



Te Rūnanga o Ngāi Te Rangi Iwi Trust  
Kaitiaki Forum  
PO Box 4369,  
Mt Maunganui Sth 3149

14 December 2016  
Chief Executive  
Bay of Plenty Regional Council  
PO Box 364  
Whakatane

Tēnā koe Mary-Anne,

Please find the enclosed submission to the Region-Wide Water Quality – Proposed Plan Change 9 to the Bay of Plenty Water and Land Plan. This submission has been prepared by Te Rūnanga o Ngāi Te Rangi Iwi Trust in collaboration with the Hapū of Ngāi Te Rangi through our Kaitiaki Forum.

We look forward to being a part of a collaborative planning process between the Council and Iwi regarding the proposed changes.

Noho ora mai,

Kia Maia Ellis  
Kaiarahi Taiao



047

Submission Number  
Office use only

## Submission Form

Send your submission to reach us by  
**4:00 pm on Wednesday, 14 December 2016**

**Post:** The Chief Executive  
Bay of Plenty Regional Council  
PO Box 364  
Whakatāne 3158

**or fax:** 0800 884 882  
**or email:** waterquantity@boprc.govt.nz

**Submitter name:**

This is a submission on **Region-wide Water Quality – Proposed Plan Change 9 to the Bay of Plenty Regional Water and Land Plan**

- 1 **I could**  **/ could not**  gain an advantage in trade competition through this submission. *[Delete as required]*
  - (a) **I am**  **/ am not**  directly affected by an effect of the subject matter of the submission that adversely affects the environment, and
  - (b) My submission **does**  **/ does not**  relate to trade competition or the effects of trade competition.*[Delete the entire paragraph if you could not gain an advantage in trade competition through this submission]*
- 2 The details of my submission are in the attached table.
- 3 **I wish**  **/ do not wish**  to be heard in support of my submission. *[Delete as required]*
- 4 If others make a similar submission, I will consider presenting a joint case with them at a hearing. *[Delete if you would not consider presenting a joint case]*

.....  
[Signature of person making submission or person authorised to sign on behalf of person making submission. NOTE: A signature is **not** required if you make your submission by electronic means]

14 December 2016 .....

Date

**Address for Service of Submitter:**

Te Rūnanga o Ngāi Te Rangi Iwi Trust, PO Box 4369, Mt Maunganui Sth 3149

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**Fax:**

**Contact person:** *[Name and Designation if applicable]*

Kia Maia Ellis or Reon Tuanau (Resource Management Unit)

**SUBMISSION POINTS**

Page No.	Reference (e.g. Issue, Policy, Objective, Rule, Method or Objective number)	Support/Oppose	<b>Decision Sought</b> <b>Say what changes to the plan you would like</b>	Give reasons
	<b>Broad statement regarding the Water Plan Change 9</b>			<p>This submission has been prepared by Te Runanga o Ngāi Te Rangi Iwi Trust: Te Roopu Kaitiaki Taiao (Kaitiaki Forum).</p> <p><b>Background</b> The Kaitiaki Forum represents the hapū of Ngāi Te Rangi and submits to the Water Plan Change 9 on behalf of Te Runanga o Ngāi Te Rangi Iwi Trust.</p> <p>Tangata Whenua has a significant stake in water rights, values and interests. We have responded to the plan in a reasonable way to ensure that water is managed in a truly sustainable way. The plan must prevent any further over allocation of water and restore and protect the mauri of waterways. Through the use of mātauranga Māori in the decision making process, other important environmental and ecological values and benefits can be achieved for better community outcomes and efficient water use and management.</p> <p><b>Process</b> The consultation process has not reflected a partnership with tangata whenua in the development of the Water Quantity Plan Change 9. The values and interests of tangata whenua have not been incorporated into the development of plan change 9 and Iwi seek to rectify this.</p> <p><b>Conclusion</b> Iwi seek a high level partnership arrangement to jointly lead WMA in their rohe as per the partnership recognized by the Treaty of Waitangi.</p>

