

Waikato Regional Plan – Objectives & Policies Assessment

Relevant Objectives/ Policy	Comment
<i>Tangata Whenua Relationship with Natural and Physical Resources</i>	
<p>2.3.2 Objective <i>a) Uncertainty for all parties regarding the relationship between tangata whenua and resources for which they are Kaitiaki minimised.</i> <i>b) Tangata whenua able to give effect to kaitiakitanga</i></p> <p>Policy 1: Processes for Defining Relationship Policy 2: Increase awareness</p>	<p>APL has engaged with the Mana Whenua for the area over the course of approximately 18-24 months. A Memorandum of Understanding (MoU) has been signed, establishing the Tangata Whenua Governance Group (TWGG) as the key forum for continuing engagement with Mana Whenua.</p> <p>As such, there is an enduring relationship between the parties. This provides a clear avenue for Mana Whenua to articulate their relationships with the resources for which they are kaitiaki and accordingly to exercise kaitiakitanga.</p> <p>The TWGG have been active in assessing the proposal and its potential effects and monitoring conditions are proposed to address concerns over discharges. Monitoring of earthworks is also proposed via kaitiaki being on site during initial topsoil excavations.</p>
Water Module – Water takes and discharges	
<i>National Policy Statement on Freshwater Management – Policy A4 & B7</i>	The NPS-FM 2014 has been superseded by the 2020 version and an assessment against that NPS is included in Appendix 24 .
<p>3.1.2 Objective <i>a) that people are able to take and use water for their social, economic and cultural wellbeing</i> <i>b) net improvement of water quality across the Region</i> <i>c) the avoidance of significant adverse effects on aquatic ecosystems</i> <i>f) the range of reasonably foreseeable uses of ground water and surface water are protected</i></p>	<p>The proposal is considered to be consistent with this key overarching objective for the following reasons:</p> <ul style="list-style-type: none"> • There is minimal water take associated with the proposal. A non-consumptive take is required for the diversion of groundwater during earthworks. Water may also be taken as within the permitted standard of 15m³/day as back-up supply for the factory, once it is operational. These takes are considered to be appropriate given their minor scale.

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<p><i>i) that significant adverse effects on the relationship tangata whenua as Kaitiaki have with water and their identified taonga such as waahi tapu, and native flora and fauna that have customary and traditional uses in or on the margins of water bodies, are remedied or mitigated</i></p> <p><i>j) the cumulative adverse effects on the relationship tangata whenua as Kaitiaki have with water their identified taonga such as waahi tapu, and native flora and fauna that have customary and traditional uses that are in or on the margins of water bodies are remedied or mitigated</i></p> <p><i>l) the natural character of the coastal environment, wetlands and lakes and rivers and their margins (including caves), is preserved and protected from inappropriate use and development</i></p> <p><i>m) ground water quality is maintained or enhanced and ground water takes managed to ensure sustainable yield</i></p> <p><i>n) shallow ground water takes do not adversely affect values for which any potentially affected surface water body is managed</i></p>	<p>As such, the takes will not prevent reasonably foreseeable uses of ground and surface water from occurring.</p> <ul style="list-style-type: none"> • The retirement of 40ha of dairy farm is anticipated to result in a reduction of nutrient runoff from the site and a large area of wetland plantings are proposed as part of the restoration area of 1ha. • Stormwater and other discharges from the proposed activity will be managed in accordance with best practice (including using a treatment train approach), as provided for in an Erosion and Sediment Control Plan (ESCP), which is to be reviewed and certified by Waikato Regional Council (WRC). Ensuring compliance with the ESCP will avoid the discharge of contaminants to the receiving environment. • While the proposal includes the diversion of surface water (in artificial farm drains), this is a permitted activity and in any case, a fish management plan will be implemented to address any potential impacts on fauna. The implementation of a planting plan around the stormwater wetlands will provide for habitat for native flora. • Via the TWGG and positive engagement, it is considered that the proposal has responded to the relationship of Tangata Whenua with the whenua and aquatic receiving environment. As such, the proposal will avoid adverse effects (including significant or cumulative adverse effects) on the relationship Tangata Whenua have with their identified taonga. • The proposal does not affect the natural character of lakes and wetlands as the site is sufficient distance from Lakes Waikare and Rotokawau. A 1ha area of restoration plantings is proposed adjacent to Lake Rotokawau where it was previously dairy farm. • As noted, the proposal only requires two minor water takes, being the temporary diversion of groundwater and the permitted activity take of up to 15m³/ day for back-up water supply to the factory. As such, groundwater takes will continue to be managed to ensure sustainable yield.

