



NGĀTI WHĀTUA ŌRĀKEI
WHAI MAIA LIMITED

3rd February 2014
Freshwater Reform
Ministry for the Environment,
PO Box 10362,
Wellington 6143

**Re: Submission – Proposed amendments to the National Policy Statement
for Freshwater Management 2011**

Organisation: Toki Taiao (Ngāti Whātua Ōrākei Whai Maia Ltd heritage and
resource management unit)

Phone: [withheld]

**Email
address:** [withheld]

**Postal
address:** [withheld]

1. Ngāti Whātua Ōrākei (NWŌ) wishes to submit on the Proposed amendments to the National Policy Statement for Freshwater Management 2011 Discussion Document ('the Discussion Document' or 'NPS-FW') prepared by the Ministry for the Environment.
2. NWŌ are kaitiaki of significant areas of Tāmaki Makaurau and surrounds including the city centre. NWŌ are large-scale land owners within the Isthmus in our own right, and have statutory interests in sites of significance across Tāmaki Makaurau. NWŌ are actively involved in resource management and planning processes within Tāmaki Makaurau, and the proposed changes described within the Discussion Document have a number of implications that need to be addressed. This submission will review the Discussion Document with regard to our experiences and will build on from NWŌ's previous submission on the Freshwater Reform 2013 and Beyond – Discussion Document. The submission will address each of the 7 sections of the Discussion Document individually below.

1. Introduction

3. NWŌ support the acknowledgement within the Discussion Document that freshwater is a taonga for Māori and is essential to life and identity. NWŌ support the commitment from Government to working with iwi and other key stakeholders to improving freshwater management in New Zealand.

2. Why do we need to amend the NPS-FM?

4. NWŌ agree with the imperative from the Government to improving freshwater management in New Zealand and agree with the 6 areas where further national guidance and direction are required. In particular NWŌ are concerned with the pressure on freshwater management as a result of the significant population growth within Tāmaki Makaurau. While the Auckland Council boundaries also maintain

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large areas of rural land, one criticism is that the NPS-FM is too rural focused. Furthermore NWŌ are concerned with the comment on page 11 that the NPS-FM should clearly articulate tāngata whenua values. While generally agreeable to this direction, caution must be taken as to not dilute the diversity of tāngata whenua values which while generally compatible, can be different between iwi. Consideration needs to be given to the specific values of iwi in each region.

3. Options for providing further national direction

5. NWŌ have no comments to make with regard to the content of this chapter.

4. Proposal to amend the National Policy for Freshwater Management

4.1 Accounting for water quality and quantity

6. NWŌ agree with the proposal requiring councils to account for all water takes and contaminants. A lack of information in this regard is a significant gap at present. NWŌ are concerned however that water quality information is only required to be updated every five years where water quantity information is annually. NWŌ believe that both sets of information should be updated annually to ensure access to the most relevant information for iwi and decision makers.

4.2 National Objectives Framework: a framework and process to guide freshwater objective setting

7. As indicated in our previous submission NWŌ generally support the concept of a National Objectives Framework that incorporates the consideration of tangata whenua values. NWŌ are concerned with the value expressed as 'human health for secondary contact' which seeks to provide protection for human health when used for wading or boating. This is not ambitious enough, nor is it compatible for NWŌ desires for the use of freshwater bodies for swimming and / or mahinga kai. Accordingly NWŌ believe that this compulsory value needs to be upgraded to incorporate the use of freshwater bodies for swimming and / or mahinga kai. NWŌ would accept exceptions to this standard where natural processes result in freshwater being unsuitable for swimming or food gathering or where specific freshwater bodies are excluded as a result of consultation process with mana whenua and other stakeholders (this process would need to be developed).
8. NWŌ notes that the National Objectives Framework provides attribute tables (p.21 of the Discussion Document) that could be used to monitor quality and quantity. In this table NWŌ recognise that the 'Mahinga Kai' value and associated attributes is only listed as an example that could be included in the future if the value is adopted, and that at this stage there are no Māori cultural indicators or attributes proposed in the amendments. NWŌ strongly believe that there should be provision in the current amendments for Māori cultural indicators for local monitoring of freshwater to be designed and adopted for local conditions in partnership with iwi.
9. NWŌ holds further concern that the NPS-FW amendments will not change the requirement to maintain or improve overall water quality across a region. NWŌ believe that the NPS-FW needs to emphasise the directive to "improve" water quality rather than simply "maintain." Many water bodies in New Zealand are already incredibly degraded, and simply maintaining this level of degradation should not be a viable option. NWŌ strongly believe that the requirement should be to improve water



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quality in all water bodies and only maintain when it gets to a level where no more improvement is necessary / viable.

