting.</u></p>
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**Ko ngā āu putea / Economic or commercial development**

Commercial, municipal and industrial use

<p>The rivers provide economic opportunities to people, <u>communities, businesses and industries.</u></p>	<p><del>Fresh water is used for industrial and municipal processes, which rely on the assimilative capacity for discharges to surface water bodies. In addition:</del></p> <p><u>The Waikato and Waipa Rivers are working rivers. In addition to supplying water, providing drainage, generating electricity, and supporting primary production, the rivers provide other opportunities for wealth creation:</u></p> <p><del>The rivers provide for economic wellbeing, financial and economic contribution, individual businesses and the community and the vibrancy of small towns. They are working rivers; they create wealth.</del></p> <p><del>Those industries are important to the monetary economy of Waikato region, enabling a positive brand to promote to overseas markets.</del></p> <ul style="list-style-type: none"> <li>• <u>The primary production industries, together with the on-going development of new technology and diversification of products derived from the primary production, generate demand and opportunities for</u></li> </ul>
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	<p><u>other supporting services and industries. This fosters economic growth and development and contributes to the vibrancy of the region's rural and urban areas.</u></p> <ul style="list-style-type: none"> <li>• The rivers provide for domestic and international tourism. Promotion of a clean, green image attracts international and domestic visitors.</li> </ul> <p><del>The rivers provide assimilative capacity for wastewater disposal, flood and stormwater, and ecosystem services through community schemes or on-site disposal.</del></p>
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*Mitigating flood hazards*

<p>Flood management systems protect land used and inhabited by people <u>and livestock.</u></p>	<ul style="list-style-type: none"> <li>• River engineering, including stopbanks and diversions, protects <u>land</u> and infrastructure from damage by flooding.</li> </ul>
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Drainage

<p><u>The rivers provide drainage for stormwater and treated wastewater. The rivers' drainage function enables people and communities to provide for their social, economic and cultural well-being and for their health and safety.</u></p>	<ul style="list-style-type: none"> <li>• <u>Individuals, communities, industries and other commercial enterprises rely on the capacity of surface water bodies and their associated ecosystem services to assimilate stormwater and treated wastewater.</u></li> <li>• <u>The drainage function helps minimise the risks of flood damage to property and loss of human and animal life from drowning or disease.</u></li> </ul>
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## APPENDIX D: REFERENCES

### Statutes

Resource Management Act 1991

Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010

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