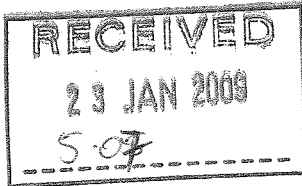


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FORM 3:

Submission on Proposal for National Policy Statement for Freshwater Management

Section 49 of the Resource Management Act 1991.

To: the Chairperson
Board of Inquiry

This is a submission on the following proposed national policy statement (the proposal):

Proposed national policy statement for freshwater management.

The specific provisions of the proposal that my submission relates to are:

The entire text, the intent, the form, and peripheral matters relating to the relationship between this statement and other laws and policies, and their bearing on the participation of Ngati Tuwharetoa, in the management of freshwater.

My submission is:

Stated below.

Introduction

1. The Tuwharetoa Maori Trust Board ("the Board") is the mandated representative authority for the iwi of Ngati Tuwharetoa.
2. Lake Taupo and its rivers, tributaries and waters are significant taonga tuku iho (ancestral taonga) of Ngati Tūwharetoa. Ngati Tūwharetoa is linked by whakapapa to these taonga tuku iho. Through these familial links, Ngati Tūwharetoa is committed and bound to protecting and nurturing the mauri of these taonga.
3. Ngati Tūwharetoa is recognized by the Maori Land Court as the ancestral owners of the Tongariro/Taupo region of the North Island of Aotearoa/New Zealand (by rulings of the Maori Land Court of 1887).
4. The ancestral connections to these taonga are reinforced by the fact the Board is the legal owner, on behalf of nga hapu o Tūwharetoa, of the beds of Lake Taupo and its tributaries. This ownership has been reconfirmed by deeds of ownership made between the Crown and Ngati Tuwharetoa in 1992 and most recently in 2007.
5. Ngati Tuwharetoa is a significant land-owner within the rohe and collectively owns 56% of the rateable land in the Taupo district. Much of the multiply-owned land in the district is vested in trusts and incorporations of Ngati Tuwharetoa, and principal uses include production forestry and farming. Though much land is still undeveloped within

the rohe, Ngati Tuwharetoa reserves the right in perpetuity to advocate for the facilitation of options and the development of sustainable opportunities, in respect of all undeveloped or under-developed lands, which may provide benefits to specific hapu, and the iwi as a whole.

General Comments

6. Ngati Tuwharetoa supports any central and local government initiatives whose express aim is to improve and sustain freshwater quality for all of New Zealand, now and in the future. Such support is provided on the basis that the Board, and the iwi of Ngati Tuwharetoa, maintain and expect to continue to engage with the Crown in relation to their customary and other rights to water and water allocation.

7. In this regard, Ngati Tuwharetoa has over the last two years been actively engaged, alongside the iwi of Waikato-Tainui, Te Arawa and Whanganui, in a joint work programme with the Crown in the context of the former government's Sustainable Water Programme of Action ("SWPoA"). The proposed Freshwater National Policy Statement formed one part of the SWPoA initiatives and the form and intent of the draft national policy statement is supported in principal by Ngati Tuwharetoa.

8. Ngati Tuwharetoa believes that the effect and soundness of the proposed National Policy Statement should benefit Ngati Tuwharetoa and all New Zealanders and enhance environmental policy in New Zealand. However, several matters are required for that benefit to be realized:

- (a) The Freshwater National Policy Statement must not be subsumed or overridden by any other current or future national policy statements to the extent that they might also impact upon the issue of the quality, quantity or management of freshwater resources.
- (b) The Freshwater National Policy Statement is only one aspect of a wider suite of tools (including but not limited to national environment standards) that have or could be utilised to sustain and protect and improve the management of freshwater and freshwater resources in New Zealand. The proposed National Policy Statement needs to be complementary to and supported by those other initiatives.
- (c) Issues regarding Maori rights and interests in freshwater, and any associated resolution between iwi (including Ngati Tuwharetoa) and the Crown, are matters that remain to be addressed, but at a later date and in forums and dialogues separate from this submission and the present national policy statement process. Those matters shall be progressed by Ngati Tuwharetoa, and other iwi, separately with the Crown through existing and ongoing processes.

9. Ngati Tuwharetoa also believes strongly that co-management regimes for the allocation, use and conservation of freshwater resources, are preferable to those run by the Crown on its own, or solely by regional councils and territorial local authorities. The promising development of a co-management regime for the clean-up of the Waikato

River is a recent example of this, as is the joint management agreement recently entered into between the Board and the Taupo District Council. Ngati Tuwharetoa desires more endeavour on the Crown's part to secure enduring, innovative co-management regimes with iwi such as Ngati Tuwharetoa in order to protect, utilize and improve the quality of freshwater bodies within our rohe and those of other iwi.

Specific Provisions of the NPS

10. First and foremost Ngati Tuwharetoa expects the Crown to preserve the reference to Te Tiriti O Waitangi, within the preamble of this draft statement, as a crucial reference-point to its ongoing partnership with Maori throughout the motu.

