# **Submission on Northland Regional Councils draft Freshwater Plan Change**

**Date**: XXX

**To** Northland Regional Council

**From**: [insert contact details of hapū reps]

**Re**: draft Freshwater Plan Change Submission

##### **Background**

1. [insert korero tuku iho relevant to wai and introduction to hapū]
2. [add description or map of area of interest]

##### **Summary of approach**

1. While drafting this submission a number of policy and legislative changes have been introduced and passed by the current Government. The repeal of the Natural Built and Environment Act 2023 and Water Services Entities Act 2022 have once again changed and altered regulations regarding freshwater management. Further amendments are also proposed with respect to ‘Local Water Done Well’, the Resource Management Act 1991, and the National Policy Statement on Freshwater Management 2020 (NPSFM).
2. We applaud Northland Regional Council’s (NRC) approach to developing a draft Freshwater Plan for Northland, in particular the tangata whenua provisions. We request the retention of these provisions enabling our hapū to uphold our role as kaitiaki. Allowing us to make decisions based on our mātauranga and ability to practice tino rangatiratanga over wai Māori (freshwater) and resources.

##### **Importance of retaining Te Mana o Te Wai and upholding Te Hurihanga Wai**

1. The Resource Management Act and previous regulations have failed to protect and uphold the mauri of wai Māori. We believe the NPSFM 2020 provides the appropriate policy direction for avoiding further overallocation, and reducing pollution of freshwater.
2. We agree with the concept of Te Hurihanga Wai and whakapapa o te wai as described in the draft Freshwater Plan Change and supporting reports.[[1]](#footnote-1) We support the planning provisions that give effect to Te Mana me te Mauri o te Wai and the long-term vision for freshwater in the Regional Policy Statement (RPS).[[2]](#footnote-2)
3. We agree with meeting relevant standards and outcomes within the timeframe set for 2040 as described in the RPS.[[3]](#footnote-3) We realise this is an ambitious target, but we do not think is unreasonable if provisions are implemented and monitored. We further recognise that the timeframe coincides with 200 years of the signing of Te Tiriti o Waitangi.

##### **Fundamental concept and hierarchy of obligations**

1. The fundamental concept and six overarching principles of Te Mana o Te Wai as defined in the NPSFM 2020 must be upheld through future stages of NRC’s draft Freshwater Plan.[[4]](#footnote-4)
2. The Hierarchy of Obligations prioritises the health and well being of freshwater and ecosystems and must be retained in the draft Freshwater Plan. We applaud the Council for drafting objectives, policies and rules that give effect to this.

##### **Hapū rangatiratanga and kaitiakitanga**

1. He Whakaputanga (the Declaration of Independence 1835) confirms the mana motuhake and rangatiratanga o ngā hapū and is the founding document that lead to Te Tiriti o Waitangi.
2. The Waitangi Tribunal in Te Paparahi o Te Raki Stage 1 and 2 reports (Wai 1040) confirmed this independence of ngā hapū rangatira. The Report found that rangatira who signed Te Tiriti o Waitangi in February 1840 did not cede their sovereignty to the Crown. It is the role of our hapū to practice rangatiranga and uphold our mana over our taonga, that must be provided for by the draft Freshwater Plan administered by the Regional Council.
3. It is only tangata whenua who have mana and rangatiratanga over a particular area who can practice kaitiakitanga in that area. The whakapapa of tangata whenua in an area enables us to uphold our roles and responsibilities to act as kaitiaki and ensure the mauri, wairua, and mana of the taiao (environment) is protected and sustained for current and future generations.
4. Where there is a loss of mauri in the environment, it is our whānau who suffers. The depletion of our taonga species impacts on our ability to kohi kai (gather food) in our traditional and customary landscapes. Where there is an inability for our whānau and marae to put kai on the table for our manuhiri, this has a direct and detrimental impact on our mana and inability to manaaki manuhiri (look after guests) on our whenua. It is critical that pollution to our waterways is avoided and reduced, so that we can enhance the mauri and protect the biodiversity and ecosystems that rely on our wai to be healthy.

##### **Upholding tangata whenua values**

1. We support the inclusion of tangata whenua values in the draft Freshwater Plan, but this must not preclude our hapū from developing our own values in future. It is our traditional concepts, beliefs, and values that form the basis of our thinking. Sometimes this is referred to as tikanga Māori, or Māori cultural values.
2. As tangata whenua we are the only ones who can define what our cultural values are in relation to wai Māori and the taiao more generally.
3. Our hapū has a different relationship with certain bodies of wai based on our tikanga and values. This includes using lakes, wetlands, rivers and streams for different things. There are traditional place names and landmarks that we have for certain wai that directs our whānau how to treat wai, including wai tapu, and areas we use to undertake pure or tohi, or have mahinga kai for example.

