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Ngāti Kahungunu Iwi
INCORPORATED

***HAWKE'S BAY REGIONAL COUNCIL'S
Proposed amendments***

***REGIONAL POLICY STATEMENT
CHANGE 5
LAND USE AND FRESHWATER MANAGEMENT***

***SUBMISSION FROM
NGATI KAHUNGUNU IWI INCORPORATED***

Submission **Regional Policy Statement Change 5 Land Use and Freshwater Management**
From **Ngāti Kahungunu Iwi Incorporated**

5/11/2012

Background

1. **Ngāti Kahungunu Iwi Incorporated (NKII)** is the mandated iwi organisation responsible for all aspects of Ngāti Kahungunu development. Ngāti Kahungunu has the third largest iwi population (55,946¹) and the second largest tribal rohe and coastline, from Paritu and extending inland across the Wharerata ranges in the north to Turakirae (Palliser Bay) in the south.

The mission of Ngāti Kahungunu Iwi Incorporated is:
“To enhance the mana and well-being of Ngāti Kahungunu”.

2. 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, hapū and iwi. Tāngata whenua hold significant cultural, economic and spiritual connection to the natural environment and have rights and interests to its resources. This includes a responsibility and obligation as kaitiaki to care and protect the natural environment for future generations, there is particularly concern given to adverse cultural and environmental effects.
3. Land and Water are arguably the two most significant natural elements that have guided characterized Ngāti Kahungunu tāngata whenua; marae, whānau and hapu have always been strategically located near freshwater or waimāori. The very terms ‘tāngata whenua’² and ‘waimaori’³ are terms that demonstrate the importance of land and water to Māori and its link to our identity.
4. Ngāti Kahungunu Iwi Incorporated invests considerable amount of time, resources and energies in drawing together and considering the views and aspirations of Ngāti Kahungunu tāngata whenua mai Paritu ki Turakirae including the appropriate hapū, Taiwhenua and communities. Maintaining these networks and appreciating all perspectives is vital for a holistic over view and progressing towards enduring outcomes and solutions.

Hāngai ana ki te whakatauāki:
“Nāku te rourou nāu te rourou ka ora ai te iwi”.

5. NKII has held a number of public meetings for tāngata whenua that primarily focused on issues and initiatives associated with water. The hui highlighted the commonality amongst tāngata whenua in terms of their values. However, despite the best efforts of tāngata whenua to work with councils, there has been little change to the outcomes over the years. It also highlighted that the same frustrations and disappointments in terms of natural resource (mis)-management that has inadequately and continually failed to address the long standing concerns and values of tāngata whenua.

¹ 2006 Census of Population and Dwellings, New Zealand Kahungunu population only.

² Local people, hosts, indigenous people of the land – born of the whenua, i.e. of the placenta and of the land where the people's ancestors have lived and where their placentas are buried. Whenua means both land and placenta.

³ Freshwater, mineral water.

6. There are a number of documents that provide valuable references to the values and interests of Ngāti Kahungunu tāngata whenua in terms of natural resource management:
 - a. W. Hodges (1992) *Kaitiaki Mo Ngā Taonga Tuku Iho*, Ngāti Kahungunu – provides councils with an introduction to an Ngāti Kahungunu ethic for sustainable resource management.
 - b. Ngāti Kahungunu (2008) *Kahungunu ki Uta, Kahungunu ki Tai Marine and Freshwater Strategy* – sets out the aspirations of Kahungunu for the use and management of marine and freshwater fisheries within our rohe.
 - c. Te Manga Maori Eastern Institute of Technology (2010) *Cultural Impact Assessment of the Tukituki Proposed Water Storage Dams*.
 - d. Te Manaaki Taiao: Te Taiwhenua o Heretaunga (2012) *Cultural Values and Uses of the Ko Wai Ka Hua: Cultural Values and Uses, Cultural Impact Assessment of the Tukituki Catchment on Heretaunga Marae Hapu Tukituki Catchment*.
7. However, the documents alone only provide an introduction; direct dialogue with the appropriate tāngata whenua is needed for more robust effective management. Also, the scope and timing of each publication may vary in terms of relevance to resource management objectives, policies and subsequent management decision.
8. To effectively provide for the involvement of tāngata whenua and their values and interests in the management and decision-making of natural resources, their direct involvement is needed in the planning stages. Tāngata whenua involvement would help interpret how their values and interests could appropriately be incorporated into management. In most instances the values and interests can add value to other ‘interests’.
9. This submission does not intend to exclude or undermine any other Ngāti Kahungunu responses or submissions. Ngāti Kahungunu Iwi Incorporated supports the submissions made by other tāngata whenua and encourages greater involvement of hapū and their interests in resource management planning and implementation.

