Introduction

1. Ngāti Kahungunu waterways are not in a healthy state; their water quality has and continues to deteriorate with little sign for improvement. The over-allocation of water creates further negligent resource management that compounds the water quality issues creating further problems. The accumulative impacts particularly on our aquifer and groundwater resources are deteriorating to a point where it will take up to a hundred years to rectify. Ngāti Kahungunu marae and communities have had the access to, and use of their traditional waterways limited or ceased entirely.

2. The Essential Freshwater – healthy waterways – consultation document’ and associated positive changes could not come fast enough. We acknowledge and commend the Crown for taking the courage to provide meaningful and stern direction to those responsible for managing our natural environment, not only for today and profits of a few but to also consider future generation.

3. The iwi acknowledges the role of the economy and the considerations that have and need to be made to ensure that our local, regional, national and international markets and economy prosper and continue to function. However, they can function better; and tangata whenua system of commerce need not be a subservient consideration to the currently dominated western outlook on commerce and subsequent natural resource mitigation (rather than sustainable management).

4. The overarching purpose of the current resource management act is sustainable resource management given their relationship the National Policy Statement on Freshwater Management would logically share the same overarching purpose. The Iwi is committed to ensure central and local government agencies and policy appropriately reflect our interests as they relate to sustainable resource management and the recognition and provision of our culture and traditions.

Background

5. Ngāti Kahungunu Iwi Incorporated (the Iwi / Iwi authority, also referred to herein as NKII) is a mandated iwi organisation. Ngāti Kahungunu has the third largest iwi population (62,0001) and the second largest tribal rohe and coastline, from Paritu and extending inland across the Wharerata ranges in the north to Turakirae in southern Wairarapa.

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1 2013 Census of Population and Dwellings, New Zealand Kahungunu population only.
6. The iwi authority maintains an independent position to advocate for the interests and rights, including values, beliefs and practices of all Ngāti Kahungunu tāngata whenua, whanau and hapū. Tāngata whenua hold significant cultural, economic and spiritual connections to the natural environment and have rights and interests to its resources. As kaitiaki, Ngāti Kahungunu have an obligation to protect and restore the mauri, and the physical and spiritual well-being of natural environment for future generations.

7. Ngāti Kahungunu Iwi Incorporated invests a significant amount of time, resources and energies in drawing together and considering the views and aspirations of Ngāti Kahungunu tāngata whenua mai Paritu ki Turakirae. Maintaining these networks and appreciating all perspectives is vital for a holistic overview and progressing towards enduring outcomes and solutions.

8. The Iwi has held or been privy to many hui for tāngata whenua that have had a focus on the natural environment and water in particular. Discussions have reiterated common values and interests and also highlighted the reoccurring adverse environmental impacts on them.

Comments on Overall Approach

*Speed up implementation of freshwater regulation through amendments to the RMA*

9. NKII supports speeding up the implementation of freshwater regulation where that regulation supports sustainable management that avoids adverse effects on the environment and our culture and traditions.

10. NKII also support better, faster and more nationally-consistent freshwater management plans and implementation. However, NKII notes the need to ensure that plans throughout the country are elevated to be on par with the best quality plans, not the average or below average plans in terms of environmental sustainability.

11. NKII also seeks caution that faster does not always translate into better, and in fact in can be the total opposite can be true. This is particularly for tāngata whenua who are under resourced and the capability and capacity to ‘provide’ by local councils is either not present and or inhibited.

12. Similarly, NKII seeks caution around any “speedy” process that limits iwi and public input and scrutiny. In many instances that lack of provision of input for the general public is to the detriment of shared values with tāngata whenua; and in turn healthy relationship building between cultures. It is also NKII’s experience that “stakeholder groups” elevate commercial business interests ahead of the public’s best interest and those interests (based on outcomes) are also elevated ahead of tāngata whenua, irrespective of Crown direction and the policy and legal framework.

