

18

**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:

[give details]

My submission is:

[include –

- Whether you support or oppose the specific provisions or wish to have them amended;  
and
- The reasons for your views.]

I seek the following changes to the proposal:

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

I wish (or do not wish) to be heard in support of my submission.

\* If others make a similar submission, I will consider presenting a joint case with them at a hearing.

\* Delete if you would not consider presenting a joint case.

  
.....

Signature of submitter  
(or signature of person authorised to sign)

..... 22.1.09 .....

Date

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

Address for service of submitter;

Telephone:

Fax/email:

Contact person: [name and designation, if applicable]

**TE RUNANGA O NGĀTI AWA AND TE HONO O MATAATUA (MATAATUA ASSEMBLY) SUBMISSION TO THE PROPOSED  
NATIONAL POLICY STATEMENT FOR FRESHWATER MANAGEMENT**

(Dated 23 August 2008)

Reference to NPSFWM	Support/Support in Part/Oppose	Relief sought	Reasons
Preamble	Oppose	<p>Amend the Preamble by inserting the following bullet point goals into the list of bullet pointed goals appearing on page two of the Preamble:</p> <ul style="list-style-type: none"> <li>- 'Recognition of tangata whenua rights to water under Article 11 of the Treaty of Waitangi and their relationships, values and interests in the management of freshwater resources in their rohe'</li> <li>- Provision for tangata whenua rights to free access, free use and their role in decision-making about management, access and use of fresh water resources within their respective rohe'</li> </ul>	<p>Te Runanga o Ngāti Awa and the Mataatua Assembly oppose the proposed Preamble and seek the recommended amendments for the following reasons:</p> <p>While the current preamble acknowledges the Treaty of Waitangi and the intent of the NPS to address 'tangata whenua values and interests including the involvement of iwi and hapu in freshwater management', it does not recognise the rights of tangata whenua to full, exclusive and undisturbed use of freshwater resources.</p> <p>None of the sentiments expressed in the current narrative are given substance in the implementation methods implied in the policy as they have been omitted from the goals identified on page two of the Preamble.</p> <p>The current goals do not identify <i>what and how</i> local and regional councils will recognise and provide for the involvement of iwi and hapu in the management of freshwater. The NPS is therefore uncertain, can be inconsistently applied, is unenforceable and fails to recognise and provide for Māori relationships, rights, roles, values and interests.</p>

Preamble	Oppose	<p>Amend page two of the Preamble by inserting the following sentence after the sentence commencing 'Councils will...'</p> <p>'Councils will also be expected to engage tangata whenua in decision-making on the management, access and use of freshwater resources.'</p>	<p>The recommended amendments address these failings by providing for the development of integrated processes that can be applied with certainty and consistency by:</p> <ul style="list-style-type: none"> <li>- Tangata whenua</li> <li>- Settled iwi with statutory acknowledgements of their relationships with rivers, lakes and other water bodies</li> <li>- Māori land trusts, their Trustees and shareholders</li> <li>- Councils</li> <li>- Consent applicants; and</li> <li>- Their communities.</li> </ul>
Objective 1	Support-in-Part	<p>Amend by inserting the word 'sustainably' into the objective so that it reads:</p> <p>'To ensure that Freshwater Resources are <i>sustainably</i> managed etc'</p>	<p>The proposed amendment provides for certainty and consistency in the decision-making process.</p> <p>It allows for the engagement of tangata whenua in decision-making on the use, access and management of freshwater resources which are ancestral taonga in their role.</p> <p>It compels action on the part of Councils and provides certainty to all parties involved in resource consents processes relevant to fresh water.</p> <p>The objective does not achieve the necessary balance between environmental/ecological/biological well-being and human well-being.</p> <p>It is important to ensure that freshwater resources are recognised as essential to the survival of all life in the environment, not just humankind.</p>

