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River Co-management and Planning in the Waikato
**An Analysis of Regional and District Plans and Regional Policy
Statement Compliance, and a New Approach to Plan Preparation**

A thesis
submitted in fulfilment
of the requirements for the degree
of
Master of Environmental Planning
at
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by
HESTER DEN OUDEN



THE UNIVERSITY OF
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Te Whare Wānanga o Waikato

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Abstract

The Waikato River is one of New Zealand most significant rivers. It is an ancestor to one Iwi, significant to four other Iwi generates most of the country's hydroelectricity and provides large amount of potable water to municipalities.

In 2010 and 2012 three Acts of parliament established the framework for the restoration and protection of the Waikato River Catchment. The legislation did so in three ways. The River Co-Management Legislation (RCML) has significantly added to the policy framework under the Resource Management Act 1991 for the Waikato Regional and six District Councils within that region. RCML requires co-management for decision-making of policy and regulatory approvals, and established the Waikato River Authority which manages a \$270 million Clean-Up fund.

This research outlines the provisions of the three statutes that comprise the RCML, how legislation changed the hierarchy of the planning framework, and identifies areas where improvements could be made.

The RCML introduces a 'Vision and Strategy' as a National Policy Statement for the area of the region within the Waikato River Catchment. The 'Vision and Strategy' comprises 13 statements that are the Vision and 12 statements that are the strategy, collectively referred to as stratagems. The research assesses each plan and policy statement within the Waikato River catchment to determine the nature and level of incorporation of the 25 stratagems of 'Vision and Strategy'.

A new approach in planning is the requirement for the use of Maatauranga Maaori along with western science, the Māori and western science worldviews. These worldviews are discussed. Three Models that use Maatauranga Maaori principles are described. The purpose of this has been to begin a discussion on the basis of another perspective in

future plan and policy making that included better provisions based on the Maatauranga Maaori worldview.

The Planning Under a Co-operative Mandate (PUCM) project assisted in identifying criteria against which to assess the regional and district plans and regional policy statement, their quality, comprehensiveness of inclusion of the 'Vision and Strategy' stratagems, and the required cascading of objective through policies to methods contained in the plans and regional policy statement (Day et al 2002).

Key findings were that the provisions or inclusion of the 'Vision and Strategy' Stratagems was mixed, high in the case of scientifically quantifiable matters and poor and non-existent where matters to be included were less able to be quantified and qualified in a western science worldview. The strengths and weakness of including the 'Vision and Strategy' Stratagems varied and the strength of that inclusion was identified.

A consequential finding was the overall quality of the plans themselves. The first PUCM report to government in 2001 on plan quality, scored all six districts and regional plans below 50%. Using PUCM project criteria to assess the degree to which the Stratagems were included in the plans in 2016 showed a similar result. The consequential findings also found confusion over the nature of good objective, policy and method drafting. It also found significant lack of cascading from objectives through policies to methods.

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Whakataukii:

Ko Taupiri te maunga	Taupiri is the mountain
Ko Waikato te awa	Waikato is the river
Ko Te Wherowhero te tangata	Te Wherowhero is the chief
Waikato Taniwharau	Waikato of a hundred chiefs
He piko, he taniwha	At every bend a chief
He piko, he taniwha	At every bend a chief

This Whakataukii is a saying, which describes the relationship authority and responsibility to protect the Waikato River as exercised by Pootatau Te Wherowhero as te awa tupuna representative on behalf of the people. This whakataukii has also been used by Ngati Tuwharetoa paramount chief Tukino Te Heuheu to acknowledge the mana of Te Wherowhero as the first Maaori King (Deed of Settlement 2009).

Noo taatou te awa. Noo te awa taatou. E kore e taea te wehe te iwi o Waikato me te awa. He taonga tuku iho naa ngaa tuupuna. E whakapono ana maatou ko taa maatou, he tiaki i taua taonga moo ngaa uri whakatupu.

Robert Te Kotahi Mahuta 1975

Hoki ake nei au ki tooku awa The river of life, each curve more
koiora me ngoona pikonga he kura beautiful than the last
tangihia o te maataamuri.

(Waikato Tainui 2013)

‘Our voice is guided and informed by generations of knowledge and wisdom that has come through the toil and sacrifice of our tupuna. We acknowledge our responsibilities to ensure that we honour our tupuna and build a sound future and sustainable environment for our mokopuna and all in the communities we share.’

Vanessa Eparaima, Chair Raukawa Settlement Trust, Chair Raukawa Charitable Trust January 2015 (Raukawa 2015)

Te whakatauaki: ,Ko te mauri, ko te waiora o te Waipa ko Waiwaia’

‘The essence and wellbeing of the Waipa is Waiwaia’

Maniapoto Deed 2010)

VISION

Mō te whanaketanga, mō te whakaora o te taiao

Ā muri kia mau ki tēnā, kia mau ki te kawau mārō, whanake ake, whanake ake.

Ko Tā Maniapoto Mahere Taiao

(Maniapoto 2016)

VISION

Environmental Sustainability

So, therefore, hold fast to the example of the cormorant’s unyielding charge, to forever progress onwards and upwards

Glossary of Terms and Abbreviations

<i>AEE</i>	Assessment of Environmental Effects
<i>AIP</i>	Agreement in Principle
<i>Aotearoa</i>	Land of the long white cloud – New Zealand
<i>Ariki</i>	Chief
<i>Atua</i>	Deity, spiritual being
<i>Awa</i>	River
<i>Awa Tupuna</i>	Ancestral river
<i>DOS</i>	Deed of Settlement
<i>DP</i>	District Plan
<i>Flora</i>	Vegetation
<i>Fauna</i>	Wildlife
<i>FRST</i>	New Zealand Foundation for Research, Science and Technology, a funding agency
<i>GEC</i>	Guardians Establishment Committee
<i>Hapū</i>	Sub tribe (in this context)
<i>HCC</i>	Hamilton City Council
<i>HPA</i>	Historic Places Act 1993
<i>Hui</i>	Meeting
<i>Iwi</i>	Tribe
<i>Kete</i>	Basket
<i>Korowai</i>	Cloak –over arching
<i>JMA</i>	Joint Management Agreement
<i>kahui ariki</i>	Paramount family
<i>Kai</i>	Food
<i>Kainga</i>	Area of operation/living (Williams 1991)
<i>Kaitiaki</i>	Guardians
<i>Kaitiakitanga</i>	'means the exercise of guardianship by the tangata whenua of an area in accordance with tikanga Maori in relation to natural and physical resources; and includes the ethic of stewardship' (s.2 RMA)
<i>Kawa</i>	Ceremonial/ceremonies
<i>Kete</i>	basket
<i>Kingitanga</i>	The Māori King Movement
<i>ki uta tai</i>	mountains to the sea
<i>kōrero</i>	Speak, talk, conversation
<i>Korowai</i>	cloak
<i>Kotahitanga</i>	Māori parliament
<i>Lahar</i>	A type of mudflow or debris flow

	composed of a slurry of pyroclastic material, rocky debris, and water. The material flows down from a volcano, typically along a river valley.
<i>Local Authority</i>	Regional council or territorial authority
<i>LGA 2002</i>	(s2) Local Government Act 2002
<i>LGNZ</i>	Local Government New Zealand
<i>Maatauranga Maaori</i>	Māori knowledge
<i>Mātauranga Māori</i>	
<i>MCI</i>	Macroinvertebrate community index
<i>Mahina kai</i>	Food and other resources and the areas from where they are sourced (MFE 2006)
<i>Maimai</i>	Lament
<i>Mana</i>	Status
<i>Mana kaiwhakahaere</i>	<ul style="list-style-type: none"> • governance, authority, • jurisdiction, management, • mandate, power
<i>Manaakitanga</i>	Hospitality
<i>Manākitanga</i>	
<i>Mana whenua</i>	Authority over the land
<i>MfE</i>	Ministry for the Environment
<i>MMTB</i>	Maniapoto Māori Trust Board
<i>Marae</i>	Meeting house
<i>Marae Committee</i>	A committee appointed with the responsibility over a particular marae
<i>Maunga</i>	Mountain
<i>Mauri</i>	Life force, life principle, life essence
<i>MFE</i>	Ministry for the Environment
<i>Motu</i>	<i>Inter alia</i> Island (Williams 1991)
<i>NT, R, TA Act</i>	Ngati Tuwharetoa, Raukawa and Te Arawa River Iwi Waikato River Act 2010
<i>Noa</i>	Neutrality
<i>NOR</i>	Notice of requirement
<i>NPS</i>	National Policy Statement
<i>NT DOS 2010</i>	Ngati Tuwharetoa Deed of Settlement 2010
<i>NT, R, TA Act 2010</i>	Ngati Tuwharetoa, Raukawa and Te Arawa River Iwi Waikato River Act 2010
<i>NZCPS</i>	New Zealand Coastal Policy Statement
<i>NZPD</i>	New Zealand Parliamentary Debates
<i>NZTA</i>	New Zealand Transport Agency

<i>Papakaainga</i>	A form of housing development which occurs on multiply-owned Maori or ancestral land. Traditionally, the literal meaning of Papakainga housing is 'a nurturing place to return to'. (Whangarei District Council 2016)
<i>Papakainga</i>	
<i>Papatūānuku</i>	Earth Mother
<i>Pepeha</i>	Proverb, set form of words, a charm
<i>Pōtae</i>	Macron “hat”
<i>PUCM</i>	Planning Under Cooperative Mandates (FRST-funded programme)
<i>Puna</i>	Spring, up flowing of water
<i>Puuaha,</i>	Outlet, mouth of the river
<i>Rāhui (or Raahui)</i>	Prohibition, restriction or ban, usually temporary
<i>Ranginui</i>	Sky Father
<i>Raupatu</i>	Confiscation
<i>RMA</i>	Resource Management Act 1991
<i>Rohe</i>	District or area
<i>Rongoā</i>	<ul style="list-style-type: none"> • Preserve, take care of (Williams 1991), • the practice of traditional medicine
<i>RP</i>	Regional Plan
<i>SHA</i>	Special Housing Areas
<i>SS</i>	Sites of Significance
<i>Takiwā</i>	Tribal Area
<i>Tamakai Makaurau</i>	Auckland
<i>Taonga</i>	<ul style="list-style-type: none"> • valued, • precious, • having cultural or spiritual significance
<i>Taonga raranga</i>	Plants which produce material highly prized for use in weaving (s2 RMA)
<i>Tapu</i>	Sacred
<i>Te Awa Tupua</i>	River Ancestor ((<i>Ngāti Rangī et al v Manawatu-Wanganui Regional Council</i> 2011))
<i>Te Awa Tupuna</i>	Ancestral River (Muru-Lanning 2010)
<i>Te mana o te wai</i>	The mana (status) of the river
<i>Te Puni Kokiri</i>	Ministry of Māori Public Policy which

	advises on policy affecting Māori wellbeing, and Government-Māori relationships.
<i>Te Puuaha o Waikato</i>	Port Waikato
<i>Te Reo</i>	The Māori language
<i>Territorial authority</i>	A city council or a district council named in Part 2 of Schedule 2 (LGA 2002 (s2))
<i>Te Taheke Hukahuka</i>	The Huka Falls
<i>Te Tiriti o Waitangi</i>	The Treaty of Waitangi
<i>Tikanga</i>	<ul style="list-style-type: none"> tribal rules, customs, practices, Maori customary values and practices (s 2 RMA)
<i>Tino rangatiratanga</i>	<ul style="list-style-type: none"> Autonomy/control/Māori Sovereignty
<i>Tohunga</i>	Learned, scholar, an authority on
<i>Tohutō</i>	Macron “hat”
<i>Tuku whenua</i>	Tuku –back down, consign, give away
<i>Tuna</i>	Eel
<i>Tupua</i>	Fantastic, object of terror, taniwha
<i>Tupuna</i>	Ancestor
<i>Tupuna Awa</i>	River ancestor (Muru-Lanning 2010)
<i>TWEAR</i>	Tangata Whenua Effects Assessment Report
<i>Ultra vires</i>	Beyond the powers
<i>Utu</i>	Revenge
<i>Waahi tapu</i>	Sacred site
<i>Wai</i>	Water
<i>Wai 30</i>	Treaty of Waitangi Claim Reference Number – for Waikato-Tainui in this instance
<i>Whakapapa</i>	Genealogy
<i>Whakatauki</i>	Proverb or saying
<i>Whanau</i>	Family group
<i>Whanaungatanga</i>	<ul style="list-style-type: none"> the interrelationship of Māori with their ancestors, their whānau, hapū, and iwi as well as the natural resources within their tribal boundaries, rights, obligations, and dynamics (Jefferies & Kennedy 2009 10)
<i>Whare</i>	House
<i>Whare waka</i>	Canoe House/boat shed
<i>Whenua</i>	The land
<i>WRA</i>	Waikato River Authority

1. INTRODUCTION

In our journey towards the maturing of constitutional and societal New Zealand – Aotearoa, and more specifically environmental management, we have moved to almost the polar opposite of Chief Justice Prendergast's statement that the '*Treaty was a 'simple nullity'*' in 1877 (*Wi Parata v Bishop of Wellington* (1877) 3 NZJ (SC) (N.S.) at 72) (Orange 2011). Some 114 years after that pronouncement the President of the Court of Appeal, Rt Hon. Sir Robin Cooke, deposed in an extra-judicial utterance that the Treaty of Waitangi can now be considered to be '*... simply the most important document in New Zealand's history*' in the 'Introduction' NZ Universities Law Review (Cooke 1991).

Officially, on 6 February 1840, a treaty was entered into between Her Majesty Queen Victoria and the Māori people of New Zealand. In practice it took somewhat longer as the treaty toured the country. As most of the treaty was signed by the parties at Waitangi it became known as the Tiriti o Waitangi (Treaty of Waitangi). However, the text of the Treaty of Waitangi (The Treaty) in the English language differs from the text of the Treaty in the Maori language. After considerable pressure the government of the day in 1976 created a Tribunal to make recommendations to the Crown on claims relating to the practical application of the principles of the Treaty and, (for that purpose), to determine its meaning and effect and whether certain matters are inconsistent with those principles (Treaty of Waitangi Act 1976).

As a result, Treaty claims have arisen from the enactment of the Treaty of Waitangi Act 1976. Its later amendments enabled claims to be made which dated back to 1840. The claims process has enabled Māori to articulate an historical grievance and to seek restitution for that wrongdoing on the part of the Crown (Treaty of Waitangi Act 1985). As these processes have evolved, the delivery of restitution has become a focus for planning and this research investigates statutory responses to

specific Treaty claims and associated planning effort in the Waikato Region.

1.1 Motivation and Research Focus

In New Zealand resource management planning is carried out by both central government agencies and local authorities. Resource Management Act 1991(RMA) and the Local Government Act 2002 (LGA) authorise and provide the frameworks for the management of natural, physical and local authority resources.

Resource management in New Zealand is governed by the Resource Management Act 1991 (RMA). The purpose of this Act is to promote the sustainable management of physical and natural resources (s 5). In this act there are over two hundred provisions that make provision for the consideration, and inclusion of Māori culture and traditions in the resource management planning framework of New Zealand. Irrespective of s 8 of the RMA which directs all functionaries under the RMA to take into account the principles of the Treaty of Waitangi, this research seeks to explore the specific effects that a Treaty settlement has had on the regional and district planning framework for the Waikato River catchment. In addition, it seeks to understand how effectively that settlement and the two supporting Acts have been implemented. The legislation comprises three Acts covering the *rohe* (district) of five River Iwi: Waikato Tainui Raupatu Claims (Waikato River) Settlement Act 2010, Ngati Tuwharetoa, Raukawa and Te Arawa River Iwi Waikato River Act 2010 and the Nga Wai o Maniapoto (Waipa River) Act 2012. Collectively I have termed these the Waikato River Co-management Legislation (RCML). Where sections of the RCML are listed, they are in the above order.

The RCML has inserted a policy document called the '*Vision and Strategy*' (Guardians Establishment Committee 2008, Deed of Settlement 2009), into the Waikato Regional Policy Statement (WRPS). The '*Vision and Strategy*' is called Te Ture Whaimana o Te Awa o Waikato (s 9 (3) Waikato Tainui Act 2010). The '*Vision and Strategy*' is applicable only to

that part of the region that is covered by the Waikato River's catchment. The legislation requires that decision-making processes utilize a 'co-management' approach. This decision-making process differs from the traditional approaches in that it is a directive that both the River tribes and elected councillors (or independent commissioners) make the decisions together. This co-management applies to both applications for resource consents as well as policy development. The Maniapoto statute also calls this co-governance.

The RCML requires a specific structure for decision-making and extra layer of policy, which has not as yet been replicated anywhere else in New Zealand else. Has the dicta of the RCML achieved what was intended by Parliament when it enacted the 3 statutes? How comprehensively has the RCML been given effect to in the planning framework for the region? This research seeks to answer those questions using a quantitative approach.

At the time of undertaking this research there had not been, nor since, a Treaty settlement that affects the planning framework as significantly as the RCML have had. This is not only for Māori, their waahi tapu (sacred sites), taonga (treasures) and tikanga (rules/customs) but for the Waikato River and its catchment as a whole. The development of the 'Vision and Strategy' for the Waikato River was seen as '*launching a new era of co-management*' and presenting an '*over-arching korowai (cloak)*', (Morgan 2008) when the Draft 'Vision and Strategy' for the Waikato River was introduced at hui (meetings), workshops and public meetings.

While there are other versions of co-management frameworks which exist between local authorities and Iwi (Hancock 2011) most of these pertain to reserves and lands in Māori ownership or management of resources such as fisheries (Jul-Larsen 2003). What the RCML have achieved is even more far reaching as it directs policy for all regional and district planning documents within the Waikato River catchment.

In this research Te Reo Māori (the Māori language) will be used followed by a translation in English when the term first appears. Thereafter the Māori term will be used. Where the spelling of a word includes a long, or double vowel, such as Maaori, it will be spelt with the double vowel when using a word by the Iwi Waikato-Tainui, and were it is published as such. Elsewhere a macron (*pōtae* or *tohutō*) (horizontal line above a vowel) such as ā will be used, and when published in that manner. A further group of academics have published long vowels with a trema, a double dot, such as ä. This form of symbol will be used when their work is quoted. A Glossary of Terms is also included, and may contain more than one definition of a word or term.

1.2 Background

It has been claimed that since the signing of the Te Tiriti o Waitangi in 1840, rather than giving effect to Māori exercising their tino rangatiratanga (sovereignty) over their lands, waters and taonga (as enshrined in Article 2 of the Treaty), Māori have been excluded from the resource management framework. Māori have therefore been without powers to exercise *tino rangatiratanga* (Matunga 2000; Hancock 2011).

As Durie states in *Te Mana, Te Kāwanatanga: The politics of Māori self-determination*:

‘NZ is a small country and cannot afford to have any section of society not taking a part. Full Māori participation in society has a double meaning. On the one hand Māori might reasonably expect to share all the benefits of society, including standards of health, education, housing similar to those of other New Zealanders, but as well, and having regard both to the Treaty and to the greater expectation of the rights of indigenous people they should expect to be able to exercise their own preferences for political organisation, cultural expression, and relationships with the environment.’ (Durie 1998).

The treaty claims process for Waikato-Tainui Iwi (Tribe) was only partially concluded in 1995. The settlement included the return of 16,000 ha (40,000 acres) of the 480,000 ha (1.2 million acres) that were originally confiscated, and monetary compensation (Orange 2011). Much of that land was leased out to others. The total fiscal package equated to \$170 million. The settlement placed the Waikato River aspect of the claim to one side, perhaps in the 'too hard basket' for the time (Waikato Raupatu Act 1995).

As Durie outlines, Claims Policy is focused on historical events while Treaty Policy revolves around future development (Durie 1998). Although not ignoring how a treaty claim settlement can affect the future of a tribe, settlements are generally about using a formula of 'past lost'. The settlement seeks to reach a conclusion about need, rather than addressing a current circumstance. The RCML is therefore unusual in that the subject matter is the ongoing health and wellbeing of the Waikato River, and its restoration for future generations.

The RCML is not about conferring ownership, perhaps because as Iwi see it, this Tupuna (ancestor), this taonga (treasure) was never ceded. Indeed how can one cede an ancestor? What it is about is the restoration of the resource – the Waikato River, and the restoration of the mana (status) of the five River Tribes, and in particular Waikato Tainui.

The process by which this laudable aspiration is to be achieved is through the legislated tool of co-management of the Waikato River Catchment. The three RCML were enacted to achieve that process in 2010 and 2012. The ramification of these acts is what this research seeks to explore, in particular the impact on the planning framework of the Waikato Region at a regional and district level.

As the Minister for Treaty of Waitangi Settlements, the Hon Chris Finlayson, said at the third reading of the Waikato –Tainui Raupatu Claims (Waikato River) Settlement Bill:

'As New Zealand's longest river, the Waikato River is an important natural feature in our country, as well as being a resource of strategic importance. Its importance as a resource is marked by the fact that there are more than 470 resource consents affecting it, which take from it nearly 250.6 million cubic metres of surface water per day, enough to fill around 100,000 Olympic sized swimming pools. There are over 80 point source discharges discharging directly into the river on the main stem, and approximately 1,600 discharges to its tributaries. The river supplies around 13 percent of New Zealand's electricity generation, and, from within its catchment area, approximately one fifth of New Zealand's exports and more than 10 percent of our GDP. The river flows through some of the most intensively used and modified rural areas in our country.

Today, the river is degraded and badly polluted. Approximately 90 percent of its wetlands are gone. Bacteria levels downstream from Hamilton are often unsafe for swimming. Levels of arsenic in the river almost never meet safe health standards. In the lower river, levels of nitrogen and phosphorous fail to meet ecological standards, and water clarity fails to meet the recreational standard. This settlement establishes vital initiatives focused on restoring and protecting the health and wellbeing of the Waikato River. These initiatives include a \$210 million clean-up fund. Without question, these initiatives befit the deep significance of the river to Waikato Tainui and the iwi whose rohe it flows through. Indeed, these initiatives befit the strategic importance of the Waikato River to the social, cultural, environmental, and economic wellbeing of all New Zealanders.' ((6 May 2010) 662 NZPD 10830).

From the details provided by the Minister it can be seen that the Waikato River is significant not only to the River Iwi, but also to the country's economy and its communities. Its health and wellbeing therefore is equally of significance to all concerned.

Having participated in the development of the 'Vision and Strategy' for the Waikato River in 2008, I was curious to see where this policy framework stood in the context of the Resource Management Act 1991 (RMA). It kindled a desire to investigate how the 'Vision and Strategy' has been implemented in the planning documents in the Waikato Region.

It was evident from the outset that the development of the 'Vision and Strategy' was of enormous importance to the Iwi Waikato Tainui. It

importance is only slightly different to the other 4 River Iwi: Maniapoto, Raukawa, Ngāti Tuwharetoa and Te Aroha (O'Sullivan pers com 2008). For Waikato-Tainui the Waikato River is:

'The Waikato River is our tupuna (ancestor) which has mana (spiritual authority and power) and in turn represents the mana and mauri (life force) of Waikato-Tainui. The Waikato River is a single indivisible being that flows from Te Taheke Hukahuka to Te Puuaha o Waikato (the mouth) and includes its waters, banks and beds (and all minerals under them) and its streams, waterways, tributaries, lakes, aquatic fisheries, vegetation, flood plains, wetlands, islands, springs, water column, airspace, and substratum as well as its metaphysical being. Our relationship with the Waikato River, and our respect for it, gives rise to our responsibilities to protect te mana o te Awa and to exercise our mana whakahaere in accordance with long established tikanga to ensure the wellbeing of the river. Our relationship with the river and our respect for it lies at the heart of our spiritual and physical wellbeing, and our tribal identity and culture.' (s 8(3) Waikato-Tainui Act 2010)

The Ngati Tūwharetoa, Raukawa Te Aroha River Iwi Waikato River Act 2010 (NT, R, TA Act) does not contain a specific provision on the significance of the Waikato River to these three Iwi, however the following is stated:

'This Act—

- (a) recognises the significance of the Waikato River to Ngati Tuwharetoa, Raukawa, and Te Arawa River Iwi:
- (b) recognises the vision and strategy for the Waikato River:...
- (e) acknowledges and provides a process that may recognise certain customary activities of Ngati Tuwharetoa, Raukawa, and Te Arawa River Iwi:
- (f) provides co-management arrangements for the Waikato River.' (s 4 NT, R, TA Act 2010)

For the Maniapoto Iwi the Waipa River is:

'historic, intellectual, physical, and spiritual; to Maniapoto, their relationship with the Waipa River and their respect for it lies at the heart of their spiritual and physical wellbeing, and their tribal identity and culture' (s 7(1) Maniapoto Act 2012).

Later in 2012 the Iwi Ngāti Koroki Kahukura was also recognised as a River Iwi (NKK DOS, 2012), its rohe was already covered by the RCML.

1.3 Aim and Objectives

The aim of this research is to determine how comprehensively the 'Vision and Strategy' for the Waikato River has been incorporated into the two regional and six district planning documents of the region which are subject to the River Co-management Legislation (RCML). Its importance lies in the recognition that the past management regimes failed to positively manage the environment. Therefore compliance with the RCML is imperative as there are no identifiable sanctions for non-compliance in what is described as a co-operative planning mandate (Dixon et al. 1997).

Supporting this aim are the following research objectives:

1. Illustrate the significance of the 'Vision and Strategy' for the Waikato River for the resource management planning regime for the Waikato Region,
2. Identify each planning objective, policy and method that addresses the 25 'Vision and Strategy' stratagems to determine where they have been addressed or not as the case may be, and
3. Identify areas where the 'Vision and Strategy' has successfully been incorporated into the regional and districts' planning framework, and areas where improvements could be made.

The 'Vision and Strategy' for the Waikato River is highly significant and of immense importance at a number of levels in the resource management planning arena for the region. It directs the policy and decision making arms of regional and district councils, over and above any other National Policy Statement (NPS), and it supersedes any existing Joint Management

Agreement (JMA). A review or evaluation of the incorporation of the 'Vision and Strategy' in the planning documents is important because that determines its effectiveness (Jefferies & Kennedy 2009).

The 'Vision and Strategy' does not apply to just physical (land) resources of a particular Iwi, such as the case of the JMA between Ngati Tuwharetoa and Taupō District Council. That JMA relates to Ngati Tuwharetoa's landholdings which comprise over 60% of the Taupō District (Hancock 2011). In contrast the 'Vision and Strategy' relates to the whole of the Waikato River, its catchment below the Huka Falls to Port Waikato, and includes the catchment of the Waipā River. It relates to a communal, public resource in the water, and land and land use activities that are not exclusively in Iwi ownership.

Other than perhaps the Ngai Tahu settlement, where some vested lands have not been surveyed, and some lands re-vested in the Crown (Ngai Tahu 2017), no other treaty settlement has had such extensive application to the planning framework on both public and private resources. Moreover, the RCML is not about ownership (which Iwi attest was never ceded), it is about sharing the management of natural and physical resources by the five River Iwi and local authorities. With that sharing comes the application of two worldviews, the Māori worldview and of the western science worldview.

Majurey & Whata consider that the various provisions in the RMA provide '*... a gateway to the spiritually and culturally symbiotic relationship between Tangata whenua and the environment*' (Nolan 2015 929). They also outline that the jurisprudence of the Environment Court, has reflected and endorsed Māori values and concepts (Nolan 929). The RCML develops and expands upon such matters and the relative specificity of the directives in the 'Vision and Strategy' sets a clear direction for the future management of the Waikato River catchment that relates not only to the physical elements of the environment, but also metaphysical and theosophical concepts that are encapsulated in Maatauranga Maaori.

1.4 Research Structure

This research begins with an introduction into the nature and intent of this thesis and its methodology. Chapter 2 provides an overview of the Treaty of Waitangi settlement process. It then outlines the nature of the 'Vision and Strategy' for the Waikato River and Waipā Catchment, and the legislation that encompasses the RCML. . It also covers the relationship of the RMA and the 'Vision and Strategy', and outlines the plan making process and plan requirements under the RMA.

Chapter 3 contains a literature review. This chapter discusses concepts of the Māori worldview and that of the western science. It discusses three approaches that have been developed by Tangata whenua in an attempt at understanding Mana, Kaitiaki as concepts that form the basis of Maatauranga Maaori.

The quantitative research undertaken is presented and explained in Chapter 4. This research compares the plan or policy statement provisions: the objectives, policies or methods (other than rules) of each of the relevant regional, district and city plans, and the regional policy statement, that are affected by the 'Vision and Strategy' for the Waikato River.

Rules for recording for data fall into two broad categories. Continuous recording is moment by moment, and would be most useful in demographic research. Instantaneous sampling, however, records the data at a chosen instant (Hamms 2010 40). This latter approach is the one I have chosen in my data collection, as the matter being researched is the contents of documents and is not behavioural. The regional and district plans are subject to periodic change by plan changes or variations. Some plans being investigated will have appeals settled about provisions over the course of a year or two.

Continuous recording would involve examining how often a plan was altered, and as such would not provide meaningful data as it is the contents of the document at a given point in time that is being investigated not its changes over time. There needs however to be a cut-off point in time in terms of what each planning document contains. The version of each document is set at 2 February 2016. The date is the commencement of this research, and just over 5 years since the enactment of two of the three statues comprising the RCML.

Chapter 5 outlines key concepts and three models that revolve around concepts of Maatauranga Maaori. Each model provides a window's view of tools or approaches that could be valuable to better understand the Māori worldview and how that might apply to plan making in the Waikato context. A korowai (cloak) top-down model is suggested as a new paradigm to thinking about plan development that is the antithesis of present plan development.

1.5 Methodology

The 'Vision and Strategy' for the health and wellbeing of the Waikato River has now been enacted for over five years. As part of this research I have sought to investigate the relationships of the various planning documents within the Waikato Region and how well, or not, they provide for, or give effect to the 'Vision and Strategy'. A quantitative approach has been used in this research.

The purpose of any research is to add to the store of knowledge. In doing so there are three basic assumptions. Firstly are the research questions intelligible? Secondly, can the questions be answered, and thirdly will the answers add to our understanding of the topic (Graham 2005 9)? In simplistic terms the answer to all three questions is yes. The research questions are intelligible, can be answered and as this type of research has not been comprehensively on all 8 documents then yes the research will add to that 'basket' of knowledge.

Along the way however, other relevant issues have revealed themselves about the content and structure of the planning documents. These findings are aligned with the research work of the Planning Under a Co-Operative Mandate (PUCM) project discussed below. These findings seek to improve plan-making, both specific to the incorporation of the 'Vision and Strategy', and also to improve the quality of the plan provisions and structure. As such this research is considered to be valid, justified and provides information which is 'warranted knowledge' (Graham 2005).

The subject matter of this research can be quantified and coded, and the outcome of the data has been collated to reach clear conclusions. Being evidence based, the process is based on the technical and scientific. Thus it is a positive approach (White 2015). That philosophical approach places all knowledge on a scientific footing (Graham 2005 16).

Naturalism is research that claims to be the same as that in natural sciences, and was popular as an approach from the 1960s (Graham 2005 15). However, naturalism is not usually sufficient to providing a robust context to a topic (Varrco 2010). The second portion of the research investigates different world views. This has been done the hope of better understanding Māori that form Maatauranga Maaori, and to better provide for them in the policy framework of the planning documents. Dealing with spiritual and theosophical contents may be difficult to analyse under a positive philosophical naturalist approach however all three models in varying ways integrates western and Māori worldviews in a positive approach (Beltran 2010).

A qualitative analysis employing semi structured interview was also initially considered, but was not followed through with due to identified potential conflicts of interest with interview participant and employers. . As the research objectives developed it also became clear that a structured quantitative approach would provide a stronger basis for the research. Therefore this research employs the quantitative approach in a manner that attempts to avoid bias. The approach taken also seeks to

introduce a level of triangulation across a range of sources including case law (Trochim, 2006).

