

Your submission to Clean Water

Tapuika Iwi Authority Development Trust

Clause

What are your thoughts on the proposed swimming targets, for example, on the timeframes and categories?

Notes

Thank you for the opportunity to make this submission within the highly restrictive timeframe of 28 April 2017 I have read the Clean Water Package Document. Generally it is an improvement upon the previous document however I wish to provide feedback and make the following criticisms Criticism 1: 90% of Rivers and Lakes swimmable by 2040. In my view "Swimmability" is not an appropriate criteria to determine the outcome of this "NZ Clean Water Statement" It has no scientific basis. It has no definition. It is a wishy washy word intended to befuddle and confuse the layperson. It is a politically acceptable word almost worthless in value whereas the Standard that should be used "Potability - Drinkability", This should be the basic overriding criteria - 90% of Lakes and Rivers in Aotearoa NZ to be of a Potable Standard - scientifically determined and precise with no allowance for flexibility or political interference - this is a high standard but so is the priority that should be afforded protection of our Freshwater Resources. Otherwise this is yet another mere political exercise in futility - Do as I say and not as I do. Criticism No 2 - "by 2040" Freshwater Water will become a major Aotearoa NZ National and international issue within 7 years - 2025 - long before 2040. On the international scene Water is predicted to be one of the most valuable resources on earth and access will be a matter of international argument - possibly warfare. In my view the date of 2040 is way too far ahead. We must have a National Freshwater Strategy in place which is effective - as to quality and quantity, understandable and accepted as to practice and totally capable of strict enforcement - by a National Freshwater Authority independent of the Government (and their lobby groups) and specifically empowered to manage our National Freshwater Resources - anything less is mere tinkering with our Freshwater Resources Furthermore all current and pre consent water consents come up for renewal in 2025 - 7 years time. All Freshwater Quality Standards and Water Allocations Rights must be determined prior to this date when such renewals come up for review by Regional Authorities. Our Regional Authorities have members who have severe conflicts of interests and therefore a national Freshwater Authority needs to be in place prior to 2025 so that self interest does not take over the local regional and national interests. We have 7 years - not 33 years. The 33 years is a diversion to take our attention away from the reality of what will happen in 7 years time. My views are not intended to overshadow the work and effort of the Iwi Leaders Group whose perspectives may have been framed by the Government masters rather than their own Iwi perspectives. Bearing in mind that Maori Rights and Interests in Freshwater have not yet been defined either by the Government or by way of Application for a Supreme Court Declaration - which has already conceded that Iwi have rights and interests akin to ownership - but requires evidence to be adduced as to what those interests might be. Interestingly enough those Maori rights and interests would pre date the Treaty and therefore are not Treaty dependent. The Iwi Leaders Forums seem to have totally disregarded this avenue for the determination of Maori rights and interests in Freshwater Criticism 3 Region by Region - River by River A National Freshwater Statement or Policy must apply nationwide otherwise it is not a National Policy Statement. If we are to develop a Policy that differs according to region by region or river by river then this will lead to fragmentation and undermining of the whole of the National Freshwater Policy. All rivers and tributaries have common sources as do lakes and streams and springs. A national Freshwater standard applicable nationwide should be the sole and major priority and the introduction - by stealth - of River Management Units is an unwarranted and unacceptable political intrusion in the National Freshwater Management process - Will these River Management Units include all tributaries - River Catchments should be the only basis of monitoring and supervision and independent of Regional Councils who by virtue of their own membership are totally conflicted in terms of their own interests. I call for the appointment of a National Freshwater Authority to be fully responsible for the implementation management supervision and enforcement of the National Freshwater Policy. This is the only way it will work and give equity and equality to all freshwater users - commercial recreational cultural and environmental

Clause

What do you think about the proposed amendments to the Freshwater NPS?