Objective 2	Support-in-Part	<p>Amend the Objective by moving the bracketed narrative to a Best management Guidelines so that Objective 2 reads as follows:</p> <p>To ensure effective integrated management of the effects of land-use development and discharges of contaminants on the quality and available quantity of freshwater</p> <p>OR</p> <p>Amend the policy as follows:          'To ensure effective integrated management (including the assessments of tangata whenua and by including the co-ordination and sequencing of land use development with investment in infrastructure for supply, storage and distribution of freshwater) of the effects of land-use development and discharges of contaminants on the quality and available quantity of freshwater'</p>	<p>The bracketed narrative is prescriptive. The text in the bracketed narrative is better placed in a best management practice guideline.</p> <p>If such a prescriptive bracketed narrative were to remain within the objective then it would be appropriate to also include there a reference to the assessments of tangata whenua in the objective.</p> <p>Either one of the two recommended amendments would ensure that tangata whenua are clearly identified as having a role to contribute to decision-making in the management of freshwater resources.</p>
Objective 3	Support-in-part	<p>Delete the word 'can' from the objective so that it reads as follows:</p> <p>To ensure the progressive enhancement of the overall quality of freshwater resources including actions to ensure appropriate freshwater resources reach or exceed a swim-able standard.</p>	<p>Provides for greater certainty by removing any ambiguity associated with the word 'can' in the sentence.</p>
Objective 4	Support	<p>Retain the Objective</p>	<p>The objective provides for certainty and contributes to balancing Objective 1. However the need for Objective 1 to be amended as recommended above is still sought.</p>
Objective 5	Support	<p>Retain the Objective</p>	<p>The objective is an appropriately strong compulsion on all persons to ensure</p>

			<p>discharges of contaminants to freshwater and further degradation of those resources is controlled.</p> <p>It is implicit in the word 'control' that regulation and enforcement will be exercised in giving effect to this objective.</p> <p>The first recommended amendment requires account to be taken of the important matters identified in the sub-sections (a), (b) and (c) of the objective, rather than merely having regard to them.</p> <p>The deletion of the word 'cultural' from the objective recognises and provides for the rights of Māori under Article 11 of the Treaty of Waitangi while also recognising the rights of non-Māori to use water for 'cultural' purposes, such as baptism and cleansing.</p> <p>All freshwater should be used efficiently.</p> <p>All unnatural contamination should be avoided.</p> <p>Bullet point (c) is ambiguous. The objective and the section 32 analysis report do not identify what kind of benefits or opportunities are meant here.</p>
Objective 6	Support-in-Part	<p>Amend the Objective by:</p> <ol style="list-style-type: none"> <li>1. replacing the words 'have regard to' with the words 'takes into account' and</li> <li>2. by deleting the word 'cultural' so that the Objective reads as follows:</li> </ol> <p>'To ensure that demands (including social and economic demands) for freshwater are sustainably managed in a manner that takes into account the following:..... etc'</p>	
Objective 7	Oppose	<p>Amend the Objective so that it reads as follows:</p> <p>To ensure allocated that freshwater is used efficiently particularly in terms of the following:</p> <ol style="list-style-type: none"> <li>(a) avoiding wastage</li> <li>(b) avoiding excessive contamination</li> <li>(c) facilitating opportunities to increase benefits from the use of fresh-water.</li> </ol> <p>Amend the Objective so that it reads as follows:</p>	
Objective 8	Support-in-Part	<p>Amend the Objective so that it reads as follows:</p> <p>'To ensure that iwi and hapu are involved and their rights, roles, relationships, values and interests are evident in decision-making in the management of freshwater resources</p>	<p>Provides greater clarity and certainty to all parties by identifying the extent to which tangata whenua will be involved in freshwater management and decision-making.</p>

			including the matters specified in objectives 1 – 7	
Policy 1(e)	Support in part		Amend Policy 1(e) as follows:  (e) Identify Tangata Whenua assessments of their Values and Interest in respect to all freshwater resources of their rohe in the region.	Integrates the assessments of Tangata whenua into regulatory frameworks and avoids situations where Council assume to know the values and interests of tangata whenua in their rohe without discussing them with tangata whenua.
Policy 1 (f)	Support-in-part		Amend Policy(f) so that it reads as follows:  'Guide and direct regional plans (including considerations for determination of resource consents applications and notices of requirement) in relation to the recognition and provision of tangata whenua values and interests in respect to all freshwater resources of their rohe in the region; and'	The recommended amendment provides for greater certainty as it promotes not only recognition of tangata whenua values and interests but also provision for those matters in decision making, including decisions on consents.  Insertion of the works 'in their rohe' also provides certainty for tangata whenua and regional councils as it acknowledges that there are several rohe within each region.
Policy 1(i)	Support-in-Part		Amend Policy(i) by adding bullet point (ii) as follows so that proposed new Policy (i)(iii) reads as follows:  By requiring assessments of applications for infrastructure for supply, storage and distribution of freshwater resources by tangata whenua.	Consequential change to support recommended amendments mentioned previously in this submission.  The recommended amendment is fair, reasonable and provides for greater certainty and consistency to be applied when giving effect to the policy.
Policy 2(c)(iii)(C)	Support-in-Part		Amend Policy 2(c)(iii)(C) so that it reads as follows:  (C) Integrated management (including the assessments of tangata whenua) of the effects of land use development and discharges of contaminants on the quality and available quantity of freshwater resources.	Integrates the assessments of Tangata whenua into the consenting process relevant to land use development and discharges of contaminants to freshwater resources.
Policy 3(b)(iii)	Support in Part		Amend Policy 3(b)(iii) as follows:  '(iii) Integrated management (including	The recommended amendment is fair, reasonable and provides for greater certainty and consistency to be applied when giving effect to the policy.  Integrates the assessments of Tangata whenua into the consenting process relevant to land use development and