The research undertaken is not focused on an investigation of treaty settlements or statutes. Rather it is applied research seeking to understand the implementation of the RCML on regional and district planning practice in Waikato at a given point in time. It is also hoped that this work will contribute to the *kete* (basket) of knowledge of resource management planning policy framework in the Waikato Region and that it is 'warranted knowledge', in the sense that it has been tested and that it holds rigour in terms of the questions to be answered (Graham 2006).

This discourse has been developed using my direct involvement of the development of the 'Vision and Strategy' for the Waikato River. In my capacity as a policy adviser to the Guardians Establishment Committee (GEC) I assisted in the development of the 'Vision and Strategy' for the Waikato River in 2008.

This significant policy framework was established in 2010 and my curiosity about the effects that this policy framework has had on planning in the region, was fuelled. The place of the 'Vision and Strategy' in the context of the RMA, and the Waikato regional and district planning documents needed to be investigated to determine if the co-management model has been comprehensively incorporated into the planning documents.

To do this, a statistical 'Gap analysis' was conducted which compared each objective, policy and method (excluding rules) in each district and regional plan against the 25 statements of the 'Vision and Strategy'. These statements are collectively referred to as stratagems. This approach sought to determine what level of compatibility or 'fit' the stratagems have, or not as the case may be, with the policy framework of: objectives, policies and methods (other than rules), and where any gaps occur. This has formed the primary data source.

As Hames (2010 46) outlines, the coding of results involves a decision on three major issues: (1) *the problem of simultaneity*; (2) *what and how finely to code*; and (3) *functional verses structural descriptions*. Simultaneity was not applicable to this research, however, the degree of fine-ness of coding was highly relevant, as was the functionality of the plan provisions being investigated.

Concepts that were developed for the project 'Planning Under a Co-operative Mandate' (PUCM), which was a plan quality research project that investigated plan quality (Ericksen et al 2009 13) have been incorporated in this research. The PUCM project defined eight principles for evaluating the quality of plans. Four of the principles established guided the criteria used in this research. As there was no opportunity to undertake qualitative research of professions as with the PUCM project, some of the 4 remaining principles that that project established were not able to be conducted. For example, 'Principle 7: Monitoring', and 'Principle 8: Organisational capacity' was not considered to be particularly useful in this context. This research is not a global exercise, such as PUCM which was applied throughout a large section of local government. It applies within one region, and is specific to the seven local authorities which must provide for the 'Vision and Strategy'.

To evaluate each provision in each plan and policy statement covered by this research, against the 'Vision and Strategy', the following questions or criteria were applied, as listed in Table 1:

Table 1: Research Questions and correlation with PUCM Principles

This Research	PUCM Principles
Does the provision acknowledge the 'Vision and Strategy' directly?	1. Interpretation of Mandate
Does the provision reflect or clearly infer a stratagem in the 'Vision and Strategy'?	2. Clarity of purpose
How clearly is a stratagem linked from Objectives through to policies and methods?	5. Internal consistency
How relevant is the provision to the stratagems of the 'Vision and Strategy'?	3. Identification of the issues

The strength of the relationship between each plan provision and each of the stratagems was then considered on a scale ranging from: nil to slight to strong. This grading approach is analogous to that favoured by Hames in his discussion of demographic behavioural research where he coded primary, secondary and tertiary behaviours (Hames 2010).

Where any provision scored a nil and /or slight against any of the above considerations, it was not scored. This codification process was conducted twice for district plans and three times for the PWRPS and the WRP in an attempt to eliminate any inconsistencies or bias. Examples of plan provisions and how they are scored are shown in Table 2 below.

Table 2: Assessment Criteria Examples

Provision	Applicable	Relevance	Comprehensive	Stratagem
Waikato Regional Policy Statement				
Objective 3.1 Integrated management. Natural and physical resources are managed ... that recognises: a) the inter- relationships within	Strong	Strong	Strong	E, G

Provision	Applicable	Relevance	Comprehensive	Stratagem
and values of water body catchments, riparian areas and wetlands, and the Waikato River; Policy 4.1 Integrated approach				
An integrated approach ...that:	Strong	Strong	Strong	E
g) applies consistent & best practice standards and processes to decision making;	Strong	Strong	Strong	2, 4, 5,
h) establishes, ..., a planning framework which sets clear limits and thresholds for resource use	Strong	Strong	Strong	4, 11
Waipā District Plan Objective 1.3.3 To uphold, and assist tāngata whenua to uphold, the partnership principles inherent ...	Strong	Strong	Strong	B, C

The scores against each stratagem in the objective section of each plan and the regional policy statement were then totalled. The same occurred for the policy sections and methods sections of each plan and the regional policy statement. The total score for each stratagem in the separate objectives, policies and methods section were then converted into a percentage. The percentages were then plotted onto graphs as shown in Chapter 4.

The reason for presenting the scores as a percentage is to ensure clear conclusions could be made (Jefferies & Kennedy 2009), that like was able to be compared with like. Using the raw initial scores would present a difficult and distorted graphic. Some plans contained few but highly pertinent provisions. The Regional Plan contained an enormous number

of provisions. The Waikato District Plan is a result of the amalgamation of two District plans (as a result of local government re-organisation in October 2010), and therefore had up to twice as many provisions as other district plans.

Converting the scores to a percentage ensured that even if a stratagem only score once, that score was recognised in the context with the other provisions in that plan (or policy statement). If a plan was on the lean side, containing few provisions overall which give effect to the 'Vision and Strategy', that plan was not penalised, as the percentage approach provides proportionality and relativity between the plans and policy statement.

The 'Vision and Strategy' and the Regional Policy Statement do not contain rules. They are part of the policy framework to give effect to the RMA (s 5) and to be given effect to in the lower order regional and district plans. Rules in plans have the effect of regulation (s 68 (2) and s 76 (2)) whereas the application of the policy framework of: objectives, policies and methods other than rules, is not regulation.

Rules are required to address adverse effects on the environment (s 68 (3) and s 76 (3)) in giving effect to the purpose of the RMA (s 68(1) and s 76(1)). They are directives. This then translates to all rules arguably addressing Stratagem "G" (recognition and avoidance of adverse cumulative effects) and little relate to many other stratagems. For instance development rules on roading hierarchy, signage or boundary set backs are all directives that seek to management adverse effects on the environment, and have little if any applicability to the health and wellbeing of the Waikato River.

It is also noted that district councils such as Waikato initiated a plan change to adopt the 'Vision and Strategy' at a policy level but no changes to the rules were made (WDC 2013). For those reasons rules, as regulation, have not been considered.

The plan analysis is also supported by relevant literature and case law. A review of pertinent case law has been conducted to consolidate understanding of the role that the 'Vision and Strategy' has in terms of planning documents. These are referred to throughout the research where relevant.

This research would not be complete without a literature study of key relevant works to set the contextual framework within which the RCML sits. A comparison of the concepts that the RCML introduces to the RMA and co-management within New Zealand is conducted.

Concepts of the Māori worldview are included to explain some understandings of the concepts of Maatauranga Maaori which the 'Vision and Strategy' inserts into the planning arena but does not define. This aspect of the research, may reveal the shortcomings of other co-management agreements and arrangements when compared to that which the 5 River Tribes and the Crown have negotiated for the Waikato River. This review and the case law review forms part of the secondary data source (Clark 2006).

1.6 Research Sources

A variety of research media were employed in the development of this thesis. Traditional key word searches for titles of material within the University of Waikato's Library, University of Auckland's Law Library was conducted. Search engines such as *Google Scholar* were used for scholastic works and the occasional use of the Concise Oxford Dictionary of current English.

The Iwi web sites that were reviewed are: Waikato Tainui Environmental Plan (2016), Ngati Tuwharetoa (2015), Raukawa (2016), Te Arawa (2016) and Maniapoto (2016). Government departments such as the Office of Treaty Settlements, Te Puni Kokiri (Ministry for Māori Development) and Ministry for the Environment (MfE), as well as the NZ

Planning Institute and MfE sponsored web site *Quality Planning* provided relevant information. The Waikato River Authority (2016), Local Government NZ (LGNZ) and Terranet for property information (2016), all provided other information for this research.

All Waikato based council web sites were searched for relevant planning documents, recent decisions which might provide informative case studies and technical reports. The sites are: Waikato Regional Council (2016), Waikato District Council (2016), South Waikato District Council (2016), Rotorua Lakes District Council), Ōtorohanga District Council (2016), Waipā District Council (2016), and Hamilton City Council (2016).

Case law was sourced from the university's Westlaw database, RMA Net a private case law supplier, and Australasian Legal Information Institute a web site which is a joint facility of the University of Technology Sydney and University of New South Wales Faculties of Law that includes decisions by New Zealand Courts.

The Learning Media site provided the opportunity to source a dictionary of Te Reo Māori (Māori language) by H.M Ngata, along with the recognised *Dictionary of the Māori Language* by H Williams. Style guides such as the Waikato University style guides, NZ Law Foundation's *NZ Law Style Guide* have been used.

Key words used in searches of all date sources included: [Waikato River], [Vision and Strategy], [Waikato Tainui], [Raukawa], [Maniapoto] [Ngati Tuwharetoa], [co-management], [Cultural Health Index], [indigenous equity], [Maatauranga Maaori], [mātauranga Māori], [Tikanga] [water co-management], [world views].

2 LEGISLATION

2.1 New Zealand Government

New Zealand is a constitutional monarchy with a parliamentary system of government. The head of state is the sovereign Queen Elizabeth II and she is represented in New Zealand by the current Governor-General, Dame Patsy Reddy (New Zealand Government 2016). New Zealand uses a Mixed Member Proportional (MMP) voting system which makes it unlikely that any one political party will win a majority of the seats in the House. Usually a coalition of parties is formed to enable the executive to function.

Government is conducted by a unicameral system (one body), with only one House of Representatives comprising 121 ministers of parliament (Parliament 2016). There are 64 general electorate members who represent a seat and therefore a constituency. There are seven dedicated Māori seats who represent Māori electorates, and fifty members selected from party lists.

There are three separate arms to government. This 'separation of powers' makes sure no one part of government has too much power. The Legislature is Parliament and includes all elected MPs and select committees. The Executive comprises Ministers and their government departments, it runs the country on a day to day basis, proposes drafts laws, and determines policies that the government departments will give effect to. Te Puki Kokiri, Ministry of Māori Public Policy, is the government department which advises on policy affecting Māori wellbeing, and Government-Māori relationships.

The third arm is the Judiciary, the judges and the courts. Judges interpret the law in cases that come before the courts by hearing and deciding on cases.

New Zealand has no written constitution rather a number of Acts of Parliament, documents issued under the authority of the Queen, relevant English and United Kingdom Acts of Parliament, decisions of the court, and unwritten constitutional conventions (Parliament 2016).

2.2 Three Tiers of Government

Along with the three arms of government there are three tiers of government in New Zealand. The Executive as outlined above, then below that regional and district councils. Regional councils for the most part manage natural resources (air, land and water), flood control, pest control, and, in specific cases, public transport, regional parks and bulk water supply (LGNZ (a) 2016). Territorial authorities (District and City councils) manage land use resource management planning and a wide range of local services including: roads, water reticulation, sewerage, refuse collection, libraries, parks, recreation, local regulations, community and economic development (LGNZ (a) 2016). In a small number of cases the regional and district councils have combined to create a Unitary Authority, none exist in the Waikato.

2.3 Statutory provisions and Māori representation and interests

Unlike central government there is no requirement for Māori seats on regional and district (including city) councils. That is not to say that they don't exist. Some councils have elected to have dedicated Māori seats such as Environment Bay of Plenty Regional Council which under a local act, Bay of Plenty Regional Council (Maori Constituency Empowering) Act 2001 (s 5 & 6) has created three Māori seats (LGNZ (b) 2007). A number of other councils have also consulted their electorates about the potential to create Māori seats. Waikato District Council, for instance, undertook a binding referendum on whether the District should be divided into Māori Wards (WDC(c) 2012 5) in 2012.

The Local Government Act 2002 (LGA) requires councils to consider and promote the current and future wellbeing of communities (Local Government 2016). This act specifies the nature of engagement and co-operation between councils and Māori and requires in section 81:

- ‘81 Contributions to decision-making processes by Māori
- (1) A local authority must—
 - (a) establish and maintain processes to provide opportunities for Māori to contribute to the decision-making processes of the local authority; and
 - (b) consider ways in which it may foster the development of Māori capacity to contribute to the decision-making processes of the local authority; and
 - (c) provide relevant information to Māori for the purposes of paragraphs (a) and (b).
- (2) A local authority, in exercising its responsibility to make judgments about the manner in which subsection (1) is to be complied with, must have regard to—
 - (a) the role of the local authority, as set out in section 11; and
 - (b) such other matters as the local authority considers on reasonable grounds to be relevant to those judgments.’ (s 81 LGA 2002)

As outlined below there are numerous provision for Māori to actively participate in resource management and to have their views considered in decision-making. However, as discussed later, the RMA is based on a western science, evidence-based approach (White 2015 163) to resource management. Māori Tikanga on the other hand, along with Taoists, Buddhists, Hindus and the like (White 2015 40) hold worldviews where they see themselves as part of, in harmony with, the environment. So a question is raised as to how comfortably the ‘Vision and Strategy’ can be inserted in the RMA, given that the latter is evidence-based on a western science worldview, while the ‘Vision and Strategy’ introduces more holistic concepts and a Māori worldview.

2.4 Treaty Settlement Process

Prior to outlining the nature and contents of the 'Vision and Strategy' for the Waikato River, and its relationship with the Resource Management Act 1991 a brief precis of the Treaty Settlement Process is first outlined.

The Waitangi Treaty claims have arisen from the enactment of the Treaty of Waitangi Act 1976 which has enabled Māori to articulate an historical grievance and to seek restitution for that wrongdoing on the part of the Crown. This is not to say that Māori who had a grievance were precluded from seeking a resolution to a grievance prior to 1976. In fact, Māori were encouraged, according to Orange (2011), to seek recourse in the law from as early as the 1860s. The Act has created a permanent board of inquiry in the Waitangi Tribunal (s 4). The Tribunal was mandated to inquire into claims against the Crown that were brought before it (s 5).

The claims made under the Treaty of Waitangi Act have been wide ranging, and can now cover complaints that the Crown has breached the Treaty of Waitangi by particular actions, inactions, laws, or policies and that Māori have suffered prejudice or harm as a result (OTS 2016).

Significant results have occurred of late in the settlement process that enable Māori to have a stronger voice in resource management of natural resources, for Māori to articulate their worldview on resource governance (Beverly 2015), and to undertake their customary activities in a less trammelled manner.

The historical treaty claim, referenced as 'Wai 30', relates to actions and omissions by the Crown in relation to Waikato Tainui from the 19th through to the 20th centuries, and includes matters that relate to the decline in the health and wellbeing of the Waikato River. This has been detailed in Clause 2.2 of Her Majesty in Right of New Zealand and Waikato Tainui Deed of Settlement 17 December 2009 (DOS 2009).

As outlined on the OTS website (2016) a Treaty Settlement Agreement generally comprises:

1. An Historical Account, Acknowledgements and a Crown Apology
2. Cultural Redress
3. Financial and Commercial Redress, and
4. Deed of Settlement.

The Settlements are final, however, both Iwi and the Crown usually accept that it is not possible to fully compensate the claimant group for their grievances. Instead redress provides a form of resolution that is acceptable to the Iwi group, in recognition of its historical grievances, focuses on the restoration of the relationship between the Iwi and the Crown, and on contributing to the Iwi's economic development (OTS 2016).

Treaty settlements are not all the same, even if more than one relate to the same natural resource. Each settlement responds to a unique set of circumstances, and reflects the unique relationship between the Iwi and the resource in question, as can be seen in the discourse below which outlines the intent of, or which summarises the three Co-management statutes that relate specifically to the Waikato River.

2.5 Deed of Settlement for Waikato Tainui

Waikato Tainui, through Robert Te Kotahi Mahuta (later Sir) and Tainui Maaori Trust Board and Ngaa Marae Toopu first lodged its Waitangi Tribunal claim 'Wai 30' on 16th March 1987 and part of this claim focuses on the Waikato River.

The claim stated that in respect of the river: acts, omissions and policies of the Crown had prejudicially affected Waikato –Tainui. These issues were in terms of ownership and mana of the Waikato River, pollution degradation, overfishing and depletion of the Waikato River fisheries and spirituality, the legislative framework for land and water planning. It was claimed that the framework both failed to take proper

account of Waikato –Tainui’s concerns for the Waikato River and that it was inappropriate for the protection of Waikato –Tainui rights as guaranteed by the Treaty (DOS 2009).

After negotiations with the Crown, a Deed of Settlement was developed in 1995 which expressly excluded certain matters, in particular those relating to the Waikato River. It seemed that the River was placed in the ‘too hard’ basket, while other more easily resolved matters became part of the settlement that took place at the time. However, the 1995 Deed did acknowledge that Waikato Tainui’s claim arises from: raupatu (confiscation), that Waikato Tainui has a special relationship with the Waikato River, that the waters of the river are an ancestor, and that it determines the identity of the tribe as confirmed by the Treaty of Waitangi (DOS 1995).

The 1995 deed also defined the area of the Waikato River claim being from Te Taheke Hukahuka (the Huka Falls north of Lake Taupō) to the Te Puuaha o Waikato, the mouth of the river at Port Waikato. Importantly, the deed would ‘... *not affect any claims, rights or interests of Waikato in their relationship with the Waikato River*’ (DOS 2009 4). Interestingly, the area described is also the *rohe* (area/district) of other River Iwi namely: Te Arawa, north of Lake Taupō to Orakei Korako, Raukawa and Ngāti Tuwharetoa in the centre upstream of Lake Karapiro and on the Waipā River, and Ngaati Maniapoto on the Waipā River catchment (Te Kāhui Māngai 2016).

An adjunct to the DOS between Waikato Tainui and the Crown (DOS 2009) was the Deed of Settlement between Ngāti Koroki Kahukura the Taumatawiwi Trust and the Crown in December 2012 (NKK DOS 2012). Ngāti Koroki Kahukura’s *rohe* (district) is principally between the man-made lakes of Karāpiro and south to Arapuni, which are on the Waikato River. This area is covered by the Waikato Tainui Waikato Raupatu Claim Area of 1995.

This Deed recognises this Iwi as a River iwi (NKK DOS 2012 7) and an affected party in terms of any RMA matters, recognising that this Iwi has significant relationship with the Waikato River. While this Iwi's rohe is covered by the Waikato Tainui DOS 2009 and the legislation (2010) the NKK Deed recognises the cultural interests of Ngāti Koroki Kahukura in the Waikato River and its catchment; and provides mechanisms for the cultural interests of Ngati Koroki Kahukura in the Waikato River (NKK, 2012 30). Ngāti Koroki Kahukura is to be represented through the Waikato Raupatu River Trust in terms of the RCML. This includes any JMS developed between entities and the Waikato Raupatu River Trust, Accords and Environmental Management Plan.

2.6 Guardians Establishment Committee

In December 2007 Waikato –Tainui reached an Agreement in Principle (AIP) with the Crown regarding how the outstanding treaty claim over the Waikato River would be resolved, rather than via the Waitangi Tribunal. This Agreement set out a number of matters including the establishment of the Guardians Establishment Committee (GEC), a joint River Tribes and Crown appointee panel of 16 members who were required to draft, consult and finalise the *'Vision and Strategy' for the Waikato River*. The GEC comprised four members from Waikato –Tainui, and one each from: Ngaati Maniapoto, Raukawa Trust Board, Te Pumautanga o Te Arawa and Ngaati Tuwharetoa.

For the Crown representatives were from: South Waikato District Council, Waikato District Council, Waipa District Council, Environment Waikato, Hamilton City, Mighty River Power, the Principal of THS, and the former chair of Environment Waikato who was now a farmer. Tukoroirangi (Tuku) Morgan (Waikato –Tainui) and Gordon Blake (Crown Appointee) were the co-chairs of the GEC. The GEC was serviced by a secretariat of four people, two of whom were policy advisors including myself.

As commented on by the late Dean Stebbing, a member of the GEC representing Iwi Ngati Tuwharetoa, what was remarkable about this configuration was that while it was primarily to address the Waikato Tainui treaty claim with respect to the river, it also saw the other four river iwi around the table, often speaking with a unity that was otherwise unusual (Stebbing personal comment 2008).

The issues for each iwi were similar but not exactly the same. Waikato Tainui, for instance, consider the Waikato River a Tupuna an ancestor (Waikato Tainui Raupatu Claims (Waikato River) Settlement Act 2010 s 8), whereas the other Iwi consider it significant (Ngati Tuwharetoa, Raukawa and Te Arawa River Iwi Waikato River Act 2010 s 4(a)). The Waikato Tainui Settlement Act arises from Waitangi Tribunal claim 'Wai 30' and is directly related to the raupatu which the tribe had experienced.

Whereas that was not quite the case for the other four river iwi, who were focused more on the loss of customary activities and cultural responsibilities. Although Ngati Tuwharetoa for instance: waahi tapu (sacred sites), taonga (treasures/sacred), whenua (land) and kainga (area of operation/living) were effectively 'confiscated' when they were flooded by the waters behind the numerous hydro dams constructed on the upper reaches of the Waikato River (Stebbing personal comment 2008). The result of the identical co-management agreements for the other river iwi are reflective of the 'modern relationships' between those tribes and the Crown under the Treaty of Waitangi, whereas the Waikato –Tainui Act settled a treaty claim (MfE 2009)

As required by the Waikato-Tainui AIP, the GEC developed a Draft 'Vision and Strategy for the Waikato River in April 2008 which contained 35 aims or goals and actions. The draft document was widely circulated as part of an extensive consultation process to: Iwi, Marae Committees, hundreds of organisations, a number of government departments, large water users and other major consent holders in the region, education establishments including tertiary, individuals, community groups and those

involved in environmental work in the region. The process developed for the consultation stage was based on that used in the development of a plan change under the RMA (Schedule 1). However it did not include the further submission (cross submission) stage as the Government timetable did not provide sufficient time for that additional consultative step, nor was it expressly required (GEC Consultation Strategy 2008).

Some 28 scheduled public meetings, hui (meeting) and target group meetings were held to discuss the development of the 'Vision and Strategy' and to receive input into its final outcome. A period of one month was also provided within which anyone could make a written submission. Ninety eight written submissions were received and with the extensive oral submissions, all were considered by the GEC which then refined into the final 'Vision and Strategy' for the Waikato River which was presented to the Crown on 22nd August 2008 (GEC River 2008)

That date was also memorable as it was the day the Crown and Waikato–Tainui signed a Deed of Settlement (DOS 2008) and the Kingitanga Accord which relates to the Waikato River (MfE 2009).

With a change in government from Labour (liberal) to National (conservative) an independent review was instigated in 2009 to review the co-management arrangements for the Waikato and Waipa Rivers (MfE June 2009) and to investigate how effective the arrangements were in meeting the objectives of the Deed of Settlement with Waikato–Tainui and the intended agreements with the other four river iwi. The resultant changes saw a streamlining of decision-making powers and a reduction in organisation but no further change to the wording of the 'Vision and Strategy'.

2.7 The 'Vision and Strategy for the Waikato River

The foundation or nexus of the 'Vision and Strategy' for the Waikato River is Waikato –Tainui's aspiration for an overarching korowai (cloak) concept for the protection and restoration of the whole of the River, which was also accepted by the four other river iwi.

This paramount creed is embodied in the following *maimai* (lament) which is attributed to the second Maaori King, Kiingi Taawhiao:

'Tooku awa koiora me oona pikonga he kura tangihia o te maataamuri'

'The river of life, each curve more beautiful than the last' (GEC 2008)

The overarching purpose of each of the Settlement Acts is slightly different in all 3 Acts as follows:

'The overarching purposes of this Act is to restore and protect the health and wellbeing of the Waikato River for future generations.' (Waikato Tainui Raupatu Claims (Waikato River) Settlement Act 2010 Act s 3).'

'The overarching purposes of this Act is to restore and protect the health and wellbeing of the Waikato River for present and future generation'." (Ngati Tuwharetoa, Raukawa and Te Arawa River Iwi Waikato River Act 2010 s 3).'

'The overarching purpose of this Act is to restore and maintain the quality and integrity of the waters that flow into and form part of the Waipa River for present and future generations and the care and protection of the mana tuku iho o Waiwaia.' (Nga Wai o Maniapoto (Waipa River) Act 2012 s 3 (1))

However, the 'Vision and Strategy' is identical in all three Acts.

The 'Vision and Strategy' seeks to address four fundamental issues namely:

1. The degradation of the Waikato River and its catchment has severely compromised Waikato River iwi in their ability to exercise Kaitiakitanga or conduct their tikanga and kawa;

2. Over time, human activities along the Waikato River and land uses through its catchments have degraded the Waikato River and reduced the relationships and aspirations of communities with the Waikato River;
3. The natural processes of the Waikato River have been altered over time by physical intervention, land uses and subsurface hydrological changes. The cumulative effects of these uses have degraded the Waikato River; and
4. It will take commitment and time to restore and protect the health and wellbeing of the Waikato River.’ (GEC 2008; WRS, 2016).

The ‘Vision and Strategy’ contains 13 Objectives for realising the Vision’s, objectives; numbered ‘A’ to ‘M’. These incorporate spiritual and relationship aspirations, through to objectives for reducing adverse effects, the protection of waahi tapu (sacred sites), flora and fauna. These objectives also include a recognition that the Waikato River is degraded and this forms the environmental ‘bottom-line’ for the river in terms of any future potential adverse effects created by human activities within the catchment and in and on the river. Importantly also, the objectives include the requirement to apply both the latest western science methods and Maatauranga Maaori (Māori knowledge) for restoring and protecting the health and well-being of the river and its catchment (GEC 2008).

The 13 objectives are supported by another 12 strategies, for achieving the objectives, numbered 1-12. These seek to firstly quantify the issues, then to develop targets and strategies for improving the water quality and habitats within the river catchment, along with practical methods for protecting waahi tapu and other sites that are of significance to the regional community, in addition to promoting public access and encouragement of a whole of river approach. Education and information sharing to achieve the best options for river health and recovery are also included in the ‘Vision and Strategy’.

The area subject to the ‘Vision and Strategy’ is the catchment of the Waikato River from the Huka Falls to the *Puuaha o Waikato* at Port

Waikato on the west coast of the North Island and initially included the Waipa River from its junction with the Puniu River to its junction with the Waikato River. This area of applicability was extended by section 8(1) of the Nga Wai o Maniapoto (Waipa River) Act 2012 to include the upper reaches of the Waipa River. The applicability of the 'Vision and Strategy' is shown on SO 409144 in Appendix A and below in Figure 1.

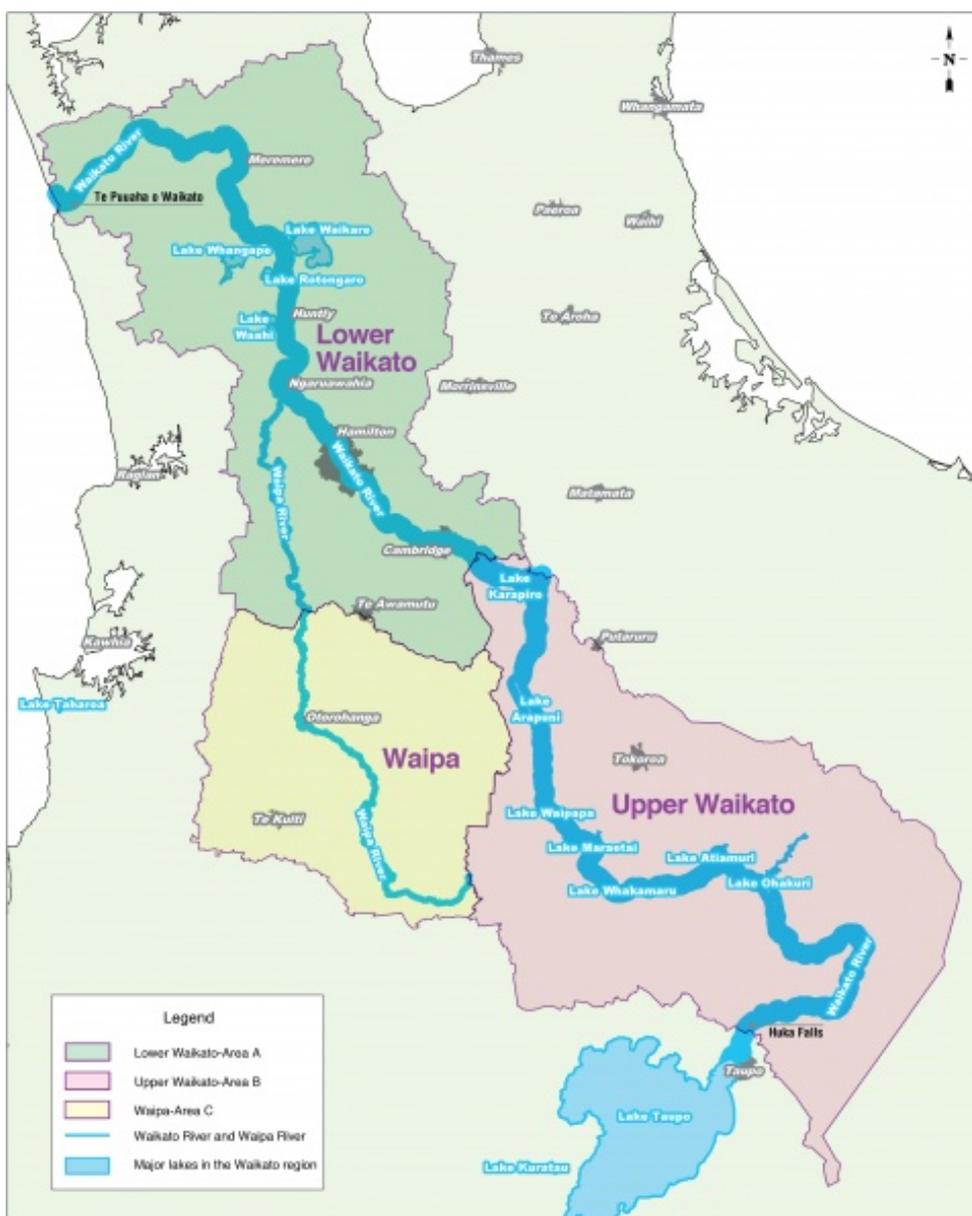


Figure 1: Map of the extent of the Vision and Strategy (WRA 2011)

The extent of the coverage of the 'Vision and Strategy' applies to a large portion of the Waikato Regional Council's area of jurisdiction (formerly referred to as Environment Waikato), and the district councils of: Waikato, South Waikato, Waipa, Otorohanga, Rotorua and Hamilton City.

2.8 River Co-management Legislation

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

As described by the Member of Parliament and Co-Leader of the Māori Party (1996-2014), the Right Honourable (Dame) Tariana Turia at the Bill's third reading:

'The Waikato-Tainui Raupatu Claims (Waikato River) Settlement Bill fulfils the aspirations of the people to protect the gift of their awa for future generations'. ((6 May 2010) 662 NZPD 10830.

She also noted that:

'A special feature of the settlement is that in seeking to protect the Waikato River, Waikato-Tainui have established an impressive precedent in the form of a co-governance entity and subsequent arrangements.' ((6 May 2010) 662 NZPD 10830.'

Dame Turia expressed the aspiration that this form of co-governance would set a precedent for other treaty settlements, and that this will usher in a new era of resource management.

