

**BEFORE THE ENVIRONMENT COURT
AT AUCKLAND**

**I MUA I TE KŌTI TAIAO
TĀMAKI MAKĀURAU ROHE**

IN THE MATTER of the Resource Management Act
1991

AND

IN THE MATTER of appeals under Clause 14 of the
First Schedule to the RMA in relation
to the decision of the **WAIKATO
REGIONAL COUNCIL** on
submissions on **PLAN CHANGE 1
(HEALTHY RIVERS)** to the
Waikato Regional Plan

BETWEEN **AUCKLAND-WAIKATO AND
EASTERN FISH AND GAME
COUNCILS**
(ENV-2020-AKL-0000101)

DAIRYNZ LIMITED
(ENV-2020-AKL-000097)

**DIRECTOR-GENERAL OF
CONSERVATION**
(ENV-2020-AKL-000096)

**FEDERATED FARMERS OF NEW
ZEALAND INCORPORATED**
(ENV-2020-AKL-0000102)

**NOTICE OF WAIPA DISTRICT COUNCIL'S WISH TO BE PARTY TO
PROCEEDINGS**

**FONTERRA CO-OPERATIVE
GROUP LIMITED**
(ENV-2020-AKL-000084)

HAMILTON CITY COUNCIL
(ENV-2020-AKL-000091)

IWI OF HAURAKI
(ENV-2020-AKL-000088)

MERCURY NZ LIMITED
(ENV-2020-AKL-000095)

**OJI FIBRE SOLUTIONS (NZ)
LIMITED**
(ENV-2020-AKL-000083)

**ROYAL FOREST AND BIRD
PROTECTION SOCIETY OF NZ
INCORPORATED**
(ENV-2020-AKL-000094)

**SOUTH WAIKATO DISTRICT
COUNCIL**
(ENV-2020-AKL-000092)

TAUPO DISTRICT COUNCIL
(ENV-2020-AKL-000086)

**WAIKATO AND WAIPA RIVER
IWI**
(ENV-2020-AKL-0000100)

WAIRAKEI PASTORAL LIMITED
(ENV-2020-AKL-000098)

Appellants

AND

WAIKATO REGIONAL COUNCIL

Respondent

TO: The Registrar of the Environment Court
PO Box 7147
Wellesley Street
AUCKLAND 1010

AND TO: Waikato Regional Council

1. INTRODUCTION

1.1 **Waipa District Council** ("WDC") wishes to be a party to the following appeals on the Waikato Regional Council's decision on submissions on Plan Change 1 (Healthy Rivers) ("PC1") to the Waikato Regional Plan:

- (a) Auckland-Waikato Fish and Game Council (ENV-2020-AKL-0000101).
- (b) DairyNZ Limited (ENV-2020-AKL-000097).
- (c) Director-General of Conservation (ENV-2020-AKL-000096).
- (d) Federated Farmers of New Zealand Incorporated (ENV-2020-AKL-0000102).
- (e) Fonterra Cooperative Group Limited (ENV-2020-AKL-000084).
- (f) Hamilton City Council v Waikato Regional Council (ENV-2020-AKL-000091).
- (g) Iwi of Hauraki (ENV-2020-AKL-000088).
- (h) Mercury NZ Limited (ENV-2020-AKL-000095).
- (i) Oji Fibre Solutions (NZ) Limited (ENV-2020-AKL-000083).
- (j) Royal Forest and Bird Protection Society of NZ Incorporated (ENV-2020-AKL-000094).
- (k) South Waikato District Council v Waikato Regional Council (ENV-2020-AKL-000092).
- (l) Taupo District Council v Waikato Regional Council (ENV-2020-AKL-000086).
- (m) Waikato and Waipa River Iwi (ENV-2020-AKL-0000100).
- (n) Wairakei Pastoral Limited (ENV-2020-AKL-000098).

- 1.2 WDC made a submission about the subject matter of the appeals.
- 1.3 WDC is not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991 ("RMA").
- 1.4 The parts of the appeals, the particular issues of interest, and WDC's support and opposition in regard to those parts and issues are set out in the following sections of this notice.

