Submission to the Northland Regional Councils Draft Freshwater Plan Change

Submitter Information

Name: [insert name of iwi entity]

Iwi / Māori Organisation: [insert iwi]

Address: [insert postal address]

Email: [insert email address]

Phone: [insert contact number]

Contact: [insert name of contact person and position]

# Introduction

1. This submission is made by [insert name of iwi / Māori entity] on Northland Regional Councils (NRCs) Draft Freshwater Plan Change.
2. [Insert any introduction regarding the entity making the submission]
3. [Insert geographical boundaries of the iwi location/areas of interest to demonstrate location/area over which your iwi would assert mana/want to be involved in decision making]
4. This submission relates to the entirety of the draft Freshwater Plan, and we wish to be included in future processes and refinements.
5. The Council must uphold and recognise our role as a Treaty partner through this process and give significant weighting to our views, which entails being treated as an equal partner in Council decision-making processes and not as a stakeholder.
6. We acknowledge the process NRC has taken to co-design the tangata whenua provisions. We support the work that the Tāngata Whenua Water Advisory Group (TWWAG) has undertaken to see these provisions developed to give effect to Te Mana o Te Wai in Te Tai Tokerau.

### State of freshwater in Te Tai Tokerau

1. There are numerous issues facing the management of freshwater in Te Tai Tokerau including sedimentation and discharges to freshwater and harbours, land use, water takes, overallocation and the diversion of streams. All of these activities severely impact on the biodiversity and ecosystems that make our water healthy and thriving.
2. A number of these issues require a dramatic review and new provisions to avoid further impact. This must be done in partnership with our iwi to ensure our mana and rangatiratanga is upheld and that the connectivity between wai, whenua and receiving environments is protected and cared for.

### Te Mana o Te Wai and Hierarchy of Obligations

1. We acknowledge that Te Mana o Te Wai is the korowai of the National Policy Statement on Freshwater Management 2020 (NPSFM). Te Mana me Te Mauri o Te Wai needs to be upheld in this respect and should be implemented as tāngata whenua see fit in their rohe and takiwā.
2. The fundamental concept and six overarching principles of Te Mana o Te Wai as described in the NPSFM 2020 must be upheld through future stages of NRC’s draft Freshwater Plan.
3. Achieving Te Mana o te Wai requires active and meaningful participation and partnership with iwi. How we as Māori lead and participate in the governance and management of freshwater in our rohe will determine how water is managed in the future.

### Te Hurihanga Wai and Tangata Whenua Values

1. Multiple activities are currently impacting and severing tangata whenua values to freshwater, diminishing the mana and mauri o te wai. Status quo is no longer an option, and the Council must take action to reduce the level of pollution in our waterways, and further avoid the overallocation of our water sources.
2. We support the Councils approach to including Te Hurihanga Wai in the draft Freshwater Plan. Te Hurihanga Wai and te whakapapa o te wai must be enhanced and upheld in all parts of Te Tai Tokerau.
3. The NPSFM sets a framework for our iwi to develop our own planning and decision-making processes for freshwater management. Our tikanga and mātauranga Māori must be given more weighting in Council decision-making processes where our cultural values are upheld.

### Implementing objectives, policies, rules and new actions

1. We support the provisions in the draft Freshwater Plan that enable our iwi to uphold our mana and rangatiratanga over our wai and taonga species.
2. It is only our iwi who can determine the effects of resource consents on our cultural values. Having cultural impact assessments as a matter of control for all controlled activities is supported by us. We also support Māori attributes in the Draft Freshwater Plan, but there should be a bespoke process for our iwi to determine what our own attributes are over the bodies of wai we have an interest in.
3. The draft Freshwater Action Plan sets out some of the funding required to implement existing freshwater programmes[[1]](#footnote-1) and new provisions in the draft Freshwater Plan. It is disappointing to see funding has not been fully allocated yet, but is subject to consultation through the next Long Term Plan 2024-2034. We agree with and support tangata whenua involvement in freshwater management and decision-making in the draft Action Plan[[2]](#footnote-2) and request the Council allocates the estimated costings to achieve and deliver these actions.
4. Adhering to new provisions will be difficult for many Māori land owners. We support rates remission, or funding to be provided to Māori land owners and whānau who will struggle to pay for and comply with new regulations. Additional support should be requested from the Government or other Crown agencies to support the Council with financing.