The Waikato Tainui Raupatu Claims (Waikato River) Settlement Act 2010 Act's Preamble (Waikato Tainui Act, 2010) outlines the relationship of Waikato Tainui to the Waikato River, it is a Tupuna and ancestor. It also outlines the mana kaiwhakahaere (governance) the tribe had always had with respect to the river together with the egregious loss that occurred after the Crown's military invasion and resultant wars from July 1863, and the consequential displacement of peoples, and the unjustified *raupatu* (confiscation) of Waikato –Tainui tribal lands in 1865. As the Preamble notes (Waikato Tainui Act):

(8) From the time of the Raupatu, the Crown assumed control of, and exercised jurisdiction over, the Waikato River. Waikato–Tainui were excluded from decision making: nor were they consulted as to their understanding of the River and its ecosystems. Waikato–Tainui rights and interests (whether at law, equity, custom or by the Treaty of Waitangi

or otherwise), and the authority and control that they exercised to protect and ensure the well-being of the River and its resources, were denied.’

The Preamble culminates in 16 acknowledgments by the Crown which not only include a recognition that the Crown breach the Treaty of Waitangi by denying Waikato –Tainui their rights and interests in and mana kaiwhakahaere over the Waikato River and the special relationship that Waikato Tainui have with the Waikato River, but also two interesting and crucial admissions namely:

‘17(k) that the deterioration of the health of the Waikato River, while under the authority of the Crown, has been a source of distress for the people of Waikato –Tainui; and

17(n) that the Crown seeks a settlement that will recognise and sustain the special relationship of Waikato –Tainui with the Waikato River.’

The late Hon Parekura Horimia (MP 1999-2013, 8 years a Minister of Māori Affairs) noted in his speech on the Third Reading of the Waikato Tainui Raupatu Claims (Waikato River) Settlement Bill that ((6 May 2010) 662 NZPD 10830):

‘It is historic and poignant, because Tainui has never before at any time been part of the river’s management or clearly involved in the decision making.’

And indeed the Bill was, and the resultant Act is, poignant and significant particularly in light of the Crown’s apology about the mismanagement of the Waikato River for over 170 years, which in itself must be ground breaking.

The purpose of the Act is described in s 4 of the Waikato –Tainui Raupatu Claims (Waikato River) Settlement Act 2010, and it:

- gives effect to the settlement of treaty claims ('raupatu claims') (s 4(a)),
- recognises the significance of the Waikato River to Waikato –Tainui (s 4(b)),
- recognises certain customary activities of Waikato –Tainui (s 4(f)),
- provides redress relating to certain assets (s 4(h)) and
- recognises redress of the Kiingitanga Accord (s 4(i)).

The section also identifies the purpose, establishes and grants functions and powers to the Waikato River Authority (s 4(d)) and the Waikato River Clean-up Trust (s 4(e)). The Trust is a funding body for the clean-up of the Waikato River and is administered by the WRA.

The final two significant aspects of the purpose of this Act, which are the features that this thesis focuses on are:

- the recognition of the 'Vision and Strategy' (s 4(c)) for the Waikato River, and
- the provision of co-management arrangements for the Waikato River (s4(g)).

The creation of the WRA was described by the Dame Turia as an enhanced model which '*represents a significant shift from six statutory boards to a single co-governance entity*', and that the creation of the Waikato River Authority is '*...an inherently positive approach*' ((6 May 2010) 662 NZPD 10830). In addition, the creation of the WRA and its subsidiary trust the Waikato River Clean-up Trust, and the \$210 million allocated for the clean-up are also significant in the implementation of the three Acts' purposes.

2.8.2 The Ngati Tuwharetoa, Raukawa and Te Arawa River Iwi Waikato River Act 2010

When introducing the Ngati Tuwharetoa, Raukawa and Te Arawa River Iwi Waikato River Bill 2010 to Parliament on its third reading the Hon Chris Finlayson (Minister of Treaty Negotiations at the time) noted that the Bill provided Ngati Tuwharetoa, Raukawa and Te Arawa with the ability ‘... to participate in co-management arrangements that recognise their enduring association with the upper Waikato River’ ((21 October 2010) 667 NZPD 14733).

Dovetailing with the Waikato –Tainui Raupatu Claims (Waikato River) Settlement Act 2010, the later enacted Ngati Tuwharetoa, Raukawa and Te Arawa River Iwi Waikato River Act 2010 and future legislation for Maniapoto would provide an important linkage to providing a ‘... comprehensive co-governance framework will be in place for this vitally important river system.’ ((21 October 2010) 667 NZPD 14733).

The Ngati Tuwharetoa, Raukawa and Te Arawa River Iwi Waikato River Act 2010 (Ngati Tuwharetoa, Raukawa and Te Arawa Act) has the same overarching purpose (s 3) as the Waikato –Tainui Raupatu legislation, however, it has a simplified purpose, recognising the significance of the Waikato River (s 4(a)) to the three tribes Ngati Tuwharetoa, Raukawa and Te Arawa, and provides a process for recognising certain customary activities of the three river iwi (s 4(e)). Section 4 of this Act also contains the same provisions for the ‘Vision and Strategy’ (s 4(b)), the Waikato River Authority (s 4(c)), the Waikato River Clean-up Trust (s 4(d)) and co-management arrangements (s 4(f)).

Unlike the Waikato –Tainui Raupatu Claims (Waikato River) Settlement Act, the Ngati Tuwharetoa, Raukawa and Te Arawa River Iwi Waikato River Act 2010 does not contain a preamble and is not *per se* part of a Treaty Settlement as stated in Clause 10.a (NT DOS 2009). Rather the NT DOS and that between Raukawa and Te Arawa are:

‘This Deed reflects and, in recognition of the relationship of Ngati Tuwharetoa with Lake Taupo and the Waikato River, further enhances the existing relationship between the Crown and Ngati Tuwharetoa.’ (Clause 14 NT DOS)

As with Waikato Tainui, the co-management Deed of Settlement 2009 covered the agreements with Ngati Tuwharetoa, Raukawa and Te Aroha. The Crown, Raukawa and Raukawa Settlement Trust reached a further agreement in 2013 when a Supplementary Deed to the DOS 2009 was produced (Raukawa 2013). This Deed covered Maungatautari, a significant maunga (mountain) and the inclusion of 2 sub-catchments of the Waipā River, Wharepūhanga and Korokonui sub-catchments. This Deed was to reflect the importance of these two sub-catchments for Raukawa.

2.8.3 Nga Wai o Maniapoto (Waipa River) Act 2012

The Hon Dr Pita Sharples (Member of Parliament 2005-2014, Co-Leader of the Māori Party and Minister for Māori Affairs 2008-2014) outlined in the Parliamentary debate on the Nga Wai o Maniapoto (Waipa River) Bill 2012 that:

‘The Nga Wai o Maniapoto (Waipa River) Bill formalises the eternal relationship of Ngāti Maniapoto with the Waipā River.’ ((23 March 2012) 678 NZPD 1478)

Further in his introductory speech in the House Dr Sharples outlined that:

‘Under this bill: Maniapoto achieves co-management arrangements specific to the Waipā River and its catchment. The arrangements are extended to the headwaters of the Waipā River, at Pekepeke Spring in the Rangitoto Ranges. The overarching intent is to restore and maintain the quality and the integrity of the waters that flow into, and form part of, the Waipā River, for present and future generations, and the care and protection of the mana tuku iho of Waiwaiā.’

Waiwaiā refers to the essence and well-being of the Waipā River. Waiwaiā is the personification of the waters of the Waipā River, and the enduring spiritual guardian of the peoples of Ngāti Maniapoto. This relationship is based on profound respect and gives rise to the responsibilities to protect te mana o te wai (the mana of water) and to exercise kaitiakitanga (stewardship) in accordance with the long established tikanga of Maniapoto. To Maniapoto, the Waipā is a taonga, a sacred river ((23 March 2012) 678 NZPD 1478).

The Nga Wai o Maniapoto (Waipa River) Act 2012 (Maniapoto Act) is somewhat differently structured from the earlier two Acts. It contains a Preamble which describes the relationship that Maniapoto have with the Waipā River and acknowledges the significant contribution that the Waipā River makes to the Waikato River (Preamble s 6). As this act also does not derive from a treaty claim or settlement, the Preamble instead describes how the Crown and Maniapoto Tribe came to an agreement over co-management and co-governance of the Waipā River with an API in September 2008 which was later replaced with a co-management agreement signed on 3 November 2009 (Preamble s 5).

Dr Sharples noted at the time that the then Bill along with the Waikato –Tainui Raupatu Claims (Waikato River) Settlement Act 2010 and the Ngati Tuwharetoa, Raukawa and Te Arawa River Iwi Waikato River Act 2010:

‘... together they establish a single, unified co-governance framework for both the Waipā River and the Waikato River’ ((23 March 2012) 678 NZPD 1478).

Section 8(1) of the Maniapoto Act also extends the effect of the ‘Vision and Strategy’ to the whole of the Waipa Catchment adding area ‘C’ to SO 409144. At clause 22 of the Preamble it is recorded that:

‘Maniapoto and the Crown agree that protective measures are necessary to safeguard the Waipa River from further degradation and that co-governance and co-management arrangement provide

a foundation for the restoration and enhancement of the Waipa River.’

Preamble s 29 concludes with a statement that the Crown acknowledges its relationship with Maniapoto, and that the co-governance and co-management arrangement for the Waipa River ‘... *are a reflection of this Treaty relationship*’. Noteworthy is that this is the second reference made to co-governance (as well as co-management) which is defined in this Act but which is not referred to in the other two River co-management Acts, nor is it defined. The ‘Co-governance entity’ is defined as meaning the Waikato River Authority as established by s 22 of the Waikato –Tainui Act and s 23 of the 3 River Iwi Act.

As with Waikato Tainui, the co-management Deed of Settlement 2009 covered the agreements with Ngati Tuwharetoa, Raukawa, Te Aroha and Maniapoto. Further on 27 September 2010 Maniapoto, Maniapoto Maori Trust Board and the Sovereign (Crown) agreed on a Deed in respect of co-governance and co-management of the Waipā River.

2.8.4 Common Provisions

All three River Co-management Acts contain a large number of common provisions. In the case of the Nga Wai o Maniapoto (Waipa River) Act 2012 cross references to the same provisions in the other two River Co-management Acts.

2.8.5 Treaty Provisions

Upwards of 30 Acts (Palmer 2008) now incorporate some reference to the Treaty of Waitangi. Some references are general and others are more specific. The State Owned Enterprises Act 1986, for example, provides:

‘Nothing in this Act shall permit local authorities to act in a manner that is inconsistent with the principles of the Treaty of Waitangi.’
(SOE 1986 s 9)

The Resource Management Act 1991:

‘In achieving the purpose of this Act, all persons exercising functions and powers, under it in relation to local government shall take into account the principles of the Treaty of Waitangi.’ (RMA 1991 s 8)

And the Local Government Act 2002 provides:

‘In order to recognise and respect the Crown's responsibility to take appropriate account of the principles of the and to maintain and improve opportunities for Māori to contribute to local government decision-making processes, and provide principles and requirements for local authorities that are intended to facilitate participation by Māori in local authority decision-making processes.’ (LGA 2002 s 4)

These sections are examples of statutory guidance to address obligations in respect of the Treaty.

Matunga states:

‘The Treaty is also a ‘charter of affirmation’ of pre-existing planning rights. Significantly, it did not confer environmental management and planning rights on iwi, but affirmed such rights already existed and would be protected. In doing so it affirmed the actual existence of a Māori environmental planning paradigm with its own beliefs, values, techniques, institutions of authority. The right, therefore of Māori to plan, rather than ‘be planned’ for is firmly grounded in the Treaty and its affirming intentions.’ (Matunga 2000)

Matunga (2000) argues that Te Tiriti provided a basis for the evolution of a dual environmental planning tradition. One side would be based in Māori traditions, philosophies, principles and practices, while the other would comprise the imported and evolving traditions of an introduced ‘western’ planning tradition.

While this view could resemble a form of apartheid, perhaps it is a view whose traction has now been subsumed by the co-management and co-governance approach that has been developed with the RCML.

2.9 Resource Management Act 1991

2.9.1 Resource Management Act Provisions

By my calculation, as of February 2016, there are about 214 separate, specific sections and subsections in the Resource Management Act that refer to or make provision for Iwi and hapū, Māori, their culture, traditions and requirements for consultation with Māori.

The provisions are wide reaching from policy making to resource consent decisions and cover:

- 25 definitions and terms,
- 135 sections in the main body of the Act,
- 14 clauses in the schedules to the Act and
- 40 Acts that have been amended or referred to in the schedules.

The initial central government approach to resource management has been to minimise active direction in order to stimulate innovative local planning approaches by councils. Included in this shift in governance is the move away from coercive planning to co-operative planning (May & Burby 1996). The RMA can be described as a co-operative mandate (Dixon et al. 1997) where the development process of the regional and district (local) plans is prescribed by the RMA, while the 'how' and 'by which methods' is left for the local councils to determine.

While the Crown had legislated that resource management regulators recognise and provide for Māori culture and traditions (s 6 & 7 RMA 1991), and 'take into account' the principles of the Treaty of Waitangi (s 8) the Crown did not provide any guidance on how that was to be accomplished. Even with the more specific River co-management legislation of 2010 (RCML) and the 'Vision and Strategy', and Stratagem "M" requiring the application of Maatauranga Maaori, no clarity has been provided by statute. Some specificity as to what the concept and terms

means and some guidance on how to apply Maatauranga Maaori would have been useful for regional and district plan drafters.

2.9.2 Effects Based

Ericksen has described environmental planning under the RMA as:

‘...an application of a rational- adaptive planning model. Under this model, plans contain a cascade of issues, objectives, policies, methods, regulations and anticipated environmental results.’ (Ericksen, et al. 2003)

The legislation and its management tool, the policy statements and plans, is described as being ‘effects based’ (Dixon et al. 1997 605). This is demonstrated by the following provisions:

- Section 5(2)(c) which requires that in order to promote the sustainable management of natural and physical resources, that the **adverse effects** of activities on the environment are avoided, remedied, or mitigated,
- Section 17 which requires any person to duty to avoid, remedy, or mitigate any **adverse effect** on the environment arising from an activity, and
- Section 104 (1)(a) requires consent authorities to consider **actual and potential effects** on the environment of allowing the activity which they are considering a resource consent. [emphasis added]

A number of RMA provisions relate to spiritual or cultural matters or exclusive to Iwi (RMA s 6(e), s 7(a), s 8). A few provisions also refer to evidence; namely, that it can be given in Te Reo Māori, and matters that can be held “in camera” if Iwi consider the evidence to be sensitive (s 42). A large number of provisions have also been inserted into the Act as a result of the Marine and Coastal Area (Takutai Moana) Act 2011, which pertains to regional council actions and Environment Court considerations on matters that are appealed.

Section 5 envisages a balance between use and development whilst the natural environment is sustained through environmental limits or environmental bottom lines (Wallace 2014). Such development however is required to be in a measured way “... *in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety*’ (s 5(2)). It seeks to ‘... *provide an integrated response that footnotes the whole notion of sustainable management*’ ((21 July 2010):665; NZPD 12593).

2.9.3 RMA Plan Hierarchy

The RMA has established the hierarchical framework of resource management instruments to ensure that the purpose of the Act (s 5) is achieved. At the apex of this integrated framework triangle is the legislation and the statement of purpose in s 5. Following on from this are the principles contained in ss 6 – 8, the four sections are collectively known as Part 2. This hierarchy is shown in Figure 2 below.

Following on from Part 2 are three sets of policy instruments administered by central government, by the Minister for the Environment: National Policy Statements and National Standards, and the Minister of Conservation, the National Coastal Policy Statement.

The next layer in the RMA policy framework is the Regional Policy Statement and Regional Coastal Plan, both of which are mandatory. Below that layer are the optional regional plans and below that are the District Plans which are also mandatory.

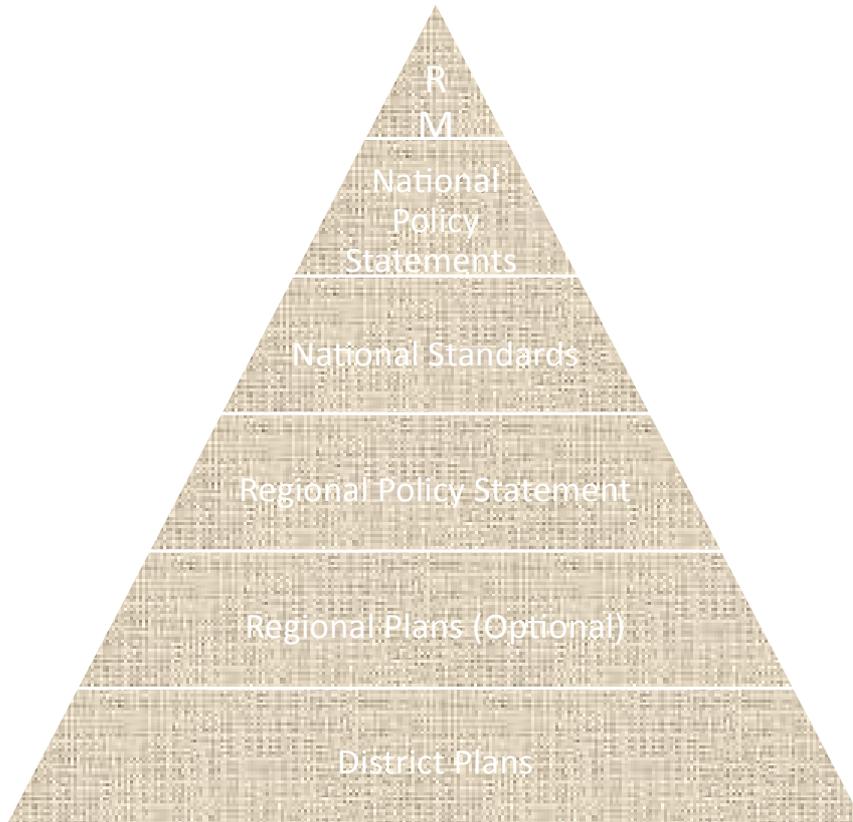


Figure 2: Resource Management Hierarchy of Planning Instruments

The RMA outlines the nature of which documents are subservient to others. All local authorities must amend their plans to include any NPS (s 55(2)). All District Plans shall have regard to regional policy statements and plans (74(2)(a)), and must not be inconsistent with regional plans (s 75(4)). All territorial authorities must take into account documents recognised by Iwi (s 74(2A)).

As a result of ss 11(4), 12(1) and 8(2) of the RCML, the 'Vision and Strategy' prevails over other National Policy Statements as shown in Figure 3.

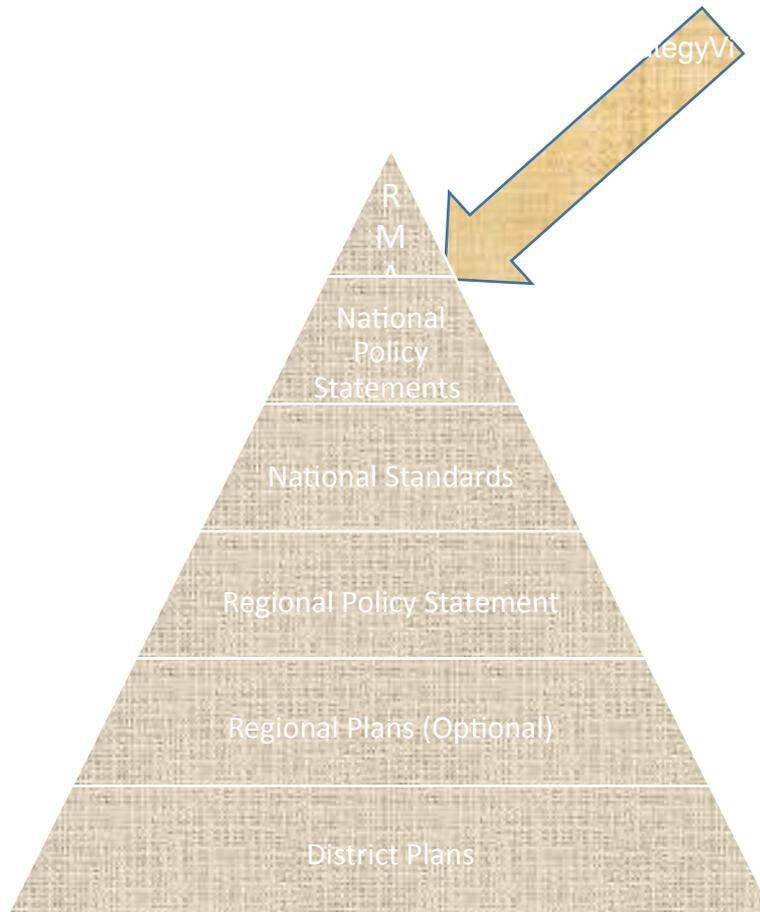


Figure 3: Waikato Region Specific Resource Management Hierarchy

2.9.4 National Policy Statements

A National Policy Statement (NPS) is to state the objectives and policies for matters of national significance that are relevant to achieving the purpose of the Resource Management Act (s 45(1)). Prior to drafting an NPS the Minister for the Environment must seek and consider comments made by the relevant iwi authorities and any persons and organisations that the Minister considers appropriate (s 46(a)).

For almost two decades after its enactment the RMA, the New Zealand planning system operated with only one operative National Policy Statement (NPS), the mandatory *New Zealand Coastal Policy Statement* May 2004 (NZPCS 2004) which was then reviewed in 2010. This was a fact much bemoaned by planners drafting plans (Dixon et al 1997). In more recent years, the MfE has developed a further four Policy

Statements: Electricity Generation 2008, Renewable Electricity Generation 2011, Freshwater Management 2011 and is considering two others Urban and Biodiversity (MfE 2016). National policy statements (NPS) usually apply throughout the country to each and every regional and district planning document. One example other than the 'Vision and Strategy' for the Waikato River where a NPS applies to a specific area is the Hauraki Gulf Marine Park Act 2000. In that act section 10 (1) provides that:

'For the coastal environment of the Hauraki Gulf, sections 7 and 8 must be treated as a New Zealand coastal policy statement issued under the .'

The purpose of national policy statements is outlined in s 45 of the RMA and includes the following provisions:

- (1) ...is to state objectives and policies for matters of national significance that are relevant to achieving the purpose of this Act.
- (2) In determining whether it is desirable to prepare a national policy statement, the Minister may have regard to—
 - (a) the actual or potential effects of the use, development, or protection of natural and physical resources: ...
 - (c) anything which affects or potentially affects any structure, feature, place, or area of national significance: ...
 - (f) anything which, because of its scale or the nature or degree of change to a community or to natural and physical resources, may have an impact on, or is of significance to, New Zealand:
 - (g) anything which, because of its uniqueness, or the irreversibility or potential magnitude or risk of its actual or potential effects, is of significance to the environment of New Zealand:
 - (h) anything which is significant in terms of section 8 (Treaty of Waitangi):' (s 45)

The desirability of having any particular national policy statement is further outlined in s 46 which states that:

‘If the Minister considers it desirable to issue a national policy statement, the Minister must—

- (a) seek and consider comments from the relevant iwi authorities and the persons and organisations that the Minister considers appropriate; and
- (b) then prepare a proposed national policy statement.’ (s 46 RMA)

National Policy Statements are usually processed in a public manner whereby a proposed NPS is widely publicly notified for submissions, a hearing is held by a Board of Inquiry and a revised proposed NPS is then submitted to the Minister for the Environment for approval. Sections 47 to 52 outline the process to be followed by the Board of Inquiry into the proposed NPS, and the material and submissions that it must consider. These sections also outline the Minister’s range of actions available to the report on the inquiry by that board. Once the Minister is satisfied with the (revised) proposed NPS he may recommend it to the Governor General for approval (s 52(2)).

Once approved and publicly notified in the NZ Gazette and public notices a Local authority must amend its plan or policy statement, insert specific objectives or policies, or insert the NPS without the use of the public submission process, or any other action as required by the NPS (s 55).

National policy statements are therefore powerful directive tools that dominate the outcomes of the lesser order documents, the regional policy statement, the regional plans and the district plans. They dictate those matters of national significance that local authorities must provide for. As outlined in s 55(2A)(a) where the Minister for the Environment directs, amendments to the lower order plans must be made without the

public submission and inquiry process that Schedule 1 to the RMA provides.

The 'Vision and Strategy' is also a NPS as required by: Waikato Tainui Raupatu Claims (Waikato River) Settlement Act 2010 (RCML 12(1) (a) & (b), s 13(1) (a)&(b), and (s 8(2)). This is also confirmed in the first Environment Court decision which considered the 'Vision and Strategy'. The Court, in *Puke Coal Limited et al v Waikato Regional Council and Waikato District Council* [2014] NZEnvC 223, considered the consents granted for the establishment of a Municipal Solid Waste landfill at Glen Afton at a site that already handled construction and demolishing (solid) waste and end of life tyres and is within the Waikato River catchment.

Further, it is clear that the Settlement Act was intended, and did take effect, as a statutory provision overriding national policy documents.

One point of difference in the development of the NPS is that the 'Vision and Strategy' was not drafted by the MfE, rather it was prepared by the GEC in accordance with the AIP. The GEC then conducted significant public consultation, meetings and hui and sought and considered 108 submissions that were received. The 'Vision and Strategy' also differed from the above approach in that it was inserted into the WRPS without use of the Schedule 1 procedure (RCML: s 11(1), s 12(1), s 8(2)). In other words it was inserted without further public consultation or a hearing of submissions process. That process was delegated to the GEC, as is provided for in the RMA (s 33), and the AIP (AIP 2007 clauses 39, 51-53).

2.9.5 Effect of the 'Vision and Strategy' on Planning Documents

The effect of the insertion of the 'Vision and Strategy' without the public submission process into the Waikato Regional Policy Statement is indeed a powerful one for policy making in New Zealand in that it prevents any further amendment of the provisions of the 'Vision and Strategy' by any

person or body. This is further solidified by the requirements of the RCML (s 12(2), s 13(2) and s 8(2)) where the regional council:

‘... must **not** review under section 79 of the RMA 1991 the vision and strategy inserted into the Waikato Regional Policy Statement.’
[emphasis added]

This is another departure from the normal processes, in that the Waikato Regional Council is expressly prohibited from changing the ‘Vision and Strategy’. Local authorities are also prevented from amending a regional or district plan if the amendment would be inconsistent with the ‘Vision and Strategy’ (RCML s 12(3), s 13(3), s 8(2)). To my knowledge no other NPS contains such a prohibition. ■

That said, the RCML does provide for reviews of the ‘Vision and Strategy’ firstly within 3 months of the dates of settlement (RCML, s 18, s 19, s 8(2)), and then no earlier than every five years but no later than 10 years after the previous review (RCML s 19, s 20, s 8(2)).

It is also interesting to note and is likely to be significance to consent holders that the RCML enables a local authority to: ‘*review conditions of consent to make them consistent with the vision and strategy.*’ (RCML s 14(2)), s 15(2) and s 8(2)). The RCML also enables a requiring authority to amend its requirement for a public work to make it consistent with the ‘Vision and Strategy’ as well (RCML s 15(3), s 16(3), s 8(2)).

Sections 13, 14 and 8(2) of the RCML are the most critical provisions that the Acts contain in a planning sense. These sections state that:

- ‘The vision and strategy prevails over any inconsistent provision in--
- (a) a national policy statement issued under section 52 of the Resource Management Act 1991; and
 - (b) a New Zealand coastal policy statement issued under section 57 of the Resource Management Act 1991.’

This in effect places the 'Vision and Strategy' above any other national policy statement where there is any inconsistency. Therefore, this makes the 'Vision and Strategy' **the** most dominant planning document after the Resource Management Act itself, for that portion of the Waikato Region covered by the 'Vision and Strategy'.

2.9.6 Plan and Regional Policy Statement Development

The provisions for plan making at both the regional and district level are differently worded in the RMA but are non-the-less subject to the overriding purpose of the Act in s 5. The process is the same in terms of drafting a plan or a RPS; public notification of the plan or RPS for submissions, publication for submissions, summarising of submissions, notification calling for further submissions, hearings of submissions and eventual notification of a plan or RPS becoming operative.

In order to promote the purpose of the Act, sustainable management, the councils are required to:

'Section 62 (1) A regional policy statement must state—

- (a) the significant resource management issues for the region; and
- (b) the resource management issues of significance to iwi authorities in the region; and
- (c) the objectives sought to be achieved by the statement; and
- (d) the policies for those issues and objectives and an explanation of those policies; and
- (e) the methods (excluding rules) used, or to be used, to implement the policies; and
- (f) the principal reasons for adopting the objectives, policies, and methods of implementation set out in the statement; and
- (g) the environmental results anticipated from implementation of those policies and methods; ...'

For the preparation of regional plans the following is prescribed:

‘Section 67 Contents of regional plans

- (1) A regional plan must state—
 - (a) the objectives for the region; and
 - (b) the policies to implement the objectives; and
 - (c) the rules (if any) to implement the policies.
- (2) A regional plan may state—
 - (a) the issues that the plan seeks to address; and
 - (b) the methods, other than rules, for implementing the policies for the region; and
 - (c) the principal reasons for adopting the policies and methods; and
 - (d) the environmental results expected from the policies and methods; and
 - (e) the procedures for monitoring the efficiency and effectiveness of the policies and methods; and
 - (f) the processes for dealing with issues—
 - (i) that cross local authority boundaries; or
 - (ii) that arise between territorial authorities; or
 - (iii) that arise between regions; and
 - (g) the information to be included with an application for a resource consent; and
 - (h) any other information required for the purpose of the regional council’s functions, powers, and duties under this Act.
- (3) A regional plan must give effect to—
 - (a) any national policy statement; and
 - (b) any New Zealand coastal policy statement; and
 - (c) any regional policy statement...’

In terms of the District Councils (which includes City Councils) a District Plan must /or should contain the following:

‘75 Contents of district plans

- (1) A district plan must state—
 - (a) the objectives for the district; and
 - (b) the policies to implement the objectives; and
 - (c) the rules (if any) to implement the policies.
- (2) A district plan may state—
 - (a) the significant resource management issues for the district; and
 - (b) the methods, other than rules, for implementing the policies for the district; and
 - (c) the principal reasons for adopting the policies and methods; and
 - (d) the environmental results expected from the policies and methods; and

- (e) the procedures for monitoring the efficiency and effectiveness of the policies and methods;’ ...

The above are all examples of the RMA being based on evidence, in other words ‘positivism’. It can be seen that the Act is firmly centred on the technical and scientific (White 2015) and that proof and decision-making is founded on evidence.

In Regional Policy Statements both objectives and policies are mandatory under the provisions of s 67(2) of the RMA for regional plans, and ss 75 (1)(a) and (b), as are rules under s 75(1)(c) for district plans. Methods in plans are not mandatory under s 75 (2)(b) and indeed three of the District Plans do not contain any methods distinguishable from rules.

A proposed plan then proceeds through a public submission process (either in support of or opposition to provisions), a hearing process and the resultant decisions on the submissions (and evidence) lodged to plan provisions are then made. These decisions can be appealed to the Environment Court. This process is described in Schedule 1 to the Resource Management Act.

The rational perspective, within a modern/positivist epistemology, assumes that plan goals and objectives translate into policies and methods, which are implemented to address specific problems and yield expected outcomes (Laurian 2010). This research seeks to provide an understanding of how the ‘Vision and Strategy’ has been included into the planning framework for the Waikato Regional and District Councils and how that has translated into objectives, policies and methods.

The RMA does not provide a definition for what an objective, policy or method might be. Much of the planning literature seems to assume that we all understand what these terms mean. From my experience an objective is an aim of what is to be achieved. It is a positive statement from which actions as in policies develop. Policies are the intended steps to be undertaken to remedy the issue, or community aspiration that is

enshrined in the objectives. Methods are the actions both statutory and non-statutory that will be undertaken to achieve an objective or policy.