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	<ul style="list-style-type: none"> The effects on the farm drains as a result of the activity will be mitigated by the provision of appropriate fish management. Erosion and sediment control will also be implemented across the site (in accordance with the ESCP) to minimise and avoid sediment discharges off site.
<p>3.2.3 Policy.1: Management of Water Bodies <i>Manage all water bodies to enable a range of water use activities, whilst ensuring that a net improvement in water quality across the Region is achieved over time through:</i></p> <ol style="list-style-type: none"> <i>Classifying and mapping water bodies based on the characteristics for which they are valued and implementing the classification through a mixture of regulatory and non-regulatory methods.</i> <i>Maintaining overall water quality in areas where it is high, and in other water bodies, avoiding, remedying or mitigating cumulative degradation of water quality from the effects of resource use activities.</i> <i>Enhancing the quality of degraded waterbodies.</i> <i>Providing for the mitigation and remediation of adverse effects in accordance with Section 1.3.3 of the Waikato Regional Policy Statement.</i> <i>Recognising the positive benefits to people and communities arising from use or development of water resources and by taking account of existing uses of water and the associated lawfully established infrastructure.</i> 	<p>The proposal is consistent with this policy for the following reasons:</p> <ul style="list-style-type: none"> The downstream water bodies of the Balemi Road drain, Lake Rotokawau and Lake Waikere will be enhanced via the retirement of approximately 31ha of dairy farm and anticipated reduction in nutrient runoff. Stormwater management infrastructure, riparian plantings and the restoration plantings adjacent to the margins of Lake Rotokawau is expected to provide for benefits to downstream water quality. Water supply requirements for the development will come from roof runoff. A backup bore will be used as required and reduces water take requirements to that of a permitted activity.
<p>Policy 3: Natural Character <i>Recognise, and where relevant provide for, the following characteristics when considering the preservation of the natural character of lakes and rivers and their margins and the protection of them from inappropriate use and development:</i></p> <ol style="list-style-type: none"> <i>Diversity and composition of aquatic and riparian habitat.</i> 	<p>The proposal is consistent with this policy for the following reasons:</p> <ul style="list-style-type: none"> The proposal has accounted for the adjacent Lake Rotokawau wetland and its margins in developing the stormwater management framework. Cleanwater flows from the conveyance swale will be discharged on the APL to an area of future wetland being established on the site over time.

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<p>b. <i>Topography and physical composition of river and lake beds and the course of the river.</i></p> <p>c. <i>The natural flow characteristics and hydraulic processes (such as sediment transport) of rivers and streams or the pattern and range of water level fluctuations that occur naturally in rivers and lakes.</i></p> <p>d. <i>Any significant natural features of the lakes and rivers and their margins.</i></p>	<ul style="list-style-type: none"> • Extensive wetland plantings are proposed adjacent to the Lake reserve to provide for habitat creation and to complement the adjacent lake margins.
<p>Policy 4: <i>Waikato Region Surface Water Class</i> <i>Enable the use of all surface water bodies in the Region, provided that:</i></p> <p>a. <i>Any significant adverse effects on existing aquatic ecosystems are avoided, remedied or mitigated.</i></p> <p>b. <i>Any conspicuous change in visual colour or clarity is avoided, remedied or mitigated.</i></p>	<p>The proposal does not provide for adverse effects on watercourses, and discharges are managed so as to avoid conspicuous changes in water quality.</p>
<p>3.3.2 Objective <i>In addition to Objective 3.1.2, the management of water allocation and use in a way which ensures:</i></p> <p>a) <i>Giving effect to the overarching purpose of the Vision and Strategy to restore and protect the health and wellbeing of the Waikato River for present and future generations.</i></p> <p>h) <i>Sufficient water is retained instream to safeguard the life supporting capacity of freshwater, including its ecosystem processes and indigenous species and their associated ecosystems.</i></p> <p>i) <i>That decisions regarding the allocation and use of water take account of the need to avoid the further degradation of water quality, having regard to the contaminant assimilative capacity of water bodies.</i></p>	<p>The proposal is considered to be consistent with this objective as the only water takes required for the proposal are the temporary diversion of groundwater during excavation activities and the possible take of water (as a permitted activity) as a back-up water supply for the factory. Any water diverted will remain as part of the resource.</p> <p>Further, groundwater discharge will be managed using best practice measures as provided in the ESCP, to avoid the discharge of contaminants to the receiving environment.</p>