2. **TAUPO DISTRICT COUNCIL APPEAL**

2.1 The WDC supports the appeal by Taupo District Council in relation to PC1 needing to make adequate provision for reasonable mixing. In particular, the WDC supports the concerns expressed in the appeal regarding:

- (a) The policy support for reasonable mixing being ambiguous.
- (b) The significant implications for regionally significant infrastructure if reasonable mixing is not adequately provided for.
- (c) The potential for significant costs to be incurred if reasonable mixing is not adequately provided for.
- (d) Offsetting and compensation needing to be over the duration of the consent.
- (e) The need for PC1 to adequately provide for the obligations of territorial authorities with respect to providing for urban development capacity.

2.2 The WDC notes that the amendments sought to Policy 12 and 13 in relation to the above matters are somewhat different to the amendments sought in the appeal by the WDC. The WDC anticipates that the specific amendments sought will be the subject of discussion, before or during mediation or both, amongst the territorial authorities with a view to reaching agreement on the most appropriate wording.

2.3 The WDC also supports the amendments sought in the appeal to:

- (a) Policy 14 to identify that regionally significant infrastructure should generally be given a 35 year consent duration.
- (b) Method 3.11.3.3 regarding collecting monitoring data from consented regionally significant infrastructure.

(c) Including municipal stormwater systems and networks in the definition of regionally significant infrastructure.

2.4 The WDC supports the above amendments for the reasons stated in the appeal.

3. **HAMILTON CITY COUNCIL APPEAL**

3.1 The WDC supports the Hamilton City Council appeal in relation to the following issues:

- (a) Infrastructure wetlands.
- (b) Offset measures.
- (c) The need to provide for reasonable mixing.
- (d) Excluding culverts from the definition of point source discharges.
- (e) Inclusion of a definition of overland flowpath.

3.2 The WDC supports the appeal in relation to the above issues for the reasons stated in the appeal. As regards the specific amendment sought to provide for reasonable mixing, the WDC notes that they are somewhat different to the amendments sought in the appeal by the WDC. The WDC anticipates that the specific amendments sought will be the subject of discussion, before or during mediation or both, amongst the territorial authorities with a view to reaching agreement on the most appropriate wording.

4. **SOUTH WAIKATO DISTRICT COUNCIL APPEAL**

4.1 The WDC supports the South Waikato District Council appeal in relation to the following issues:

- (a) Reasonable mixing.
- (b) Staging of offsetting / compensation.
- (c) Providing for offsetting / compensation to apply to a network of linked wastewater treatment systems.
- (d) Recognising that offsetting / compensation may contribute to improvements in water quality.
- (e) Consideration of lesser residual adverse effects.

4.2 The WDC supports the appeal in relation to the above issues for the reasons stated in the appeal.

4.3 The WDC notes that the amendments sought in the appeal in relation to the above issues that are also addressed in the WDC appeal are somewhat different to the amendments sought in the appeal by the WDC. The WDC anticipates that the specific amendments sought will be the subject of discussion, before or during mediation or both, amongst the territorial authorities with a view to reaching agreement on the most appropriate wording.

5. **OJI FIBRE SOLUTIONS (NZ) LIMITED APPEAL**

5.1 The WDC supports the appeal by Oji Fibre Solutions (NZ) Limited in relation to the following issues:

- (a) Amending Objective 3 regarding providing for social, economic, and cultural wellbeing and recognising the assimilative capacity of the Waikato River.
- (b) Amending Policy 11 to provide a clear consenting pathway for regionally significant industry and infrastructure.
- (c) Amending Policy 12 to better reflect that not all effects associated with regionally significant industry and infrastructure can be avoided, remedied, or mitigated.
- (d) Making offsetting / compensation optional.
- (e) The need for PC1 to provide for reasonable mixing.
- (f) Amending Policy 13 so that it is not subject to Policy 12.
- (g) Deleting Policy 19.

5.2 The WDC supports the appeal in relation to the above issues for the reasons stated in the appeal. To the extent that the appeal seeks amendments to the provisions of PC1 that are inconsistent with the amendments sought by the WDC, then the WDC prefers the amendments sought in its own appeal.