The MfE sponsored web site Quality Planning has provided useful definitions for plan writers and decision-makers alike. In its site, it outlines that:

- 'An objective is a statement of what is to be achieved through the resolution of a particular issue. Objectives clearly state what is aimed for in overcoming the issue or promoting a positive outcome.'
- Policies are the course[s] of action to achieve or implement the objective (i.e. the path to be followed to achieve a certain, specified, environmental outcome). Policies are a course of action which could either be flexible or inflexible, broad or narrow.'
- 'Methods are the means by which policies are implemented. Methods can be regulatory (in the form of rules, designations for example) or non' regulatory (e.g. council grants and assistance).' (MfE 2017)

The MfE guidelines on writing methods other than rules also outlines that: 'it is good practice to evaluate other methods that may implement plan objectives and policies in terms of their practicality and cost' (MfE 2017).

2.9.7 The Requirements for Policy Statements and Plans

Under the RMA there must be an operative regional policy statement at all times (s 60(1)) and operative district plans (s 73(1)). There may be other regional plans under section 65(1) RMA but these are not mandatory.

In terms of s 62(3) of the RMA:

- '(3) A regional policy statement must not be inconsistent with any water conservation order and must give effect to a national policy statement or New Zealand coastal policy statement.'

A local authority must amend a district plan to give effect to a regional policy statement, if that policy statement contains any provision to which

the district plan does not give effect (s 73(4)). In addition to the other matters required of a district plan under s 75, a district plan must give effect to:

- (a) any national policy statement; and
 - (b) any New Zealand coastal policy statement; and
 - (c) any regional policy statement.
- and, a district plan must not be inconsistent with a regional plan (s 74 (4)(b)).'

Each of the proposed plans and policy statements must undergo a public submission process as required by the Schedule 1 to the RMA (cl 2-11).

A local authority must amend a district plan to give effect to a regional policy statement, if that policy statement contains any provision to which the district plan does not give effect (s 73(4)). In addition to the other matters required of a district plan under s 75, a district plan must give effect to:

- (a) any national policy statement; and
 - (b) any New Zealand coastal policy statement; and
 - (c) any regional policy statement.
- and, a district plan must not be inconsistent with a regional plan (s 74 (4)(b)).'

The process for developing a plan and RPS involves the 7 steps shown in Figure 4 below.

Plan Development

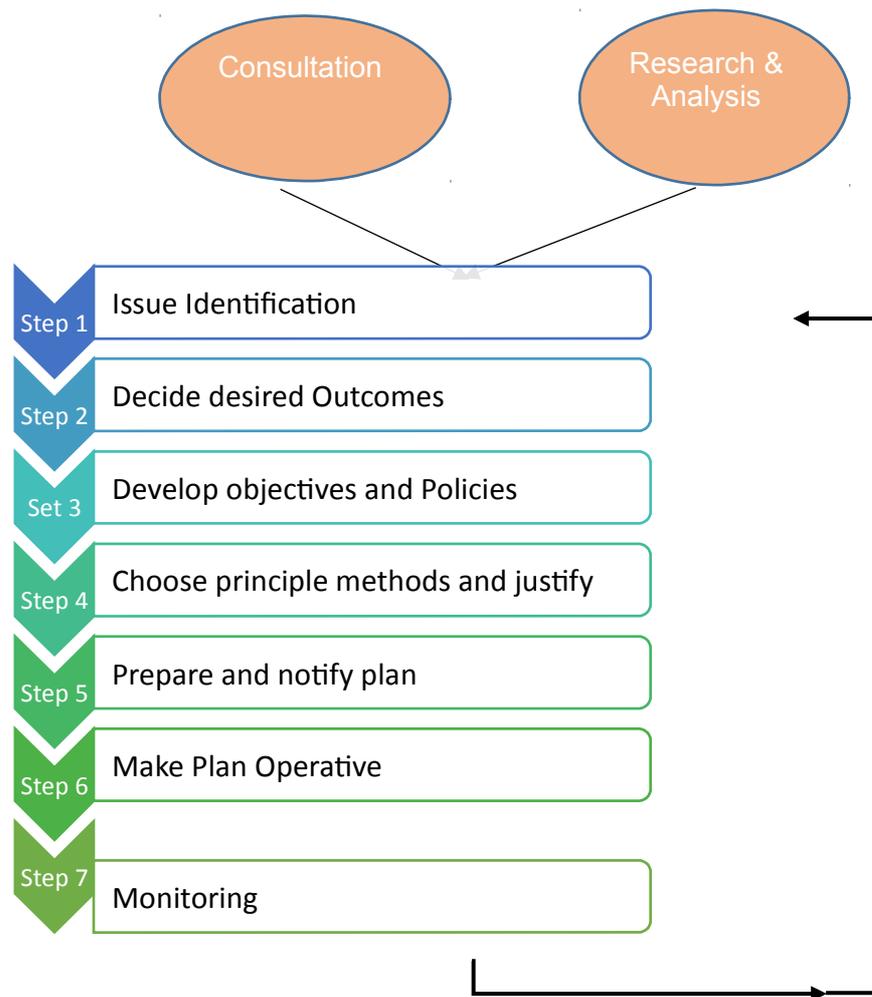


Figure 4: Plan Development

2.9.7 Quality of Plans

A three phase research programme by a range of experienced planners, including internal experts, was initiated in the late 1990s. Entitled 'Planning under a Co-operative Mandate' (PUCM) the research sought to investigate the quality of New Zealand's district and regional plans and regional policy statements, to identify the extent and means by which councils co-ordinate their plans and policy statements (Dixon et al 1997). The research is '*unique because it links the assessment of plan quality to implementation quality and, ultimately, to environmental quality and does so within an intergovernmental framework*' (Eriksen 2001 vii). It is also

relatively unique because little international research had been conducted at the time. And it is also unique because no systematic review of statutory plans had ever been undertaken despite 5 decades of plans and a planning system in New Zealand (Dixon, 1997 604).

The PUCM research defined eight principles for determining plan quality. These were:

1. Interpretation of the Mandate
2. Clarity of purpose
3. Identification of Issues
4. Quality of facts base
5. Internal consistency of Plans
6. Integration with other plans
7. Monitoring, and
8. Organisation and Presentation (of plan content) (Ericksen 2001 13).

The initial finds indicate that all plans and policy statements were scores at best fair to poor with more than 50% receiving scores under the halfway mark out of a total score of 80. The median score for district plans was only 33.3/80. The Case study included scores of several of the regional and district plans covered by the 'Vision and Strategy' though not all, with Hamilton City, Waipā and the then Franklin District Councils not included in the study (Ericksen et al 2001). In terms of Policy Statements, Waikato Region Policy Statement scored 32.9/80 and was placed fourth from the bottom out of a total of sixteen regional policy statements as shown in Figure 3 of the report to Government (Ericksen et al 2001 14).

The District Plans fared poorly as well as shown in Figure 5: Ranking of District Plan Scores out of 80

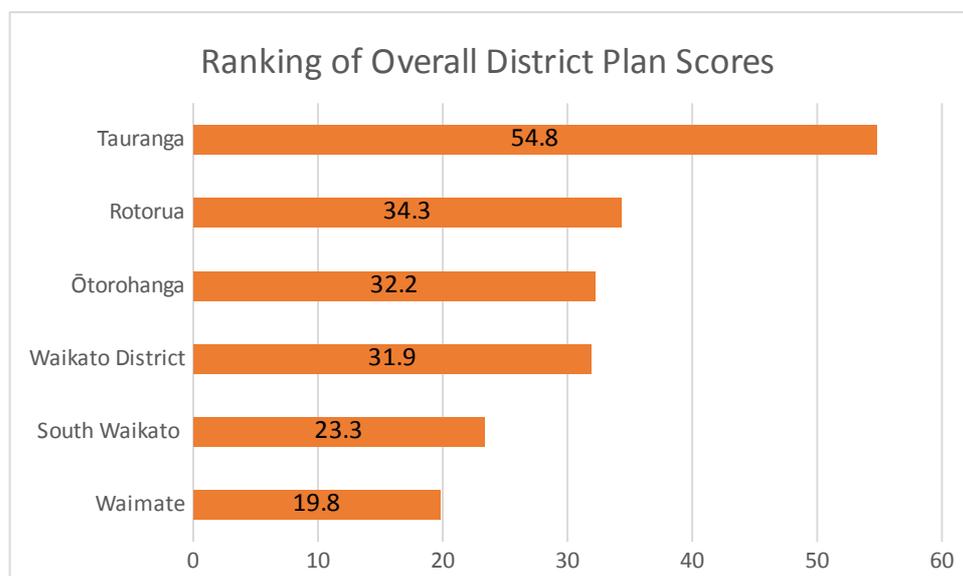


Figure 5: Ranking of District Plan Scores out of 80

(Ericksen et al. 2001 15)

In the above example Tauranga and Waimate are included to provide some context to the Waikato District Plan scores. Tauranga scored the highest overall and Waimate the lowest out of 80. One of the major failures that the research identified was the lack of an accurate evidential base from which the plans and RPSs were to be formulated. And although the RMA require councils assessment the state of their environments (s 35(2(a)) to identify and order issues (s 59, s 62(1)(a), 75(1)(2)), and then to develop the most appropriate policies for meeting objectives (s 32(1(a))), the facts base principle received the lowest score of the eight principles that the research was founded on.

Another relevant finding was that 'most plans scored poorly for the interpretation of the mandate principle' (Ericksen 2001 16), along with the loss of institutional knowledge with successive local government re-organisations both internally and externally imposed in the decades through 1990-2010. Plans also lacked inter-organisational co-ordination. While some might mention national plans, regional or other district plans

and policies, it was found that most district plans lacked clear explanations of those other planning documents were included in the plan. This is a key aspect of my inquiry; how well the Waikato planning framework gives effect to the 'Vision and Strategy'.

Moreover in respect of providing for Māori rights the research found that local authorities had not adequately invested in its capacity to meaningfully address Maori rights to the land and natural resources (Ericksen 2001 19). Phase Two of the PUCM body of research included some long-term investigations into this issue, and a number of reports that researched aspects of planning with and for Māori values were published.

3. CONCEPTS OF WORLDVIEWS

3.1 Māori Worldview

As with other indigenous 'aboriginal' societies, or first nations' peoples, Māori consider themselves to be an integral part of their environment (White 2015). Sims & Thompson-Fawcett describe this view as being a 'cultural landscape'. This comprises an interwoven mix of the physical, biological and cultural features, with the unseen values and relationships (Sims & Thompson-Fawcett 2002 253).

The cultural landscape that they describe is a 'necessary part of an indigenous group's sense of identity and common destiny' (Sims & Thompson-Fawcett 2002 254). They consider that it is imperative that cultural landscapes of indigenous peoples are '*recognised and protected for enhancement of their culture*' (Sims & Thompson-Fawcett 2002 254).

The following outlines some of the concepts of that cultural landscape and sets the scene for considering a different approach to plan-making than that which is currently conducted by planners. The first concepts are those that encompass a Māori world view one which was the foundation for the development of the 'Vision and Strategy' which is itself a Nation Policy Statement.

3.2 Mana and Rangatiratanga

The crux of Māori grievance in respect of decision-making over resources and the environment and essentially discord between western worldviews and the Māori worldview, is the loss of untrammelled exercise of tino rangatiratanga (chiefly authority and control) (Durie 1998; Greensill 2009). As explained by Stephenson (2002 170) the unqualified exercise of tino rangatiratanga was considered by Māori to be guaranteed by the Treaty of Waitangi in the Te Reo Māori language version of the Treaty document.

However, the English translation of the Treaty reads as ‘full or exclusive and undisturbed possession over Māori lands, and other resources including elements of management, control and self-regulation of resources’ (Waitangi Tribunal Wai 9 1999):

‘In Maori thinking “rangatiratanga” and “mana” are inseparable. One cannot have one without the other. The Maori text of the Treaty conveyed to the Maori people that, amongst other things, they were to be protected not only in the possession of their lands but in the mana to control them in accordance with their own customs and having regard to their own cultural preferences...’

In recognising the “tino rangatiratanga” of their lands the Crown acknowledged the right of the Maori people for as long as they wished, to hold their land in accordance with long standing custom on a tribal and communal basis.

3.3 Kaitiakitanga

Māori land holdings define the Tribe, and in terms of self-determination tribal management of resources remain vital to understanding of Māori society (Durie 1998). Tribal society was dependent on the land, river and sea for a wide range of resources not only food, and the concept of rangatiratanga was pivotal to the complex functioning of the tribe (Stephenson 2002).

To control all aspects of the use of resources Iwi and Hapū developed strict systems for resource management. These included the control over the usage of a resource, the times of year that harvesting should occur, rāhui (temporary prohibition) to prevent the overuse of a resource; the rights of Hāpu, whanau (family group) and individuals with respect to use, occupation of a resource (Stephenson 2002), sometimes extending to more than one Hapū (*Friends and Community of Ngawha v Minister of Correction* [9 ELRNZ 67](#) [2003] NZRMA 272 (CA)).

The systems that were in place were complex and necessarily so to ensure a long lasting availability of a resource for the good of the Iwi, Hapū or whanau and to ensure that they prosper for future generations (Durie 1998). Rangatiratanga, the right to govern, was fundamental to the authority to control and manage a resource, and as an essential antecedent for Kaitiakitanga (Stephenson 2002). Thus for Waikato-Tainui, for instance, the confiscation of their highly productive lands, their Awa (river) and other resources seriously affected their rangatiratanga responsibilities. This was partially address with the resolution of Wai 30 in 1995, and later by the enactment of the Waikato Tainui Raupatu Claims (Waikato River) Settlement Act 2010.

3.4 Cultural Identity

Iwi and Hapū have direct relationships with their lands, waters and geographic areas, which are reinforced in the tribes' pepeha (a set form of words, saying) and whakatauki (proverb) (Morgan & Te Aho 2013). Tangata whenua and elements of the environment are interconnected, as are the relationships between the elements themselves: land and sea, forest and fauna. As in the case of the five River Iwi, the Waikato River has become central to the tribes' identity, whakapapa (genealogy) and mana, the life of the river and the people became inseparable (Morgan & Te Aho 2013).

Māori have long articulated serious concerns about the environmental health of air, land water and the sea. These concerns stem in part from the severe dispossession that Māori have experienced through alienation of both land and other resources, and the application of western science based legislation. This has amounted to the compromising of cultural identity (Durie 1998).

One example of this is clearly articulated in Maniapoto's Ko Tā Maniapoto Mahere Taiao: Maniapoto Environmental Management Plan:

‘Activities that reduce water quality also reduce the mauri of water and associated indigenous habitats and species. The degradation and pollution of water quality and the decline of highly valued resources, such as tuna and other fisheries, aquatic life, mahinga kai sources, and indigenous habitats and species, have impacted on the health and wellbeing of the people of Maniapoto and the ability of the people to utilise mahinga kai to meet their spiritual and physical needs. For example, mahinga kai is essential for Maniapoto to maintain customs, such as manaakitanga (providing hospitality to guests) and indigenous species are important indicators of the health of the environment. The exchange of mahinga kai is also instrumental in maintaining intra- and intertribal relationships.’ (MMTB 2016).

3.5 Mauri

Mauri has a number of meanings and in this context it is used to depict life force (Williams 1991), life principle or life essence (Durie 1998). It is a concept that permeates all Māori thinking (Morgan & Te Aho 2013).

While there are a number of tools available that facilitate joint management most are not specifically catered for the situation in Aotearoha New Zealand. Such tools:

‘...struggle with the ‘dichotomy of wai’, the tensions that exist between the conceptualisation of water as a taonga on the one hand, and as a property right on the other’ (Morgan & Te Aho, 2013).

As with Māori and their relationship with their environment, the Waikato River Iwi have become inseparable from the River, naming as well as being named by its attributes, interweaving the whakapapa (genealogy) of both. For Waikato-Tainui in particular the Waikato River is understood to be a “tupuna awa” (river ancestor).

This was discussed in the Ngāti Rangī decision, which pertained to resource consents about diverting and taking of water for the Tongariro electricity scheme. The Environment Court held that the term ‘tupuna awa’ is known as “whanaungatanga”. Whanaungatanga in its broadest context

can be defined as the interrelationship of Māori with their ancestors, their whānau, hapū, and iwi as well as the natural resources within their tribal boundaries such as mountains, rivers, streams and forest” (*Ngāti Rangī Trust, Tamahaki Inc Society & Whanganui River Maori Trust Board & Ors V Manawatu-Wanganui Regional Council & Genesis Power Limited* [2011], NZEnvC 152.

The Environment Court, in reference to the evidence provided by Ken Muir in the Ngāti Rangī case, observed that:

[88] Te Awa Tupua cannot be divided into severable rights and interests such that the diversion of waters can be considered and addressed in isolation from the overarching relationship between the Whanganui iwi and Te Awa Tupua that is the subject of settlement negotiations with the Crown. Whanganui iwi view Te Awa Tupua as a unified whole. In effect, the River cannot be separated from the people nor the people from the River. The River is an integral part of the Whanganui iwi and it provides for them physically, spiritually and culturally.’ (*Ngāti Rangī et al v Manawatu-Wanganui Regional Council* 2011)

Muru-Lanning (2007) outlines that the epistemological differences create the dichotomy of wai. The Māori experience of the Waikato River as a tupuna awa belongs to a distinctly different knowledge system from that described as a sustainable or renewable resource. She holds that the terms ‘sustainable resource’ and ‘renewable resource’ only pertain to the economically important parts of the river. The seven hydrological power generating dams and the use of the river’s water at Huntly to disperse hot water all adversely affect the mauri of the Waikato River. Such actions have also caused significant disenfranchised the River Iwi (Raukawa 2015). As such the differing views of the Waikato River either as an ancestor or as a property right strongly delineate the western capitalistic view from that of indigenous wisdom (Morgan & Te Aho 2013).

Embedded in indigenous wisdom is that of the tupuna awa knowledge system or Maatauranga Māori which includes: the collection and harvest of customary foods, the importance of maintaining water

quality and quantity, access to and use of the river, rāhui prohibitions either permanent or temporary, through to purification and the conducting of rites and rituals (Muru-Lanning 2007). Interwoven in these activities is the kaitiakitanga, guardianship responsibilities, that Tangata whenua have to ensure that mauri is maintained these concepts sit uncomfortably with the western concept of sustainability (Morgan & Te Aho 2013).

3.6 Maatauranga Maaori

Maatauranga Maaori has been introduced into the planning framework by the enactment of the RCML and the 'Vision and Strategy'. At this stage the term is only applicable within the Waikato River catchment and is not specifically mentioned or defined in the RMA itself.

Sir Tipeni (Stephen) O'Regan the then Chairman of Ngāi Tahu Māori Trust Board in his opening address at a hui on Māori perceptions of Water and the Environment, reminded us that as with any other cultures, Māoritanga:

'... is an accumulation of ambivalences. There are good and there are bad elements and one is always trying to find balance. Māori culture, like any other has a framework for finding balance.'
(O'Regan 1984)

O'Regan considered that Māori beliefs were a product of their relationship with their physical environment. Traditionally, water for instance, held a range of statuses, all of which derive from the specific situations pertaining to the environment. The "atua" (deity) provided early Māori with a rationale, or a system that allowed for an orderly way of living and of viewing the environment.

O'Regan gives the illustrations that Tane is a tree (or tree god), and he is also a person, as Tangaroa is water and is also a person. It may be clean or dirty water, bubbly or shaded, it may be all those things, but it was still Tangaroa. Māori are also pragmatic and use resources when needed, which reinforces O'Regan's view that for Māori it is a balancing act, set

within an holistic relationship. When Māori reflectively look at a tree or a body of water they are looking at Tane and Tangaroa, they are looking at the atua from whom they descend, they are looking at themselves (O'Regan 1984).

O'Regan points out that Māori were initially not the great conservationists, they had to learn that over time: they adjusted, modified and developed a respect for the need to care for the environment over time. The Māori belief system is a reflection of that gestation. Māori are of the land, it is their birth place and final resting place. Land therefore identifies and defines the individual and the Tribe.

'Without land, and a place to express that identification, a person is cut adrift. He/she has no past, no present, and no future...Māori people seek recognition of their special relationship to their ancestral lands because, as the aboriginals, they believe that their values should not be obliterated ... They argue that in respect of land... if their relationship to land is not recognised, then they too are obliterated as a people' (O' Regan 1984).

Similarly the River Iwi of the Waikato River by virtue of whakapapa (genealogy) embody direct relationships with their water bodies and their geographic regions (Morgan & Te Aho 2013). Waterbodies are a fundamental constituent in the identity, whakapapa and mana of Iwi and Hapū. (Morgan& Te Aho 2013, Winiata 2006).

The above contributes to an understanding of the concept of Maatauranga Maaori. Maatauranga Maaori has be described as:

'... the knowledge, comprehension, or understanding of everything visible and invisible existing in the universe' (Harmsworth 2010).

In the contemporary world, the definition is usually extended to include present-day, historical, local and traditional knowledge; systems of knowledge transfer and storage; and the goals, aspirations and issues from an indigenous perspective.

3.7 Western World View

The western scientific worldview, or thought regime, has been developing over the last two thousand years and during that time frame the worldview has become more sophisticated. In the Third Century BC Aristotle's theory discussed the ordering of things in the *History of Animals*. He outlined the hierarchical nature of beings, with humanity being placed the highest creatures in that hierarchy (White 2015). This theory was then adopted by others, for instance the Judeo Christian theosophy whereby man was placed above other creatures but below God.

Over ensuing centuries, in the western world at least, human domination over the environment resulted in the environment being 'seen in a utilitarian manner' (White 2015 40). The view that elevates humanity as both separate and superior is, according to White, neither expressly tied to the Judeo Christian religion, 'ontology', or to a particular time period in history. This premise of human domination persists today. It influences how the environment is perceived and how it is managed. In quoting Berdyaev (1962), White argues that rather than usurping religion:

'Western sciences from its very beginning, was infused with a Christian approach to nature, maintaining that same detached, separated and dualistic worldview' (White 2015).

Great leaps of knowledge around the time of the European industrialization period of the 17th century resulted in a change in perspective of the relationship between humanity and the environment. This transformation, called the 'Enlightenment', signalled a shift from the dogma and superstition of the church to one based on the rational of science. While humanity still remains at the pinnacle of superiority, it is seen as human's ability to: think, reason, perform science, and control nature that justified human superiority (White 2015 41). Such has justified

treating the environment as a commodity, it is 'made to serve' (White 2015 42).

This western worldview is in contrast to the Māori worldview of their integration within the physical and metaphysical environment. Brought to New Zealand by the European colonisers, the dominant western environmental philosophy is that all natural resources are owned (Sims & Thompson-Fawcett 2002 260). While Māori envision their role as kaitiaki (stewards) of the environment to which they belong and are part of, the western science worldview is diametrically in opposition. The early settlers saw themselves as the wilderness tamers, in a position of authority over the landscape and its indigenous peoples, the Tangata whenua.

The western worldview sees the environment in a compartmentalised manner where the aspects can, in the case of fresh water be dissected: into water, banks, beds, tidal or non-tidal, navigable and non-navigable (Te Aho 2012 103).

The management of natural resources under the RMA has not altered this divisiveness. It has continued the desecration of the environment and in the Waikato River case resulted in full allocation of the upper portions of the river, and in some cases over allocation to the point where there is no capacity left within the river system (WRP 2012).

This parallel can be seen today in the structure of the RMA, despite evidence of Māori tikanga issues may be presented. The evidence based decision-making of the RMA (s 104) and cost benefit analysis (s 32) are required. Therefore with scientific advances, scientific knowledge not only determines effects on the environment, it can in effect take control over decision-making (White 2015 43). This can also be at the expense of having to address less tangible metaphysical and theosophical aspects of Tikanga Māori that are not so easily quantified nor tested for rigor.

In addition to this is the theory of exemptionalism, whereby humanity's understating of natural laws enable it to manage, control and

expand on nature. It allows humanity to have mastery over environmental limitations, but is immune the constraints of 'lesser creatures' (White 2015 44). This has promoted the view developed by Catton and Dunlap (1978) that humans are exempt, hence exemptionalism.

In keeping with this premise is the more recent view that technology can solve all, by for instance development of newer technologies, new energy sources, new materials, for the betterment of humanity. Such faith in the problem solving ability that newer technology, or techno-optimism presents (John Gray 2009 cited in White 2015) is strongly imbedded in environmental planning.

Once example of this, is the common use of 'best practice methods' in policies, rules or consent conditions for the mitigation of adverse effects. Such techno-optimistic provisions enable improving technologies to be applied to environmental management over time. For instance in the RMA regional plans have a life period of 10 years (s 79(1)). Best practice requirements would enable advancements in technology to be incorporated in the application of policy and content conditions.

4. PLAN ANALYSIS

4.1 Research Approach

The 'Vision and Strategy' comprises 13 Vision Objectives labeled "A" to "M" and twelve Strategies labeled "1" to "12" (GEC 2008). This makes a total of 25 different statements. For the purpose of ease of discussion, collectively I have referred to each objective and strategy as a Stratagem. The RCML places the 'Vision and Strategy' in a schedule (Schedule 2, 1, 1). Here the Stratagems are numbered under the heading 'Vision' 3(a)-(m), and under the heading 'Strategy' 2(a)-(l). Throughout this research the Stratagems are referred to the GEC format to clearly distinguish each from the other.

Each objective, policy and method of the 8 regional and district councils' plans and the WRPS that fall within the catchment of the Waikato and Waipa Rivers were evaluated. Some plan provisions could be attributed to more than one of the 'Vision and Strategy' Stratagems. Each of the provisions that matched a Stratagem was identified and codified, a process described by Hames (2010) and as outlined in Table 2 in Section above.

4.2 Plans covered by the 'Vision and Strategy'

The following documents were considered in this analysis:

- Proposed Waikato Regional Policy Statement, Appeals Version February 2013,
- Operative Waikato Regional Plan – April 2012,
- Proposed Waipa District Plan, Appeals Version 14 July 2014,
- Operative South Waikato District Plan, July 2015,
- Operative Hamilton City District Plan, July 2012,

- Operative Waikato District Plan, Waikato Section 2011 and the Franklin Section February 2000,
- Proposed Rotorua District Plan, Appeals Version, January 2016
- Operative Otorohanga District Plan, 30 October 2014

4.3 Methodology

As outlined in each objective, policy and method (excluding rules) was assessed against the following considerations:

- Does the provision acknowledge the ‘Vision and Strategy’ directly?
- Does the provision reflect or clearly infer a stratagem in the ‘Vision and Strategy’?
- How clearly is a stratagem linked from Objectives through to policies and methods?
- How relevant is the provision to the stratagems of the ‘Vision and Strategy’?

The PUCM research provided an additional set of criteria against which the plan and PWRPS provisions were assessed.

The strength of the relationship between each provision (objective, policy or non-rule method) and each of the stratagems was then considered on a scale ranging from: nil, slight or strong. Where any provisions scored a nil and /or slight against any category, it was not included in the score for any stratagem. Section 1.5 Methodology explains the process and Table 2, shows examples of plan provisions and how they were scored.

Scores against each stratagem were then totalled. The total score for each stratagem in the separate objectives, policies and methods

section were then converted into a percentage. So, for example, if a plan scored 55 policies relating to Stratagem “E” and the total number of scores for all policies was 380, the percentage score for Stratagem “G” would be:

$$55/380 \times 100 = 14.5\%.$$

The percentages were then plotted onto graphs as shown below.

The reasons for using this approach were to standardise the final scores and to enable balanced conclusions to be reached as outlined in Section 1.5 Methodology. This approach sought to ensure that large scores or small scores were not penalised or exaggerated. It sought to compare like with like, and to identify where any shortfalls occur.

Also as explained in Section 1.5 rules were not included in this assessment because the research seeks to explore the policy framework of the plans and RPS in question. Neither the ‘Vision nor Strategy’ nor the WRPS contain rules. The rules of the regional and district plans are evidential (White 2015), effects-based (Dixon 1997) and will most strongly align with Stratagem “G”. They were drafted prior to the enactment of the ‘Vision and Strategy’ and remain unchanged by the ‘Vision and Strategy’, for the present.

Objectives, policies and methods that provide preferential treatment of domestic and municipal supplies have been discounted as they have no linkage to the Vision and Strategy because there is no emphasis in them for encouraging reduced consumption, increased efficiency of water use nor any emphasis on stormwater utilisation in urban areas for grey water usage.

Some council plans also include Guidelines, Assessment Criteria or other approaches not referred to in the RMA. In the case with the Regional Plan “Courses of Action” are found but only in Section 6 Air Quality of the Waikato River Plan. In the Proposed Regional Policy Statement there are “Development Principles” in Section 6. These have not been included in the analysis as they are optional considerations; none

of the other relevant plans include such matters. Consideration of these “optional extras” would introduce a non-typical element in the analysis.

First an overview of each plan and policy statement provide context and to introduce the coverage each plan has made generally of the ‘Vision and Strategy’. Then the analysis of the plan provisions against each Stratagem is made. These relationships, issues of plan drafting, and assessment against the four PUCM criteria are summarized in Table 19 at the end of this chapter.

The analysis of the plan provisions is also shown in a grouping of like topics covered by the Stratagems in Table 5 to Table 17 below.

4.4 Proposed Waikato Regional Policy Statement and Waikato Regional Plan

4.4.1 Overview

The most significant number of objectives, policies and non-rule methods concerning the Waikato River are contained in the two regional planning documents (Regional Policy Statement and Regional Plan). Generalised objectives, policies or methods about rivers or water quality were attributed to the Waikato River, even if the river was not specifically mentioned, as the objective, policy or method would be applicable to any river within the region.

Specific mention of the Waikato River above the Karāpiro Dam is made but no specific reference is made about the Waikato River as a whole (including its catchment) in the regional documents other than one mention at 2.4.3.i (Proposed WRPS 2013) where the ‘Vision and Strategy’ is inserted into the Proposed WRPS.

Where there were specific paragraphs, parts of an objective, policy or method that were clearly applicable to a particular “Vision or Strategy” Stratagem then they were scored and the nonspecific section(s) was not considered or codified. An example of this is where the whole policy may

be applicable to Stratagem “G” and where one or two statement within that policy specifically refer to the relationship of the River Iwi to their river, or to the protection of sites of significance to Māori being applicable only to Stratagems “B” and “C”, or “I” and “6”. This was discussed in more detail in Section and Table 2 in particular.

To varying degrees some objectives, policies or methods were considered not to be relevant, such as those pertaining to: road transport, noise, urban amenity as commonly found in District Plans. However, air quality, hazardous substances and natural hazards were considered to be relevant, and have been included in the assessment of the policy framework against the Stratagems.

4.4.2 Analysis of Raw Scores

The total number of objectives, policies and methods that were found to apply across the range of Stratagems in the Appeals version of the Proposed WRPS and the Regional Plan are summarized in Table 3:

Table 3: Regional Plans: Total scores relevant to the Vision and Strategy

Document	Objectives	Policies	Methods
Proposed Waikato Regional Policy Statement	127	218	944
Waikato Regional Plan	222	739	655

A breakdown of this raw data is contained in and the percentages of each Stratagem are contained in .

4.5 Proposed Waikato Regional Policy Statement - Appeals Version 2013

4.5.1 Overview

There must always be an operative Regional Policy Statement (s 60 (1)) of the RMA, and the operative life of a RPS is 10 years (s 79(1)(a)). A Policy Statement represents a higher order regional document that all regional plans must give effect to (s 67(3)(c)), and that all district plans must give effect to (s 75(3)(c)). The first Waikato Regional Policy Statement became operative in October 2000, nine years after the enactment of the RMA.

While the 'Vision and Strategy' was inserted into this Policy Statement, it would be fair to say that the scoring analysis was against provisions of a Policy Statement that were really out-of-date and not very compatible with the River Co-management legislation. The review of the Regional Policy Statement somewhat coincided with the enactment of the River Co-management legislation in 2010 and this afforded the Regional Council with the opportunity to better incorporate the 'Vision and Strategy' in the reviewed Policy Statement (WRC 2012).

Since then hearings on public submissions occurred and Council's decisions were issued in November 2012. Those decisions received 37 appeals to the Environment Court, which are progressively being resolved. The Policy Statement is quite well advanced in the process towards becoming operative, the version of the Policy Statement assessed in this research is the Appeals Version of the Proposed WRPS which includes resolved consent orders to February 2015.