Introduction

10. The Proposed Regional Policy Statement Plan Change 5 has the capacity to substantially affect Ngāti Kahungunu values and interests in land and water if the plan change does not recognise and provide for mātauranga Māori and tikanga Māori. An operative regional policy statement or plan has effect for in excess of ten years, and directs territorial authorities towards specific management options. If resource management within the Hawke’s Bay region is to be more inclusive of Māori values and interests, an appropriate and inclusive planning mechanism needs to be put in place to deliver outcomes for Māori that reflect the status and philosophy of existing Treaty settlements, and without compromising the aspirations of tāngata whenua who have yet to settle their Treaty grievances with the Crown. In addition, impediments towards rightful Treaty redress can be promulgated via statutory planning provisions if they are not sufficiently cognisant of the Māori world view, particularly towards environmental issues.

11. As we move towards a post-Treaty settlement era, it is essential that the partnership envisioned within the Treaty, is supported at the regional level as councils derive their powers and functions from legislation passed by the Crown.
12. We acknowledge regional council's prior consultation with the iwi authority and the opportunity to make initial comments on the draft plan change document, although we note that only some of our suggestions have been included in the notified plan change.
13. Land and water management and the mechanisms outlined through the proposed plan derive partly from the Hawke's Bay Regional Council's Land and Water Strategy. This strategy has a strong economic focus and this is carried through to the proposed RPS Plan Change 5. Our submission seeks to re-balance this focus towards a more holistic management approach.
14. As the proposed plan is setting the platform for other plan changes being prepared for the Tukituki, Ngaururoro, Tutaekuri, Ahuriri and Karamu catchments, it is essential that the foundations are solid and address all relevant issues, especially those raised by the HBRC's Treaty partner.

The Waitangi Tribunal

15. Ngāti Kahungunu has never relinquished ownership over our water bodies; the Treaty of Waitangi confirmed and guaranteed our interests over this extremely important taonga. Since the Treaty of Waitangi, the Crown has wrongly and progressively acted as the owner, under the assumption of exclusive rights of control, without the informed consent of Ngāti Kahungunu.
16. In 1992, the Waitangi Tribunal made specific findings that the rangatiratanga over the Mohaka River has never been relinquished and that the assumption by the Crown of exclusive rights of control, without the consent of Ngāti Pāhauwera, constitutes a Treaty breach.⁴
17. These findings are equally applicable to all water bodies within the Ngāti Kahungunu rohe - Ngāti Kahungunu have never relinquished mana, rangatiratanga or kaitiakitanga over Ngā wai a te ao Māori, a Ngāti Kahungunu (all of the water bodies within the Ngāti Kahungunu rohe).
18. More recently, the Waitangi Tribunal found that Māori had proprietary rights and interests in freshwater and that those rights are sufficiently linked to commercial developments and companies that use water, without paying.⁵
19. Ngāti Kahungunu Iwi Incorporated agree with the Waitangi Tribunal's interim findings and as the mandated iwi organisation we have a constitutional duty and obligation to:
 - promote, protect and assert the mana, rangatiratanga and kaitiakitanga of ngā hapu o Ngāti Kahungunu;
 - act in the beneficial interests of all descendants of Kahungunu, particularly where the interests and rights of Ngāti Kahungunu tāngata whenua, hapu and whānau have been unfairly subjugated.

⁴ Wai 119, *The Mohaka River Report 1992*.