6. **FONTERRA CO-OPERATIVE GROUP LIMITED APPEAL**

6.1 The WDC supports the appeal by Fonterra Co-operative Group Limited in relation to the following issues:

- (a) Changing the improvement in water quality required from 10% to 20% and revisiting Objective 2 in that regard.
- (b) The need to amend Objective 3 so that it recognises the need to provide for the social, economic, and cultural wellbeing of communities.
- (c) The need for consistency in PC1 regarding the water bodies it applies to.

6.2 The WDC supports the appeal in relation to the above issues for the reasons stated in the appeal.

7. **DAIRYNZ LIMITED APPEAL**

7.1 The WDC supports the appeal by DairyNZ Limited in relation to the following issues:

- (a) The amendments to Objective 2.
- (b) The need to amend Objective 3 so that it recognises the need to provide for the social, economic, and cultural wellbeing of communities.
- (c) The need for consistency in PC1 regarding the water bodies it applies to.

7.2 The WDC supports the appeal in relation to the above issues for the reasons stated in the appeal, but remains of the position, per the WDC's appeal, that the short term target should be a 10% reduction (per the notified version of PC1) rather than a 20% reduction (per the decisions version of PC1).

8. **WAIRAKEI PASTORAL LIMITED APPEAL**

8.1 The WDC supports the appeal by Wairakei Pastoral Limited in relation to the following issues:

- (a) The need for consistency in PC1 regarding the water bodies it applies to.
- (b) Deletion of the words in Objective 2 requiring the short-term water quality target being met no later than 10 years after PC1 becomes operative.
- (c) Deletion of Policy 19.

8.2 The WDC supports the appeal in relation to the above issues for the reasons stated in the appeal.

9. **MERCURY NZ LIMITED APPEAL**

9.1 The WDC supports the appeal by Mercury NZ Limited in relation to amending Policy 11 so that it is not subject to Policies 12 and 13.

9.2 The WDC supports the appeal in relation to the above issues for the reasons stated in the appeal.

10. **FEDERATED FARMERS OF NEW ZEALAND INCORPORATED APPEAL**

10.1 The WDC supports the appeal by Federated Farmers of New Zealand Incorporated in relation to the following issues:

- (a) Amending Objective 1 to focus on the places and times of year when the rivers are used for food gathering and swimming.
- (b) As an alternative to the relief sought by Wairakei Pastoral Limited regarding deletion of the 10 year time frame in Objective 2, amendment to Objective 2 to focus on implementing actions within 10 years of commencement of PC1.
- (c) Amendments to Objective 3 so that it recognises the need to provide for the social, economic, and cultural wellbeing of communities.
- (d) Deletion of Policy 19.
- (e) Amending the implementation methods so that the accounting and monitoring system will include accounting and monitoring at a sub-catchment scale.
- (f) The reduction target being reduced from 20% to 10%.

10.2 The WDC supports the appeal in relation to the above issues for the reasons stated in the appeal.

11. **OPPOSITION TO OTHER APPEALS**

11.1 The WDC is opposed to the appeals by the following parties in relation to the issues identified, and for the reasons stated, in the table **attached** as **Appendix 1** to this notice:

- (a) Royal Forest and Bird Protection Society of NZ Incorporated.

- (b) Auckland / Waikato and Eastern Fish and Game Councils.
- (c) Director- General of Conservation.
- (d) Waikato and Waipa River Iwi.
- (e) Iwi of Hauraki.

12. **MEDIATION / ALTERNATIVE DISPUTE RESOLUTION**

- 12.1 The WDC agrees to participate in mediation or other alternative dispute resolution of the proceedings.