The 'Vision and Strategy' was inserted into the Operative Regional Policy Statement without a Schedule 1 public submission process occurring. It has more naturally become part of the Appeals Version of the Proposed WRPS. As could be expected the insertion of the 'Vision and Strategy' sat somewhat awkwardly with the rest of the content of the 2000 Operative Regional Policy Statement and little consequential changes to the plan were made to enable the 'Vision and Strategy' to sit more

appropriately within that document. Nevertheless, there were quite a number of generic objectives, policies and methods that could give effect to several of the stratagems, especially “G” (adverse effects), “I” (protection of waahi tapu), “4” (implementing a programme), “5” (Sharing knowledge) and “11” (provisions in plans).

The relationship of the objectives, policies and methods of the Proposed WRPS with the 25 Vision and Strategy Stratagems is much clearer and more comprehensive than with the earlier Operative WRPS 2000.

4.5.2 Analysis of Percentage Scores

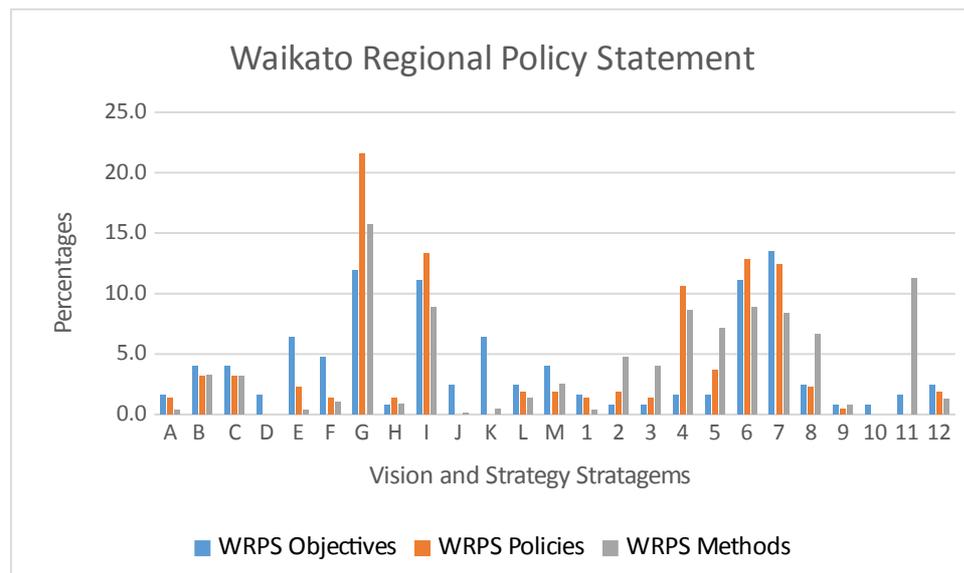


Figure 6: Waikato Regional Policy Statement v Vision and Strategy Stratagems

The percentage scores of the Proposed WRPS are shown in Figure 6. In relation to the objectives: Stratagem “7” achieves a score of 13.5% (recognise and protect sites of significance to the Waikato Community), “G” a score of 11.9% (adverse effects), “I” scores 11.1 % (protection of waahi tapu), as does “6” 11.1% (recognise and protect waahi tapu). This

is followed by Stratagems “E” (integrated and holistic approach) and “K” (restoration of water quality of Waikato River) both on 6.3%.

The remainder stratagems score less than 5%, however every stratagem is represented with a score all-be-it as low as 0.8% for: “H”, “2”, “3”, “9” and “10”, due to the verbatim inclusion of all the stratagems in the objectives portion of the Policy Statement. These stratagems are not however carried through into the policies or methods sections as can be seen in Figure 4.1 above.

The highest-scoring 4 stratagems are equally high scoring in the policy partition, with: Stratagems: “G” (21.6%), “I” (13.3%), “6” (12.8%) and “7” (12.4%). This slightly changes in respect of methods as follows: “G” (15.7%), “11” (11.2% provisions in plans), “I” and “6” (8.9%). The rise of Stratagem “11” in the Methods area is a surprise as this stratagem received only 1.6% mention in the objectives area and none at all in the policy area as did stratagems: “D”, “J”, “K” and “10”.

4.6 Waikato Regional Plan April 2012

4.6.1 Overview

As with the Regional Policy Statement the RMA requires that:

‘A local authority must commence a review of a provision of any of the following documents it has, if the provision has not been a subject of a proposed policy statement or plan, a review, or a change by the local authority during the previous 10 years’ (s 79(1)).

While Regional Plans are not mandatory the absence of them can make the management of a region’s physical and natural resources very difficult.

At the time of the insertion of the “Vision and Strategy” into the Regional Policy Statement (in 2010) a number of variations to the Proposed Regional Plan were close to resolution, the Water Allocation Variation 6 being an important one to which; Raukawa, Te Arawa (TARRAT), Ngati Tuwharetoa and Waikato-Tainui were litigants. Maniapoto was the only River Iwi not to be a litigant to Variation 6. This presented the Regional Council with a prime opportunity of making amendments (within the scope of the submission by the litigants) to Variation 6 to bring it in line with the “Vision and Strategy”.

Chapter 3.10 of the Regional Plan pertains to the Lake Taupo Catchment and was inserted into the Regional Plan by way of Variation 5 once the Environment Court had confirmed its provisions on 17 June 2010. The lake, a volcanic caldera, is the largest in New Zealand, and is within the rohe of Ngati Tuwharetoa. It becomes the headwaters of the Waikato River. The lake’s catchment however is not within the area covered by the “Vision and Strategy” (as shown on SO plan 409144) and therefore the provisions of Chapter 3.10 have not considered.

4.6.2 Analysis of Percentage Scores

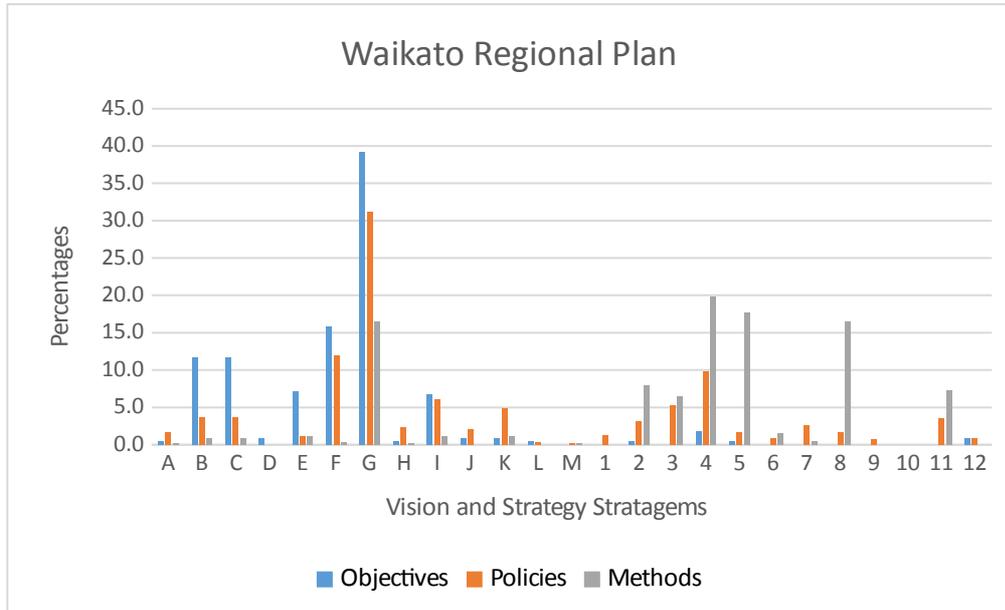


Figure 7: Waikato Regional Plan v Vision and Strategy Stratagems

Figure 7 is a graphic displaying the percentage scores of objective, policies and methods of the WRP. As shown in Figure 7, it is not surprising that there are numerous objectives, policies and methods that contain a reference to adverse effects.

4.7 The District Plans of the Waikato Region

The District Plans of: Waikato District (including the former Franklin District), Waipa District, South Waikato, Hamilton City, the western half of Rotorua District and part of the eastern boundary of Otorohanga District fall within the rohe (area) that the “Vision and Strategy” pertains to.

These District Plans also have an operative life span of 10 years under the RMA (s 79(1)(c)). Each District Plan located with the Waikato Region “*must not be inconsistent with*” any applicable Regional Plan (s 75(4)(b) RMA).

Several of the District Plans have been through the public notification and submission stage for the second time (second generation plans) and are now at the stage of having extant appeals resolved. As

those plans are now all-but operative I have considered their contents rather than the out-of-date operative plans. As with the regional planning documents (Proposed WRPS 2013 & WRP 2012) all objectives, policies and methods were codified against the stratagems of the 'Vision and Strategy'.

The District Plans have been assessed in a random order, and shown in two separate graphs for the Objectives (Figure 8 and Figure 10) and Policies (Figure 9 and Figure 11) so that the data can be clearly seen. Combining six District Plans' data into one graph presents a confusing graphic and therefore they have been split. In terms of Methods however as three District Plans do not contain any Methods (other than rules) the data was therefore able to be shown on the one graph (Figure 12).

The District Councils' District Plans have been considered together rather than as for the Proposed WRPS and the WRP. This is because the number of objectives, policies and methods that are applicable to the Vision and Strategy are fewer than those contain in the regional documents.

In terms of gross scores the District Plans were rated as shown in Table 4 below:

Table 4: District Plans: Total raw scores relevant to the Vision and Strategy

District	Objectives	Policies	Methods
Waipa	188	402	0
South Waikato	125	173	165
Hamilton	67	306	474
Waikato District	147	375	423
Rotorua	84	171	0
Otorohanga	67	108	0

The raw scores, when converted to a percentage, are shown in the following graphs below: Figure 8 covers the objectives of the first three District Plans considered, while Figure 9 covers the policies of those three plans. Figure 10 shows the objectives of the second set of plans and Figure 11 shows the policies of those second set of District plans.

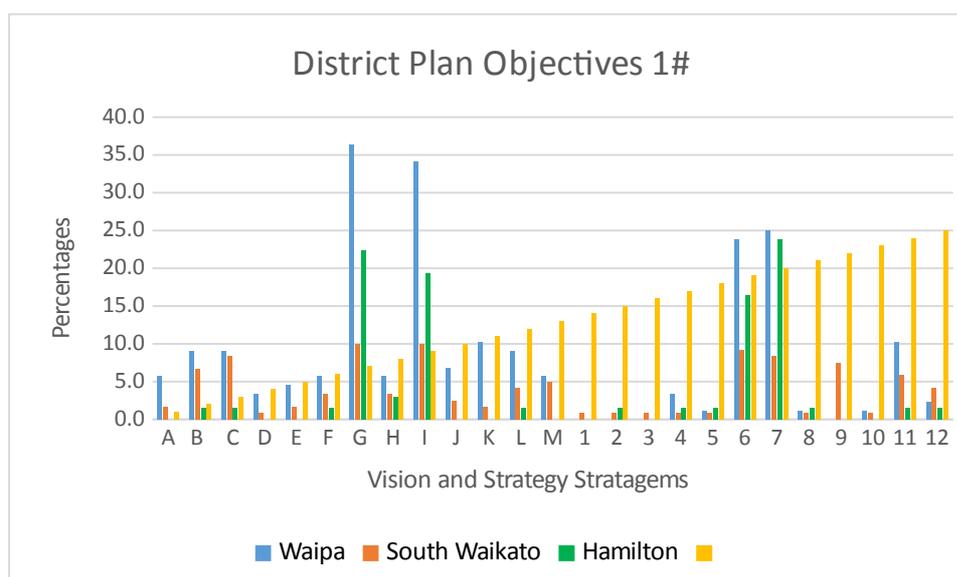


Figure 8: District Plan Objectives 1#

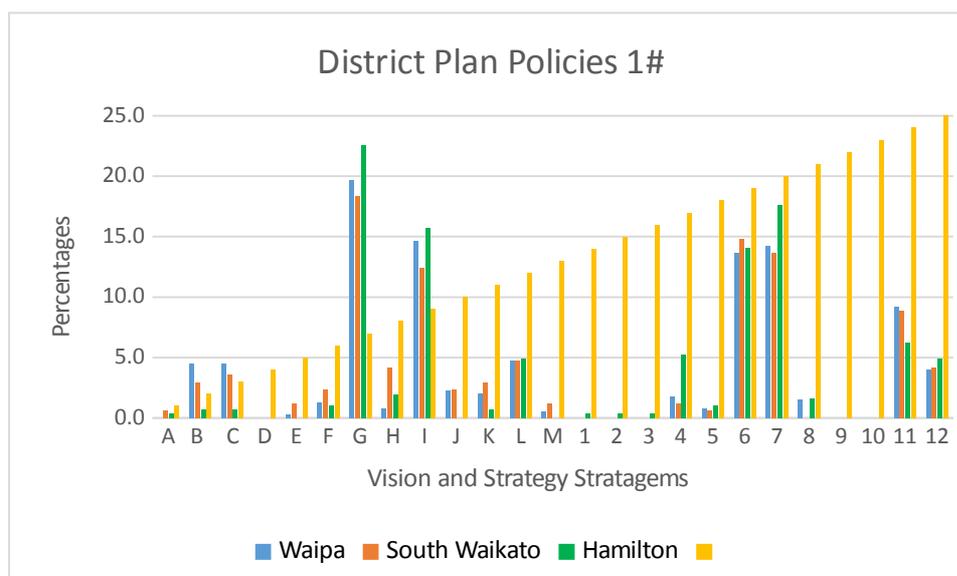


Figure 9: District Plan Policies 1#

4.7.1 Waipā District Plan- Appeals Version 14 July 2014

4.7.1.1 Overview

Waipā District is located immediately to the south of Hamilton City at the heart of the Waikato Region. It stretches over 1447 square kilometres, and includes the townships of Cambridge and Te Awamutu and has a population of about 46,000 (Waipā website). The District is landlocked and contains a large area of elite soils, hence its agrarian nature particularly dairying. Two major rivers traverse through the District, the Waikato River to the east of the District and the Waipā River to the west. The District includes a number of hydroelectric dams and lakes used for electricity generation as well as recreation with Lake Karapiro being a renowned centre for rowing.

The 14th July 2014 Appeals version of the Waipā District Council Proposed District Plan as amended to February 2016 (Waipā DC 2014) was considered, as very few appeal remained to be resolved at that time. The District Plan gives a detailed description of Te Ture Whaimana o Te Awa o Waikato – the ‘Vision and Strategy’ for the Waikato River and the RCML in Section 1.1.

4.7.2 South Waikato District Plan July 2015

4.7.2.1 Overview

The South Waikato District is located in the centre of the north Island and comprises some 182,000 hectares. The District is divided into two distinct geographical areas: the rolling areas to the north and west, and the plateau and hill country of the "Volcanic Plateau" to the south and east (South Waikato DP 2015). The District is bounded by the Waikato River on its south and west boundaries and includes hydroelectric generation lakes Whakamaru, Maraetai, Waipapa, Arapuni, and the upper reaches of Lake Karapiro (South Waikato DP).

The Operative 2015 version of the South Waikato District Plan (South Waikato DP) is considered here.

This District Plan contains an explanation of the "Vision and Strategy" for the Waikato River and lists verbatim Strategies 1-12 to be used to implement the Vision and Strategy, and includes the Visions "A" to "M" in specific objectives rather than being cited. Therefore every single stratagem is included in the South Waikato District Plan for which the Council should be commended, as no other council has achieved this level of coverage.

4.7.3 Hamilton City District Plan 2012

4.7.3.1 Overview

Hamilton City sits wholly within the catchment of the Waikato River and is the major centre for agricultural, pastoral and commerce in the Waikato region. It has a population of over 148,000, and covers 98 km². Sixteen kilometres of the Waikato River traverse through the city.

The Hamilton City Operative District Plan July 2012 (Hamilton DP) is a plan that covers the city of Hamilton and some surrounding rural countryside much of which is signalled for future planned growth of the city

The Hamilton DP places a strong emphasis on amenity values, along with a need to avoid remedy or mitigate adverse effects. While very little specifically refers to the Waikato River or indeed the ‘Vision and Strategy’ in the objectives, policies or methods, there is however a direct link to the river in terms of matters such as: stormwater runoff, amenity values along the river banks and gully systems that traverse the city, reduction in adverse effects across boundaries (zones verses reserves) and the like.

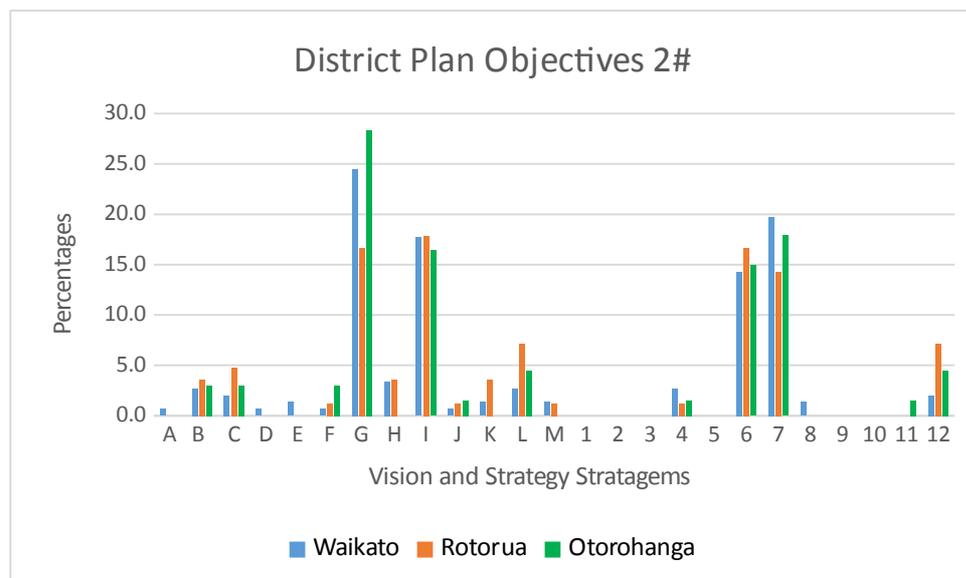


Figure 10: District Plan Objectives 2#

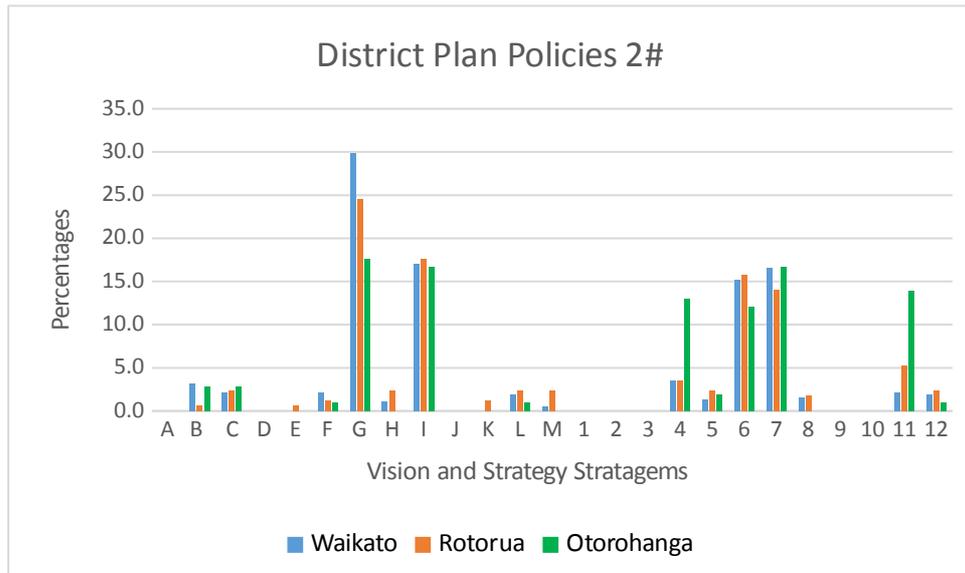


Figure 11: District Plan Policies 2#

4.7.4 Waikato District Plan 2013

4.7.4.1 Overview

The Waikato District covers more than 400,000 hectares and has a population of more than 63,000 (Waikato District Council, 2016). It is rich in natural resources, wilderness reserves, community history and culture. The Waikato District is located in the western and northern extent of the Waikato Region and has the lower half of the Waikato River through to the mouth of the Waikato River as it reaches the Tasman Sea at Port Waikato.

The operative Waikato District Plan is in two parts, the Waikato District Plan and that part of the Franklin District Plan which was amalgamated into the Waikato District as a result of the Auckland Council amalgamation legislation in November 2009 (LGA, 2009). While the District Council merged the two plans in 2013 the two plans are essentially different in style, approach and age.

Council's Plan Change 5: Vision and Strategy was the first step towards further amalgamation of the documents. This has resulted in all direct references to the Vision and Strategy being included in the Waikato District Plan section which are not duplicated in the Franklin Section. In

other respects the general policy framework is duplicated in both sections of the one District Plan.

The duplication has resulted in a plethora of objectives, policies and methods to be codified. This would have created a huge numeric “bloom” if the scores were simply added up. To avoid this disproportionate aberration the scores have been converted to a percentage, rather than separating out the 2 documents as they have not been separate for some 3 years.

4.7.5 Proposed Rotorua Lakes District Plan 2012 Appeals Version 2014

4.7.5.1 Overview

Rotorua Lakes District Council released its decisions on submissions to its proposed District Plan in November 2014 and the plan is now at the stage where appeals are being resolved.

The District comprises the famous tourist attractions of the Rotorua Lakes which are flooded volcanic cones (18 lakes, 120 wetlands), and a large area of active surface geothermal activity (Rotorua Lakes 2016). The area is steeped in pre-European history, Māori culture, and is exceptionally scenic. While the area is principally known as the rohe of Te Arawa, about half of the western side of District lies within the eastern side of the catchment of the Waikato River.

The Proposed District Plan –Appeals Version (Rotorua DP 2014) is unique in its treatment of the ‘Vision and Strategy’ as it places the Waikato River co-management legislation immediately below the Resource Management Act in terms of hierarchy in pictorial form with Diagram 2 (Rotorua DP 2014). The Council should be commended for such useful portrayal. It may well also reflect that the Rotorua Lakes District Council has already had experience with a number of settlement acts arising from resolved treaty settlements:

- Ngati Awa Settlement Act (2005),
- Te Arawa Lakes Settlement Act (2006),
- Affiliates Te Arawa Iwi and Hapu Claims Settlement Act (2008), and
- Ngati Tuwharetoa, Raukawa and Te Arawa River Iwi Act (2010).

The treatment of the 'Vision and Strategy' reflects well on council, the stated aim of which is to '*Effective governance of these Acts and collaboration with Te Arawa are fundamental to the Rotorua district plan's development and management.*' (Rotorua DP 2014).

4.7.6 Otorohanga District Plan 2014

4.7.6.1 Overview

The operative Otorohanga District Plan October 2014 covers some 1,976 km² (Otorohanga DP 2014) and cuts a swath from the West Coast to the Waikato River along part of its eastern boundary in the central Waikato Region. This District Plan is structured somewhat differently from others in that it has three "Effects Areas" rather than zones (although the application is really the same) and a very strong focus on a roading hierarchy. It also has four "Policy Areas" and four hazard areas (Otorohanga DP 2014).

4.7.7 Methods

The District Plans of Waipa, Rotorua and Otorohanga do not contain Methods, other than rules. The three remaining District Plans have been assessed as shown in Figure 12.

Figure 12 shows the non-rule methods of the three District plans that have included them.

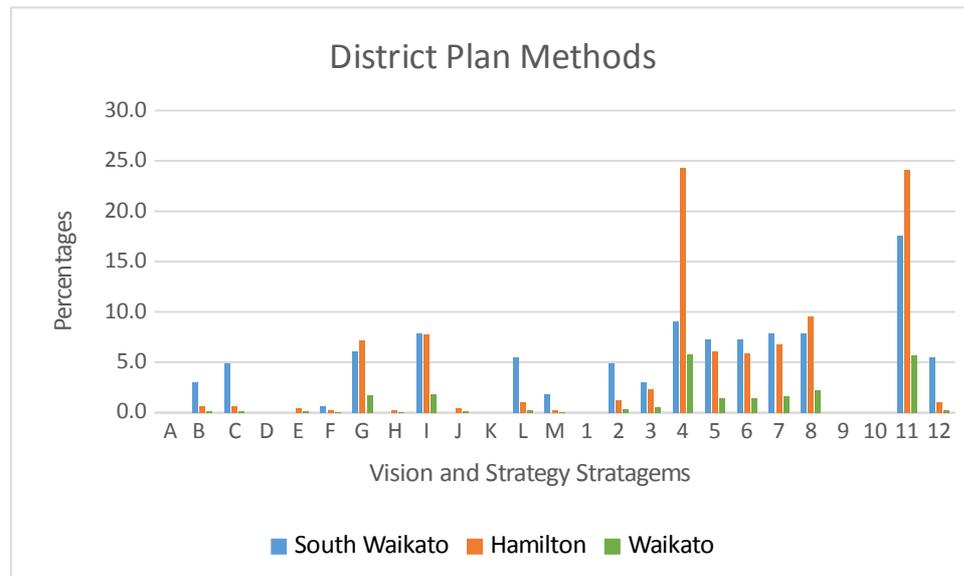


Figure 12: District Plan Methods

4.8. Comparison of Stratagems

4.8.1 Introduction

Presented in another form the discussion below shows the relationship of the Stratagems with the PWRPS and the WRP and the District and City Plans. These tables gather like stratagems together. The collection also illustrates whether a stratagem is followed through or given effect to not only in the PWRPS and the WRP but also in the District and City Plans.

The level of inclusion of the 'Vision and Strategy', in the regional and district plans and Proposed WRPS is discussed in detail below. These relationships, issues of plan drafting, and assessment against the four PUCM criteria are summarized in Table at the end of this chapter.

4.8.2 Protection, Restoration and Highest level of Recognition

'Stratagem "A". The restoration and protection of the health and wellbeing of the Waikato River.

Stratagem "1". Ensure that the highest level of recognition is given to the restoration and protection of the Waikato River.' (GEC 2009)

Table 5 Stratagems "A" and "1"

Stratagem	"A"%			"1"%		
	Objectives	Policies	Methods	Objectives	Policies	Methods
Plan						
PWRPS	1.6	1.4	0.3	1.6	1.4	0.3
WRP	0.5	1.6	0.2	0.0	1.2	0.0
Waipā	2.7	0.0	0.0	0.0	0.0	0.0
Sth Waikato	1.6	0.6	0.0	0.8	0.0	0.0
Hamilton	0.0	0.3	0.0	0.0	0.3	0.0
Waikato	0.7	0.0	0.0	0.0	0.0	0.0
Rotorua	0.0	0.0	0.0	0.0	0.0	0.0
Ōtorohanga	0.0	0.0	0.0	0.0	0.0	0.0

Both the PWRPS and the WRP contain provisions that relate to both Stratagem "A" and Stratagem "1". While the scores may not be high, a

single statement in respect of both Stratagems is all that is considered necessary to set the scene for the other Stratagems.

As Table 5 Stratagems “A” and “1” shows, three District Plans do not contain any reference in their Objectives Section to the paramount Stratagem “A”. Four District Plans do not contain any Policies and all 6 District Plans have no methods providing for Stratagem “A”. None of the District Plans contain any provision relating to Stratagem “1”. The Table clearly shows that for the District Plans, there is not follow through, no cascade from Objectives to Policies to Methods, a measure of importance in the PUCM project (Ericksen et al 2003).

4.8.3 Restoration of relationships with the Waikato River

‘Stratagem “B”. The restoration and protection of the relationship of Waikato-Tainui with the Waikato River, including their economic, social, cultural, and spiritual relationships.

Stratagem “C”. The restoration and protection of the relationship of Waikato River Iwi according to their tikanga and kawa, with the Waikato River, including their economic, social, cultural and spiritual relationships.’ (GEC 2009)

Table 6 Stratagems “B” and “C”

Stratagem	“B” %			“C” %		
	Objectives	Policies	Methods	Objectives	Policies	Methods
PWRPS	3.9	3.2	3.3	3.9	3.2	3.2
WRP	10.9	3.6	0.6	10.9	3.6	0.6
Waipā	4.3	4.5	0.0	4.3	4.5	0.0
Sth Waikato	6.4	3.5	3.0	8.0	4.0	4.8
Hamilton	1.5	0.7	0.6	1.5	0.7	0.6
Waikato	2.7	3.2	0.7	2.0	2.1	0.0
Rotorua	3.6	0.6	0.0	4.8	2.3	0.0
Ōtorohanga	3.0	2.8	0.0	3.0	2.8	0.0

All seven Council (one regional and six district) plans and the PWRPS contain Objective and Policies regarding Stratagems “B” and “C”. The

PWRPS and WRP and three of the District Plans also contain methods. It is noted that the WRP has much higher scores in the objects sections for both the Stratagems “B” and “C” than the other documents.

4.8.4 Protection of the Communities Relationship with the Waikato River and Protection of Community Sites of Significance

‘Stratagem “D”. The restoration and protection of the relationship of the Waikato Region’s communities with the Waikato River including their economic, social, cultural and spiritual relationships.

Stratagem “7”. Recognise and protect appropriate sites associated with the Waikato River that are of significance to the Waikato regional community.’ (GEC 2009)

Table 7 Stratagems “D” and “7”

Stratagem	“D”%			“7”%		
	Objective	Policie	Method	Objective	Policie	Method
PWRPS	1.6	0.0	0.0	14.2	12.4	8.4
WRP	0.9	0.0	0.0	0.0	2.6	0.5
Waipā	1.6	0.0	0.0	11.7	14.2	0.0
Sth Waikato	0.8	0.0	0.0	9.6	13.9	7.9
Hamilton	0.0	0.0	0.0	23.9	17.6	6.8
Waikato	0.7	0.0	0.0	19.7	16.5	7.1
Rotorua	0.0	0.0	0.0	14.3	14.0	0.0
Ōtorohanga	0.0	0.0	0.0	17.9	16.7	0.0

The results for these two Stratagems is rather mixed. On the one hand, the PWRPS and the WRP contain an objective for Stratagem “D”, but neither regional document have any policies or methods for Stratagem “D”. Three of the District Councils have no objectives, and all six have no policies or methods for Stratagem “D”.

While the PWRPS has a notable score for objectives that contain Stratagem “7”, the WRP has no objectives. Both regional planning documents contain polices and methods relating to Stratagem “7”, which is odd. As noted earlier (Ericksen 2003) there must be a cascade from

objectives to policies to methods and as the WPS has no objective for Stratagem “7” then it follows that the policies and methods have no objective to ‘give effect to’.

4.8.5 Holistic ‘Whole of River’ Approach to Management

“Stratagem “E”. The integrated, holistic and coordinated approach to management of the natural, physical, cultural and historic resources of the Waikato River.

Stratagem “9”. Encourage and foster a ‘whole of river’ approach to the restoration and protection of the Waikato River, including the development, recognition and promotion of best practice methods for restoring and protecting the health and wellbeing of the Waikato River.” (GEC 2009)

Table 8 Stratagems “E” and “9”

Stratagem	“E”%			“9”%		
	Objective	Policies	Methods	Objective	Policies	Methods
	S	S	S	S	S	S
PWRPS	6.3	2.3	0.3	0.8	0.5	0.7
WRP	7.2	1.1	1.1	0.0	0.3	0.0
Waipā	2.1	0.2	0.0	0.0	0.0	0.0
Sth Waikato	1.6	1.2	0.0	7.2	0.0	0.0
Hamilton	0.0	1.0	0.4	0.0	0.0	0.0
Waikato	1.4	2.1	0.0	0.0	0.0	0.0
Rotorua	0.0	1.2	0.0	0.0	0.0	0.0
Ōtorohanga	0.0	0.9	0.0	0.0	0.0	0.0

Stratagem “E” is crucial to the protection and restoration of the health of the Waikato River and its catchment. Both the PWRPS and the WRP make some mention of the ‘whole of river’ approach however the scores are not high. The WRP does not contain any Objectives for Stratagem “9” but has some policy provisions that refer to Stratagem “9”. Again the comment of cascading is raised.