13. There is concern with the expectations placed on tāngata whenua to participate in numerous meetings especially in processes that are labelled as ‘collaborative’ and require significant input and resources from tāngata whenua. Outcomes from such processes have not generally been positive or effective, and NKII feels that the idea of a streamlined process in this regard is largely a myth. Rather than achieving better collaboration and therefore better outcomes, the process places increased burden on tāngata whenua, including the defence of provisions of culture and traditions which, rightly should be the job of local councils. Instead councils may push for the watering down of tāngata whenua rights and values to achieve consensus through further compromise again from where it has traditionally been sought. NKII notes that despite the best
intention and specific ‘terms of reference’, this still occurs. To truly be collaborative and reflect the co-management intent of the Treaty, the decision making process needs to occur with tangata whenua prior to any stakeholder engagement, particularly given the lack of responsiveness to Māori within local government and the resource management public sector.

**Policy direction - healthy state within a generation**

14. NKII supports the general policy direction being signalled by Government in the freshwater reform but notes that there are a number of key concerns and elements that must be addressed to ensure that the aspiration of healthy water ways is achieved within a generation. A number of these are discussed in more detail in following sections of this submission. One of the most critical of these matters is that timeframes and directives must be sufficiently clear and definitive, without this NKII is of the view that the proposals are likely to fall short of achieving the goals and aspirations set out for freshwater management and change.

15. NKII also points out that the current NOF approach has been used as a guideline to “work down” to. That is, aspirations for improvement may not go any higher than the current band, particularly if there is a competing (commercial) goals.

16. Currently, the NOF bands can paint a false picture of the reality and in part shift what in the past was intolerable to now being tolerable or good. Bands can also be so broad that there are at times significant room for Councils to ignore their responsibilities in “maintaining and enhancing” water quality and quantity – by allowing degradation within a band.

17. The bands ANZECC guidelines can be better in terms of greater detail in capturing the state of our waterways and guiding the necessary management and avoiding ‘flexibility’ that allow degradation within a band.

18. Additionally, NKII considers that there should not be any exemptions for any industry including for hydro-electric schemes. In addition, these schemes should not or should cease to impinge on the rights and values of tangata whenua. Every, sector should meet bottom lines and contribute to the goals alongside everyone else, this also should not bring down the level of those collective goals.

**Te Kahui Wai Māori - Te Mana o te Wai**

19. NKII supports all the recommendations of Kahui Wai Māori group and makes the following additional comments in relation to recommendations 1, 11 and 12:

20. **KWM Recommendation 1**: Embed Te Mana o te Wai principles and obligations to guide all activities.

21. NKII agrees with the hierarchy of obligations. First, protect health and mauri of water; second provide for human health, such as drinking water (without the need for treatment). Thirdly, enable consumptive uses, provided that such use does not adversely impact mauri of freshwater. Caution that other sections of this proposal contradict this hierarchy, if Te Mana o te Wai is to be given effect then this corresponding hierarchy needs mana, and not open to loop holes or contradictions.

**KWM Recommendation 11**: Implement a National Freshwater Science Strategy, that extends beyond biophysical factors and includes Māori measures of health, to underpin Te Mana o te Wai.
22. The significance for tāngata whenua in being immersed and ‘cleansed’ by their awa is far greater than the commonly used western recreational thinking and term ‘swimmable’. In effect this is a total disregard and does not provide for the relationship of Māori our culture and traditions with our ancestral waters. Tāngata whenua have never knowingly consented to the degradation of the waterways to a point that they are no longer swimmable; it contravenes our spiritual values and section 6e of the RMA.

23. **Recommendation 12:** A new water allocation system must conform with Te Mana o Te Wai and iwi/hapū rights and obligations, including the recognition of the long held exercise of ahi kā by Māori landowners. No allocation based on grandparenting and no perpetual rights.

24. Grand-parenting of consents is a significant issue that is currently still practiced and enabled by regional councils. Explicit banning of grand-parenting needs to be directed and all consent applicants treated as new consents. This in turn requires a robust of what is grand parenting, as it's difficult to remove its practice if decision makers deny its existence or ignorant of what it actual is.

25. Tangata whenua have water rights that are undefined and not provided for, this needs to be resolved. In the meantime, these rights are being undermined by those who assume a water right. Technically, no one currently has or should be afforded a water right however, water Councils are still effectively working to this incorrect assumption and effectively using policy akin to previous legislation that ‘use’ to award water rights. This culture and practice needs to cease, resource management needs to be clearer in this regard to remove these expectations and practices.