DATED at **AUCKLAND** this 29th day of September 2020

**WAIPA DISTRICT COUNCIL BY ITS SOLICITORS
AND DULY AUTHORISED AGENTS BERRY SIMONS:**



S J Berry / C D H Malone

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APPENDIX 1

APPEALS OPPOSED BY WAIPA DISTRICT COUNCIL

Appellant	Summary of relief sought	Oppose	Reasons for opposition
Royal Forest and Bird Protection Society of NZ Inc	Amend Objective 1 to "The restoration and protection of water quality to achieve healthy rivers by 2050".	Oppose	The Decisions Version of PC1 has increased the short-term targets for the reduction of contaminants from 10% to 20% and it is likely to be technologically very difficult for point source discharges such as WWTPs to achieve the 10% reduction required by PC1 as notified. It is doubtful whether achieving a 20% reduction in current contaminant loads in 10 years is technically feasible. If it is, very significant expenditure on wastewater treatment plant upgrades would be required, which would place a significant and unwarranted financial burden on Waipā District ratepayers. For these reasons, it is considered that it is unrealistic and unachievable to set the long term targets for 2050, it will likely impose significant cost (without providing an appropriate transition or pathway), and has not been the subject of a section 32 or 32AA assessment.
	Amend Objective 2: " <u>Immediate and constant progress is made over the life of this plan towards...</u> "	Oppose	The short-term attribute states required in the Decisions version

Appellant	Summary of relief sought	Oppose	Reasons for opposition
Royal Forest and Bird Protection Society of NZ Inc			within 10 years are already unrealistic and unachievable and it is not feasible or reasonable to require "immediate and constant progress". Further, this is not necessary in order to achieve the purpose and principles of the RMA or the objectives of Te Ture Whaimana o Te Awa o Waikato.
	Delete provision for offsetting and compensation in Policy 12 and 13	Oppose	Provision for offsetting and compensation in Policy 12 and Policy 13 is appropriate, as it is not always feasible or practicable to avoid adverse effects.
	Amend Policies 12 and 13 so they apply only to regionally significant industry and regionally significant infrastructure	Oppose	While WWTPs would be considered to be regionally significant infrastructure, and so potentially not impacted by the amendment sought in the appeal, it is not clear whether the appeal might have unforeseen impacts on WWTP operations, maintenance, upgrades or new WWTPs.
	Amend the 80 year time frame in Policies 12 and 13 to give effect to the relief sought on Objective 1.	Oppose	The policies require a steady progression towards the 80-year water quality attribute states in Table 3.11-1. This is appropriate given the current state of technology, the costs of making changes, the level of

Appellant	Summary of relief sought	Oppose	Reasons for opposition
Royal Forest and Bird Protection Society of NZ Inc			investment in current WWTPs and other infrastructure, and the social and economic impacts of trying to achieve the long-term values too quickly.
	Amend Policy 19 so that the policy does not allow for biodiversity offsets or environmental compensation: “...seek opportunities <u>other than through offsets and compensation of residual effects</u> to advance...”	Oppose	The relief sought would make Policy 19 even further out of scope of PC1 and is not necessary to achieve the purpose and principles of the RMA or the objectives of Te Ture Whaimana o Te Awa o Waikato.
Auckland/Waikato & Eastern Fish and Game Councils	Reinsert section 3.11.1 Values and uses for the Waikato and Waipā Rivers with changes set out in an Appendix to the appeal.	Oppose	The Values were developed, as required by the NPS-FW, to inform the preparation of the objectives of PC1 and contain a mix of existing state, desired state and policy-type provisions that are inconsistent. They are likely to be used as a plan provision in terms of section 104(1)(c) of RMA, but are insufficiently clear to provide guidance to decision makers.
	The freshwater objectives of PC1 should be labelled as such for the purpose of clear implementation of (part of) the NPS-FM. This part of PC1 includes freshwater objectives.	Oppose	The use of different terminology (freshwater objectives) could potentially be confusing and problematic in the consideration of those objectives when applications for resource consent are assessed. While

Appellant	Summary of relief sought	Oppose	Reasons for opposition
Auckland/Waikato & Eastern Fish and Game Councils			the NPSFM refers to freshwater objectives, the RMA (e.g. in terms of functions of regional councils in Section 30) refers to 'objectives'. There is no apparent reason to refer to the objectives as 'freshwater objectives' and it could cause difficulties for resource consent applications.
	<p>Amend Objective 1 to apply it to 'other contaminants' in addition to nitrogen, phosphorus, sediment and microbial pathogens.</p> <p>"In relation to the effects of nitrogen, phosphorus, sediment and microbial pathogens <u>and other contaminants</u> on water quality, the health and wellbeing of the Waikato and Waipā Rivers, including all springs, lakes and wetlands within their catchments, is both restored over time and protected, with the result that with the result that <u>the values are provided for, in particular that they these</u> waterbodies are safe for people to swim in and take food from, <u>and the water quality attribute states in Table 3.11-1 are achieved, at the latest by 2096.</u></p> <p><u>(This is a Freshwater Objective for the purpose of the NPS-FM)."</u></p>	Oppose	The relief sought would broaden the scope of PC1 to all contaminants. Reference to the water quality attribute states in Table 3.11-1 would in effect require these water quality standards to be met and imposed on individual resource consent applications as limits for point source discharges.
	Amend Objective 2 to apply it to 'other contaminants' in addition to nitrogen, phosphorus, sediment and microbial pathogens.	Oppose	The relief sought would broaden the scope of PC1 to all contaminants with potential ramifications for consenting for discharges from WWTPs.
	Amend Objective 3 to apply it to 'other contaminants' in addition to nitrogen, phosphorus, sediment and microbial pathogens.	Oppose	The relief sought would broaden the scope of PC1 to all contaminants with