4.3 Compulsory national values

10. See paragraph 7. and 8. for comments regarding NWŌ's position on compulsory national values.

4.4 National bottom lines

11. NWŌ are concerned that that national bottom lines are set to low. It is concerning that only a small percentage of water bodies in their current state would fall below the proposed national bottom lines, considering that concerns regarding the deterioration of water quality significantly contributed the development of the NPS-FW. These concerns are similar to those expressed in relation to the 'maintain' or 'improve' requirement highlighted in paragraph 9. of this submission. The NPS-FW needs to be ambitious and focus on the best possible water quality outcomes that a water body can achieve rather than setting a bare minimum. Accordingly NWŌ would like to see the creation of national criteria regarding the best possible water quality outcomes in conjunction with higher bottom lines that better provide for tāngata whenua values.

4.5 Exceptions to national bottom lines

12. NWŌ has no comments to make with regard to this section of the Discussion Document.

4.6 Articulating tāngata whenua values

13. NWŌ support the acknowledgement in the preamble of Te Tiriti o Waitangi as the "...the underlying foundation of the Crown-iwi/hapū relationship with regard to freshwater resources." Likewise NWŌ support the acknowledgement in the preamble that the involvement of iwi and hapu in freshwater management is crucial to meeting obligations under the Treaty. However NWŌ feel that this could be strengthened by references to tangata whenua rights and inclusion of Te Tiriti o Waitangi principles.
14. NWŌ generally support the inclusion of a concept such as "Te Mana o te Wai" within the NPS-FM, however believe that this element requires further development outside of the current submission process. NWŌ support the Mana Whenua Kaitaki Forum's (MWKF) proposition of refocusing the concept to "Te Mauri o te Wai" as Mana is something that a person or entity might have, whilst Mauri refers to the life force that binds a system. This is consistent with NWŌ's belief that waterways should be approached as a system. This would require councils to take a comprehensive holistic approach to freshwater management, rather than the piecemeal approach allowed under the proposed amendments. Accordingly NWŌ believe that the concept of "Te Mauri o te Wai" should be incorporated into the preamble and NWŌ support the wording put forward by MWKF.
15. NWŌ believe that recognition in the preamble needs to be reinforced by the inclusion of 'Te Mauri o te Wai' as a national value and objective, otherwise NWŌ feel that tangata whenua values and interests across all of the well-beings will not be adequately addressed. Accordingly NWŌ strongly support 'Te Mauri o te Wai' being added into section C – Integrated Management and support the wording promoted by MWKF. However NWŌ acknowledge that more work is required in order to provide clear guidance on this provision(s) and how they can be incorporated into freshwater management to provide clarity for tāngata whenua and other water users. As such NWŌ believe that the Government need to have a wider discussion with iwi

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regarding how 'Te Mauri o te Wai' can be further expressed within the framework of NPS-FW.

16. Another issue which has not been addressed within the Discussion Document is the lack of resourcing for iwi involvement in freshwater management decision-making processes. Māori involvement in freshwater management under the RMA is heavily reliant on financial, technical and institutional capacity that is beyond many iwi. A lack of financial resources and technical capacity makes it difficult for Māori to exercise kaitiakitanga in a way that is acceptable to the mainstream public, and inhibits collaboration with key institutional agencies in freshwater management.
17. Early contact with iwi, with resource provided to enable informed feedback, can reduce delays, save money and possibly opposition later down the track and can provide greater certainty with respect to the scope of Māori values to be protected. Expecting iwi to resource such work themselves (which is currently the main option) while local government / consultants are resourced by the Government or applicants, is unfair and fails to recognise the value that Māori bring to the sustainable management of freshwater resources in Aotearoa. Iwi, experts in traditional knowledge of our heritage sites and natural resources (and empowered under the RMA as kaitiaki for them), must be resourced to be meaningfully involved in freshwater management.
18. Accordingly NWŌ strongly believe the Government needs to establish a formal process by which iwi are resourced to meaningfully engage in freshwater management decision-making / plan development processes. NWŌ are eager to see more detail as to how the Government propose to address this significant issue and suggest that resourcing of iwi needs to be incorporated into the freshwater related reforms as a matter of priority.

4.7 Monitoring

19. NWŌ has no comments to make with regard to this section of the Discussion Document.

4.8 Putting it all together

20. NWŌ has no comments to make with regard to this section of the Discussion Document.

5. Implementation

21. NWŌ has no comments to make with regard to this section of the Discussion Document.

6. Future actions on water reform

22. NWŌ has no comments to make with regard to this section of the Discussion Document.

Conclusion

23. Overall NWŌ supports most aspects of the proposed freshwater management amendments but maintains some concerns with a number of other proposed reforms. In particular NWŌ are eager to see the concept of 'Te Mauri o te Wai' incorporated



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as a matter that must be safeguarded and want to work with Government regarding how this can best be achieved. The Government also needs to develop a formal process with iwi, about how we can be adequately resourced for involvement in freshwater management decision-making processes. NWŌ look forward to working with the Government to improve iwi involvement in freshwater management and hope that the comments within this submission are taken on board and incorporated into the final NPS-FW amendments package. NWŌ wish to be heard in support of this submission should there be an opportunity to do so.

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