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Amendments to the National Freshwater Policy Statement Subject to what I have aforesaid I would now like to refer to the amendments. I deplore the use of "Swimmability" as the basic standard. It should be "Potability - Drinkability" - Very Safe . It should be a relatively easy exercise to determine at what state a river loses its "Potability - Very Safe status" and becomes "Swimmable - Reasonably Safe " and when it loses its Swimmable to "Non Swimmable Reasonably unsafe" to "Positively Dangerous". These points in any river system are critical to any proper subjective analysis of any River catchment and must be the first exercise to be undertaken in terms of any Case Study. The Manawatu and Brunner River Case studies do not seem to identify these 4 critical positions in their rivers. But I may be corrected 3.1 Swimming & Recreational Values. I fully support the amendments as proposed. Requiring councils to identify where quality needs to be improved for recreational is good however Councils need to be under an over arching requirement to monitor water quality in all areas not just where recreational use is an activity. This restriction is totally therefore superfluous and window dressing - you can't separate recreational water use from the rest of the lake or water body. Again improving the waterbody for suitability for swimming is another diversion as the objective should be to improve the water body for suitability for all users - not just recreational - another piece of political window dressing Furthermore Regional Councils seem to only required to establish methods to respond to results. This is not sufficient. The Regional Council must be required to address the quality issue and show the method it has employed to meet that issue. There is not enough enforcement rigidity and that is why a National Freshwater Authority is the more appropriate body - a National Freshwater Police - anything less and we are going to be where we are now - if not worse off by 2025 3.2 Monitoring macroinvertebrates I fully support this amendment. This is one of the means of measuring the water quality - an aquatic canary. 3.3 maintain or improve overall Water Quality I approve of Regional Councils having a responsibility to maintain and improve overall water quality across their regions. This needs to be a heavy and real responsibility with accountability back to their river communities where they fail in this regard. I oppose the establishment of Freshwater Management

Units on the grounds that I have mentioned earlier. This is a new class of river management. This seems to separate a river from its tributaries which is totally nonsensical and environmentally inappropriate. There are no standards of water quality set - Scientific Cultural Environment Commercial or Recreational - which makes this part of the amendment not as strong as it should be. The value is to be maintained to its current level which is the default. The current levels should have some form of scientific foundation or validity.

3.4 managing Nitrogen and Phosphorus I totally approve of the proposed amendment imposing upon RCs a real responsibility to establish DIN and DRP objectives - standards.

3.5 Economic Wellbeing Freshwater will be vital to the future of all of Aotearoa NZ - not just its economic - primary industry or tourism future. Freshwater already plays a significant role in the economy which is simply not appreciated. Without our Freshwater accessibility availability and use our total economy would fail - Agriculture Horticulture Dairy & Livestock. There is not sufficient regard of the importance of this factor. Our access to Freshwater is simply taken for granted and within 7 years we must come to terms with our overuse and abuse of this natural God-given resource. Water as an economic resource must now be acknowledged and not sidelined. It must be given No 1 priority status over Primary production and Tourism and we need to implement steps to secure and maintain that resource. Freshwater will soon become (if it not already) our No 1 Economic Resource. This is why we need a National Freshwater Authority vested with lawful authority and power to protect this resource in the interests of the Nation State. Issues of water ownership can then be deferred if this National Freshwater Authority were to be put in place and it could hold undefined stakeholder (including Maori) interests in trust in the meantime allowing the issues of water quality water quantity and water allocation and the implementing maintaining and enforcement of national standards to become defined and settled on a National basis. Currently there is total confusion between Ownership and Management of Freshwater and the Rights and Interests of Iwi in Freshwater - neither issue being adequately addressed in the meantime.

3.6 National bottom lines on infrastructure I support this proposed amendment restricting Regional Councils to below national bottom lines only in the physical area where the infrastructure contributes to the degraded water quality. However this sounds like a real cop out to me and could apply to every physical area where there is a waste water treatment plant that has contributed to water degradation over the last 40 years. This could make the whole of the amendment worthless unless it were to be strengthened by giving the Regional Council time to improve the quality of the degraded water. There should be a concomitant obligation upon Regional Councils to improve the degraded water otherwise what is the point.