##### **Using mātauranga Māori in monitoring freshwater**

1. Mātauranga Māori is a body of knowledge both obtained through past and future knowledge. It covers customary and contemporary worldviews from Māori, and is a taonga that will be passed on to future generations. It is an intergenerational body of knowledge that is informed by korero tuku iho handed down from tupuna, and is guaranteed as a taonga under Te Tiriti o Waitangi.
2. Therefore we support the development of Māori freshwater attributes and target attribute states that enable our hapū and kaitiaki to monitor environmental outcomes and our cultural values. But these descriptions should not preclude or limit the ability of our hapū to define our own attributes based on our mātauranga and tohu.
3. Upholding mātauranga Māori attributes as a scientific body of knowledge will be critical for the successful implementation of the Plan Change. Hapū must be funded by NRC to undertake their role as kaitiaki and monitor freshwater. We support the inclusion of more funding for mātauranga Māori monitoring programmes to be included in Long Term and Annual Plan funding.
4. Council compliance and monitoring officers do not need to monitor tangata whenua attributes. Where the opportunity arises, Council staff should work alongside hapū and kaitiaki to understand our concerns with respect to monitoring water quality and quantity issues based on our mātauranga. Similarly, reciprocal learning could occur where Council staff upskill kaitiaki on how to use western science and tools to monitor water ways.
5. Any future use of our mātauranga in relation to freshwater management cannot be used by the Council without the prior permission from our hapū. We recommend the development of data information protocols with our hapū to describe how and when our data can and cannot be used.

##### **Tangata whenua environmental outcomes, policies and rules**

1. We generally support new provisions that uphold tangata whenua environmental outcomes, policies and rules. We further support the rules that are more stringent on freshwater management as part of this plan change. But where there are challenges faced by Māori landowners to comply with new regulations, financial support and further engagement must be provided by the Council and relevant agencies.
2. We further support the inclusion of having a cultural impact assessment for all controlled activities. And having more stringent rules for setbacks around water ways.
3. Financial support from the Council, such as rates relief, rates remission, or new grants should be provided to Māori land owners to help comply with new rules. This includes funding for new fencing on highly erodible land and planting native species around waterways.

##### **Freshwater Management Units**

1. We would welcome the opportunity to undertake further research and engagement with the Council, our hapū and whānau with how Freshwater Management Units (FMUs) should be defined and planned for. This includes recognising the interaction with harbours, estuaries, and adjoining boundaries with other hapū and existing catchments.
2. The methodology for developing FMUs by the Council in 2019 did not include engagement with our hapū. We wish to develop a methodology and process to determine how freshwater in our takiwā is monitored based on our mātauranga, whakapapa, taonga and mahinga kai. NRC should support this methodology with funding from a non-contestable grant.
3. There is an opportunity to review and/or establish new catchment management plans for freshwater. The development of new plans provides an opportunity to review existing strategies around water use, infrastructure planning and development.

##### **Integrated management and climate change planning**

1. Undertaking integrated land use and freshwater planning will be critical to enhance and uplift water quality standards in Te Tai Tokerau. This is recognised in the NPSM regarding Integrated Management – Ki uta ki tai. We therefore support stronger policy provisions that seek to give effect to this in the draft Freshwater Plan.
2. Furthermore, we support stronger provisions for integrated planning that give effect to better stormwater management, erosion and sediment control plans and waste water treatment compliance. These factors must be aligned with appropriate engineering and environmental standards that are in accordance with our hapū cultural values.
3. The climate crisis is having a direct impact on freshwater management in our rohe and takiwā. Our hapū do not have adequate resources and capacity to plan for natural hazards and the effects of climate change, with effects often resulting in droughts and severe flooding at different times of the year. We support more stringent objectives, policies and rules to determine effects of climate change and natural hazards in the draft Freshwater Plan. This must include enabling tangata whenua to plan for climate change based on our mātauranga. This includes, but not limited to, developing and identifying new water sources in areas of need, such as for coastal and rural marae.

##### **Draft Freshwater Action Plan to support implementation**

1. We support tangata whenua involvement in freshwater management and decision-making actions outlined in the draft Action Plan.[[5]](#footnote-5) Funding must be provided by the Council that enables our hapū to implement relevant parts, including monitoring freshwater.

**Signed by [insert name] on behalf of [insert hapū]**

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1. Stage 1 report: *Te Mana me te Mauro te Wai: A Discussion Document for Te Tai Tokerau* (2022), and Stage 2 report: *Ngā Roimata o Ngā Atua: the Tears of Ranginui and Papatūānuku (2023).* Prepared for the Tangata Whenua Water Advisory Group (TWWAG). [↑](#footnote-ref-1)
2. See Objectives 3.16 & 3.17. [↑](#footnote-ref-2)
3. See Objectives 3.16 & 3.17. [↑](#footnote-ref-3)
4. See NPSFM, clause 1.3:

(a) *Mana whakahaere*: the power, authority, and obligations of tangata whenua to make decisions that maintain, protect, and sustain the health and well-being of, and their relationship with, freshwater

(b) *Kaitiakitanga*: the obligations of tangata whenua to preserve, restore, enhance, and sustainably use freshwater for the benefit of present and future generations

(c) *Manaakitanga*: the process by which tangata whenua show respect, generosity, and care for freshwater and for others

(d) *Governance*: the responsibility of those with authority for making decisions about freshwater to do so in a way that prioritises the health and well-being of freshwater now and into the future

(e) *Stewardship*: the obligations of all New Zealanders to manage freshwater in a way that ensures it sustains present and future generations

(f) *Care and respect*: the responsibility of all New Zealanders to care for freshwater in providing for the health of the nation. [↑](#footnote-ref-4)
5. See Actions 10 (a) – (g), pp12. [↑](#footnote-ref-5)