⁵ Wai 2359, *Waitangi Tribunal Interim Report on Freshwater*

20. On September 3rd 2012 NKII lodged a contemporary statement of claim on behalf of ngā hapū o Ngāti Kahungunu.

WAI 2379: A Contemporary Treaty Claim to Freshwater and Geothermal Resources within their respective rohe on behalf of the iwi, hapū, Whanau and marae of Ngāti Kahungunu.

21. In line with the Waitangi Tribunals recommendation for meaningful discussion with iwi, Ngāti Kahungunu have invited the Crown to come and talk with us, *kanohi ki te kanohi (face to face)*, to develop mutually beneficial pathways forward *pokohiwi ki te pokohiwi (shoulder to shoulder)* in freshwater.

Discussion with the 11 councils and territorial authorities within Ngāti Kahungunu will follow, once a clear direction with the Crown has been agreed.

22. Ngāti Kahungunu are also prepared to litigate our case in court, should this be required.

23. NKII is concerned that so many important plans and strategies e.g. Ruataniwha Storage, Plan change 5 and Tukituki Choices and consent renewals are being reviewed currently and are scheduled to take effect before this important ruling on proprietary rights is made. Decisions made now could prejudice Ngāti Kahungunu rights and interests and we INSIST that the HBRC takes action to ensure that this does not occur. Failure to instigate adequate measures to protect Ngāti Kahungunu interests could be considered another Treaty Breach.

24. In the meantime, while proprietary rights to water are decided in the courts, or through discussions with the Crown, it is IMPERATIVE that the HBRC works together with Ngāti Kahungunu whanau and hapū to ensure that Māori have 'meaningful' engagement with HBRC at all levels. While the joint-planning committee is a valuable first step, the powers and functions of this group DOES NOT go far enough to ensure that the rangatiratanga of Whanau and hapū are adequately expressed and protected. There are other ideas and options which will need to be discussed and explored in more detail with Ngāti Kahungunu Whanau and hapū and also the joint-planning committee. Discussion is also required with the joint-planning committee to ensure that they are supported in their roles by the iwi, hapū and whanau.

The Section 32 Analysis

25. A section 32 report and its purpose is clearly prescribed in the Act, however there are some aspects related to the section 32 report for the proposed plan and the analysis, that have led to the proposed plan not constituting or contributing to the most appropriate way towards achieving the purpose of the Act, particularly in terms of efficiency and effectiveness. These include: -

- a. Proposed provisions related to Māori (iwi, hapu or tāngata whenua) not being comprehensive enough or given sufficient priority to enable their cultural well-being (in relation to water resources);
- b. Insufficient cognisance has been given to the hapu and tāngata whenua provisions and directions within the National Policy Statement for Freshwater Management (NPS FM);

- c. The proposed plan forming the foundation for enabling further degradation of water resources which does not give effect to Objective 5 of the RPS FM
 - d. No recognition of the significance of iconic rivers and water bodies to tāngata whenua/hapu
 - e. Lack of consistency in provision for Maori values and interests.
26. As a consequence, proposed Plan Change 5 could lead to drawn out hearing and litigation processes as Māori constantly seek recognition and provision for their values and interests when future plan change processes are undertaken by the regional council, who have 12-14 plan changes currently on their work programme.
27. Adequate consideration of and inclusion in the proposed Plan Change 5 for mātauranga Māori and tikanga Māori, would ensure better and more efficient processes, imbue a more inclusive approach towards tāngata whenua/hapu and aid towards the achievement of their environmental aspirations.