Three District Councils have not made provision for Stratagem “E”. This is not surprising as under the RMA the management of water bodies

is a regional council function (s 30(1)(c)(iii)), whilst district councils can only control activities in the surface of water bodies (s 31(1)(e)).

The PWRPS makes provision for Stratagem “9” in its objectives, policies and methods sections. The WRP however contains no objective, nor a method for Stratagem “9”, just policy. Only South Waikato District Council contains policies for Stratagem “9” while the other five councils have no provisions at all for the stratagem. As noted above this is strictly speaking outside of the district and city councils purview (s 30(1)(c)(iii) and s 31(1)(e)).

4.8.6 Precautionary Approach and Avoidance of Adverse Effects

‘Stratagem “F”. The adoption of a precautionary approach towards decisions that may result in significant adverse effects on the Waikato River, and in particular those effects that threaten serious or irreversible damage to the Waikato River.

Stratagem “G”. The recognition and avoidance of adverse cumulative effects, and potential cumulative effects, of activities undertaken both on the Waikato River and within its catchments on the health and wellbeing of the Waikato River.’ (GEC 2009)

Table 9 Stratagems “F” and “G”

Stratagem	“F”%			“G”%		
	Objective	Policie	Method	Objective	Policie	Method
	s	s	s	s	s	s
PWRPS	4.7	1.4	1.1	11.8	21.6	15.7
WRP	15.8	11.9	0.3	39.4	31.0	16.4
Waipā	2.7	1.2	0.0	17.0	19.7	0.0
Sth Waikato	3.2	1.7	0.6	8.8	17.3	6.1
Hamilton	1.5	1.0	0.2	22.4	22.5	7.2
Waikato	0.7	2.1	0.2	24.5	29.9	6.4
Rotorua	1.2	1.2	0.0	16.7	24.6	0.0
Ōtorohanga	3.0	0.9	0.0	28.4	17.6	0.0

Stratagems “F” and “G” are well represented in the provisions of the two regional documents although the WRP has only one method relating to Stratagem “F”.

Stratagem “F” is less well provided for in the District and City Plans, all however, contain objectives and policies, and the three District Plans that contain methods have at least one for Stratagem “F”. Stratagem “G” addresses effects on the environment, and it is not surprising that the District Plans all contain numerous objectives, policies and for the three plans that do contain methods they have several.

4.8.7 Degradation, Strategic Importance, Restoration and Protection

‘Stratagem “H”. The recognition that the Waikato River is degraded and should not be required to absorb further degradation as a result of human activities.

Stratagem “J”. The recognition that the strategic importance of the Waikato River to New Zealand’s social, cultural, environmental and economic wellbeing is subject to the restoration and protection of the health and wellbeing of the Waikato River.’ (GEC 2009)

Table 10 Stratagems “H” and “J”

Stratagem	“H”%			“J”%		
	Objective	Policie	Method	Objective	Policie	Method
	s	s	s	s	s	s
PWRPS	0.8	1.4	0.8	2.4	0.0	0.1
WRP	0.5	2.3	0.2	0.9	2.0	0.0
Waipā	2.7	0.7	0.0	3.2	2.2	0.0
Sth Waikato	3.2	4.0	0.0	2.4	2.9	0.0
Hamilton	3.0	2.0	0.2	0.0	0.0	0.4
Waikato	3.4	1.1	0.0	0.7	0.0	0.0
Rotorua	3.6	2.3	0.0	1.2	0.0	0.0
Ōtorohanga	0.0	0.0	0.0	1.5	0.0	0.0

The scores for Stratagems “H” and “J” are low in the PWRPS and the WRP. Similarly the scores are low for the District Plans, with five districts having no policies for Stratagem “H”, and only one plan has a method for Stratagem “H”. Similarly for Stratagem “J” the scores were low and fewer

district plans having provisions for Stratagem “J”, only one plan contains a method for this Stratagem.

4.8.8 Protection of Significant Sites and Waahi Tapu

‘Stratagem “I”. The protection and enhancement of significant sites, fisheries, flora and fauna.

Stratagem “6”. Recognise and protect waahi tapu and sites of significance to Waikato-Tainui and other Waikato River Iwi (where they so decide) to promote their cultural, spiritual and historic relationship with the Waikato River.’ (GEC 2009)

Table 11 Stratagems “I” and “6”

Stratagem	“I”%			“6”%		
	Objective s	Policie s	Method s	Objective s	Policie s	Method s
PWRPS	11.0	13.3	8.9	11.0	12.8	8.9
WRP	6.8	6.1	1.1	0.0	0.8	1.5
Waipā	16.0	14.7	0.0	11.2	13.7	0.0
Sth Waikato	11.2	12.7	7.9	10.4	15.0	7.3
Hamilton	19.4	15.7	7.8	16.4	14.1	5.9
Waikato	17.7	17.1	6.4	14.3	15.2	5.4
Rotorua	17.9	17.5	0.0	16.7	15.8	0.0
Ōtorohanga	16.4	16.7	0.0	14.9	12.0	0.0

The PWRPS and all six District Plans contain numerous provisions in respect of the recognition and protection of sites of significance to Tangata whenua. This is an area of resource management that is well within the purview of the District Councils (s 74(2)(b)(ia) & (iii)).

However Regional Councils also must have regard to heritage entries under the Heritage New Zealand Pouhere Taonga Act 2014 (s 61(2)(a)(ia), and regulations to ensuring sustainability, or the conservation, management, or sustainability of fisheries including resources taiapure, mahinga mataitai, or other non-commercial Maori customary fishing (s 61(2)(a)(iii)).

4.8.9 Restoration and protection of Water Quality and Advocacy

‘Stratagem “K”. The restoration of water quality within the Waikato River so that it is safe for people to swim in and take food from over its entire length.

Stratagem “10”. Establish new, and enhance existing, relationships between Waikato-Tainui, other Waikato River Iwi (where they so decide), and stakeholders with an interest in advancing, restoring and protecting the health and wellbeing of the Waikato River.’ (GEC 2009)

Table 12 Stratagems “K” and “10”

Stratagem	“K”%			“10”%		
	Objectives	Policies	Methods	Objectives	Policies	Methods
PWRPS	6.3	0.0	0.4	0.8	0.0	0.0
WRP	0.9	4.9	1.1	0.9	0.1	0.8
Waipā	4.8	2.0	0.0	0.5	0.0	0.0
Sth Waikato	1.6	2.9	0.0	0.8	0.0	0.0
Hamilton	0.0	0.7	0.0	0.0	0.0	0.0
Waikato	1.4	0.0	0.0	0.0	0.0	0.0
Rotorua	3.6	1.2	0.0	0.0	0.0	0.0
Ōtorohanga	0.0	0.0	0.0	0.0	0.0	0.0

The scores are patchy for Stratagems “K” and “10”. The PWRPS contains a few objectives but no policies for Stratagem “K”, and only one objective and no policies or methods for Stratagem “10”. The lack of cascading (Ericksen *et al* 2003) arises here. The WRP make provision for Stratagem “K” and Stratagem “10” but the scores are not high.

All six District Plans have low scores for Stratagem “K” and none have any methods. Only two District Plans contain any objectives for Stratagem “10” and no District Plans contain any policies or methods for Stratagem “10”. It is likely that the district councils have some difficulty in creating provisions for Stratagem “10”, but methods revolving around *fora* for discussions between all stakeholders, to enhance relationship and capacity building would be a positive start.

4.8.10 Public Access

‘Stratagem “L”. The promotion of improved access to the Waikato River to better enable sporting, recreational, and cultural opportunities.

Stratagem “12”. Ensure appropriate public access to the Waikato River while protecting and enhancing the health and wellbeing of the Waikato River.’ (GEC 2009)

Table 13 Stratagems “L” and “12”

Stratagem	“L”%			“12”%		
	Objectives	Policies	Methods	Objectives	Policies	Methods
PWRPS	2.4	1.8	2.5	2.4	1.8	1.3
WRP	0.5	0.4	0.0	0.9	0.8	0.0
Waipā	4.3	4.7	0.0	1.1	4.0	0.0
Sth Waikato	4.0	4.6	5.5	4.0	4.0	5.5
Hamilton	1.5	4.9	1.1	1.5	4.9	1.1
Waikato	2.7	1.9	3.1	2.0	1.9	3.1
Rotorua	7.1	2.3	0.0	7.1	2.3	0.0
Ōtorohanga	4.5	0.9	0.0	4.5	0.9	0.0

Stratagems “L” and “12” seek improvement and appropriate provision for public access for recreation reasons, while meeting the overarching purpose of the ‘Vision and Strategy’ which is the restoration and protection of the health and wellbeing of the Waikato River. The PWRPS has low scores for both stratagems in the objectives, policies and methods section of that document. The WRP however, has very low scores for the objectives and policies of the plan and no methods in both cases. As Regional Councils do not administer the law in terms of subdivision they are less likely to have numerous provisions relating to public access

Legal public access along water bodies, under the RMA, is usually achieved through either subdivision of land less than 4 ha in area, and when road stopping (s 77(1)) adjacent to a water body. Esplanade Reserves of 20m are to be provided unless a District Plan contains a rule that enables a reduced width to be applied for (s 230(3)). All six District

Councils have scores for the objectives and policies making provision for public access, and the three District Plans that contain methods follow through with that cascading practice (Ericksen *et all* 2003).

4.8.11. Maatauranga Maaori

‘Stratagem “M”. The application to the above of both maatauranga Maaori and latest available scientific methods.

Stratagem “2”. Establish what the current health status of the Waikato River is by utilising maatauranga Maaori and latest available scientific methods.’ (GEC 2009)

Table 14 Stratagems “M” and “2”

Stratagem	“M”%			“2”%		
	Objective	Policie	Method	Objective	Policie	Method
	s	s	s	s	s	s
PWRPS	3.9	1.8	2.5	0.8	1.8	4.8
WRP	0.5	1.3	0.6	0.5	3.1	7.9
Waipā	2.7	0.5	0.0	0.0	0.0	0.0
Sth Waikato	4.8	1.2	1.8	0.8	0.0	4.8
Hamilton	0.0	0.0	0.2	1.5	0.3	1.3
Waikato	1.4	0.5	0.0	0.0	0.0	0.0
Rotorua	1.2	2.3	0.0	0.0	0.0	0.0
Ōtorohanga	0.0	0.0	0.0	0.0	0.0	0.0

All eight planning documents were found to have low scores for provision for Maatauranga Maaori and western science approaches. This is an area where the PWRPS and the WRP could ameliorate the deficit, with advice from the five River tribes. An improvement and clarification of Maatauranga Maaori would give effect to the co-management approach to resource management planning in the region.

The District Council also have patchy provisions for Maatauranga Maaori in the District Plans. Some have an objective or two or a policy or to and some have no provisions at all. This is an areas where the District Councils could benefit from included firmer and more expansive provisions where they apply to the land use activities that District Councils manage. There will be areas where Maatauranga Maaori can inform better land use

planning practices, mining, land clearance and land filling are three topics that spring to mind (Puke Coal v Waikato Regional Council 2014).

4.8.12 Targets and Programmes to improve Health and Well-being of the Waikato River

‘Stratagem “3”. Develop targets for improving the health and wellbeing of the Waikato River by utilising maatauranga Maaori and latest available scientific methods.

Stratagem “4”. Develop and implement a programme of action to achieve the targets for improving the health and wellbeing of the Waikato River.’ (GEC 2009)

Table 15 Stratagems “3” and “4”

Stratagem	“3”%			“4”%		
	Objective	Policie	Method	Objective	Policie	Method
	s	s	s	s	s	s
PWRPS	0.8	1.4	4.0	1.6	10.6	8.6
WRP	0.0	5.3	6.4	1.8	9.8	19.7
Waipā	0.0	0.0	0.0	1.6	1.7	0.0
Sth Waikato	0.8	0.0	3.0	0.8	1.2	9.1
Hamilton	0.0	0.3	2.3	1.5	5.2	24.3
Waikato	0.0	0.0	0.2	2.7	3.5	20.6
Rotorua	0.0	0.0	0.0	1.2	3.5	0.0
Ōtorohanga	0.0	0.0	0.0	1.5	13	0.0

Given the functions of a regional council under the RMA (s 30), I would have anticipated high scores for both setting of targets and the implementation of programmes to restore the health and well-being of the Waikato River. As it is, the PWRPS sets a few objective, policies and methods for Stratagem “3” and objectives under Stratagem “4”. However the PWRPS has improved scores for policies and methods for programs of action under Stratagem “4”.

Only South Waikato District Council has an objective and methods relating to Stratagem “3”. Only Hamilton City has a policy and methods addressing Stratagem “3” and Waikato District Council only has a method for this stratagem. When referring to the results in respect of Stratagem

“4” all Councils have objective, policies and the three council had methods that seek to provide for Stratagem “4”.

It is considered more difficult for the District Councils to have targets to set and programmes to specifically administer water quality management as this is outside the functions of a district council (s 31). It should however be acknowledged that landuse activities have the potential to significantly and adversely affect water quality. Land disturbance, clearance and conversation of forests to pasture is clearly one of the major issue within the Waikato River catchment. The District and Regional Councils with the five River Iwi could benefit from working together to create a more integrated framework to restore and protect the Waikato River.

4.8.13. Information Sharing and Knowledge Promotion

‘Stratagem “5”. Develop and share local, national and international expertise, including indigenous expertise, on rivers and activities within their catchments that may be applied to the restoration and protection of the health and wellbeing of the Waikato River.

Stratagem “8”. Actively promote and foster public knowledge and understanding of the health and wellbeing of the Waikato River among all sectors of the Waikato regional community.’ (GEC 2009)

Table 16 Stratagems “5” and “8”

Stratagem	“5”%			“8”%		
	Objectives	Policies	Methods	Objectives	Policies	Methods
PWRPS	1.6	3.7	7.1	2.4	2.3	6.7
WRP	0.5	1.2	17.6	0.0	1.5	16.4
Waipā	0.5	0.7	0.0	0.5	1.5	0.0
Sth Waikato	0.8	0.6	7.3	0.8	0.0	7.9
Hamilton	1.5	1.0	6.1	1.5	1.6	9.5
Waikato	0.0	1.3	8.3	1.4	1.6	16.3
Rotorua	0.0	2.3	0.0	0.0	1.8	0.0
Ōtorohanga	0.0	1.9	0.0	0.0	0.0	0.0

Stratagems “5” and “8” are examples of an area where methods on these matters should be provided as regulatory rules can’t be imposed to encourage information sharing. For both Stratagems “5” and “8” the PWRPS has low scores but all objective, policies and methods have scores. The WRP has much higher scores in the methods for both Stratagems but low scores for the objectives and policy sections of that plan.

The Waikato, Rotorua and Ōtorohanga Councils have not objectives regarding Stratagem “5” but have polices and three have methods, and the disconnection of cascading is shown here (Ericksen *et al* 2003).

4.8.14 Cumulative Effects Managed in Statutory Planning Documents

‘Stratagem “11”. Ensure that cumulative adverse effects on the Waikato River of activities are appropriately managed in statutory planning documents at the time of their review.’ (GEC 2009)

Table 17 Stratagem “11”

Stratagem “	“11”		
	Objectives	Policies	Methods
PWRPS	1.6	0.0	11.2
WRP	0.0	3.5	7.3
Waipā	4.8	9.2	0.0
Sth Waikato	5.6	8.7	17.6
Hamilton	1.5	6.2	24.1
Waikato	0.0	2.1	22.2
Rotorua	0.0	5.3	0.0
Ōtorohanga	1.5	13.9	0.0

Stratagem “11” seeks to ensure that appropriate provisions on cumulative adverse effects are included in the plans and PWRPS. All of the planning documents should have this as at least one objective, the WRP and the District Plans of Waikato and Rotorua are silent on this aspect. The PWRPS has no policies in respect of Stratagem “11”, however it has numerous methods and the WRP also contains a notable number of policies.

All District Plans have policies in respect of Stratagem “11”. Of the three District Plans that do contain methods all score highly in terms of this Stratagem.

4.9 Observed Hindrances to Applying the ‘Vision and Strategy’

4.9.1 Waikato Regional Plan

4.9.1.1 Highest Level of Recognition

Stratagem “1” pertains to ensuring that the highest level of recognition be given to the restoration and protection of the Waikato River. No specific Objectives or Methods were found to relate to this stratagem. While 3.2.3 Policy 1: Management of Water Bodies and 3.2.3 Policy 2: Managing Degraded Water Bodies both seek to enhance the quality of degraded water bodies, these two policies do not give the highest level of protection to any specific water body. The policies qualify the aspirations with terms such as: “*improved management*”, “*not further degrade*”, “*promote*” and “*where relevant*”. In short these policies do not give effect to Stratagem “1”.

4.9.1.2 Overall a Western Science Approach

While Chapter 2 of the Waikato Regional Plan is specifically about Tangata whenua and despite the advent of the “Vision and Strategy”, the most relevant chapters 3-7 remain focused on the western science approach the quantification and remedy of effects, rather than inclusion of *Maatauranga Maaori* or the “whole of river” approach that Stratagem “9” encourages and in fact requires of the Council.

This seems to be yet another example of the insertion of a significant planning ethos without the necessary cross connections being made at the same to provide an integrated planning framework (QP 2016).

It is acknowledged that an instantaneous review of the WRP is a mammoth task, not only in itself but also because of the vast array of interested and affected parties and the subject matters to which their submissions will relate. Also given that the Regional Plan took 8 years to become operative because of extensive litigation, a plan review of the sort considered to be necessary to adequately provide for the RCML is one that understandably was delayed. The lack of review, however long the deferral was, does not give effect to the 'Vision and Strategy' for the Waikato River, and therefore is likely to frustrate or delay the sorts of actions that should be taken to give effect to the 'Vision and Strategy'.

4.9.1.3 Plan Provision for Water Allocation

In the case of objectives, policies and methods that specifically relate to the water resource above the Karapiro Dam (the upper Waikato River), it is noted that the water resource is fully allocated in Policy 3.3.3. 2 e to existing resource consent holders:

'...In reality, the Waikato Hydro Scheme uses all water remaining in the river (i.e. after any water that is authorised to be taken from within the primary allocable flow has been abstracted) to generate electricity in a renewable manner. The water used for electricity generation includes both the minimum flow component and all variable flows above the primary allocation. The entire variable flow is used to generate electricity and so no secondary allocable flow is specified in Table 3-5 and no surface water harvesting is able to be undertaken in the catchments above the Karapiro dam.' (WRP 2013)

Thus there presently is no ability for new users, or Iwi to have access to the water in the Waikato River. The objectives, policies and methods relating to allocation of water takes along with those that protect the interests of network infrastructure including power generators, such as Policies 3.3.3.1.8 and 3.3.3.1.11, are considered to conflict with the 'Vision and Strategy'. This is because those provisions do not consider the health and wellbeing of the Waikato River. As noted in Section above, no

scoring of provisions that gave preferential treatment to network utility operators was made.

4.9.1.4 Non Applicability to the Waikato River

One of the clearest examples of a lack of comprehensiveness is typified in the following policy:

‘3.2.3 Policy 7: Fishery Class

The purpose of the fishery class is to maintain or enhance existing water quality and aquatic habitat in water bodies that currently support a diverse range of fish species and fish habitats with significant conservation values, or which support significant recreational, traditional or commercial fisheries ... and managed trout and indigenous fisheries can be sustained.

This will include consideration of the need to:

- a. Minimise fish entrapment at water intake structures.
- b. Minimise adverse effects on fish spawning patterns ...
- c. Minimise adverse effects of sediment loads and other contaminants on fish or their habitat.
- d. Maintain water temperatures and dissolved oxygen levels that are suitable for aquatic habitat and spawning.
- e. Ensure that fish living in these waters are not rendered unsuitable for human consumption by the presence of contaminants.
- f. Minimise structural or temperature barriers and changes in flow regimes that would otherwise prevent fish from completing their life cycle and/or maintaining [*sic*] self sustaining populations, ...
- g. Minimise the adverse effects of physical disturbance to aquatic habitat.

Exception

- The main stem of the Waikato River (from Lake Taupo to Port Waikato) and the main stem of the Hinemaiaia ... are mapped “Significant Trout Fisheries and Trout Habitat” Water Class. However, it is acknowledged that significant trout spawning does not occur in these main stems. Accordingly, matters relating to trout spawning habitat in Policy 7 do not apply to the main stem of the Waikato River ... but do apply to their respective tributaries.’ (WRP) [Emphasis added]

While the policy seeks to address adverse effects on fisheries, and creates a classification to protect the values and environmental parameters for a healthy fishery, it excludes the most significant river of the region – the main stem of the Waikato River. The policy therefore is partially redundant, and certainly does not aspire to improve the main stem’s water quality for the fishery as a whole. Again this is a conflict between this policy and the ‘Vision and Strategy’.

4.9.1.5 Cross Referencing

A large number of objectives in Section 3 simply require that specific activities are “*consistent with the objectives in Section*” In effect they aren’t objectives in their own right and are essentially redundant. However they have been included in the overall dissection of the Plan.

With respect to Stratagem “I” the protection and enhancement of significant sites, fisheries, flora and fauna, Section 3 of the WRP is light on the protection aspect of this stratagem but pays extensive attention to the avoidance of adverse effects on these aspects of the natural environment, or the need to avoid then remedy or mitigate adverse effects.

4.9.1.6 Maatauranga Maaori

Stratagem “M” strives to ensure the application of both “*Maatauranga Maaori*” and the latest western science standards are applied. Despite the several references within the Waikato Regional Plan to avoiding adverse effects on Maori values, the word “*maatauranga*” is only expressly mentioned once in Chapter 3 in Method 3.3.4.6, and not at all in the remainder of Chapters 2, 4-8 of the Regional Plan. This is in stark contrast to the comprehensive and express reference to “*Maatauranga Maaori*” in the Appeals Version of the WRPS 3.3.3 Policy 2 e, This is of course a requirement of the ‘Vision and Strategy’.

4.9.1.7 Māori Values of Air

There are no specific objectives, policies or methods in Section 6, the Air Module of the WRP, that make reference to Māori values, the relationship between the air or Maatauranga Māori with respect to statements “B”, “C”, “I” or “6”.

The lack of provision of the ‘Vision and Strategy’ in this section is an omission that should be rectified given the holistic approach required by the ‘Vision and Strategy’.

4.9.1.8 Setting Targets of Improvement

Following on from the investigative nature of Stratagem “2”, Stratagem “3” relates to the development of targets for improving the health and well-being of the Waikato River, using both Maatauranga Maaori and western science methods. While 3.3.3 2 Policy is a critical part of target setting at e) the Regional Plan acknowledges that:

‘... In reality, the Waikato Hydro Scheme uses all water remaining in the river (i.e. after any water that is authorised to be taken from within the primary allocable flow has been abstracted) to generate electricity in a renewable manner. The water used for electricity generation includes both the minimum flow component and all variable flows above the primary allocation. The entire variable flow is used to generate electricity and so no secondary allocable flow is specified in Table 3-5 and no surface water harvesting is able to be undertaken in the catchments above the Karapiro dam.’ {Emphasis added}

As there is no capacity left of the water resource to allocate above the Karapiro Dam, the allocation for hydro generation is protected by numerous policies including the above, and by rules of the Regional Plan. This raises the question as to how relevant, how effective and how achievable all the rest of the objectives, policies and methods are in the

WRP, when the Proposed WRPS is required to give effect to the 'Vision and Strategy'.

This issue was certainly a key objection and focus of the combined Raukawa and Te Aroha River Iwi appeals on Variation 6 in 2009 to the WRP. The Iwis' rohe includes the Waikato River above the Karapiro dam. By this policy framework remaining in the WRP despite the enactment of the 'Vision and Strategy', and the apparent lack of tangible success of the Iwi appeals to Variation 6 – Water, it is considered that the tenets of the 'Vision and Strategy' are severely compromised. The 'Vision and Strategy' is therefore frustrated, and incapable of being given effect to over "half" the length of the Waikato River.

Stratagem "3", does not specifically mention actual quantifiable numeric targets. The wording is more aspirational, as objective and policies should be. The need to investigate and inform on better industry practice in reducing adverse effects and increasing water use efficiency is a matter of urgency.

4.9.1.9 Protection of Water Allocation Exceedances

Policy 3.3.19 b) of the WRP seeks to phase out exceedances of the combined primary and secondary allocable flows set in Table 3-5 of the WRP by 31 December 2030. This has given consent holders some 23¼ years to prepare to reduce their exceedances. The time frame is considered to be too long especially considering the overarching need to improve the Waikato River's health immediately, and that can only be done with a wide range of reductions and alternatives being employed at the earliest opportunity.

A time frame of 23 ¼ years is the operative life of 2 regional plans (each being 10 years between reviews), and 1.5 consent terms if 3.3.3 Policy 15 Consent for the Taking of Water is adhered to (a consent term here for being 15 years for water abstractions). Granted that some major

users of water have invested significant investment into plant and infrastructure to use the water resource, in the wider context, however, of historic mismanagement of the Waikato River, as acknowledged by the Crown (DOS 2009), the time frame seems excessive.

4.9.1.10 Silence on Air

In collating the objectives, policies and methods for Stratagem “4” Table 6- 2 Regional Ambient Air Quality Categories and Designated Response seems the only place where targets are actually quantified rather than described in a qualitative fashion. Method 3.2.4.2 Waikato Region Surface Water Class Standards of the WRP also outlines strict standards that will be applied to discharges, and Method 3.2.4.2 a) and b) cite the 8 standards that have applied to discharges since the enactment of the former Water and Soil Conservation Act 1967 such as: changes in dissolved oxygen, changes in pH through to not changing the temperature of the receiving waters by more than 3 degrees Celsius.

These are 50 year old standards. The Waikato River is in poor health. There must be more effective standards or approaches that could be used to achieve the goal of improving the health and wellbeing of the Waikato River. The application of the Korowai Approach to implementing the ‘Vision and Strategy’ is suggested as being a more effective methodology for improving water quality rather than maintain the status quo.

The questions put by Kaumātua on the development of the CHI model discussed below in section (Tipa 2006a 14) would be a useful place to start, when preparing draft provisions of a regional plan on fresh water. The application of the ‘Vision and Strategy’ in a practical sense will require some bravery on the part of plan drafts and decision makers. They will need to create provisions that will be effective for the restoration and protection of the health and wellbeing of the Waikato River – ultimately for the benefits of the natural environment and the people within it.

4.9.1.11 Damming and Diversion

Of the 3 existing methods in Section 3.6 Damming and Diverting, not one refers to Stratagem “4” – the need to develop and implement a programme of action for improving the health and wellbeing of the Waikato River.

Although the Council has included a section on Monitoring Options in this section, there is no inclusion of “*Maatauranga Maaori*” monitoring. It is suggested that in the era of co-management inclusion of Maatauranga Maaori approaches generic to each River Iwi would be beneficial to improving the state of the Waikato River.

4.9.1.12 Economic Instruments

Method 3.7.4.4 Economic Incentives (WRP) announces the potential for economic incentives for the promotion and implementation of initiatives to protect and create wetlands within the region. This step is applauded. However, it is noted that there seem to be no other methods in sections: 3.2 Water Management, 3.3 Water Takes, 3.4 Efficient Use of Water, 3.5 Discharges or 3.6 Damming and Diverting that offer the same incentives for the Waikato River and any other river clean-up.

It is suggested that economic incentives should extend over these sections of the Regional Plan, to implement Stratagem “4”. Methods such as: 3.9.4.4 Economic Incentives, 3.9.4.5 Streamside Enhancement Fund and 4.3.4.3 Economic Incentives go a long way towards providing the sorts of positive incentives to give effect to Stratagem “4”.

Rates Relief, of even a modest amount, where land is: retired, planted especial along riverbanks, and increased areas of wetland (or restoration of former wetlands) would be instruments that would strongly aid in the implementation of the restoration of water quality in the Waikato Catchment.

4.9.1.13 Protection of Waahi Tapu

There were a large number of objectives and policies that at first glance could have been considered compatible with Stratagem “6” which seek to recognise and protect waahi tapu and sites of significance to Tangata whenua. However, many of those objectives or policies sought only to remedy or mitigate adverse effects or significant adverse effects on such sites. Thus neither circumstance seeks to recognise or protect them, in the pursuit of promoting the River Iwi culture and spiritual and historic relationship. Examples such as Policies 3.5.3 Policy 6: Tangata Whenua Uses and Values (WRP 2013) and 3.6.3 Policy 3: Tangata Whenua Uses and Values both of which state:

‘Ensure that the relationship of tangata whenua as Kaitiaki with water is recognised and provided for to avoid significant adverse effects and remedy or mitigate cumulative adverse effects on:

- a) the mauri of water
- b) waahi tapu sites
- c) other identified taonga.’ [Emphasis added]

The above policy, along with 3.8.3 Policy 1: Effects of Drilling Activities (WRP), on the face of it appear to provide for Stratagem “6” however on closer inspection the policies seek to avoid significant adverse effects and to only require activities to remedy or mitigate cumulative adverse effects. They do not out rightly protect waahi tapu or significant sites. These types of policies therefore do not satisfy or give effect to Stratagem “6”.

Equally as virtually redundant in terms of Stratagems “6” and “7” are policies such as:

‘7.4 Policy 8: Geothermal Features in Protected Geothermal Systems

Recognise Geothermal Features in Protected Geothermal Systems where they are valued for amenity, cultural or scientific reasons.’

Recognition is all very well but for what purpose? How is that recognition to manifest itself? Who defines the values? Which value takes precedence over the other? Such a matter is especially important when considering the adverse effects that western sciences values have had on the health and wellbeing of the Waikato River in the past (DOS 2009).

4.9.1.14 Guidelines

Section 6.4 contains “Guidelines for Assessment” and more specifically “Courses of Action” (WRC) on how Waikato Regional Council will act in respect of certain discharges to Air.

The status of Guidelines is unclear, and there no specific requirement for them in regional plans under RMA either in terms of the requirements of contents of a regional plan (s 67), or Rules in a Regional Plan (s 68).

4.9.2 Waipā District Plan 2014

4.9.2.1 New Approaches

A specific example in Section 1 - Strategic Policy Framework of the Plan at 1.2.15 (Waipā DP 2014) outlines that the restoration and protection of the currently degraded the Waikato River is a key issue of the Plan, noting that 80% of Waipa District falls within the Waikato River Catchment (Waipā DP 2014). Section 1.2.16 states that there is a “...*need to consider new approaches and management methods to give effect to co-management within the Waikato and Waipa River catchments.*”

This raises a couple of issues:

- Where are the methods within the Waipa District Plan to help achieve this aspiration?

- Realistically how much other than managing land use activity can Waipā District Council achieve within its mandate under the RMA (s 75).

4.9.2.2 Need for Methods

The Waipā District Plan contains no Methods other than rules to achieve the purpose of the RMA (s 5). While they are not mandatory (s 75(2)(b)), Part A Section 1 of the plan does not outline why that omission might be. The lack of non- rule Methods ignores the usefulness that a wide range of techniques that Methods can provide to give effect to a District Plan, particularly in the context of non-regulatory methods.

Rules, which have the force of regulation (s 76(2)), are but one way of achieving the objectives, policies including the Strategic Policy Framework of a District Plan. Methods can also be most useful for recognising and providing for less tangible aspects of the 'Vision and Strategy', such as the relationships of the River Iwi with their river as exemplified in Stratagems "B", "C", "M"; or "D" and "7" which relate to the wider Waikato community. The omission of methods in a District Plan is, in my experience, a rare one except it seems in the Waikato Region.