3.7 Coastal Lakes and Lagoons I am comfortable with the proposed amendment.

3.8 Te Mana o Te Wai Firstly I defer to the good work put into the development of this concept by the Iwi Leaders Freshwater Group and particularly Willie Te Aho. I have attended many of his Iwi hui on this matter and have raised the issues I have already raised herein apparently on deaf ears. Nonetheless as I have been approached to make submission on this Freshwater document I will reiterate my views again. I am pleased that Te Mana o Te Wai is a totally unclear as to its meaning intent and effect. The Maori terminology does not provide any clarification whatsoever so I am pleased to see that there is some confusion in Pakeha circles. There seems to be no confusion in Maori circles which totally confuses me. "Te Mana" refers in Maori terms to a "Power and Authority" and in this context can be taken to mean "The power and authority of Wai Maori - Freshwater" - which is a nonsense. Freshwater - Maori or not does not have any power or authority over anything. It has a highly destructive power in times of floods but otherwise cannot be possessed of a personal attribute - power and authority can only be conferred upon a person or legal entity. Therefore Te Mana o Te Wai - cannot exist without the conferment of legal power and authority upon it. Therefore in Te Arawa I have called for the establishment of a Te Arawa Mana mo te Wai - which is a Te Arawa Freshwater Authority - This is totally appropriate as then there is a body who has conferred upon it within Te Arawa a responsibility for Freshwater Management Standards Policies and Practices within Te Arawa. - All of this has fallen on totally deaf ears within Te Arawa. This makes total sense to me because Water cannot of itself have any power and authority which is what the term "Mana" implies. Government policies totally approve of the confusion and possibly encourages it. However the phrase "Te Mauri o Te Wai" is something totally different. This relates to the Health Well being and life force of Freshwater which is relevant to any National Freshwater Policy Statement - Te Mauri relates to the whole River and environmental ecosystem and determines the life force of that river system and environment. Mana relates to Power and Authority Mauri relates to Health Well being and Life force including the macro invertebrates and other river life forms and habitats. It is therefore possible that the Maori Iwi Leaders have been talking about "Power and Authority" and the Pakeha Officials have been talking about "Health Well being and Life force" of the Freshwater River systems - with the Government sitting on the side laughing. On this basis I believe that there needs to be established a National Mana mo Te Wai - national Freshwater Authority - responsible for the overall Implementation Management Supervision Monitoring and Enforcement of the National Freshwater Statement and publically accountable for performance reporting directly to Parliament itself. This is what Te Mana o Te Wai should properly mean. Otherwise you may have to amend the term Mana to Mauri which is what I think you mean. Mauri is the more environmentally scientifically culturally commercially and recreationally relevant term in relation to Freshwater bodies. On the downside you may lose the support of the Iwi Leaders Groups who may not be so interested in the Mauri as in the Mana o te Wai. They may in effect see themselves as Te Mana o te Wai. However I hope this explanation helps clarify your confusion. I prefer to see the establishment of "The National Freshwater Authority - Te Mana mo te Wai" as reinforcement of my previous comments. The National Policy Statement on Freshwater - if it is to have any semblance of respect and authority - must have a National Freshwater Authority - Te Mana mo Te Wai - properly authorised and empowered with powers to enforce. Otherwise this exercise is totally futile and a waste of time. This would be a pity as if we can address the issue of Freshwater Ownership Management Monitoring and Enforcement now that would be a major feather in our cap now for the future generations.

Clause

What are your thoughts on the proposed stock exclusion regulation, for example, the timeframes and stock types to be excluded?

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I support Stock Exclusion from waterways. I understood it was part of existing Regional Policy Statements and if farmers are disregarding their resource consent obligations then Regional Councils should be held accountable. It also indicates that Regional Councils may be unable to implement National Standards where they militate against their own interested groups and stakeholders - again which reinforces the need for a National Freshwater Authority - free of parochial interest - just committed to the National Interest of preserving protecting and enhancing our Freshwater resources.

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Do you have any other comments on the contents of the Clean Water discussion document?

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The Freshwater Improvement Fund I approve of the establishment of this fund which is good and proactive. I have 2 criticisms of the application criteria Criticism 1 relates to the minimum funding of \$200000. This figure is high for iwi groups that generally do not have the resources to that magnitude. I would ask that this figure be reduced to \$100000 otherwise it is perceived as an iwi disqualifying factor which is disappointing Criticism 2 The 50% Contribution This contribution figure is too high as it restricts the ability of iwi groups and organisations to meet this contribution figure. I would suggest a contribution figure of 30% with non cash contribution of 20% - Again it can be perceived as an iwi disqualifying factor.

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