Issues and Recommendations

28. In general there is a missed opportunity in the current draft, to incorporate objectives and policies that adequately recognise Maori values and interests as well as giving greater and more meaningful effect to the NPS FW. Notwithstanding that no urgency is needed to give effect to NPS FW in terms of timelines, current decisions need not ignore or go against the intentions and purpose of the NPS FW. Particularly the promotion and further decline of water quality in the regions surface and ground water bodies.
29. Seeking to address both land use and water management within one objective however, as in draft OBJ LW 1 has resulted in a rather cumbersome approach that lacks clarity, is open to interpretation and will require a constant balancing act through decision-making processes as competing priorities are compared and assessed. The objective (s) should be more concise. In addition, the direction for lower tier planning instruments is not well defined. Breaking down the proposed objective into two separate objectives, one for water and one for land management would provide better direction and lead to greater cohesion with relevant sections of the HBRRMP and district plans.
30. Inclusion of clause 1.5 regarding Māori spiritual values within this context implies a trade-off when comparisons are made between these and all other matters raised within the objective. This will result in a prioritisation of separate elements, and risks inadequate 'taking into account' of Māori values. This is specified in the issue statement ISS LW1 where it states *"...requires the balancing of multiple, and often competing, values."* Wairuatanga is an absolute value. It should not be balanced off against any other value. Only recognising wairuatanga and mauri will not ensure that they are specifically *"provided for"* as required by section 6(e) of the Resource Management Act (RMA).
31. The additions and changes for plan change 5 are for the purpose of Hawke's Bay Regional Resource Management. Tāngata whenua and regional values should be the main objective, the inclusion of 'national value' and any subsequent recognition, devalues tāngata whenua and the

Hawkes Bay regional community and rate payers interests. It appears to be included to support a proposed dam or water storage project of apparent national significance. This is a regional plan and should be treated as such, any land or water use should be an objective of the region while nationally significant values are catered and are directed for in the NPS FW. Are international values to be added in the future?

Recommendation:

31.1 We strongly insist the following changes to OBJ LW 1 in particular the removal of the terms “national value”:

“5. recognises the significant ~~national and~~ regional value of freshwater for human drinking and animal drinking uses;

“6. recognises the significant regional ~~and national~~ value of freshwater use for beverages, food and fibre;

“7. recognises the potential for significant regional ~~and national~~ value arising from the non-consumptive use of water for renewable electricity generation;

32. The regional council has several plan changes and variations proposed over the next few years. Given that the average time taken for one plan change to traverse the statutory landscape is around 5 years, it would be prudent to combine several similar plan changes into one major plan change, thus reducing the considerable time and expense associated with multiple plan changes and variations. This plan change consisting of amendments to the regional policy statement section of the Hawke’s Bay Regional Resource Management Plan (HBRRMP) will need to encompass regional priorities across several catchments while implementing some of the directives contained within the National Policy Statement for Freshwater Management including those associated with water quantity in over-allocated catchments and degraded water quality issues.

33. The Heretaunga aquifer system is the manawa or beating heart of the Hastings economy, supplying water of exceptional quality for domestic, industrial and agricultural use, for most uses or purposes, it requires no treatment. Protection of the aquifer from contamination is paramount if our economy is to remain competitive. The management of aquifer systems will require the setting of limits so that abstraction does not lead to unsustainable practices being encouraged. Allocations within Heretaunga are constantly exceeding average annual recharge rates. The recommendations from the draft NES for Ecological Flows could be used as a default level to guide abstraction limit setting, and help prevent the decline in aquifer pressures and levels. This is particularly relevant where there is a high incidence of ground water interaction with surface water bodies. Clear guidance within the RPS would ensure aquifer recharge rates are not exceeded thus promoting the purpose of the RMA.

Recommendation:

34.1 **Include** an objective aligning maximum water abstraction from the Ruataniwha and Heretaunga aquifer systems with 33 % of their average annual recharge rates, thus allowing for the effects of drought periods and supporting the purpose of the RMA.

35. Chapter 3.14 of the plan, which is also referred to in OBJ LW 1.5, has not been sufficient in the past to protect or enhance Māori values and their constituent parts, as it only recognises tikanga Māori values without directing lower tier strategies or plans to provide for them.

36. As Plan Change 5 is a change to the Regional Policy Statement containing Chapter 3.14, one would expect it to address the requirements in the NPS for Freshwater Management that relate to tāngata whenua, thus capturing the intent of: -

“Objective D1

To provide for the involvement of iwi and hapū, and to ensure that tāngata whenua values and interests are identified and reflected in the management of fresh water including associated ecosystems, and decision-making regarding freshwater planning, including on how all other objectives of this national policy statement are given effect to;” and

Policy D1

Local authorities shall take reasonable steps to:

a) Involve iwi and hapū in the management of fresh water and freshwater ecosystems in the region

b) Work with iwi and hapū to identify tāngata whenua values and interests in fresh water and freshwater ecosystems in the region and

c) Reflect tāngata whenua values and interests in the management of, and decision-making regarding, fresh water and freshwater ecosystems in the region.”