26. Grand parenting has been justified by economic investment, this needs to be addressed and removed.

**Giving Effect to Te Mana o Te Wai**

27. The following sections include comments relating to NKII’s views regarding the importance of embedding the Principles of the Treaty of Waitangi into the NPSFM; policy provision for iwi and hapū participation; and new Māori values and support needed to implement these as well as the importance of the use of timeframes, to ensure that Te Mana o Te Wai is given effect to.

**Treaty of Waitangi**

28. It is unfortunate that the timing of the proposal document was not able to fully incorporate or appreciate the evidence and findings of the Waitangi Tribunal and the WAI 2358 Freshwater and Geothermal Treaty of Waitangi Claim. The evidence provided to the Tribunal demonstrated how the Treaty, the principles of the Treaty have not been taken into account and tangata whenua rights have been diminished.

29. With that said, the Treaty of Waitangi should not just be referenced in the preamble of the NPS, it should be referenced in conjunction with, and as part of, Te Mana o Te Wai. The Treaty of Waitangi should be honoured and its principles reflected in the NPS provisions. The RMA provides that the Treaty should at least be taken into account by local authorities and NKII has observed that councils need as much direction and support as possible to give meaningful effect to their obligations under the Treaty of Waitangi.
30. The role of Māori in the management of freshwater can be improved and the Treaty of Waitangi and Te Mana o te Wai provides a much needed framework in terms of how this can occur.

31. The rights of Tangata whenua to freshwater should not be impeded by this proposal and it needs to be clear how this will occur in the next iteration and when can we expect those developments.

32. It has been NKII’s experience that the same issues are often re-hashed and re-litigated through various planning processes. The new NPS and the implementation of the Te Mana o Te Wai framework, if supported by appropriately worded policy and the introduction of new Māori values, provides a significant opportunity to ensure that greater and equal respect is afforded to both mātauranga Māori science and western science, and to remove the need to re-litigate a number of issues which are fundamental to freshwater management throughout Aotearoa.

**Iwi and Hapū participation in freshwater management – Policy Provisions**

33. The current wording of Policy 5 uses the term ‘involvement’ is not considered strong enough because it is only in the middle of the public participation spectrum (as defined by the International Association for Public Participation). Involvement is stronger than ‘keeping informed’ and focuses on ensuring that the views of the party/community being ‘involved’ are provided for in alternatives being considered. It falls short however of enabling iwi and hapū to be directly part of recommendation and decision making processes, which would be collaboration. Government’s approach in the freshwater reform process of using advisory groups, including Te Kahui Wai Māori, is in fact closer to collaboration than involvement, especially given the way in which the consultation documentation has been set out in terms of making clear where there are disagreements/differing views of the advisory groups and providing an opportunity for feedback on this matter. This approach is to be commended and it is important that the language of the NPS reflects the partnership approach provided for in the RMA and Te Tiriti and reinforced by partnership approach being taken by central government to date.

34. It has been the experience of NKII in local planning processes that even where involvement, and in some instances what is being called collaboration, are provided for, iwi and hapū views are in fact marginalised and not adequately reflected or provided for in decisions. The inclusion of more robust and powerful language in this regard in the policies of the NPS is critical to ensure that the fundamental concept of Te Mana o Te Wai is actually able to be given effect to.

35. Recommended wording for Policy 5, to be reflected elsewhere in the NPS as appropriate is:

Tangata whenua values and interests are identified and reflected in the management of, and decisions relating to, water bodies and freshwater ecosystems through involvement and/or collaboration with iwi and hapū in all aspects of freshwater management.

**New Māori Values**

36. Mahinga kai – should be a compulsory value and includes place – where kai is and can be gathered; the practice and ability to gather the kai; and the species or items being gathered. Wai tapu should be also elevated as a compulsory value as well, both of these values need corresponding attributes to give meaningful effect. Wai tapu should be afforded at least the
same status and recognition of wahi tapu, as noted in section 6 e of the RMA and the Treaty of Waitangi.

