

Submission to the Minister for the Environment on the proposed amendments to the National Policy Statement for Freshwater Management 2011

4 February 2014

Kei te Minita, tēnā koe. My name is April Bennett¹ and I am Tūwharetoa, Waikato and Tūhoe. I work as a lecturer in Māori Resource and Environmental Planning at Massey University in Palmerston North.

This submission concerns Proposal 4.6, entitled 'articulating tangata whenua values', in the Crown's discussion document on the NPS. Responses to all of the questions related to this proposal (as set out on page 30 of the discussion document) are given below.

Question 38: Do you think the proposed NPS-FM adequately provides for te mana o te wai?

No. Including a description of te mana o te wai in the preamble and as a value in the appendix to the NPS will not compel regional councils and unitary authorities to give effect to te mana o te wai in their policy statements and plans. For these councils to give effect to te mana o te wai in their planning documents, it must be included in the substantive part of the NPS; that is, the objectives and the policies. For this reason, I strongly support the further option of including te mana o te wai as an objective in the NPS.

Question 39: Do you agree with the way tangata whenua values are described in proposed Appendix 1 of the NPS-FM?

Mostly. I disagree with the assertion that secondary contact recreation is consistent with te hauora o te tangata/the health and the mauri of people. A healthy waterway that contributes to the wellbeing of people is one that provides for a range of activities that are not limited to boating and wading. These activities include swimming and collecting kai, and other activities that involve immersion in water such as bathing, tohi and drinking. I note

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these activities are recognised under other values that are also encompassed by te mana o te wai, such as mahinga kai, wai tākaro and wai tapu. There is a fundamental inconsistency between these values and the human health (secondary contact recreation) value. It is not possible to achieve them unless the water is suitable for primary contact recreation.

On a related matter, I also disagree with the proposed national bottom line for *E. coli* (page 72 of the discussion document). *E. coli* counts above 550 per 100 millilitres of water indicate faecal contamination and present a high risk of illness if the water is swum in or shellfish are collected from it. Setting the national bottom line at 1000 *E. coli* per 100 millilitres of water is inconsistent with te hauora o te tangata, mahinga kai and wai tākaro (recognising that collecting kai is also a recreational activity) because at such levels the water is unsafe.

Question 40: Do you support adding te mana o te wai to objective A1 of the amended NPS-FM as a matter that must be safeguarded?

Yes.

What would be the implications of adding this to objective A1 in the NPS-FM?

Adding te mana o te wai to the NPS as an objective would strengthen the planning hierarchy as it relates to Māori relationships with water, and allow more weight to be given to Māori considerations in plan development and the resource consent process. As a corollary, regional and unitary authorities may have to improve their Māori capacity and their relationships with tangata whenua to understand and give effect to the set of values that te mana o te wai encompasses. Rather than being a burden, however, these developments would be examples of best practice, and would build on and be consistent with the many changes that councils have been making to their practices since the passage of the Resource Management Act in 1991.

Some may argue that it will be difficult or impossible to measure the effects of an activity on te mana o te wai, or assess progress towards or degradation of te mana o te wai. Undoubtedly, there will be challenges associated with defending or recognising te mana o te wai at a practical level. However, some councils have done some excellent policy work, for example on setting numeric limits for freshwater, that enable the health of waterways to be

protected and to improve over time. Many councils are also engaged in cultural health monitoring projects with tangata whenua, which might be expanded if te mana o te wai is included as an objective in the NPS.