37. This objective and policy from the NPS signals a need to amend Chapter 3.14 so as to enable Māori values and interests to be provided for. This would then direct positive outcomes for tāngata whenua when the other plan changes for the Ngaruroro, Mohaka, Tukituki and Tutaekuri Rivers, and the Karamu Stream are drafted and publicly notified by council. Better management of these catchments has been on HBRC’s agenda for the last few years for various reasons, and associated plan changes will follow in due course.

Inclusion of a Specific Objective and Policies for Tāngata Whenua Issues

38. As proposed, the interests of Māori and tāngata whenua are encompassed with other values in Objective LW 1 and associated policies. This implies a prioritisation of values during decision-making processes and fails to recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands rivers, lakes, wāhi tapu and other taonga, as a matter of national importance, and inasmuch, does not reflect Objective 8 of the NPS FM. In some instances, provisions in the proposed plan could relegate Māori interests and values through decision-making so that they are not considered to be of national importance.

39. The word “importance” means “of great significance or value; outstanding; eminent; esteemed (Collins). In the normal meaning of the word, it should follow that Māori values are themselves prioritised. This is partly acknowledged where HBRC has convened the Regional Planning Committee to a position of co-governance. The interests and values of the Māori representatives on this committee need to be enabled throughout the Regional Policy Statement and subsequent amendments to the regional plan.

40. We ask for the inclusion of a specific Objective and associated policies as Objective LW 2 and Policy LW 2, related specifically to Māori interests in land and water, and reference to these where relevant throughout the proposed plan.

Recommendation:

40.1 Make a consequential amendment to Objective 34: -

OBJ 34: recognise and provide for mātauranga a hapu o Ngāti Kahungunu and local tikanga Māori values and interests, and the contribution they make to sustainable development management and the fulfillment of HBRC's role ~~as guardians~~, as established under the RMA, and tāngata whenua roles as kaitiaki.

Catchment Management

41. It is enlightening to see that the regional council is moving more towards a “whole of catchment” approach, and better integration between management of land and water. However, there are a number of issues that involve areas of significance to Ngāti Kahungunu that risk being overlooked or not adequately catered for in the councils approach to catchment management, but are important to local tāngata whenua.

42. One issue that does not appear to be covered in any detail in the proposed plan is an adequate consideration of the cumulative effects of catchment activities on the coastal marine area. In their wisdom or otherwise, past environmental managers have heavily modified the lower catchments of three of our iconic and significant rivers so they now share one discharge point to the sea. The regional policy statement traverses the whole of the region including the coastal marine area (CMA) and sufficient recognition and provision for tāngata whenua interests within the CMA needs to be signaled in the regional policy statement.

Recommendation:

42.1 We seek the addition of another objective in Chapter 3.14 of the RPS (OBJ 34A): -

*“To recognise that the **whole of the coastal marine area is of significance to Ngāti Kahungunu** and to reflect this significance in policies and plans”*

Or words of like meaning and effect, we note that in the past this has been recognised by the Regional Council.

Inclusion of this statement within the Regional Policy Statement will enable appropriate recognition of the status of Ngāti Kahungunu and their hapu, whanau and iwi interests within the coastal marine area to be recognised and provided for in lower tier plans and policies.

43. Many Ngāti Kahungunu hapu have had their relationship with their culturally and spiritually significant waterways and water bodies adversely affected due to both natural but mainly man-made changes to their waters.

44. In these instances these particular tāngata whenua may appear to have no or less of an interest to a particular catchment and relevant land use or development. Part of this relationship is relevant to the surface and ground water hydrology. The traditional relationship should be taken into account and provision made for the relationship to continue.