37. It is unfortunate that provisions for tangata whenua, like these values and their attributes are incomplete and not to the standard that other matters and values are afforded and respected. This lack of responsiveness or inequality also exists at the local level and is common institutional practice that relegates the recognition and provision of the culture and traditions of tangata whenua below that of others. Compulsory tangata whenua values should have national bottom lines and discretion should not be left to regional councils.

38. Attributes for mahinga kai should also include human health measures. For example, an ambition of primary contact and at least a bottom line of secondary contact should be national bottom lines. When mahinga kai is harvested this may involve complete immersion in the water column and often at the very least significant contact. The ability to swim with the eels is an indicator for Ngāti Kahungunu, that highlights that kai is present and the water quality is good.

39. **Policy 13** - The inclusion of only economic well-being in this policy does not align with the hierarchy of obligations set out in the NPS. The policy should either refer to all 4 well beings or be secondary to a primary policy which provides for social, environmental and cultural well-being first, noting that mahinga kai and wai tapu should be compulsory values and therefore cultural well being provided for in this policy would bring better alignment throughout the NPS, as per the hierarchy.

**Question 16 – What implementation support will need to be provided – in respect to new Māori values.**

40. Ngāti Kahungunu has devoted a significant amount of time and resource over the years responding to various freshwater and RMA reforms and participating in Council planning processes. We’ve witnessed the failing of local government to cater not only for tangata whenua but also for communities and failure in the interpretation of previous policy statements – see Ngāti Kahungunu vs Hawkes Bay Regional Council.

41. Councils are unable to meaningfully incorporate measure and respond to Māori values, if they were it would exist at present, particularly given the raft of provisions already provided and tangata whenua would not be providing substantive submissions and evidence to the Waitangi Tribunal and government organisations.

42. **Part 4 Timing** - Support explicitly placing the onus on regional councils to demonstrate that their RPS/RP implements the provisions of the NPS. However, it is critical that the NPS is explicit as to how this will be determined i.e. will MfE playing a ‘check and balance’ role in this regard? Experience at the local planning level indicates that councils may make the contention that their policy statement or plans give effect to national policy provisions, and whilst other parties observe that this may not in fact be the case, there is no pathway for this matter to be assessed and determined. This is a significant gap in the NPS which must be filled in order to ensure that the intent of the NPS is actually given effect to at a regional level.

43. **The Ministry for Environment needs to be directly involved to provide checks and balances in local planning processes to ensure that the intent of the freshwater reform is reflection in policy statements, plans, actions and practices.**
44. To implement the new Māori values, and anything provided for Māori, tangata whenua and communities could benefit from greater support from central government. We need assistance to ensure that the regional and local resource managers give effect to the direction set out in these national policy statements and provisions for Māori. The alternative is seeking clarity through the court which can come at significant cost to the iwi other organisations and to the public. If the intent of collaborative planning is to avoid lengthy court battles, then stern direction and central government enforcement is needed. Without this approach then how can central government that goals will be reached within a generation, its without measure and without active adjudication.

_Hapū kaitiaki and iwi technicians_

45. Hapū kaitiaki should be compensated for ensuring the local issues and the rights of mana whenua are respected and provided for – these kaitiaki should conduct the monitoring. Iwi should be resourced to provide technical expertise, support and training to hapū kaitiaki, as well as reporting to the region. This should be included in public long term planning and on par with state of the environment reporting. At present no monitoring is included as ‘business as usual’ and the biggest concern of regional and local managers is money, i.e. where is the money going to come from. This makes it difficult and at times near impossible to have an honest and objective discussion without financial considerations casting a cloud over what potentially might be possible.

_Timeframes_

46. One of the most critical of these matters is that timeframes and directives must be sufficiently clear and definitive, without this NKII is of the view that the proposals are likely to fall short of achieving the goals and aspirations set out for freshwater management and change.

47. It is imperative that timeframes for achieving target attributes states are prescribed within the NPS. Otherwise these could be of any length or period, which will not achieve the intention of meaningful change within a generation. More direction in setting time frames is justified and critical to the achievement of the goals and aspirations of the NPS.