Appellant	Summary of relief sought	Oppose	Reasons for opposition
Auckland/Waikato & Eastern Fish and Game Councils			potential ramifications for consenting for discharges from WWTPs.
	Amend Policy 3, 11, 16 and 19 to refer to 'other contaminants'.	Oppose	The relief sought would broaden the scope of PC1 to all contaminants with potential ramifications, in relation to Policies 11, 16 and 19, for consenting for discharges from WWTPs.
	<p>Amend Policies 8 and 10 to provide certainty around future reductions and allocations, and that those reductions and allocations will have to be sufficient to achieve the long term numeric water quality goals, and to specifically address that future management regimes may re-allocate contaminant loss differently to the current plan, and that future (additional) changes to land use will likely be required.</p> <p>Amend Policy 10 by removing the word "diffuse", because any future management regime, including an allocation regime, should cover point-source as well as diffuse discharges of (allocable) contaminants.</p>	Oppose	The appeal seeks to broaden the application of Policy 10 to point source discharges as well as diffuse discharges. Policy 10 relates to a future allocation regime and the amendments sought in the appeal might present difficulties for resource consents for discharges from WWTPs.
	Amend Policy 11 to make the Policy subject to the need to achieve Objective 1 (rather than having regard to Objective 1).	Oppose	The appeal seeks to create a hierarchy which may be confusing and have unintended consequences in the assessment and determination of applications for resource consent. Further, under the RMA, the policies are already intended to give effect to the objectives.

Appellant	Summary of relief sought	Oppose	Reasons for opposition
Auckland/Waikato & Eastern Fish and Game Councils	<p>Amend Policy 12 so that offsetting remains in place for the duration of the adverse residual effect and is secured by consent condition or other legally binding mechanism <u>for at least that duration;</u></p> <p>Amend Policy 12 to add a new subclauses that offsetting must: <u>"(v) it is demonstrated that positive effects will be sufficient to offset or compensate for residual adverse effects using methodology that is appropriate and commensurate to the scale and intensity of the residual adverse effects".</u> <u>(vi) "the measure achieves outcomes above and beyond that which would have been achieved if the offset/compensation had not taken place."</u></p>	Oppose	The relief sought would create policies that are uncertain and unclear. The amendments would add considerably to the offsetting requirements and would likely increase the threshold for consent to be granted on the basis of some offsetting of adverse effects.
	<p>Amend Policy 13 to provide clarity on the terms "high water quality" and "high level of contaminant reduction" used in the Policy. Clarify that this is to be considered independently from the BPO assessment.</p>	Oppose	It is not appropriate that Policy 13 defines the terms in the manner sought in the appeal. The explanatory note to Table 3.11-1 says that where water quality is high (based on 2010-2014 monitoring data) the short term and 80-year attribute states will be the same.
	<p>Amend Policy 14 in relation to the matters to which regard must be had when determining the appropriate duration of a consent: <u>ca. Whether anticipated difficulty in undertaking future review(s) of the consent due to the relationship between the activity and the need to discharge the contaminant(s), means that a duration beyond 2035 could create an impediment to a future regime that allocates the assimilative capacity of waterbodies; and</u> <u>d. The need not to compromise a steady improvement in water quality consistent with the achievement of Objective 1 through point source</u></p>	Oppose	<p>A steady or straight line progression to achieving the 80-year attribute state is not appropriate or necessary to achieve the purpose and principles of the RMA or the objectives of Te Ture Whaimana o Te Awa o Waikato.</p> <p>It would be unreasonable to restrict the duration of resource consents for</p>