45. Within a “whole of catchment” approach towards fresh water, there needs to be acknowledgment of the **interconnections between surface and ground water resources**, and respect for the integrity of aquifers. This could be achieved through regional plans placing limits on aquifer abstraction either via quantity or aquifer levels. None of these issues are covered in the proposed provisions for Surface water resources.
46. Discharges to land as a result of land-use have the potential to degrade groundwater resources and their interconnections with surface water result in cross-contamination. The effect of ground water abstraction on water quantity in surface water has been a relevant issue for renewal of resource consents over the last few years, and cross-contamination should receive similar attention.

Recommendation:

46.1 We ask for the addition of the following sub-clauses to the Issue Statement for Chapter 3.10.

“(d) The potential contamination of aquifers and consequential degradation of surface water”, and

“(e) The relationship between ground water quantity and surface water recharge”

Or words of like meaning and effect.

47. POL LW1 enables unrealistic expectations for meeting demands and pressures on water resources arising from irrigation within existing over-allocated catchments. National policy direction is aimed at working within resource limits in terms of quantity and quality. Striving to meet unreasonable or unsustainable demands in over-allocated catchments is not realistic.
48. Irrigators have been aware of the failure of HBRC’s policy framework to address over-allocation issues within catchments for some time, particularly since the last 4 bulk consent renewals which led to reduced durations for consents while council addressed new allocation limits and minimum flows. They have already been notified that on renewal their consents may be subject to further restrictions. Resource consents should not be permitted or renewed where they promote unsustainable practices.
49. POL LW1 k) Using the term “water scarce” implies that there is a lack of water when the problems within catchments have been identified as:
- a. water being available at the appropriate time.
 - b. unnecessary allocation i.e. land owners and water users seeking ‘extra’ security, resource rights or ‘assets’ by seeking water consent / use that far exceeds their current water requirements and reasonable forecasts.
 - c. over-allocation, and
 - d. failure of water managers to acknowledge the inter-connectivity between ground and surface water resources.

Recommendations:

49.1 **Amend** POLICY LW1 as below: -

“d) protects water quality and water quantity of outstanding freshwater bodies identified in Policy LW1” and

- “i) allows reasonable transition times ~~and pathways~~ to meet any new water quantity reductions or new water quality limits in regional plans.*
- “k) allows for large-scale community water storage infrastructure ~~which can~~ to provide increased security for water users in ~~water-scarce over-allocated~~ catchments while avoiding, remedying or mitigating adverse effects on ~~freshwater resources, associated ecosystems, environments and tikanga Māori values.~~*
- l) takes into account cumulative adverse effects when managing water quantity and quality.”*

Proposed Table 1

50. POLICY LW2 is connected to the values stipulated in TABLE 1. The level of priority shown is in balanced and heavily influenced by commercial and industrial values. A sustainable resources management regime should consider climate change and less resource intensive activities. Environmental values are treated in a dismissive manner in Table 1. This denigrates the overwhelming public support in Hawke’s Bay for increased provision for environmental values and a more caring approach to water management in general. It would be strategic to plan for change in values and the growth in environmental considerations.
51. The proposed table does not include specific Māori values as either primary or secondary values, indicating that they are subservient to the other values listed. This fails to acknowledge the taonga values inherent within tikanga Māori whereby rivers, lakes and wetlands and the resources they contain, are regarded as taonga by tāngata whenua and intrinsic to their identity.
52. The Mauri value is likewise not included, indicating lack of appropriate regard for the outcomes of consultation with tāngata whenua prior to the proposed plan being publicly notified.
53. If the table is designed to refer to an overall Maori objective or similar statement as requested then there is still opportunity to provide specific recognition and priority values in each catchment.
54. The table does not include natural character and places a secondary value on taonga (native fish) and trout habitat even though these are matters of national importance and warrant protection in their own right under section 6 of the RMA. The recharge of groundwater, likewise, is omitted.
55. The coupling of all matters associated with water use and primary production as primary values is arbitrary, and does not recognise that some such matters should not be accorded priority over some other values including basic human needs.
56. In addition Māori relationships with their rivers are not specified as a priority at all.
57. The definition of a “Heretaunga catchment” is problematic as it is not a specific river catchment in the regional plan, nor is there a set allocation volume based on reliable information. HBRC’s Environment and Services committee meeting agenda for July indicates that this purported catchment incorporates several rivers and streams including the Ngaruroro, Tutaekuri, the Karamu catchment as well as sub-catchments associated with Ahuriri and the Twyford area of Hastings. Parts of Ahuriri and are not even within Heretaunga. Inclusion of all these as one catchment is cumbersome, and would require an immense amount of additional research to quantify to what degree each water body interacts with the others and with the Heretaunga