48. Additionally, specified timeframes are needed in section 3.19 of the NPS and NKII is strongly in support of a defined a time frame within which over allocation is phased out, in many instances this needs to be prescribed to avoid a 30-year delay.

49. This also applies to section 3.24 and Appendix 4 in that there must be specified time frames for the transitional provisions to ensure that the intent of the NPS is realised within a generation.

Comments on other specific issues as set out in the NPS and the Discussion Document

_New attributes to be monitored and maintained and improved_

50. Questions 21, 30 and 32: NKII is generally supportive of the STAG recommendations to include both nutrient and ecosystem attribute limits, noting that in some catchments (as recognised later in the document), nutrient limits are already set below those initially proposed by STAG. This indicates that apparent concern from FLG and RSWS about including both nutrient and ecosystem limits may be overstated and not reflective of what is already occurring.
51. NKII also notes that the Environment Court has ruled that an “unders and overs” or “averaging” approach to maintaining water quality is inconsistent with the unqualified function in section 30(2)(c)(iii) of the RMA to maintain and enhance water quality - Ngāti Kahungunu iwi Inc v Hawke’s Bay Regional Council [2015] NZEnvC 50.

52. We support a new definition of “maintain”. We are pleased to see that the reference to maintaining “over all water quality” within a freshwater management unit has been removed.

53. This phrase was used (and still used) by some councils and industry groups to argue that the NPS does not require that water quality is maintained in an absolute sense. This cost NKII significant time and energy clarifying the interpretation.

54. The Environment Court commented that the Hawkes Bay Regional Councils arguments were “fundamentally flawed” and “illogical” however, they were guided by MfE advice at the time. The Court also commented on the practical difficulties in implementing such an approach, including the monitoring and enforcement:

“...what kinds of contaminant in one water body could be offset against others, in a different waterbody? ... What sort of beneficial effect would counterbalance an adverse effect when those effects are in different water bodies perhaps scores of kilometres apart?”

55. The Environment Court ruled that an “overs and unders” averaging approach could not provide for section 6e of the RMA and contradicts ‘Tāngata whenua roles and interests Objective D1 and Policy D1 of the NPS FM’. ‘Allowing’ parts of a catchment to degrade ignores the holistic world view of tāngata whenua.

56. From experience, Ngāti Kahungunu has witnessed the pressure placed on Council staff, particularly scientists and technical experts -- this pressure needs to be mitigated as much as possible if lengthy court battles are to be avoided and the targets in this proposal achieved.

No further loss of wetlands and habitat

57. NKII is supportive of the intent and considers that strong policy direction is needed to adequately protect the little remaining wetlands left. The policy direction in this regard could be stronger. The wetland definition needs to clarify the existing RMA definition and not create further ambiguity. Wet pasture should be considered a wetland, particularly if a qualified ecologist identifies the flora and fauna common in a wetland. If the definition contains random exclusions, then the policy or objective is contradictory and the proposed wetland rules will not achieve the desired outcome in preventing further wetland loss.

58. NKII also notes that caution is needed with respect to ‘innovative ideas’ as it has been seen that such ideas can be implemented on the basis of being new, and achieving one set of values, whilst actually occurring at the expense of other values.

Stormwater and Wastewater

59. NKII supports better minimum standards, limits and rules related to storm water and waste water, noting that caution is required to ensure that these are not treated as a “work down” tactic as has occurred with the NOF in the past.

60. Priority should be given to mahinga kai areas. Targets of restoration and NO pollution for these areas should be planned for. Numerous Treaty of Waitangi breaches occur as a result.
61. Mahinga kai and systems of tangata whenua commerce have and continue to be unduly affected
often in preference to commerce activities of other cultures that are again inequitably afforded
at the expense of traditional tangata whenua values and practices

**Improve Farming Practices**

62. Farming practices need to improve not just in identified significantly degraded catchments, but
throughout the country in order to ensure that adverse effects are not simply being delayed and
that ‘tomorrow’s problem will undo yesterday’s solution’.

63. NKII strongly echoes KWM’s views and concerns (page 69 of the discussion document) regarding
FEPs and considers that they are largely redundant without, critical review, ground-truthing and
real-time independent analysis and most of all enforcement powers.