11. In addition, Ngati Tuwharetoa had input, through discussions between Maori advisors and Crown officials, in certain provisions that are now contained in the draft National Policy Statement. In this regard a number of specific changes were made to an earlier draft of the NPS and Ngati Tuwharetoa wishes to ensure that those changes are maintained in any final national policy statement. Those specific additions and insertions and one deletion are as follows:

- (a) Paragraph five of the Preamble to the proposed National Policy Statement for Freshwater Management be redrafted by inclusion of the words "including the involvement of iwi and hapu" to read:

The Treaty of Waitangi (Te Tiriti o Waitangi) is the underlying foundation of the Crown-Māori relationship with regard to Fresh Water Resources. This proposed National Policy Statement is one step in the process of addressing tangata whenua values and interests *including the involvement of iwi and hapu* in the management of fresh water. Additionally, the proposed National Policy Statement is a non-exhaustive step towards progressive strategies at the national and regional level in order to meet shared objectives in respect of the fresh water resources of New Zealand.

- (b) Objective 3 of the Preamble to the proposed National Policy Statement for Freshwater Management be redrafted by inclusion of the words "or exceed" to read:

To ensure the progressive enhancement of the overall quality of Fresh Water Resources, including actions to ensure appropriate Fresh Water Resources can reach *or exceed* a swimmable standard.

- (c) Objective 6(b) of the proposed National Policy Statement for Freshwater Management be redrafted by inclusion of the word "biophysical" to read:

the need to provide for resilience against the *biophysical* effects of climate change (such as through infrastructure for supply, storage and distribution of fresh water); and

- (d) Objective 8 of the proposed National Policy Statement for Freshwater Management be redrafted by inclusion of the words "including the matters specified in Objectives 1-7" to read:

To ensure that iwi and hapu are involved, and Tangata Whenua Values and Interests are identified and reflected, in the management of Fresh Water Resources *including the matters specified in Objectives 1-7.*

- (e) Policy 4(d) of the proposed National Policy Statement for Freshwater Management be redrafted by deleting "(including electricity generation)" to read:

The contribution of existing and potential uses [*deleted: (including electricity generation)*] of Fresh Water Resources and of existing economic investment to regional and national social, economic and cultural wellbeing;

- (f) Policy 6 of the proposed National Policy Statement for Freshwater Management be redrafted by replacing "as far as practicable and appropriate" with "unless appropriate" to read:

Without limiting policies 1 to 3, this National Policy Statement will be achieved also through the inclusion, *unless inappropriate [deleted: as far as practicable and appropriate]*, of conditions on any relevant resource consents granted and recommendations on designations confirmed in respect of:

12. We also make the following remarks concerning particular objectives and policies.
13. WE believe the ultimate aim of objective 3, should be to make all significant freshwater resources drinkable, rather than just swimmable. Swimmability is not a sound environmental measure in our view and is far more subjective in terms of agreeable standards, than is drinkability.
14. Objective 5 does not provide enough guidance to policy-makers in regional or local government, on creating incentives for immediate remediation or mitigation of the effects of land-use on degraded and outstanding freshwater resources. Another objective which captures "current" and "historic" use, and its present cumulative effects, would be better than the current one.
15. Policies 1D, 1E, and 1F, may pose problems for iwi in that the costs to iwi of identifying values and interests and providing sensitive information to local government are likely to be borne largely by hapu and iwi, and/or by their mandated authorities. It is unclear to us how if at all, central and local government will assist hapu and iwi in meeting these costs. We would expect financial and technical support to be available to iwi, wher such support is generated within the formulation of documents such as long-term council community plans, and annual plans. We will vigorously advocate this approach in the event policies 1 to 3, and policy 8, in particular, are adopted within this statement.

16. Policy 8 appears to have little point, as the recording of a process for the gathering of information from Tangata Whenua, or any other person, appears to have little value. We are unaware of the precise rationale behind this policy. It may be more appropriate to have a more subtle, less generic policy in place of this one.

Section 32 Report

17. We wish to acknowledge the section 32 report compiled by The Ministry for the Environment and the assessment of options contained within section 3. WE do not wish to comment here in detail, on any one of the options proposed. WE do however wish to advise that some of these, including the institution of national environmental standards, and reform of the Resource Management Act, are measures we want to discuss with The Crown at a later date. WE encourage the board of inquiry to examine these options critically, as being possible complements to the institution of a national policy statement on freshwater resources.

I seek the following changes to the proposal:

[please state exactly the changes to the proposal that you are requesting]

For which, see especially Paragraph 11 and the table appended to this, and paragraphs 12 to 16.

I wish to be heard in support of my submission.

.....
Signature of submitter

(or signature of person authorised to sign)

.....
Date

(A signature is not required if you make your submission by electronic means.)

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And

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Contact person: *[name and designation, if applicable]* Rakeipoho Taiaroa:

Secretary

Ngati Tuwharetoa Maori Trust-board

And

Dean Stebbing

Advisor

Ngati Tuwharetoa Maori Trust-board.