aquifer system. Many river and stream reaches within the Heretaunga Plains have specific minimum flows and allocations in the operative RRMP. Although not ideal, this is a system that most people have become accustomed to and the proposed “Heretaunga catchment” approach is a radical departure from current practice.

58. Tikanga Māori values associated within these separate (sub) catchments should only be determined by tāngata whenua who hold mana whenua status within each of them. Although they have similarities in concept, there are differences in how the values are interpreted by different hapū, and these differences should be reflected within the regional policy statement and the management of each sub-catchment. Adopting a “one size fits all approach is not appropriate as it does not give respect for or acknowledgment of the mana and rangatiratanga of our hapū, and could potentially create further issues and management inefficiencies.

Recommendations: -

58.1 For proposed Table 1: -

- a. **Include** as a priority, *“the relationship tāngata whenua with the river be preserved and enabled”*.
- b. **Separate** the *“Heretaunga catchment”* into separate parts – *Karamu, Ngaruroro* etc
- c. **Add** to primary values *“tikanga Māori”, “kaitiakitanga”, “taonga”, “natural character”, “aquifer recharge zones”*, as primary values for each of the catchments listed, or cross-reference values listed elsewhere in the RRMP.
- d. **Transfer** trout habitat and native fish habitat and contact recreation across to the “Primary Values” column for all catchments
- e. **Add** *“tikanga Māori and the values therein are taken into account when managing freshwater”*, or words to like meaning and effect to the AER’s table following Table 1.
- f. **Add** *“water quality in the Heretaunga aquifer”* to the primary value section for Greater Heretaunga / Ahuriri catchment.
- g. **Add** *“water quality in the Ruataniwha aquifer”* to the primary value section in the Tukituki catchment
- h. **Reconfigure** *“water use associated with maintaining or enhancing land-based primary production”* in the Greater Heretaunga / Ahuriri Catchment Area and Tukituki Catchment Area so that stock water use is a secondary value

59. There is no sound reason for diminishing the values associated with the Heretaunga and Ruataniwha aquifers and enabling the degradation of water quality within these water bodies as indicated by the deletion of OBJECTIVE 21, and proposed amendments to OBJECTIVE 22. It is abhorrent to remove the objective and replace it with the words “after treatment where this is necessary because of the natural water quality.”

60. The water quality of both the Ruataniwha and Heretaunga aquifer is exceptional. Treatment as a result of ‘natural water quality’ hasn’t happened in a thousand years, and unlikely to happen unless the safe guards are inadequate and miss-management continues. Also the burden of proof for which users will likely be responsible will rest entirely on those without the financial means.

61. This is a clear attempt to remove liability and reduce the safe guards around groundwater in the Ruataniwha and Heretaunga. The regional council manages water and land use which is a significant activity that can lead to irreversible degradation in ground water quality, as a result of water extraction and nutrient run-off.
62. This course of planning and removal of safeguards brings into question the Regional Councils ability to objectively manage and protect our natural resources for future generations. At present they are not in a state in which we received them. The NPS FW goals are to maintain or improve water quality.

Recommendations: -

Retain the operative version of OBJ 21.