64. **Question 53 (immediate actions to reduce nitrogen loss):** Option 3 is not considered viable
given that short term (immediate) action is required. Regulation must be used. Option 1
(nitrogen loss cap in high nitrate-nitrogen loss catchments) combined with the use of Farm
Reduction plans is considered the most viable option because it would likely result in better on
farm practices in those catchments and provide a pathway by which more and better
information can be obtained and monitored about those practices. NKII agrees with the views
expressed by KWM with regard to the role FEPs can play in managing the effects of farming
practices on freshwater and considers that the combined use of Option 1 and 3 reflects these
comments.

**Land use and cumulative impacts**

65. Regional councils must manage the cumulative impacts of land uses on the receiving
environments, freshwater bodies, ground water and the coastal marine area. This is where
many plans despite intentions at integrated planning still manage to inadequately consider the
impacts fully. The NPS could be more directive in regulating and protecting the receiving
environment, through specific inclusion in Policy 4 or its own policy. An assessment of the
cumulative effect of changes across multiple sites within an FMU and multiple attributes during
the period covered by the assessment.

66. Information gathered as part of resource consents, including the conditions are typically not well
captured and factored into decision making in any structured and logically beneficial manner,
further instruction could be provided to utilise this data.

67. Non regulatory FEPs and education as the main or only management measure is ineffective and
can waste significant amount of public resources. This non regulatory approach does not
require land users to internalise their pollution costs, which NKII considers to be critical to
ensure real change.

68. NKII seeks to see a shift away from the current approach of managing environmental risks, to a
more precautionary approach focused on avoiding adverse effects altogether. When asked if an
action or outcome could have been avoided, if avoidance wasn’t the goal at the outset, then the
response would be unsatisfactory.

69. **Question 18 and subpart 3.4(5):** NKII is supportive of the intent of the NPS to ensure that RPSs
require that District Plans include provisions to avoid, remedy or mitigate cumulative adverse
effects of land uses on water. However, it seems only part of the picture for this measure to
address only urban development. In East Coast regions for example, sediment loads from rural land use practices are seemingly a more significant issue than effects on water quality resulting from urban development. It is appreciated that farming practices as well as production forestry are being address via other provisions and proposals outside the scope of the NPS. However, it is considered that rural land uses should be addressed in this provision of the NPS and reference made to those other provisions as appropriate, in order to ensure that there is no gap in the NPSFM in this regard. Additionally, the current presumption that plantation/production forestry is a permitted activity is significantly risky given the dire situation in some water bodies in the country due to the effects of forestry. NKII wishes to echo the concerns from KWM regarding the need to ensure that all policies and standards are in alignment in order to ensure that the issues currently before us with respect to freshwater are addressed in an integrated and comprehensive manner.

**Freshwater Management Units – Accounting System**

70. The development of Freshwater Management Units, is extremely important as adverse effects can be masked with in larger areas. They should align with sub-catchments or a selection of sub-catchments.

71. These need to be developed in partnership with tangata whenua to ensure that management is with consideration to the association tangata whenua have with their waterways, their customs, traditions, practices, values, mātauranga Māori and monitoring methodologies – that can differ between hapū.

72. NKII seeks that the NPS provides direction that avoids the aspirations of some councils to manage “down” water ways with averages see the Environment Court decision Ngāti Kahungunu vs Hawkes Bay Regional Council, Decision [2015] NZEnv50 ENV-2013-WLG-000050.

73. This is particularly important for aquifers, especially those that are heavily relied on and used for drinking water for communities, including for example the Ruataniwha and Heretaunga Aquifers. Avoidance of the ‘managing down’ through the use of averages should help prevent further contamination and avoid the current over sights that currently occur.

74. There is significant risk in using averages as it provides a potential loophole for councils to mask and ignore the realities. This particularly relevant and often offensive to tangata whenua and their values because the actual status for significant waterways and mahinga kai for certain hapū may appear fine when averaged, or their values are assumed to be catered by a waterway and mahinga kai that they have little to no cultural and traditional association with.

75. Principles and criteria should be specified for selecting FMUs as in the absence of clarity inadequate management and monitoring could easily prevail.