Appellant	Summary of relief sought	Oppose	Reasons for opposition
Auckland/Waikato & Eastern Fish and Game Councils	<p><u>dischargers being required to demonstrate how a (relatively) straight line progression will be made toward the long term water quality attribute states in Table 3.11-1 based upon an assessment of their proportional contribution to catchment load together with any offset/compensation under Policy 12."</u></p>		point source discharges because of the possibility of a future plan change that might allocate assimilative capacity of waterbodies.
	<p>Amend Tables 3.11-1(b) and (c) to provide for attribute states that are consistent with providing for ecosystem health, and that reflect the habitat requirements of trout (for the Region's trout fisheries).</p> <p>In Table 3.11-1(c), include periphyton attribute states as required by the NPS-FM.</p>	Oppose	The amendments sought in the Fish & Game appeal would go beyond the scope of PC1, which deals with the four contaminants to include dissolved oxygen and periphytons. The Hearings Commissioners rightly found that the inclusion of a periphyton attribute will need to be revisited in subsequent plan changes, when more detailed information is available on factors affecting nuisance periphyton growth in the Waikato-Waipā River catchments, including geographical distribution and the relationship between low water clarity and low periphyton biomass.
	<p>Amend Table 3.11-1 to provide attribute states for all aspects of ecosystem health, and reflecting the habitat requirements of trout for the Region's trout fisheries, including:</p> <ul style="list-style-type: none"> - MCI (% change) - numeric objective at all wadeable monitoring sites. - Fish Q – IBI. - Dissolved Oxygen 7-day mean minimum (mg/L). - Dissolved Oxygen 1-day minimum (mg/L). 	Oppose	<p>The relief sought would go beyond the scope of PC1, which includes provisions for the four contaminants.</p> <p>The Hearings Commissioners rightly concluded (para 987) that dissolved oxygen has a limited relationship with</p>

Appellant	Summary of relief sought	Oppose	Reasons for opposition
Auckland/Waikato & Eastern Fish and Game Council	<ul style="list-style-type: none"> - Deposited sediment (% cover) - no naturally hard-bottomed sites should have a deposited fine sediment cover greater than 20%. - QMCI and ASPM. 		the four contaminants. The Hearings Commissioners also noted that the water quality experts could not agree whether a numeric attribute state or a narrative attribute for macro-invertebrate community health indicator (MCI or QMCI) was appropriate; and MCI and QMCI indices are related to hard-bottomed rivers and the Waikato-Waipā Rivers are soft-bottomed.
Director-General Conservation (DGC)	Amend Objectives 1 and 2 by adding 'ecosystem health' (and not just nitrogen, phosphorus, sediment and microbial pathogens).	Oppose	The relief sought would go beyond the scope of PC1, which includes provisions for the four contaminants.
	<p>Add a new objective:</p> <p>The integrated management of land, land use and development, freshwater, the coastal environment and associated ecosystems is required to ensure the restoration and protection of the health and wellbeing of the Waikato and Waipā River catchments.</p>	Oppose	Inclusion of the coastal environment and associated ecosystems goes beyond the scope of PC1. Such a significant amendment to PC1 should be the subject of consultation and a section 32 analysis as part of a future plan change process.
	Amend Policy 12 to require offsets to demonstrate environmental gains in addition to those already required by Chapter 3.11 in the absence of the offset or compensation and remain in perpetuity (not just for the duration of the effect):	Oppose	Significant residual adverse effects should be able to be offset or compensated for as part of the BPO. It would be unreasonable to expect offsets and compensation to remain