- a. *"OBJ 21 No degradation of existing groundwater quality in the Heretaunga Plains and Ruataniwha Plains aquifer systems."*
- b. **Amend** OBJ 22 thus: -
- c. **OBJ 22** ~~Subject to Objective LW1, the~~ ~~The sustainable management maintenance or enhancement of groundwater quality~~ quantity in the Heretaunga Plains and Ruataniwha Plains aquifer systems and unconfined or semi-confined productive aquifers ~~7 in order that it is they are suitable for human consumption and irrigation without treatment, or after treatment where this is necessary because of the natural water quality.~~
- d. Insert the following sentence into Explanation and reasons at 3.8.2: -
- e. *"The Heretaunga Plains aquifer system is one of the region's outstanding freshwater bodies (see Policy LW1). Objective A2(a) of the 2011 National Policy Statement for Freshwater Management expects that the overall quality of freshwater within the region is maintained or improved while protecting the quality of outstanding freshwater bodies."*

63. The draft version of RPS Plan Change 5 contains a new policy as POL LW3. This policy appears to support the discharge of contaminants from production land to surface and ground water, which could lead to pollution of the Heretaunga and Ruataniwha aquifer systems and the regions surface water bodies. If nitrogen is leaching from production land then it is a waste product and indicates that too much nitrogen is being applied. Commercial gain should not be achieved at a cost to the wider community through loss of public amenity or environmental values. Neither should tāngata whenua have to endure a reduced quality in the aquatic environment and consequential adverse effects of commercial operations. The draft policy appears to enable the degradation of water resources without providing any mechanism for avoiding, remedying or mitigating adverse effects. Ensuring environmental issues affecting water is more effectively managed to maintain, restore and enhance mauri and to avoid, remedy or mitigate adverse effects on fisheries and their habitats is a goal of The KKUKKT Marine and Freshwater Strategy.
64. Ngāti Kahungunu wishes to see consistency across all its regions (entire rohe) including the implementation of best practice resource management. In this respect Horizons Regional Council has set limits on the Manawatu River, halting further degradation of water quality and aiming to improve it over time through the one plan. The better practice is to adequately address nutrient leaching and set adequate limits.

Recommendations:

64.1 **Amend** the policy as below: -

POL LW3 Managing use of production land use

To manage the use of production land in specified catchments so that:

- (a) the discharge of nitrogen to land, and thereafter to ground water. is restricted to minimise adverse effects on water quality, and thereafter to groundwater and surface water, does not cause catchment area or sub-catchment area limits for nitrogen set out in regional plans to be exceeded;
- (b) the discharge of animal faecal matter to land, and thereafter to groundwater and surface water, does not cause human consumption and irrigation guidelines for water quality set out in regional plans to be exceeded;
- (c) ~~any monitored exceedence of soluble reactive phosphorous limits set out in Policy 71 of this Plan will be regulated through resource consent conditions.~~ is used to target and prioritise the Regional Council's non-regulatory methods.

65.1 **Amend** the policy as below: -

Explanation and Reasons

Policy LW3 makes it clear that HBRC will manage production land use activities to minimise the leaching of nitrogen, phosphorous and faecal coliform bacteria to groundwater and surface water under section 9 of the RMA in order to ensure that groundwater and surface water values identified in specified catchment areas are maintained or enhanced where necessary. ~~Phosphorous leaching and run-off will be managed by non-regulatory methods as it is primarily caused by soil loss and cannot be practicably controlled by way of permitted activity conditions or consent conditions. This approach will complemented industries' implementation of good agricultural practices.~~


The council cannot ensure industries will implement the 'good agricultural practices' nor that the practices qualify as 'good'.

66.1 The proposed amendment to the AER associated with Policy is not supported as in some cases it would promote the degradation of existing good water quality.

We wish to be heard in support of our submission at any hearing or pre-hearing convened for such considerations.

Ngāti Kahungunu Iwi Incorporated are interested in contributing further to the drafting of the RPS in addition to these preliminary comments and will discuss matters further with our constituent hapū. NKII also wish to be informed of any further discussions or information sessions relative to the plan, preferably prior to release of the next version. We are available for face to face follow up. For any additional information on this submission, please contact Dr Adele Whyte, Pouarataki – Ngā tini a Tangaroa (Director of Fisheries), adele@kahungunu.iwi.nz.

Nā māua,



Ngahiwi Tomoana
Tumuaki/Chairman
Ngāti Kahungunu Iwi Incorporated



Meka Whaitirii
Kaiwhakahaere Matua/Chief Executive
Ngāti Kahungunu Iwi Incorporated