4.9.2.3 Cohesiveness of Plan Provisions

As noted earlier the development of a plan is a contributory one, such that the treatment of an issue throughout a plan can be inconsistent, depending upon the cohesiveness of the decision-making process. It also depends upon whether there are any submissions on a particular topic to make a decision on. If decisions are made separately on objectives, then policies, then methods and the extended time period over which decision-making may occur the interrelatedness of the objectives, policies and methods can easily be lost.

4.9.2.4 New Approaches

Sections 1.1.6 through to 1.1.13 (Waipā DP) outline the thrust of the River Co-management legislation and sections 1.2.10 to 1.2.16 cover the resource management issues relating to the ‘Vision and Strategy’ and the “*need to consider new approaches and management methods*” in the application of co-management.

While the aspirations are laudable in terms of ‘new approaches and management methods’ it is difficult to see how that translates into practicalities such as non-rule methods – when there are none in the plan. Where conventional planning tools such as riparian set-backs and esplanade reserve requirements are all that are used, one might argue that style of management is ineffective, given the Crown’s apology for mis-management of the Waikato River catchment in the Deed of Settlement (DOS 2009).

4.9.2.5 Confusion of Roles

The other aspect about how the District Plan provides for the “Vision and Strategy” is the area of a potential confusion of roles. This seems to occur in two ways such as in the statements contained in section 1.2.15 and 1.2.16 which imply that the Waipā District Council is directly responsible for the “restoration and protection” of the Waikato and Waipa Rivers.

The District Council is not mandated to manage anything other than the activities on land and on the surface of water bodies (s 31(1)). Unlike the Waikato Regional Council, Waipā District Council cannot set the framework for the rivers themselves as it is constrained by the provisions of the following:

- s 30 *Functions of Regional Councils under this Act,*

- s 31 *Functions of territorial authorities under this Act*,
- s 66 *Matters to be considered by a Regional Council*, and
- s 74 *Matters to be considered by territorial authority*. (RMA).

4.9.2.6 Pre-emption of Infrastructure

The second aspect of concern about this District Plan is the length and extraordinary weight that has been given to existing regional and national infrastructure especially power generation, dairy production and air transport.

Certainly these are important activities for the advancement of the social well-being and economy of the region and the district. However both the purpose of the RMA (s 5), and the ‘Vision and Strategy’ as articulated in Stratagem “J”, seem to have been overlooked, providing untrammelled opportunity as shown below:

‘Objective - Hydro generation operations

8.3.5 To ensure that activities, subdivision and development within the Karāpiro Events Zone are managed in a way that does not adversely impact the hydro generation capabilities of Lake Karāpiro.

Policy – Effects on lake levels

8.3.5.1 To recognise and provide for fluctuating water levels as a result of hydro generation and operating easements on Lake Karāpiro.’ (Waipā DP 2014)

Policy 8.3.2.1, objective 12.3.2, policy 12.3.2.1, objective 15.3.14, policies 15.3.14.1 and 2, objective 17.3.3, and policy 17.3.3.4 are others where a pre-emption is given to the generation of hydro energy. It seems unreasonable through District Plan policy, to require others to accommodate the adverse effects of power generation especially when the generators are private companies.

It also seems untenable have those companies' continued operation and expansion or redevelopment not subject to the avoidance, remedy or mitigation of adverse effects on the environment under the RMA (s 5). Nor is infrastructure subject to the restoration and protection of the health and wellbeing of the Waikato River as required in Stratagem "J".

The Waipā DP may therefore have created a pre-emption in favour of network utility operators contrary to the Stratagems that the supra national policy statement, the "Vision and Strategy" provide. These provisions could therefore be *ultra vires*.

4.9.3 South Waikato District Plan July 2015

4.9.3.1 Consistency with Stratagem "J"

While Chapter 7 of the District Plan "focuses on Infrastructure and Development, it is one of only two District Plans to include an objective (Objective 7.2.8) and policies that require the need for infrastructure to avoid remedy or mitigate adverse effects on the environment (South Waikato DP, 2015). It is also the only DP to include the need to take into account cultural impacts as required by Stratagem "J". Note here that the Regional Plan does not accord this stratagem with the same regard.

4.9.4 Hamilton City District Plan 2012

4.9.4.1 Hybrid Objective and Policies

The objectives of the plan are a rather clouded mix of aspiration and action – the "what" and the "how", such that they are a hybrid of both objective and policy. An example of this is objective 5.1.2 Character and Amenity Values:

‘To maintain and enhance character and amenity values of residential areas by ensuring a level of on-site amenity for

residents and ensuring that neighbourhood properties are not adversely affected by development. (Hamilton DP 2012)

As outlined by the Ministry for the Environment's QP site (QP 2017) objective, policies and Methods need to be carefully drafted to ensure that they are appropriately cascaded' (Ericksen et al 2003).

4.9.5 Waikato District Plan 2013

4.9.5.1 Listing of Stratagems

In this District Plan the Stratagems "A" to "L" are listed verbatim but not "M" for some reason in Section 3.1.1, they become (along with "M") Objectives in section 3.3A.1 (Waikato DP 2013). There are however no accompanying policies nor are there any methods applicable to those objectives, in this section of the DP which is not the case elsewhere in the DP. The statement "*These 3.3.A.1 Objectives are supported by other District Plan Objectives and Policies*" is apparently sufficient for the Council (Waikato District Council 2013).

There are no objectives or policies that specifically relate to the Waikato River, they are purely generic. Waikato District Council promulgated Plan Change 5 specifically about the 'Vision and Strategy', which became operative in 2013 (Waikato District Council, 2016). That would have seemed an appropriate opportunity to remedy this deficient, if not subsequent plan changes.

4.9.5.2 Non coverage of Stratagems

A total of ten Stratagems received a zero score. being: "A", "D", "E", "J", "K", "1", "2", "3", "9", "10". Such an omission is noteworthy and should be rectified.

4.9.5.3 Mana and Relationships

Stratagems “B” and “C” include scores for objectives and policies such as:

Objective 1A.2.7 Maaori are able to establish and maintain their relationship to ancestral land.

Policy 1A.2.8 Maaori should be enabled to sustainably use and develop ancestral land, including papakaainga development, according to customs and practices. (Waikato DP 2013)

Such statements are all very well, however Maaori have always had a relationship with their ancestral lands, water and other taonga. It does not seem appropriate for council to assist in *establishing* a relationship that already exists through whakapapa. Councils however most certainly has a role in ensuring that that relationship is maintained, and in accordance with Stratagems “B” and “C” enhanced. So while there is a score attributed to these two statement above for Stratagems “B’ and “C” the appropriateness of drafted objectives and policies could be more appropriately crafted.

4.9.5.4 Objective or Policies for the Surface of Water Bodies

The objective and policy sections of the Waikato District Plan are silent on the Council’s role in managing the surface of lakes and rivers as required by section 31(1)(e) of the RMA. Given that about half of the length of the Waikato River traverse through this District, and that the importance of activities on the surface of the Waikato River is of immense importance to Waikato-Tainui, this area would also benefit from a policy framework.

4.9.6 Proposed Rotorua Lakes District Plan 2012 Appeals Version 2014

4.9.6.1 Disconnection between Objectives and Policies

This is another District Plan where there is an issue of remit and disconnection between objectives and policies, such as Objective 9.4.1 in the Rural Section. This objective seeks to reduce nutrient levels towards improving stream, river, wetland, and lake water quality. The policy framework to achieve this aspiration relates to only the Rotorua lake catchments, but not to all rivers, streams or wetland catchments within the district.

This is disappointingly limiting as not all rivers streams or wetlands have a direct linkage to these lakes – namely the Waikato River. Lake Ohakuri is within the Waikato River catchment, the policies apply here. However the Waiotapu Stream which does not seem to be fed by a lake, and is also within the Waikato River catchment, is excluded from the policy framework of section 9.4 as shown on Maps 101 and 215 of the DP.

4.9.6.2 Lack of Coverage of Stratagems

In the objectives sections of the District Plan eleven Stratagems did not receive a score being: “A”, “D”, “E”, “1”, “2”, “3”, “5”, “8”, “9”, “10” and “11” and were therefore not provided for.

In the policy sections of the District Plan eight Stratagems received no score being “A”, “D”, “J”, “1”, “2”, “3”, “9” and “10”. So despite this being one of the newer District Plans it also fails to grapple with a significant number of the ‘Vision and Strategy’ Stratagems at either the objective or policy level.

4.9.6.3 Lack of Methods

The Rotorua DP contains no non-rule methods. Comments made in the section above on District Plans are equally applicable here.

4.9.6.4 Ultra Vires

The District Plan also includes statements that seem outside of the scope of a District Council – namely enhancing water quality:

‘Objective 1.3.1 2-3.4 The enhancement of the water quality and management of Lake Rotorua’s water bodies (370.11, 370.5, 370.12 370.13) and the lake and riverside environments to increase improve the environmental, cultural, social and economic well-being of Rotorua. [Tracked changes as published]

As noted above, the management of water quality is a Regional Council function under the RMA. The role of a District Council is to manage land use activities such that they do not adversely affect water bodies (s 31(1)).

4.9.6.5 Hybrid Provisions

This is a District Plan that also blends objectives with policies, creating a form of hybrid - issue and action statements. One such example is this:

‘Policy 1.3.5.3 Identify the key infrastructural, community, cultural and environmental opportunities and constraints for each future growth zone and ensure that these are planned for in the development of each area.’ (Rotorua DP 2014)

4.9.6.6 Appropriate Weighting

The ‘Vision and Strategy’, being a NPS, establishes the weighting to be given to the relationship of Tangata whenua with their waterbodies. The relationship of Tangata whenua with the Waikato River catchment is provided for in Stratagems “A”, “B”, “C”, and also in “D” which refers to the community as a whole. The following objective seeks to provide for ‘appropriate weighting’ as follows:

‘Objective 3.4-2 3.3.2 Resource management decisions that give appropriate weighting to [376-61] the relationship of tangata whenua with water, the lakes, rivers, and streams of the district. Resource management decisions that place a high level of

~~weighting on the relationship of tangata whenua with water, the lakes, rivers and streams of the district.~~ (Rotorua DP 2014)
[Tracked changes as published]

The three Stratagems require “...restoration and protection of the relationship...” of the River Iwi with the Waikato River. These Stratagems are considered to go far beyond the provision of ‘appropriate weighting’ to the relationship.

4.9.6.7 Waahi Tapu Protection

Stratagem “1” of the ‘Vision and Strategy’ pertains to the protection and enhancement of significant sites, fisheries, flora and fauna. Stratagems “6” and “7” require the recognition and protection of waahi tapu and sites of significance, and of sites of significance to the Region’s community. The following policy is considered to fall short of the required level of protection afforded by the ‘Vision and Strategy’.

Policy 3.3.1.3 Encourage consultation with tangata whenua where applications may affect ~~known and unknown~~ identified and unidentified [298-7] sites of spiritual, ~~historical~~ and cultural significance of the land, water, wāahi tapū and tāonga. (Rotorua DP 2014) [Tracked changes as published]

4.9.7 Otorohanga District Plan 2014

4.9.7.1 Silence on ‘Vision and Strategy’

Being a relatively recent operative District Plan it could be reasonably expected that it might be relatively up-to-date with references and provisions pertaining to the RCML (2010 and 2012), including that specific mention would be made of the ‘Vision and Strategy’. However the document does not contain such provisions let alone a reference to the ‘Vision and Strategy’.

Instead it contains dated statements such as “*Council recognizes the principles of the Treaty of Waitangi*” and “*In implementing the Plan, Council recommends that applicants consult with relevant Iwi Authorities...*” (Otorohanga DP 2014). Such statements are contrary to the requirements s 75(3)(a) (must give effect to a NPS) and s 75(3)(c) (must give effect to a RPS) of the RMA.

In the context of today’s specific regional legislative framework and the importance that the ‘Vision and Strategy’ has, as a supra National Policy Statement, the omission of provisions relating to the ‘Vision and Strategy’ is concern.

Table 18 Summary of Plan Provisions

Stratagem	Proposed WRPS			WRP			Waipā DP			South Waikato DP			Hamilton City DP			Waikato DP			Rotorua DP			Otorohanga DP		
	O	P	M	O	P	M	O	P	M	O	P	M	O	P	M	O	P	M	O	P	M	O	P	M
Stratagem A	√	√	X	X	√	X	√	X	X	√	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Stratagem B	√	√	√	√	√	X	√	√	X	√	√	√	√	X	X	√	√	X	√	X	X	√	√	X
Stratagem C	√	√	√	√	√	X	√	√	X	√	√	√	√	X	X	√	√	X	√	√	X	√	√	X
Stratagem D	√	X	X	√	X	X	√	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Stratagem E	√√	√	X	√	X	X	√	X	X	√	√	X	X	X	X	√	X	X	X	X	X	X	X	X
Stratagem F	√√	√	√	√√	√	X	√	√	X	√	√	X	√	√	X	X	√	X	X	X	X	√	X	X
Stratagem G	√√	√√	√√	√√	√√	√√	√√	√√	X	√	√√	√	√√	√√	√	√√	√√	√	√√	√√	X	√√	√√	X
Stratagem H	√	√	√	X	√	X	√	√	X	√	√	X	√	√	X	√	X	X	√	√	X	X	X	X
Stratagem I	√√	√√	√√	√	√	X	√√	√√	X	√	√√	√	√√	√√	√	√√	√√	√	√√	√√	X	√√	√√	X
Stratagem J	√	X	X	√	√	X	√	√	X	√	√	X	X	√	X	X	X	X	X	X	X	√	X	X
Stratagem K	√	X	X	X	X	X	√	√	X	√	√	X	X	√	X	√	X	X	√	X	X	X	X	X
Stratagem L	√	√	√	X	X	X	√	√	X	√	√	√	X	√	X	√	√	√	√	√	X	√	X	X
Stratagem M	√	√	√	X	X	X	√	X	X	√	√	√	X	X	X	X	X	√	X	√	X	X	X	X

	O	P	M	O	P	M	O	P	M	O	P	M	O	P	M	O	P	M	O	P	M	O	P	M
Stratagem 1	√	√	X	X	√	X	X	X	X	√	X	X	X	√	X	X	X	X	X	X	X	X	X	X
Stratagem 2	√	√	√	X	√	√	X	X	X	√	X	√	√	√	X	X	X	√	X	X	X	X	X	X
Stratagem 3	√	√	√	X	√	√	X	X	X	√	X	√	X	√	√	X	X	√	X	X	X	X	X	X
Stratagem 4	√	√√	√√	√	√√	√√	√	√	X	X	√	√	√	√	√√	√	√	√	X	√	X	X	√√	X
Stratagem 5	√	√	√√	X	X	√√	√	√√	X	X	√	√	√	√	√	X	X	√	X	√	X	X	√	X
Stratagem 6	√√	√√	√√	X	X	√	√√	√√	X	√	√√	√	√√	√√	√	√√	√√	√	√√	√√	X	√√	√√	X
Stratagem 7	√√	√√	√√	X	√	X	√√	√√	X	√	√√	√	√√	√√	√	√√	√√	√	√√	√√	X	√√	√√	X
Stratagem 8	√	√	√√	X	√	√√	X	√	X	√	X	√	√	√	√	√	X	√	X	X	X	X	X	X
Stratagem 9	√	√	√	X	X	X	X	X	X	√	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Stratagem 10	√	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Stratagem 11	√	X	√√	X	√	√	√	√	X	√	√	√√	√	√	√√	X	√	√√	X	√	X	X	√√	X
Stratagem 12	√	√	√	X	X	X	√	√	X	√	√	√	√	√	X	√	√	√	√	√	X	√	X	X

Key: O = Objectives

P = Policies

M = non rule Methods

√√ = strong

√ = slight

X = Nil & Minute <1%

Table 19 Assessment against Criteria

Stratagem	Proposed WRPS	WRP	Waipā DP	South Waikato DP	Hamilton City DP	Waikato DP	Rotorua DP	Otorohanga DP
Understand of Mandate (PUCM)	√	X	X	X	X	X	√√	X
Clarity (PUCM)	√√	X	√	√	√	√	√√	√
Internally consist (PUCM)	√√	X	X	X	X	X	X	X
Identification of issues (PUCM)	√	X	X	√	X	X	X	√
Comprehensive Provisions	√	X	X	X	X	X	X	X
Ultra vires provisions	N/A	X	X	N/A	N/A	N/A	N/A	X
Hybrid Provisions		X			X			X

Key: O = Objectives

P = Policies

M = non rule Methods

√√ = strong

√ = slight

X = Nil/Lack of

4.10 Conclusions

As outlined in Section 2 above in the strictest sense an objective is an aspirational statement that relates to a specific environmental issue that the regional or district plan has identified (QP 2017). Objectives are the “what” as a management tool. They are usually positive focused as they set a target to be achieved to address the issue, or an aspiration of the community, such as:

‘Objective 3.4.8

An increase in the quantity and quality of the Region’s wetlands.’ (WRPS 2013).

In *Auckland Regional Council v North Shore City Council* [1995] CA 29/95 the Court of Appeal held that policies are ‘*a course of action*’, which could be either flexible or inflexible, broad or narrow to address an environmental issue. Policies are usually directional, seek to implement or achieve the objectives, and are the “where” in terms of providing clear direction on addressing the issue or outcome, often using “shall” or “should” (if being less directional). An example of a relevant policy could be:

‘3.4.8 Policy One: Significant Wetlands

Ensure that the natural character of significant wetlands are protected’ (WRPS 2013).’

Methods describe the course of action to be taken to implement the objective and policy that relate to a specific issue. They are the “how or by” in the context of the planning framework. Methods include both regulatory; such as rules, designations, and non-regulatory such as funding, inducements, education (QP 2017).

An example of a relevant method for the protection of wetlands would be:

3.4.8 Implementation Methods:

- '1) Identify, in consultation with territorial authorities, DoC and other interested parties (including regional communities), wetlands of regional significance, and through regional and district plans, develop measures which ensure their protection.' (WRP 2012)

As noted above, all the plans reviewed had some provisions that were poorly drafted. This may be an indication of the deluge of competing evidence that the decision-making panel had to weigh up in its decision-making process on competing submissions on a plan. However dysfunctional the objectives, policies and methods may be, I have treated the wording of each objective, policy or method as published, however tempting it would be to direct them in to a more appropriate category, for example where an objective contains assessment criteria or a rule.

5.0 MĀORI WORLDVIEW TOOLS

There are a number of models of environmental assessment using Maatauranga Maaori concepts that should be discussed, reflecting on the concepts and differing worldviews. These are a precursor to the Korowai Model of thinking discussed below. These models assist in understanding the complexity of the Māori worldview, and show how Maatauranga Maaori can be incorporated in plan making and decision making.

Consideration of the concept of Maatauranga Maaori is necessary in order to understand how the 'Vision and Strategy' can be implemented. As noted earlier neither the RMA nor the RCML provide definitions for concepts such as Maatauranga Maaori. Without an understanding of the concepts involved how can adequate provision for it be made? As with most other concepts there is no one single answer to that question, moreover each Iwi and each Hapū and even academic scholars have slightly different interpretations on Maatauranga Maaori.

There are however common themes that could lead to a new way of thinking about policy statement and plan development, one contrary to the bottom-up, evidence based approach (Dixon 1997) (White 2015) that is prescribed in the RMA. That latter approach has failed the health and wellbeing of the Waikato River as acknowledged in the Crown's apology (DOS, 2009) and an alternative approach is warranted.

Three key tools are discussed below to outline approaches that could be useful in providing for Maatauranga Maaori in the implementation of the 'Vision and Strategy'. One was developed prior to the enactment of the RCML, and the other two were developed after the enactments.

5.1 Cultural Health Index

A collaborative programme between Ngāi Tahu (the predominant Iwi of the South Island of New Zealand) and ecologists from Otago University developed a Cultural Health Index (CHI) for streams. It has resulted in a tool that assists Māori to effectively participate in resource management decisions (Townsend et al 2004). Five cultural values are of central importance to the nature of the CHI: mauri (spiritual life force), mahinga kai (traditional resource harvesting), kaitiakitanga (guardianship obligation), ki uta ki tai (mountains-to-the-sea holistic philosophy), and wai taonga waters that are treasured) (Townsend et al 2004 184).

The indicators that were identified by Kaumatua of the subject areas (Ngāi Tahu and Kahungunu) include such matters as: the place name, unpleasant odours, the greasiness of the water, the sound of winds, birds, the waterway, flood flows, river water visibility, sediment loads, foams, oils and other human pollution, presence or absence of stock in the riparian margins, changes to the river mouth, unnatural sedimentation in the channels, the health of the fishery in the waters, the absence or diversity of birdlife, loss of habitat in the coastal environment, to name some of the categories (Tipa 2006b 6).

Townsend *et al* (2004) noted that the Crown had legislated that resource management regulators “give effect to” Māori culture and traditions (ss 6 & 7 RMA 1991), and “take into account” the principles of the Treaty of Waitangi (s 8 RMA). However, the Crown did not provide any guidance on how that was to be accomplished. With the RCML, requiring the application of Maatauranga Maaori (Stratagem “M”), some specificity as to what Maatauranga Maaori means who assist interpretation, as the meaning may vary from Iwi to Iwi, Hapū to Hapū. Guidance on how to apply Maatauranga Maaori would also be useful for regional and district plan drafters and decision-makers.

The CHI applies a codification process which has three components:

1. Site status, specifically the significance to Māori,
2. A Mahinga kai measure,
3. A stream health measure.

Tangata whenua identify:

- Values associated with the river
- Traditional sites along the river
- Traditional uses of the river
- Important qualities of the river (Tipa & Teirney, 2006a).

Key questions put to Kaumātua about then health of a water body were:

- would you drink it?
- would you swim in it?
- would you eat fish from it?

Clearly if the answer is no to any of those questions there is reason to consider that the water body needs restoration. Such questions while being innocence strike at the real issue of water quality, that one perhaps need not go further before determining the state to the health of that water body being considered.

Throughout the CHI development the goal was to develop an evaluative tool that was grounded in the beliefs and values of Māori (Tipa 2006a). The second stage of the development of the CHI saw Māori and western science approaches working together to develop an index, using the indicators that Māori had identified. That research showed that:

‘.. The intergenerational knowledge of Māori is a taonga (treasure) and its value to resource management has not been fully realised. The design of the CHI has found a way to use traditional information while protecting its sensitivity thus potentially enabling a ‘baseline’ that uses data from earlier periods, even as far back as the nineteenth century, to be established’ (Tipa 2006a 22).

5.2 Mauri-ometre

The Mauri model, developed by Morgan and Te Aho, takes a different approach. It seeks to synthesize the disparate positions of a Māori worldview and that of a western science worldview to facilitate better management of the environment than that which had occurred previously (DOS 2009), (Morgan & Te Aho 2013). Mauri is the ‘central position’ which underpins the Mauri Model. It aligns itself to outlining how Stratagem “M” of the ‘Vision and Strategy’ for the Waikato River might function.

Mauri is the mechanism which facilitates kaitiakitanga (Morgan & Te Aho 2013). The mauri of resources and ecosystems was actively managed to ensure its availability for present and future generations. Pollution, exploitation depletion and degradation practices to avoid the potential for collapse of the ecosystems of Papatūānuku (Earth Mother) were prevented by the placement of rāhui (Morgan & Te Aho 2013).

The Mauri Model Decision Making Framework (MMDMF) encourages recognition of diametrically opposing Māori and western worldviews. It does so by acknowledging the divergent views, making a pathway towards improved decision-making on issues at a multitude of levels. It is a two-step process which Analytic Hierarchy Process combines with the conceptual metric of mauri (Saaty 1980 as quoted in Morgan and Te Aho 2013).

The development of this model used the Waikato River as a case study, its starting point for the assessment of Mauri of the Waikato River in 1860. This environmental state was compared with the 3 most significant activities in the river’s catchment: Power Generation, 2010, Farming 2010,

and wastewater 2010. The results show that in 1860 the management of the Waikato River catchment land use and water was positive for each of the Mauri dimensions. However, by 2010, while power generation and farming score relatively low but positive, with the imposition of a “hurdle rate” of +0.25, farming is shown to be unsustainable unless current farming practices are modified or completely ceased. Waste water scored even more negatively than farming.

The resultant Mauri-ometer is as shown in Figure 13:

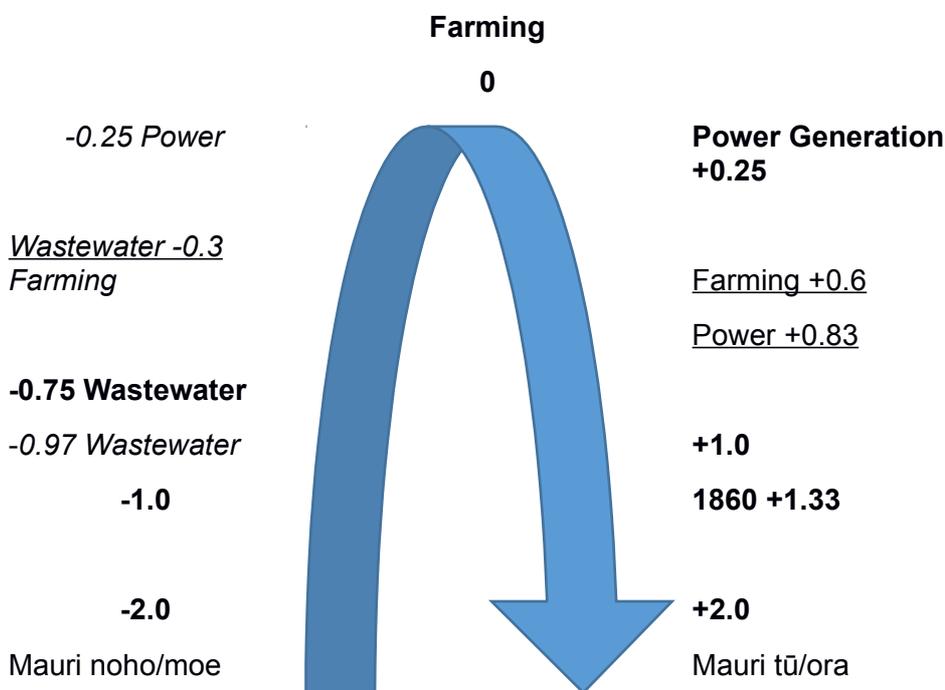


Figure 13: Sustainability Assessment for the Waikato River

Source: Pikiāo 2010, Morgan and Te Aho 2013.

5.3 Kaupapa Model

Both Regional and District Councils had a statutory mandate to provide for Māori to exercise their culture and traditions (s 6 & s 7). However as noted earlier councils have a paucity of methods or tools available to assist them to meet that obligation (Jefferies & Kennedy 2009). The RMA and RCML contain few definitions on pivotal matters and there is little guidance on how

to do so from Government through the issue of NPS or guidelines from the MfE (Ericksen 2001).

The PUCM project found that the total mean score for provisions that advance indigenous rights was only 18.82 out of a possible 40.0 (Ericksen 2001 16) in the plans that it researched. The explanation for the low scores for Maori provisions in plans is however different from those that relate to poor environmental provisions in plans discussed in Chapter 2 above. The research also found that *'just over half of councils understood the mandate with respect to the Treaty of Waitangi and Māori interests philosophically, but failed to follow through due to lack of political commitment and capacity* (Jefferies & Kennedy, 2009 6). Equally of concern is that nearly 50% of plan-makers in district councils did not understand ss 6(e), 7(a) or 8, which specifically provide for Māori interests. Jefferies and Kennedy posit that despite the statutory recognition of Māori values that the parties are talking *"past each other"* and that:

‘ that Māori were excluded from participation in planning processes, and that council planning decisions were almost always void of any consideration of Māori values and aspirations’ (Jefferies & Kennedy 2009 8).

The Kaupapa Model was developed over a considerable time frame under the FRST funded ‘Planning under a Co-operative Mandate’ (PUCM) project. A notable part of this topic of the research was conducted by Jefferies and Kennedy who sought to develop a kaupapa Māori framework that would guide the development of environmental outcomes and indicators (Jefferies & Kennedy 2009 2). The aim was to provide a suite of tools that Māori could assess the extent to which environmental outcomes had been achieved. The tools were also intended to enable the performance of statutory organisations and iwi organisations to be assessed against their environmental responsibilities.

Three models – Ngā Atua (the gods), Te Wā (time across history), and Ngā Tikanga (customs) – were evaluated as a potential basis for the

Kaupapa Māori framework. The tikanga-based model was chosen as it enabled a close analysis of the key terms and concepts that are already in wide use in resource management. This model also is according to tikanga that are widely adhered to by Māori, and is the least complex model for both councils and iwi to follow (Jefferies & Kennedy 2009 42).

The research team then focused on three issues within the wider framework, as the overarching tikanga within which iwi – council relationships should be:

- kaupapa Mana - focus was on mana whenua (authority over the land),
- kaupapa Mauri, the tikanga mauri of waterways,
- kaupapa of tapu, wāhi tapu

The researchers used the metaphor of the kete (basket) which contains the methods that the framework is applied by users. Together the methods constitute their methodology.

The kaupapa Māori environmental outcomes and indicators methodology includes three levels of investigation. In descending order they are: indices, indicators, and measures (Jeffries & Kennedy 2009). One of the widely known indicator example of mātauranga Māori is that of the maramataka – the Māori calendar (Jefferies & Kennedy 2009 50). It has been developed over centuries of environmental observation and experience by Māori and uses the lunar months to determine what species to harvest and when.

The structure of the three kete that were chosen by the researchers is show in Table 20 below:

Table 20: Kaupapa Māori outcomes and indicators kete

Kaupapa	Kete 1	Kete 2	Kete 3
Tikanga	Mana Whenua	Mauri Waterways	of Wāhi Tapu
Outcomes And Indicators	1 Outcome Various Indicators	1 Outcome Various Indicators	1 Outcome Various Indicators

(Jefferies and Kennedy 2009 52)

Each kete contains worksheets and other supporting documents that assist the inquirer to record answers to the questions required by indicators. The worksheets enable the inquirer to gather information and to evaluate the outcome for each of the three tikanga: mana whenua, mauri (of waterways in this example), and wāhi tapu.

The kete methodology can also use a singular kete can be used to evaluate the particular kaupapa to which they relate (Jefferies & Kennedy 2009 68).

5.4 The 'Vision and Strategy' in a Māori Worldview

The 'Vision and Strategy' requires a better integrated approach to resource management not just based on western worldviews on sustainability. A better understanding of Mauri, kaitiakitanga, and Maatauranga Maaori and effective inclusion in co-management decision-making is now required by the RCML.

It is suggested that the enactment of the 'Vision and Strategy' directs that a new era of co-management specifically for the Waikato River (and its catchment including the Waipā River) is required (GEC 2008). This korowai, this supra National Policy Statement is in effect a 'top-down' approach. It sets the kaupapa for the management of this huge catchment. It requires that the Māori worldview and the western science worldview be considered

together and applied together, to ensure the health and wellbeing of the Waikato River catchment is protected and restored (Stratagem “M”). This approach need not be applied exclusively to the Waikato River catchment alone. It is an approach that is arguably warranted everywhere to ensure a healthier environment.

As discussed above a range (and there are many more) methodologies have been developed based on maatauranga maaori, and Māori cultural and tikanga specifically. They all champion similar and parallel concepts; that of mana, mauri, tapu and kaupapa.

Whatever approach might be used, it needs to be an integrated approach to resource management not just based on western worldviews of sustainability. A better understanding of Mauri, kaitiakitanga, and Maatauranga Maaori and effective inclusion in co-management decision-making is required. Hence a ‘top-down’ thinking approach as illustrated in the Korowai model could be more successful than past approaches.

The “bottom up” approach of considering issues, then identifying effects and then building a policy framework around that, is a western worldview introduced by the RMA that has not protected and enhanced the Waikato River (DOS 2009). Therefore developing a resource management framework from the top down using the application of Māori concepts in a Korowai approach may be a valid starting point for plan development. This would see objectives, policies and methods (including rules) whakapapa, or herald back to the overarching purposes of the ‘Vision and Strategy’.