Appellant	Summary of relief sought	Oppose	Reasons for opposition
Director- General Conservation (DGC)			beyond the duration of the adverse residual effect.
	Amend Policy 13 to provide clarity on the terms "high water quality" and "high level of contaminant reduction", how these are to be measured, and what level of contaminant reduction is necessary to ensure it is achieved.	Oppose	It is not appropriate for Policy 13 to define these terms in the manner sought in the appeal. The explanatory note to Table 3.11-1 says where water quality is high (based on 2010-2014 monitoring data) the short-term and 80-year attribute states will be the same.
	Amend Implementation Method 3.11.3.3 to: <ul style="list-style-type: none"> • ensure the co-ordinated monitoring of wetland, estuarine and coastal environments; • ensure periphyton growth is monitored where there is a risk of nuisance periphyton growth in accordance with steps 1-4 in the appeal; • ensure monitoring of dissolved oxygen • include direct reference to nutrients (N and P) at the sub-catchment scale in subclause d; and • Include monitoring of macrophyte cover in tributary sub-catchments. 	Oppose	The DGC appeal seeks to broaden the application of PC1 to estuarine and coastal environments, and to apply to periphyton, dissolved oxygen, and macrophyte cover in tributary sub-catchments. Inclusion of the coastal environment and additional measures of water quality goes beyond the scope of PC1. Such significant amendments to PC1 should be the subject of consultation and a section 32 analysis as part of a future plan change process.

Appellant	Summary of relief sought	Oppose	Reasons for opposition
Director-General Conservation (DGC)	<p>Amend 3.11.3.4 Monitoring and evaluation, of the implementation of Chapter 3.11, to require that WRC conduct 3-yearly review and monitoring towards the progression of achieving the water quality values and giving effect to Te Ture Whaimana o Te Awa o Waikato in subclause a. In addition, include specific methods for monitoring or further development of attributes for Dissolved Oxygen (DO), and statistical methods to determine if water quality is being maintained or improved.</p> <p>Provide for monitoring of additional sub-catchments, MCI, deposited sediment, and submerged macrophytes as key indicators of ecosystem health, additional temperature monitoring, and a periphyton risk assessment.</p>	Oppose	<p>The DGC appeal seeks to broaden the application of PC1 to apply to periphyton, dissolved oxygen, and macrophytes. These amendments are beyond the scope of PC1.</p> <p>Such significant amendments to PC1 should be the subject of consultation and a section 32 analysis as part of a future plan change process.</p>
	<p>Include a new implementation method</p> <p>“Waikato Regional Council, working with others, will:</p> <p>a. undertake the benchmarking of wetland soil nutrients, surface water quality, sub-catchment sediment and nutrient inputs and wetland vegetation for all natural wetlands across the Waikato and Waipā River catchments by 2023; and</p> <p>b. prioritise the improvement of degraded wetland systems by identifying methods and requiring actions to reduce the inputs of contaminants”.</p>	Oppose	<p>The DGC appeal states a new implementation method is sought which provides for the benchmarking of wetland nutrient and sediment status by 2023 to review the performance of Chapter 3.11, and further states that it should provide for 10 yearly assessment of changes in wetland nutrient and sediment status, and will inform future target setting.</p> <p>These amendments are beyond the scope of PC1.</p>

Appellant	Summary of relief sought	Oppose	Reasons for opposition
Director-General Conservation (DGC)	<p>Amendments to the Explanatory Note for Table 3.11-1 that the short term attribute state is represented as 20% of the improvement from the current state' (appeal 27 in the DGC table):</p> <p>Retain paragraph 1 in its entirety</p> <ul style="list-style-type: none"> • Remove paragraph 2 and replace it with the following: <u>"Where water quality is to be maintained – current, short term and 80-year attribute states in Tables 3.11-1(a) - (d) are the same, to reflect that there is to be no decline in water quality. Where water quality is to be improved from the current state – the short-term attribute state is represented as 20% of the improvement from current state required to achieve the 80-year attribute state"</u>. • Remove paragraph 3 and replace it with the following: <u>"The achievement of the attribute states in Table 3.11-1 will be determined through analysis of monitoring data in accordance with the required assessment frequency specified in the table or in the implementation methods for each attribute"</u>. • Remove paragraph 4 entirely • Retain paragraph 5 entirely. 	Oppose	The Waipā DC has appealed against the 20% target and seeks that it be reduced to 10% per the notified version of PC1.
	Amendments to Table 3.11-1 to include deposited sediment, total phosphorus and chlorophyll attribute.	Oppose	These amendments are beyond the scope of PC1 and are not appropriate or necessary to achieve the purpose and principles of the RMA or the objectives of Te Ture Whaimana o Te Awa o Waikato.
	Ensure that all sub-catchments within the PC1 area are represented in Table 3.11-1(a) with a minimum 80-year attribute state included and current and short-term attribute states where data is available to include these.	Oppose	These amendments are beyond the scope of PC1 and are not appropriate or necessary to achieve the purpose and principles of the RMA or the