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<p>3.5.2 Objective <i>Discharges of contaminants to water undertaken in a manner that:</i></p> <ul style="list-style-type: none"> a) <i>does not have adverse effects that are inconsistent with the water management objectives in Section 3.1.2</i> b) <i>does not have adverse effects that are inconsistent with the discharges onto or into land objectives in Section 5.2.2</i> <p>Policy 6: Tangata Whenua Uses and Values <i>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:</i></p> <ul style="list-style-type: none"> a) <i>the mauri of water</i> b) <i>waahi tapu sites</i> c) <i>other identified taonga.</i> <p>Policy 7: Stormwater Discharges Encourage at-source management and treatment of stormwater discharges to reduce water quality and water quantity effects of discharges on receiving waters.</p>	<p>The proposal is considered to be consistent with this objective and is associated policies for the reasons already addressed with respect to Objectives 2.3.2 and 3.1.2 above. In particular:</p> <ul style="list-style-type: none"> • Implementation of the ESCP will ensure that all stormwater and other discharges will be treated to an appropriate standard prior to disposal, to avoid the discharge of contaminants to the receiving environment. • The proposal only requires two minor takes, one of which is within the permitted activity level of 15m³/per day. As such, the proposal will not adversely affect the availability of ground water or surface water for reasonably foreseeable uses. • Tangata Whenua have been closely involved with the project thus far and their continued involvement is assured via the MoU that has been entered into with the TWGG. <p>Further, it is also noted as follows:</p> <ul style="list-style-type: none"> • The only area of identified contamination on the site (close to the site entry) is already being remediated as a permitted activity under the National Environmental Standard for Contaminated Soils. • Appropriate measures will be put in place to minimise any risk of any contaminated material being discharged from the site. These measures include the installation of specific stormwater management infrastructure/ponds to capture any contaminated runoff from the factory, as well as strict requirements regarding plant maintenance and re-fuelling locations during construction. • Potential effects arising from the discharge of hazardous substances to air have been addressed via the air discharge permit that has already been granted by WRC for the site, and will be appropriately managed via the conditions imposed on that consent. • No drilling is proposed as part of the proposal. • Water quantity effects will be addressed via the provision of an appropriate stormwater management framework. This involves directing discharges/flows to an area adjacent to

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	<p>Lake Rotokawau, via a conveyance swale and dispersal area. Attenuation of stormwater flows has also been provided for, in particular within proposed stormwater wetlands.</p>
<p>3.7.3 Policy 1 Control Land Drainage in Areas Adjacent to Identified Wetlands</p> <p><i>Ensure that land drainage activities within wetlands that are areas of significant indigenous vegetation and/or significant habitats of indigenous fauna, or immediately adjacent to wetlands identified in Section 3.7.7, are undertaken in a manner that avoids changes in water level that lead to:</i></p> <ul style="list-style-type: none"> <i>a) shrinking or loss of the wetland, or</i> <i>b) accelerated dewatering and oxidation, or</i> <i>c) significant adverse effects on tangata whenua values of the wetland, or</i> <i>d) adverse effects of flooding on neighbouring properties, or</i> <i>e) significant adverse effects on the relationship tangata whenua as Kaitiaki have with the wetland, or</i> <i>f) adverse effects on the natural character of wetlands or</i> <i>g) adverse effects on the ability to use the wetlands for recreational purposes</i> <p><i>and remedy or mitigate otherwise.</i></p>	<p>The proposal is considered to be consistent with this policy as while stormwater management infrastructure is proposed adjacent to Lake Rotokawau wetland (>100m distant), the expert assessment undertaken as part of the application documents has confirmed that the proposed works will not:</p> <ul style="list-style-type: none"> • Lead to the shrinking or loss of the wetland, nor accelerated dewatering or oxidation of the wetland; • Create adverse flooding effects of neighbouring properties, due to the appropriate stormwater management and attenuation measures proposed; or. • Affect the ability of recreational groups to use the Lake Rotokawau Reserve. <p>Further, Tangata Whenua have advised their support for the proposal, including the 1ha of restoration planting adjacent to Lake Rotokawau. This planting will also enhance the natural character of the adjacent Lake Rotokawau.</p>
<p>Objective 5.1.2</p> <p><i>A net reduction of accelerated erosion across the Region so that:</i></p> <ul style="list-style-type: none"> <i>a) soil productivity, versatility and capability is maintained</i> <i>b) there are no adverse effects on water quality, aquatic ecosystems and wetlands that are inconsistent with Water Management Objective 3.1.2 and 3.11.2</i> <i>c) there is no increase in the adverse effects of flooding or land instability hazards</i> 	<p>The proposal is considered to be consistent with this objective, for the following reasons:</p> <ul style="list-style-type: none"> • The proposal will appropriately avoid or mitigate any adverse effects on the receiving environment through the erosion and sediment control measures that will be implemented during soil disturbance activities, in accordance with the ESCP. In addition, the site is relatively flat and only a small amount of vegetation needs to be removed to accommodate the proposal. • The ESCP and associated stormwater management framework to be implemented will ensure the proposal does not result in any increase in flooding or land instability.