		<p>the assessments of tangata whenua) of the effects of land use development and discharges of contaminants on the quality and available quantity of freshwater resources</p>	<p>discharges of contaminants to freshwater resources.</p> <p>The recommended amendment is fair, reasonable and provides for greater certainty and consistency to be applied when giving effect to the policy.</p>
<p>Policy 4 (f)</p>	<p>Support in part</p>	<p>Amend Policy 4(f) as follows:  (f) Tangata Whenua assessments of their values and interests.</p>	<p>The proposed amendment recognises that Tangata Whenua are best qualified to assess the extent to which their values and interests can be affected by regulation for the management of freshwater resources.</p> <p>It is important to ensure that Tangata Whenua are enabled to provide those assessments in the development of regional and district planning instruments and regulation.</p> <p>It is recognised in the Bay of Plenty region and 'only Maori can identify their relationships and their culture and traditions with their ancestral tangata' including freshwater resources.</p> <p>The provision of such assessments by tangata whenua contributes to the decision-making process while avoiding implications that a power of veto is able to be imposed on the decision-making process. It also provides opportunities for tangata whenua to be fully involved in informed decision-making rather than un-informed reactions.</p>
<p>Policy 4 (h)</p>	<p>Question</p>	<p>Please explain what is meant by 'swimmability'?</p>	<p>The term is new and unknown. Please explain. Thank you.</p>
<p>Policy 5(d)</p>	<p>Support in part</p>	<p>Amend Policy 5(d) as follows:  (d) Tangata Whenua assessments of their values and interests.</p>	<p>The proposed amendment recognises that Tangata Whenua are best qualified to assess the extent to which their values and interests can be affected by regulation for the management of freshwater resources.</p>

			<p>It is important to ensure that Tangata Whenua are enabled to provide those assessments in the development of regional and district planning instruments and regulation.</p> <p>It is recognised in the Bay of Plenty region and 'only Māori can identify their relationships and their culture and traditions with their ancestral taonga' including freshwater resources.</p> <p>The provision of such assessments by tangata whenua contributes to the decision-making process while avoiding implications that a power of veto is able to be imposed on the decision-making process. It also provides opportunities for tangata whenua to be fully involved in informed decision-making rather than un-informed reactions.</p>
Policy 6 (d)	Support in part	Amend Policy 6(d) as follows:  (d) Integrated management (including the assessments of tangata whenua) of the effects of land use development and discharges of contaminants on the quality and available quantity of freshwater resources	<p>Integrates the assessments of Tangata Whenua into the consenting process relevant to land use development and discharges of contaminants to freshwater resources.</p> <p>The recommended amendment is fair, reasonable and provides for greater certainty and consistency to be applied when giving effect to the policy.</p>
Policy 7	Support	Retain Policy 7	<p>The objective provides for certainty and is capable of giving effect to various sections of the LGA2002 by contributing to the capacity of tangata whenua involvement in Council decision-making for the management of freshwater resources.</p>
Policy 8	Support subject to the recommended amendment of Policy 1(e)	Retain the Policy provided the recommended amendment to Policy 1(e) is made.	<p>Integrates the assessments of Tangata Whenua into regulatory frameworks and avoids situations where Council assume to know the values and</p>

			interests of tangata whenua in their rohe without discussing them with tangata whenua.
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