Appellant	Summary of relief sought	Oppose	Reasons for opposition
	Where relevant data is not available to include in the table(s), include an additional method in the plan to require that data is gathered and subsequently included in the table(s) by way of a plan change as soon as practicable.		objectives of Te Ture Whaimana o Te Awa o Waikato.
	<p>Amend Table 3.11-1(b) as follows:</p> <ul style="list-style-type: none"> • Ensure that all sub-catchments within the PC1 area are represented in the table, with a minimum 80 year attribute state included and current and short-term attribute states where data is available to include these. • Remove the footnote for ammonia maximum (footnote 8) which states that this is the average of five annual maxima. Ammonia and nitrate toxicity attributes should be assessed annually consistent with the NPS FM. 	Oppose	These amendments are beyond the scope of PC1 and are not appropriate or necessary to achieve the purpose and principles of the RMA or the objectives of Te Ture Whaimana o Te Awa o Waikato.
	<p>Amend Table 3.11-1(c) as follows;</p> <ul style="list-style-type: none"> • Ensure that all sub-catchments within the PC1 area are represented in the table, with a minimum 80-year attribute state included and current and short-term attribute states where data is available to include these. • Maximum TP for each sub-catchment should be set to ensure consistency with the TP and Chlorophyll-a band in the NPS FM and be consistent with the integrated management of TP to achieve a Chlorophyll-a attribute state based on all the inputs into the lower river. • Attribute states for dissolved nitrogen and phosphorous in the sub-catchments should be recalculated in a way which does not contribute to the mainstem total nitrogen (TN) and total phosphorous (TP) concentrations (or any sensitive downstream environments such as lakes or Whangamarino Wetland) to be exceeded in the short term or 80 years. 	Oppose	These amendments are beyond the scope of PC1 and are not appropriate or necessary to achieve the purpose and principles of the RMA or the objectives of Te Ture Whaimana o Te Awa o Waikato.

Appellant	Summary of relief sought	Oppose	Reasons for opposition
	<ul style="list-style-type: none"> • Include attribute states in Table 3.11-1c for planktonic cyanobacteria from the NOF framework in Appendix 2 of the NPS FM for the lower Waikato mainstem sub-catchments (Waikato at Huntly, Waikato at Mercer Br, Waikato at Tuakau Br and lakes.) Where relevant data is not available to include in the table(s), include an additional method in the plan to require that data is gathered and subsequently included in the table(s) by way of a plan change as soon as practicable.		
Waikato and Waipā River Iwi	The Waikato and Waipā River Iwi appeal supports the increase to 20% improvement in water quality from 10%.	Oppose	The Decisions version of PC1 has increased the short-term reduction target from 10% to 20% and this is likely to be technologically difficult to achieve for point source discharges, such as wastewater treatment plants. The appeal by Waipā DC is against the 20% target.
	Amend Table 3.11-1 to follow the expert recommendations to use the 99% species protection (Band A) for the Waikato and Waipā River mainstems and the 95% species protection level (Band B) for all tributaries. In addition, make amendments to achieve the Decision's stated intent to use the current state nitrate and ammonia values as targets.	Oppose	Such stringent water quality targets have an economic burden on communities to meet those water quality targets and they are therefore unrealistic.

Appellant	Summary of relief sought	Oppose	Reasons for opposition
Iwi of Hauraki	<p>Reinsert the section entitled 3.11.1 Values and uses for the Waikato and Waipa Rivers" as originally notified, with amendments (set out in the notice of appeal).</p> <p>Insert a new use value "Tāngata whenua Ancestral land development".</p>	Oppose	<p>The Values were developed, as required by the NPS-FW, to inform the preparation of the objectives of PC1 and contain a mix of existing state, desired state and policy-type provisions that are inconsistent. They are likely to be used as a plan provision in terms of section 104(1)(c) of RMA but are insufficiently clear to provide guidance to decision makers.</p>