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<p>d) <i>accelerated infilling of lakes, estuaries, rivers, wetlands and cave systems is avoided and the rate of infilling of artificial watercourses, excluding structures designed to trap sediment, is minimised</i></p> <p>e) <i>significant adverse effects on the relationship tangata whenua as Kaitiaki have with their identified ancestral taonga such as ancestral lands, water and waahi tapu are avoided</i></p> <p>f) <i>cumulative adverse effects on the relationship tangata whenua as Kaitiaki have with their identified taonga such as ancestral lands, water, waahi tapu are remedied or mitigated.</i></p> <p>g) <i>significant adverse effects on natural character and ecological values associated with land and the coastal environment including dune systems is avoided</i></p>	<ul style="list-style-type: none"> • Tangata Whenua have participated in the development and review of the proposal and will be actively engaged in monitoring of the activity as it occurs on-site. • The ecological assessment undertaken by Ecology New Zealand has confirmed that there are no significant natural or ecological values affected by the proposal. • While the proposal diverts stretches of artificial watercourses, the ecological values of the artificial drains are low and erosion and sediment control will be in place on site to manage the diversions appropriately. • A Dust Management Plan has been prepared to appropriately manage the potential for discharges of dust from the site (and any air quality effects associated with those discharges).
<p>Policy 5.1.3</p> <p>Policy 1: Managing Activities that Cause or Have the Potential to Cause Accelerated Erosion and encouraging Appropriate Land Management Practices</p> <p><i>Through permitted activities and non-regulatory methods manage activities that cause or have the potential to cause accelerated erosion, with particular regard to:</i></p> <p>a) <i>the potential for the activity to adversely affect the purpose of the water management classes as identified in the policies in Section 3.2.2, and the coastal marine area</i></p> <p>b) <i>the risk of downstream sedimentation leading to accelerated infilling of lakes, estuaries, artificial watercourses, rivers, wetlands and caves</i></p> <p>c) <i>the erosion potential of soil when it is disturbed or vegetation is cleared</i></p> <p>d) <i>the potential to increase the adverse effects of flooding</i></p>	<p>The proposal is considered to be consistent with this policy for the reasons outlined above with respect to Objective 5.1.2.</p>

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<p>e) <i>the potential to adversely affect waahi tapu and archaeological sites or other identified sites of importance to tangata whenua as Kaitiaki</i></p> <p>f) <i>the potential to adversely affect natural character of the coastal environment and the margins of rivers, lakes and wetlands and areas of significant indigenous vegetation and significant habitats of indigenous fauna</i></p> <p>g) <i>the potential to compromise air quality objectives as identified in Module 6 Air</i></p> <p>h) <i>the potential to damage property and infrastructure.</i></p>	
<p>Policy 3: Promote Good Practice</p> <p>Promote, through environmental education, good practice guides and incentives, soil and land management practices that avoid adverse effects on soil productivity, capability and versatility and the off-site effects of sediment discharge, and remedies or mitigates these effects if they do occur.</p>	<p>The proposal is consistent with this policy on the basis that the works proposed are proposing erosion and sediment control measures in line with best practice.</p>