76. Ngāti Kahungunu FMUs should enable different management frameworks between lowland rivers, upland streams, lakes and coastal/ estuarine waterbodies which would result in multiple FMU’s for catchments, including sub-catchment FMUs. Aquifers and ground water are often over looked or an afterthought to surface water management, and considering their significance and functions, aquifers warrant their own FMU.

77. Enabling large FMUs with multiple characteristics, different hydrological boundaries, various hapū boundaries and interests, and differences in ground / surface water interaction would
make it difficult to address land or freshwater mismanagement issues and ability to rectify problems in a timely manner.

**Definitions and other wording changes**

78. *Ki uta ki tai* – should also refer to ‘maintaining the integrity’ of the connection and its ‘relationship to whakapapa’.

79. **Limits** – must include sound measures, and resources could have more than one measurable limit, particularly if an option exists and sustainable management and risk aversion is valued. The avoidance of the use of numerical limits is not supported.

80. **Section 3.9 (6)** – Include reference to mātauranga Māori in the list of factors to ‘have regard to’. To align and provide real purpose to any related monitoring to also align with section 6, 7, 8 in the RMA.

81. **Section 3.12 (lc)** – Amend, to say that existing water permits will be reviewed to comply with flows and levels. Water permits should be directed for review otherwise in those areas that need it the most and might be highly political it will not occur if discretion is again allowed. The alternative is far too weak to achieve the desired outcomes. This is the issue with our current regulatory framework and in essence this is the purpose of the proposed amendments afforded.

82. **Section 3.12** - For the sake of clarity, this section should be explicit that councils must set an allocation limit for the FMU or from parts of an FMU, according to which, take limits can be assessed.

83. **Section 3.14** – Remove the wording “if possible” it is ambiguous and should be stronger, otherwise it is essentially the status quo ‘if possible’ could be with reference to the fact that it is unbudgeted, or unfeasible until some unknown future event, all of which is not going to achieve the desired outcome of improving water quality and quantity. Hence no impact from what is already provided.

**Threatened species and habitats - freshwater ecosystem health - new attributes and requirements in the NPS-FM to protect threatened species and habitats**

84. The proposal presents a great start and well needed discussion. However, NKII seeks that non-threatened species are not ignored.

85. Tangata whenua rights and interests including our culture and traditions will never be fully recognised as long as no living native species are protected, at least to the level afforded to the now extinct Grayling and the introduced species of Trout and Salmon. This fact should be a source of embarrassment for New Zealand and any government.

**Drinking water – Amendment to the NES for Sources of Human Drinking Water**

86. NKII considers key aspects of changes needed to the NES for Sources of Human Drinking water include the following:

87. **Prevent adverse effects on ground water quality** – consider load to come and forecast expected outcomes. These considerations relate to accumulative impacts for example some contaminants may build up in certain ground water systems or aquifer and never be flushed out
88. **Prevent adverse effects on ground water quantity** – protection of groundwater reservoirs is woefully inadequate and further issues will occur if inadequately addressed, the proposed NPS is too silent on these issues.

89. Strongly recommend on insisting on **limits that prevent ground water “mining” and “over-drafting”**, and where over allocated, mining or over drafting occurs provide enforcement to return the water balance.

90. Limits are needed for groundwater extraction, not inadequate solutions that create further problems, in order to continue further exploitive practices.

91. Havelock was a valuable lesson however, do not throw the baby out with the bath water and do not avoid the substantive issue that cause’s water quality deterioration. That is, over use of groundwater and timing of use and impacts on drinking water sources.

92. **Treatment should not be treated as a target**. Rules for better management of quality and quantity should not be influenced by councils’ ability to save the day with treatment. This approach is what both Regional Council and District sought to have as an objective, policy and rule in their respective plans. The iwi opposed this on behalf of tangata whenua and the community – this should be the Crown’s responsibility or better yet these conversations should not need to occur.

If there is the opportunity Ngāti Kahungunu Iwi Incorporated wish to be heard in relation to this submission, for any additional information, please contact [Director of Environment and Natural Resources](#), [Personal details removed].

Nā māua,

[Personal details removed]

[Personal details removed]

[Personal details removed]

[Personal details removed]