It is clear from the scientific findings and acknowledged in the DOS 2009 that the current western science approach has not managed the Waikato River well. In fact the landuse and water activities have increasingly detrimentally affected those taonga resources. Therefore it is suggested that a new way of thinking about plan making is required. The following depiction perhaps assists in understanding one such new approach:

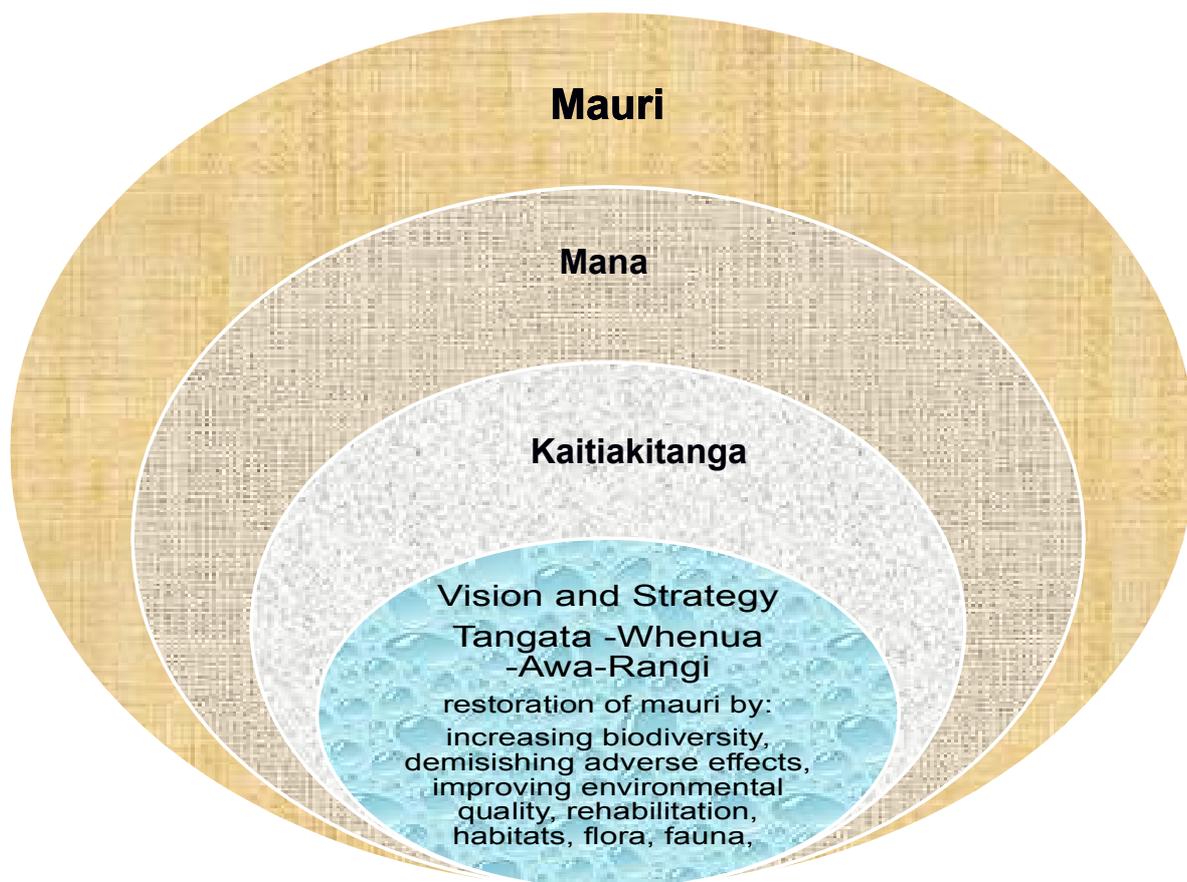


Figure 14 Korowai Model

Shown in another way the ‘Vision and Strategy’ for the Waikato River could be represented in the following table which highlights the components of the Korowai Model:

Table 21 Korowai Model of the ‘Vision and Strategy’

Mauri	
Vision	Strategy
A. The restoration and protection of the health and wellbeing of the Waikato River.	1. Ensure that the highest level of recognition is given to the restoration and protection of the Waikato River.
Mana	
B. The restoration and protection of the relationship of Waikato-Tainui with the Waikato River, including their economic, social, cultural, and spiritual relationships.	
C. The restoration and protection of the relationship of Waikato River Iwi according to their tikanga and kawa, with the Waikato River, including their	

economic, social, cultural and spiritual relationships.

I. The protection and enhancement of significant sites, fisheries, flora and fauna

M. The application to the above of both maatauranga Maaori and latest available scientific methods.

Kaitiaki

E. The integrated, holistic and coordinated approach to management of the natural, physical, cultural and historic resources of the Waikato River

F. The adoption of a precautionary approach towards decisions that may result in significant adverse effects on the Waikato River, and in particular those effects that threaten serious or irreversible damage to the Waikato River.

G. The recognition and avoidance of adverse cumulative effects, and potential cumulative effects, of activities undertaken both on the Waikato River and within its catchments on the health and wellbeing of the Waikato River.

H. The recognition that the Waikato River is degraded and should not be required to absorb further degradation as a result of human activities.

2. Establish what the current health status of the Waikato River is by utilising maatauranga Maaori and latest available scientific methods.

3. Develop targets for improving the health and wellbeing of the Waikato River by utilising maatauranga Maaori and latest available scientific methods.

4. Develop and implement a programme of action to achieve the targets for improving the health and wellbeing of the Waikato River.

5. Develop and share local, national and international expertise, including indigenous expertise, on rivers and activities within their catchments that may be applied to the restoration and protection of the health and wellbeing of the Waikato River.

6. Recognise and protect waahi tapu and sites of significance to Waikato-Tainui and other Waikato River Iwi (where they so decide) to promote their cultural, spiritual and historic relationship with the Waikato River.

8. Actively promote and foster public knowledge and understanding of the health and wellbeing of the Waikato River among all sectors of the Waikato regional community.

9. Encourage and foster a 'whole of river' approach to the restoration and protection of the Waikato River, including the development, recognition and promotion of best practice methods for restoring and protecting the health and wellbeing of the Waikato River.

10. Establish new, and enhance existing,

relationships between Waikato-Tainui, other Waikato River Iwi (where they so decide), and stakeholders with an interest in advancing, restoring and protecting the health and wellbeing of the Waikato River.

11. Ensure that cumulative adverse effects on the Waikato River of activities are appropriately managed in statutory planning documents at the time of their review.

Social

D. The restoration and protection of the relationship of the Waikato Region's communities with the Waikato River including their economic, social, cultural and spiritual relationships

K. The restoration of water quality within the Waikato River so that it is safe for people to swim in and take food from over its entire length.

L. The promotion of improved access to the Waikato River to better enable sporting, recreational, and cultural opportunities.

7. Recognise and protect appropriate sites associated with the Waikato River that are of significance to the Waikato regional community

12. Ensure appropriate public access to the Waikato River while protecting and enhancing the health and wellbeing of the Waikato River.

Economic

J. The recognition that the strategic importance of the Waikato River to New Zealand's social, cultural, environmental and economic wellbeing is subject to the restoration and protection of the health and wellbeing of the Waikato River.

6.0 CONCLUSION

This research has outlined three important Acts of Parliament that have provided for an untrammelled co-management relationship between territorial local authorities and five Waikato River Iwi Tribes in the area of resource management. The three Acts are: Waikato Tainui Raupatu Claims (Waikato River) Settlement Act 2010, Ngati Tuwharetoa, Raukawa and Te Arawa River Iwi Waikato River Act 2010 and Nga Wai o Maniapoto (Waipa River) Act 2012. The Acts, collectively known as the River Co-Management Legislation, prescribe a policy frameworks that has the status of a superior National Policy Statement (RCML s 11(4), 12(1), 8(2)).

The legislation prescribes a co-management decision-making structure for the Waikato Regional ,and the six District and City Councils that are the subject of the RCML. Co-management decision-making is to apply to both policy development as well as regulatory functions of the councils, such as decision on resource consents. The legislation also creates the Waikato River Authority which oversees the Waikato River Clean-up Fund.

What should be of interest to resource management planners is that the RCML has inserted into the PWRPS a superior policy framework entitled the 'Vision and Strategy', without the Waikato Regional Council having the ability to alter or amend it in any way (RCML s 12(2), 13(2), 8(2)). The insertion also requires local authorities, as in the six district councils, not amend their plans if the amendment is inconsistent with the 'Vision and Strategy' (RCML ss 12(3), 13(2), 8(2)). The RCML also requires that any rule in a regional or district plan shall prevail if it is more stringent than a national environmental standard (RCML ss 12(4), 13(4), 8(2)).

This research has investigated the degree to which the 'Vision and Strategy' has been incorporated into, or provided for, in the Proposed Waikato Regional Policy Statement, the Waikato Regional Plan, Appeals

version of the Proposed Waipa District Plan, South Waikato District Plan, Hamilton City District Plan, Waikato District Plan, Proposed Rotorua Lakes District Plan and the Ōtorohanga District Plan.

The methodology used to assess the plans and policy statement was a quantified one, one where the results were scored and coded. While there might be some argument that deciding a particular plan provision was either directly, partially or not directly related to the 'Vision and Strategy' the scoring of each district plan occurred twice and for the two regional documents three times to ensure that any bias was eliminated during the scoring process.

Findings on the quality of the plan provisions was a secondary outcome of this research. The analysis was based on four of the eight criteria of the PUCM project. It is hoped that the assessments made in Table and Table, and the explanations of what quality objectives, policies and methods are (QP 2017), will assist the councils in identifying gaps, inconsistencies and areas where plan provisions can be improved in a cascading manner (Ericksen *et al* 2003).

One of the difficulties in quality plan development arises as a result of the decision-making process made on submissions made about the proposed plan. That is out of the hands of plan drafters. A regional or district plan or policy statement may have started out as a pristinely, precisely worded and carefully drafted document. However, it can and usually does metamorphose, as a result of the decisions made on the submissions, into something quite different. Trades-off can be made, genuine misunderstandings, complex re-drafting and a loss of the overview of a plan or policy statement can occur. The need to cascade provisions from objectives, through policies and on to methods may be lost in the mix that decision-making brings (Ericksen *et al* 2003).

A general overview of the operative provisions of the Waikato plans and WRPS, which is pertinent to this research, has highlighted some issues with plan content. As a result of the decisions made during the plan

development process of accepting or rejecting submissions on the provisions of a plan, objectives, can become poorly drafted as policy. In addition instances arise where an objective actually reads as a rule. There are examples within the planning documents where both policy and rule/method are included in an objective, or where an objective and policy have been combined, or a combination of policy and rule. There are also examples where criteria for assessment have become part of objective or policy, again confusing the role each provision has to play in a plan.

The PUCM approach should be useful to plan drafters and decision-makers on plan or policy statement provisions at hearing stage of a plan or policy statement review. Consistency and adequate linkages is necessary in the structure of a planning document. The cascading of objectives, policies and methods is a requirement of the RMA for regional plans (s 67(1)) and district plans (s 75(1)).

As can be seen from Tables 18 and 19, there are a large number of regional objectives and policies in the Waikato Regional Plan that are closely or loosely correlated to many of the 'Vision and Strategy' stratagems. However, the question remains as to how effective they are. Many plan provisions have been incorporated into the resource management framework for the environment for many decades. Provisions such as Schedule 3 water quality classes, s 15B(1)(b), s 70 Regional Rules and s 107(1)(c) (RMA) are examples of this western science are evidence based approach to resource management (White 2015). They have not proved to be that robust, evidenced by, for instance the level of contaminants in the Waikato River, some of which are naturally derived from the volcanic geology of the upper catchment.

The answer to that question is unclear at this stage and that determination is larger than the scope of this thesis. It is also highly likely that time is a significant determinant of whether there is measurable improvement from both Maatauranga Maaori and western science worldviews. Turning around 175 years of adverse environmental effects on the Waikato River, based on a failed resource management framework,

within 5 years is expecting too much of a sea-change. However given the Crown's apology for the environmental mismanagement of the Waikato River (DOS 2009), and the continued use of historic water quality standards, it is a situation that needs remedying on a number of levels. The 'Vision and Strategy' provide guidance in this regard.

The same can be said of the standard approaches to land use planning where opportunities for giving effect to Stratagem "M", the application of Maatauranga Maaori and western science have not been incorporated.

It is clear that all plans have covered the adverse effects aspects of Stratagem "G" for objectives, policies and methods very comprehensively. Those relating to the preservation of waahi tapu Stratagems: "1", "6" and "7" (sites of community interest), also received relatively high score in the Waikato Regional Policy Statement, and the objective and policies of the District Plans. These three Stratagems did not score at all well in the Regional Plan and only mildly scoring in the Methods sections of the three District Plans that included non-regulator methods.

This was an unexpected outcome, especially given that the District Plans and the Methods are aspects which actively give effect to aspirations (objectives and policies) of protection and enhancement of waahi tapu sites and sites of significance. It is as if the aspiration is there but the mechanisms for achieving that protection aren't apparent. This is simply not the case as there are many methods and mechanisms for protection under various statutes.

The lack of recognition in the Waikato Regional Plan for one of most the important Stratagems – Stratagem "M" the application of Maatauranga Maaori and western science and Stratagem "9", the application of the whole of river approach, is poor.

The Waikato Regional Plan makes absolutely no mention of Stratagem "M" and firmly sticks to the western science approach of rationalisation, qualification and quantification. The inclusion of

Maatauranga Maaori is crucial to altering the management approach that has applied and so dismally and demonstrably failed the Waikato River and its catchment for over 175 years.

The 'whole of river approach' of Stratagem "9" should be expected in the Proposed WRPS. There is scant mention in the objectives (1 at 0.8%), policies (1 at 0.5%) and methods (7 at 0.7%). This then translates into no objectives, no methods and only 2 policies in the WRP. This clearly shows the disconnection between the two documents and the lack of uptake in the WRP, despite the instigation of Variation 6. This is also a lost opportunity to remedy poor resource management practice and remedy the reliance on an inadequate western science approach.

I had expected a marked difference between the "older" District Plans and the more recently drafted plans but this was not found to be the case. In terms of the coverage of the Stratagems in the six Objectives and Policies sections of the district plans, there were found to be significant lack of inclusion, and a lack of inclusion of 13 Stratagems in the Ōtorohanga District Plan which is one of the latest plans to become operative.

The results for the inclusion of the Stratagems in Methods are shown in Figure 12: District Plan Methods. As noted above, three District Plans did not contain any non-regulatory methods, which was both a surprise and disappointment. The lack of provision of so many Stratagems is of concern, as how could the requirements of the RMA and the over-arching 'Vision and Strategy' be given affect to adequately when the plans are silent?

In order to present the findings in an alternative way, Table Table outlines the major findings on the level of incorporation of the 'Vision and Strategy' into the regional and district plans and Proposed WRPS for Waikato. The Table also identifies areas where plan development could be enhanced.

We need a new way of thinking, a new paradigm for planning that does not pay lip service to Maatauranga Maaori. Rather we need a way of thinking plan development through a top-down approach rather than the present western science bottom up approach of issue identification and quantifiable effects based solutions. That approach has not served the Waikato River well. Its restoration and protection being paramount as prescribed in the RCML.

The 'Vision and Strategy' has introduced a new way of thinking about plan making and policy delivery to the RMA. It does this in a number of ways. The 'Vision and Strategy' is a NPS that introduces a 'top-down' approach to planning converse to the 'down-up' approach that the Resource Management Act prescribes. It established a korowai for the protection and restoration of the health and wellbeing of the Waikato River catchment which includes the Waipā River Catchment (RCML ss 3, 3, 3(1)).

The 'Vision and Strategy' provides a strong policy delivery platform that the evidenced based western science based (White 2015) RMA approach has not replicated elsewhere. It requires the application of Maatauranga Maaori in conjunction with western science approaches.

This research has identified three models of ways in which the tenets of Tikanga Māori can be used to assess water bodies, and the adverse effects of land and water activities. The CHI Model, the Mauriometre and the Kaupapa Model all provide useful approaches that can assist in identifying approaches that will result in the restoration and protection of the Waikato River and its tributaries. The model apply to landuse as well as management of water quality and quantity. In the end however while the models mentioned in this research are illustrative the correct sources of Maatauranga Maaori must come from the Iwi themselves. Each of the five River Iwi have a different but fundamental relationship with the Waikato River Catchment. Each have their own tikanga. However there are communal concepts which revolve around: mauri, mana, kaupapa and kaitiakitanga.

Ericksen in 2001 reported to Government that:

‘Difficulties have also been caused by the lack of clarity over the Crown’s partnership with iwi, and the extent to which councils act as Government’s agents in that regard. Councils would be better placed to deal with iwi interests if the Ministry for the Environment helped to prepare a national policy statement as a basis for then developing methods and techniques to use in ensuring these interests were adequately accounted for in their environmental planning’ (Ericksen 2001 32)

The creation of a supra NPS has essentially occurred with the RCML and the ‘Vision and Strategy’. Objective, policies and methods for the Waikato plans and policy statement should adhere to their content to that NPS. This research has established that inclusion is poor except where the NPS effects based aspects and protection of significant sites. Those are the easier elements of a plan to develop. What now must be concentrated on is the less ‘easy pickings’. These include better providing for the relationship of Iwi with the Waikato River and its catchment, the active restoration and protection of the Waikato River, active provision for the ‘whole of river’ approach through to information upskilling for iwi, councils and the community.

Some of the ‘Vision and Strategy’ Stratagems have been well provided for. It was the gaps that this research sought to identify and understand. Those areas where improvement could be made and insertion of missing cascade linkages have clearly been identified in this research, which was its aim. That achieved, it is hoped that this research will provide useful information for Iwi, Councils and the community of the Waikato Region.

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Appendix 1 Plan SO 409144

Appendix 2: 'Vision and Strategy'

'Vision and Strategy' for the Waikato River

VISION:

- A. The restoration and protection of the health and wellbeing of the Waikato River.*
- B. The restoration and protection of the relationship of Waikato-Tainui with the Waikato River, including their economic, social, cultural, and spiritual relationships.*
- C. The restoration and protection of the relationship of Waikato River Iwi according to their tikanga and kawa, with the Waikato River, including their economic, social, cultural and spiritual relationships.
- D. The restoration and protection of the relationship of the Waikato Region's communities with the Waikato River including their economic, social, cultural and spiritual relationships.
- E. The integrated, holistic and coordinated approach to management of the natural, physical, cultural and historic resources of the Waikato River.*
- F. The adoption of a precautionary approach towards decisions that may result in significant adverse effects on the Waikato River, and in particular those effects that threaten serious or irreversible damage to the Waikato River.*
- G. The recognition and avoidance of adverse cumulative effects, and potential cumulative effects, of activities undertaken both on the Waikato River and within its catchments on the health and wellbeing of the Waikato River.*
- H. The recognition that the Waikato River is degraded and should not be required to absorb further degradation as a result of human activities.*
- I. The protection and enhancement of significant sites, fisheries, flora and fauna.*
- J. The recognition that the strategic importance of the Waikato River to New Zealand's social, cultural, environmental and economic wellbeing is subject to the restoration and protection of the health and wellbeing of the Waikato River.
- K. The restoration of water quality within the Waikato River so that it is safe for people to swim in and take food from over its entire length.
- L. The promotion of improved access to the Waikato River to better enable sporting, recreational, and cultural opportunities.

- M. The application to the above of both maatauranga Maaori and latest available scientific methods.*

*Indicates a Waikato-Tainui objective for the Waikato River as set out in the Agreement in Principle dated 2007 16 December relating to the Waikato-Tainui River Claims.

STRATEGY:

1. Ensure that the highest level of recognition is given to the restoration and protection of the Waikato River.
2. Establish what the current health status of the Waikato River is by utilising maatauranga Maaori and latest available scientific methods.
3. Develop targets for improving the health and wellbeing of the Waikato River by utilising maatauranga Maaori and latest available scientific methods.
4. Develop and implement a programme of action to achieve the targets for improving the health and wellbeing of the Waikato River.
5. Develop and share local, national and international expertise, including indigenous expertise, on rivers and activities within their catchments that may be applied to the restoration and protection of the health and wellbeing of the Waikato River.
6. Recognise and protect waahi tapu and sites of significance to Waikato-Tainui and other Waikato River Iwi (where they so decide) to promote their cultural, spiritual and historic relationship with the Waikato River.
7. Recognise and protect appropriate sites associated with the Waikato River that are of significance to the Waikato regional community.
8. Actively promote and foster public knowledge and understanding of the health and wellbeing of the Waikato River among all sectors of the Waikato regional community.
9. Encourage and foster a 'whole of river' approach to the restoration and protection of the Waikato River, including the development, recognition and promotion of best practice methods for restoring and protecting the health and wellbeing of the Waikato River.
10. Establish new, and enhance existing, relationships between Waikato-Tainui, other Waikato River Iwi (where they so decide), and

stakeholders with an interest in advancing, restoring and protecting the health and wellbeing of the Waikato River.

11. Ensure that cumulative adverse effects on the Waikato River of activities are appropriately managed in statutory planning documents at the time of their review.
12. Ensure appropriate public access to the Waikato River while protecting and enhancing the health and wellbeing of the Waikato River.

Appendix 3: Raw Scores

Table 22 Waikato Regional Policy Statement and Waikato Regional Plan: Objectives, Policies and Methods Scores against the Vision and Strategy

Vision and Strategy	Objectives		Policies		Methods		
	Proposed WRPS	WRP	WRPS	WRP	WRPS	WRP	
A	2	1	3	12	3	1	
B	5	24	7	27	31	4	
C	5	24	7	27	30	4	
D	2	2	0	0	0	0	
E	8	16	5	8	3	7	
F	6	35	3	88	10	2	
G	15	87	47	230	148	108	
H	1	1	3	17	8	1	
I	14	15	29	45	84	7	
J	3	2	0	15	1	0	
K	8	2	0	36	4	7	
L	3	1	4	3	13	0	
M	5	1	4	10	24	4	
1	2	0	3	9	3	0	
2	1	1	4	23	45	52	
3	1	0	3	39	38	42	
4	2	4	23	73	81	130	
5	2	1	8	9	67	116	
6	14	0	28	6	84	10	
7	17	0	27	19	79	3	
8	3	0	5	11	63	108	
9	1	0	1	2	7	0	
10	1	2	0	1	0	5	
11	2	0	0	26	106	48	
12	3	2	4	6	12	0	
Totals	126	221	218	742	944	659	

Table 23: District Plan Objectives, Raw Scores against the 'Vision and Strategy'

Vision & Strategy	Waipa	South Waikato	Hamilton	Waikato	Rotorua	Otorohanga
A	5	2	0	1	0	0
B	8	8	1	4	3	2
C	8	10	1	3	4	2
D	3	1	0	1	0	0
E	4	2	0	2	0	0
F	5	4	1	1	1	2
G	32	11	15	36	14	19
H	5	4	2	5	3	0
I	30	14	13	26	15	11
J	6	3	0	1	1	1
K	9	2	0	2	3	0
L	8	5	1	4	6	3
M	5	6	0	2	1	0
1	0	1	0	0	0	0
2	0	1	1	0	0	0
3	0	1	0	0	0	0
4	3	1	1	4	1	1
5	1	1	1	0	0	0
6	21	13	11	21	14	10
7	22	12	16	29	12	12
8	1	1	1	2	0	0
9	0	9	0	0	0	0
10	1	1	0	0	0	0
11	9	7	1	0	0	1
12	2	5	1	3	6	3
Total	188	125	67	147	84	67

Table 24: District Plan Policies, Raw Scores against the 'Vision and Strategy'

Vision & Strategy	Waipa	South Waikato	Hamilton	Waikato	Rotorua	Otorohanga
A	0	1	1	0	0	0
B	18	5	2	12	1	3
C	18	6	2	8	4	3
D	0	0	0	0	0	0
E	1	2	0	0	1	0
F	5	4	3	8	2	1
G	79	31	69	112	42	19
H	3	7	6	4	4	0
I	59	21	48	64	30	18
J	9	4	0	0	0	0
K	8	5	2	0	2	0
L	19	8	15	7	4	1
M	2	2	0	2	4	0
1	0	0	1	0	0	0
2	0	0	1	0	0	0
3	0	0	1	0	0	0
4	7	2	16	13	6	14
5	3	1	3	5	4	2
6	55	25	43	57	27	13
7	57	23	54	62	24	18
8	6	0	5	6	3	0
9	0	0	0	0	0	0
10	0	0	0	0	0	0
11	37	15	19	8	9	15
12	16	7	15	7	4	1
Total	402	173	306	375	171	108

Table 25: District Plan Methods, Raw Scores against the 'Vision and Strategy'

Vision & Strategy	Waipa	South Waikato	Hamilton	Waikato	Rotorua	Otorohanga
A	0	0	0	0	0	0
B	0	5	3	3	0	0
C	0	7	3	0	0	0
D	0	0	0	0	0	0
E	0	0	2	0	0	0
F	0	1	1	1	0	0
G	0	10	34	27	0	0
H	0	0	1	0	0	0
I	0	11	37	27	0	0
J	0	0	2	0	0	0
K	0	0	0	0	0	0
L	0	9	5	13	0	0
M	0	3	1	0	0	0
1	0	0	0	0	0	0
2	0	8	6	0	0	0
3	0	5	11	1	0	0
4	0	14	115	87	0	0
5	0	12	29	35	0	0
6	0	10	28	23	0	0
7	0	11	32	30	0	0
8	0	13	45	69	0	0
9	0	0	0	0	0	0
10	0	0	0	0	0	0
11	0	29	114	94	0	0
12	0	9	5	13	0	0
Total	0	165	474	423	0	0

Appendix 4: Percentage Scores

Table 26: Percentage Scores of the Waikato Regional Policy Statement & Regional Plan Objectives, Policies and Methods, against the 'Vision & Strategy'

Vision and Strategy	Objectives		Policies		Methods	
	PWRPS	WRP	PWRPS	WRP	PWRPS	WRP
A	0	0.5	0	1.6	0	0.2
B	1.6	10.9	1.9	3.6	0.5	0.6
C	1.6	10.9	1.9	3.6	0.5	0.6
D	0	0.9	0	0	0	0
E	4.8	7.2	0.4	1.1	1	1.1
F	1.6	15.8	1.2	11.9	0.9	0.3
G	26.4	39.4	27.8	31.0	9.7	16.4
H	0.8	0.5	0	2.3	0.2	0.2
I	7.2	6.8	9.7	6.1	3.8	1.1
J	0.8	0.9	0	2	0	0
K	0.8	0.9	0.4	4.9	0.5	1.1
L	1.6	0.5	0.8	0.4	0.4	0
M	0	0.5	0.8	1.3	0.4	0.6
1	0	0	0	1.2	0	0
2	1.6	0.5	3.1	3.1	5.9	7.9
3	0.8	0	1.9	5.3	3.8	6.4
4	0.8	1.8	24.3	9.8	13.6	19.7
5	0.8	0.5	2.3	1.2	15.1	17.6
6	5.6	0	9.3	0.8	4.3	1.5
7	4.0	0	8.1	2.6	3.9	0.5
8	0.8	0	3.1	1.5	13.3	16.4
9	0.8	0	0.4	0.3	0.2	0
10	0	0.9	0	0.1	0	0.8
11	0	0	1.9	3.5	21.7	7.3
12	1.6	0.9	0.8	0.8	0.4	0

Table 27: Percentage Scores of District Plan Objectives against the 'Vision and Strategy'

Vision & Strategy	Waipa	South Waikato	Hamilton	Waikato	Rotorua	Otorohanga
A	5.7	1.7	0	0.7	0.0	0.0
B	9.1	6.7	1.5	2.7	3.6	3.0
C	9.1	8.3	1.5	2.0	4.8	3.0
D	3.4	0.8	0	0.7	0.0	0.0
E	4.5	1.7	0	1.4	0.0	0.0
F	5.7	3.3	1.5	0.7	1.2	3.0
G	36.4	10	22.4	24.5	16.7	28.4
H	5.7	3.3	3	3.4	3.6	0.0
I	34.1	10	19.4	17.7	17.9	16.4
J	6.8	2.5	0	0.7	1.2	1.5
K	10.2	1.7	0	1.4	3.6	0.0
L	9.1	42	1.5	2.7	7.1	4.5
M	5.7	5	0	1.4	1.2	0.0
1	0	0.8	0	0.0	0.0	0.0
2	0	0.8	1.5	0.0	0.0	0.0
3	0	0.8	0	0.0	0.0	0.0
4	3.4	0.8	1.5	2.7	1.2	1.5
5	1.1	0.8	1.5	0.0	0.0	0.0
6	23.9	9.2	16.4	14.3	16.7	14.9
7	25.0	8.3	23.9	19.7	14.3	17.9
8	1.1	0.8	1.5	1.4	0.0	0.0
9	0	7.5	0	0.0	0.0	0.0
10	1.1	0.8	0	0.0	0.0	0.0
11	10.2	5.8	1.5	0.0	0.0	1.5
12	2.3	4.2	1.5	2.0	7.1	4.5

Table 28: Percentage Scores of District Plan Policies against the 'Vision and Strategy'

Vision & Strategy	Waipa	South Waikato	Hamilton	Waikato	Rotorua	Otorohanga
A	0	0.6	0.3	0	0	0
B	4.5	3.5	0.7	3.2	0.6	2.8
C	4.5	4.0	0.7	2.1	2.3	2.8
D	0.0	0.0	0.0	0.0	0.0	0.0
E	0.2	1.2	0.0	0.0	0.6	0.0
F	1.2	1.7	1.0	2.1	1.2	0.9
G	19.7	17.3	22.5	29.9	24.6	17.6
H	0.7	4.0	2.0	1.1	2.3	0.0
I	14.7	12.7	15.7	17.1	17.5	16.7
J	2.2	2.9	0.0	0.0	0.0	0.0
K	2.0	2.9	0.7	0.0	1.2	0.0
L	4.7	4.6	4.9	1.9	2.3	0.9
M	0.5	1.2	0.0	0.5	2.3	0.0
1	0.0	0.0	0.3	0.0	0.0	0.0
2	0.0	0.0	0.3	0.0	0.0	0.0
3	0.0	0.0	0.3	0.0	0.0	0.0
4	1.7	1.2	5.2	3.5	3.5	13.0
5	0.7	0.6	1.0	1.3	2.3	1.9
6	13.7	15.0	14.1	15.2	15.8	12.0
7	14.2	13.9	17.6	16.5	14.0	16.7
8	1.5	0.0	1.6	1.6	1.8	0.0
9	0.0	0.0	0.0	0.0	0.0	0.0
10	0.0	0.0	0.0	0.0	0.0	0.0
11	9.2	8.7	6.2	2.1	5.3	13.9
12	4.0	4.0	4.9	1.9	2.3	0.9

Table 29: District Plan Methods against the 'Vision and Strategy'

Vision & Waipa Strategy	South Waikato	Hamilton	Waikato	Rotorua	Otorohanga
A	0	0.0	0		
B	3.0	0.6	0.7		
C	4.8	0.6	0.0		
D	0.0	0.0	0.0		
E	0.0	0.4	0.0		
F	0.6	0.2	0.2		
G	6.1	7.2	6.4		
H	0.0	0.2	0.0		
I	7.9	7.8	6.4		
J	0.0	0.4	0.0		
K	0.0	0.0	0.0		
L	5.5	1.1	3.1		
M	1.8	0.2	0.0		
1	0.0	0.0	0.0		
2	4.8	1.3	0.0		
3	3.0	2.3	0.2		
4	9.1	24.3	20.6		
5	7.3	6.1	8.3		
6	7.3	5.9	5.4		
7	7.9	6.8	7.1		
8	7.9	9.5	16.3		
9	0.0	0.0	0.0		
10	0.0	0.0	0.0		
11	17.6	24.1	22.2		
12	5.5	1.1	3.1		