### Water allocation and Treaty settlements

1. We support the 20% water allocation policy that sets aside a proportion of water for Māori. The relationship that iwi, hapū and whānau have with freshwater must be viewed from a Māori worldview. As kaitiaki of our taonga and taiao, any initiatives that Māori consider with respect to freshwater management is considered in light of our role and responsibilities we have to tiaki te taiao and meeting the needs of people.
2. Current water allocation policy does not account for the complexity of the relationship that our iwi, hapū and whānau have with water. The ‘first in first serve’ basis of decision-making under the Resource Management Act 1991 is not fit for purpose and contradicts what was guaranteed under Te Tiriti o Waitangi.
3. Future and current Treaty settlement arrangements over freshwater, including other arrangements,[[3]](#footnote-3) must be upheld in the draft Freshwater Plan. This includes recognising statutory acknowledgements over wai, and land returned (or under negotiation) with the Crown.
4. Current regulations do not provide enough weighting to iwi in response to concerns over water allocation and use. More support must be provided by the Council to iwi and hapū where our concerns are being raised around resource consent applications, in particular the availability of water for future Treaty settlements and development opportunities.

### Wai is a living being

1. Wai Māori must not be considered a commodity and a resource that can be sold, abused, and neglected. Wai Māori is a living being, and we support the inclusion of Mana Atua[[4]](#footnote-4) as it upholds Te Mana o Te Wai by acknowledging the living nature and sanctity of freshwater.
2. The management of freshwater resources to maintain ecosystem health and supporting iwi and hapū to thrive is one of the most pressing issues that will face generations to come. New mechanisms and frameworks are required to change the behaviour that individuals and organisations have towards freshwater. One option is affording legal personhood to environmental domains, including wai Māori.

###  Climate Change

1. There are numerous methods based on mātauranga Māori that can be used to plan better for freshwater management and climate change. For instance, using the maramataka, or Māori lunar calendar, to understand tidal and seasonal changes that can influence the level and flow of freshwater sources across the region.
2. We strongly support the proposed Tāngata whenua climate change mitigation and adaptation policy[[5]](#footnote-5), and we recommend that the Climate change and development policy[[6]](#footnote-6) in the Regional Plan to align more specifically with Integrated Management identified within the NPSFM[[7]](#footnote-7) which recognises *Ki uta kia tai* and the interconnection between water, land and sea.

### Capacity constraints

1. There are considerable capacity constraints that exist for our iwi to be involved in all parts of resource management. The requirement of applicants to engage and consult with us is necessary and should be resourced by the Council and applicants where relevant.
2. The time and resources required for tangata whenua to respond to resource consents without financial support is a major issue, in particular for pre-Treaty Settlement entities.
3. With the inclusion of new provisions encouraging more engagement with iwi through the Freshwater Plan, NRC must also be able to support us and applicants through this process. To enable this, NRC should be resourcing tangata whenua through capacity contracts and/or engagement agreements to support a streamlined process for engagement.
4. Further guidance for implementation of policy provisions should also be developed by the Council with tangata whenua, to ensure applicants are appropriately informed about engagement and resourcing requirements. This training could also extend to drafting cultural impact assessments, and how applicants and Council processing planners interpret the assessments and recommendations.
5. Further training to uplift the capacity and capability of iwi and hapū could be considered by the Council. This could include developing iwi and hapū environmental plans that provide direction to the Council and developers with how to consider issues and opportunities for our iwi.

### Collaboration with other entities

1. With more changes being proposed under ‘Local Water Done Well’ strong collaboration between parties will be needed. Relationships with councils, iwi, Taumata Arowai and other Crown agencies are imperative to ensure there is a consistent and well planned water services system implemented. There are inconsistencies with regulations and compliance with rules creating inefficient services. Different decisions around applications can be made based on a different persons interpretation, resulting in unpredictable outcomes for communities and service providers.
2. Iwi must be involved in all decision-making processes undertaken by councils and water service providers. Different approaches and siloed work on the same project can be burdensome for iwi to be engaged in. This must result in more aligned work programmes where efficient and effective service is provided for iwi to reduce over-engagement and consultation fatigue.

### Conclusion

1. We welcome the opportunity to submit on the draft Freshwater Plan Change. We also congratulate the Council for being proactive and preparing a draft Freshwater Plan to meet existing timeframes under the NPSFM 2020.
2. Any future changes and engagement to the draft Freshwater Plan must involve our iwi so we can discuss the above matters further.
3. Ultimately the health and wellbeing of our freshwater *te mana me te mauri o te wai* will be critical for our future generations to live healthy and prosperous lives.
4. If you have queries about in this submission please contact [insert name and details]

Ngā mihi,

[insert signature]

1. See Actions 1 – 5 for example. [↑](#footnote-ref-1)
2. See Actions 10 (a) – (g), pp12. [↑](#footnote-ref-2)
3. This includes Transfer of Powers, Joint Management Agreements, Mana Whakahono a Rohe, or other arrangements developed under Treaty settlement legislation. [↑](#footnote-ref-3)
4. See Policy D.4.33. Draft Freshwater Plan Change – Northland Regional Plan: pp192. [↑](#footnote-ref-4)
5. See Policy D.4.39: pp193. [↑](#footnote-ref-5)
6. See Policy D.23: pp166. [↑](#footnote-ref-6)
7. See Part 3.5. NPSFM: pp14. [↑](#footnote-ref-7)