3	Take and Use of Surface Water and Groundwater	Support amended if	Therefore, it is important that freshwater management and decision-making reflects <del>these values and interests</del> is carried out in partnership with tangata whenua to reflect these values and interests.	The NPSFW directs Local Authorities to take reasonable steps to involve tangata whenua in water management, and identify values and interest. Iwi must be at the decision making table and involved in water management in order to ensure that tangata whenua values and interests are taken into account. Although Plan Change 9 does improve issues around over allocation of water and improved management of water, it defers identifying tangata whenua values and interests to Water Management Areas (WMA) which is not practical. The partnership approach between councils and Iwi is recognized in the RPS under Objective 14 and policy IW 3B – recognizing the Treaty in the exercise of functions and powers under the Act, and Methods 3, 47 and 48. Policy IW 2B in the RPS also highlights the need to recognize matters of significance to Maori. Tangata whenua environmental values and decision making is identified in the RPS as an issue.
4	WQ I1	Support in part	Amend – The over-abstraction of surface water can degrade water quality and adversely affect <u>tangata whenua values</u> , ecological values, landscape values, and recreational values <u>tangata whenua values and existing uses</u>	Ngāi Te Rangi (NTR) submits to bring tangata whenua values forward. Existing uses are part of the problem causing over-abstraction of surface water that can degrade water quality and adversely affect ecological values, landscape values, recreational values and tangata whenua values. Maintaining the same level of use for existing uses will not solve the issue of over-abstraction of surface water. More efficient use of water can be applied to existing uses.
4	WQ I2	Support	Maintain	The increasing demand on water supply has placed pressure on mauri and the water itself and impacted on ecological and cultural values of water.
4	WQ I3	Support	Maintain	Inefficient use of water has contributed to the water over-abstraction issue and considered unsustainable.
5	WQ I4	Support	Maintain	Over abstraction of groundwater degrades groundwater quality and causes reduced water levels in aquifer systems such as freshwater puna ‘springs’ with high traditional significance to tangata whenua.
5	WQ I5	Support in part	Amend – Continued abstraction of surface water during low flows may reduce surface water flows below that necessary to safeguard <u>and restore</u> the mauri and life-supporting capacity of water bodies.	Abstraction of surface water during low flows should be restricted to ensure mauri and life-supporting capacity of water bodies is safeguarded and restored. Water levels in parts of the catchment have been significantly reduced as a result of over-allocation of water. For this reason, restoring these areas to previous water levels must be considered within the plan change.

6	WQ O2A	New	Add – Recognise the relationship of tangata whenua with natural, physical and spiritual resources.	NTR submits to include this additional objective that sets the scene for the partnership approach between Iwi and Councils. This is an obligation set out by the Treaty of Waitangi that is also recognised by the RMA 91 Sections 6, 7 and 8.
6	WQ I8	Support in part	Amend – The ability to provide for the growing social and economic needs of people is dependent on <u>the</u> water being available managed sustainably.	The integrated approach must take into account other values such as environmental and cultural values, which provides for planning beyond the water being available for use.
6	WQ I10	Support in part	Amend – Inadequate recognition of tangata whenua <u>rights</u> , <u>values</u> and interests in freshwater management.	Tangata whenua water rights have not been recognized by Council while industry (dairy, horticulture) rights to water are recognised in the plan change.
6	WQ I11	Support	Maintain given criteria is worked on with tangata whenua.	The criteria for (a), (b) and (c) needs to be clarified. For example, NTR does not support water transfers to other catchments unless it is for critical purposes – which needs to be defined. Water transfer rights could potential be abused for use as water trading. More information is required to support this objective.
6	WQ O1	Support	Maintain	Provides for sustainable use of water.
6	WQ 02	Support in part	Amend – Allocation of water resources in the Bay of Plenty recognises and maintains the generation capacity of hydroelectric power schemes as a renewable energy source.	Hydroelectric schemes should not have a guaranteed allocation right to water. It would be precautionary for effective future management to remove.
6	WQ O2A	New	Add- <u>Recognise and provide for the relationship between tangata whenua with water bodies and providing for tangata whenua to determine their rights, values and interests.</u>	Providing for the relationship of tangata whenua with their ancestral waters is recognised in section 6(e) of the RMA. IW2B of the RPS provides for Māori values.
6	WQ O3	Support in part	Amend- (a) Safeguards and restores mauri and life-supporting capacity of the water body.	Restore the impacts of previous over-allocation of water where appropriate. This is recognized in Objective 17 of the RPS. And can also be implemented by Method 43 and 44.

7	WQ 07	Support in part	Instream minimum flows for surface water bodies to safeguard their life-supporting capacity, ecological integrity, significant ecological values, mauri, landscape values, recreational values, existing uses and take into account recognise and provide for tangata whenua values. where relevant.	It has been ascertained that water and use of water is relevant to tangata values and needs to be addressed at a partnership level, not a stakeholder level.
7	WQ O8	Support in part	(a) Social benefits from the use of water for domestic, marae, <u>papakainga</u> , or municipal water supply, including in particular essential drinking and sanitation requirements.	Papakainga on multiple owned Māori land requires its own classification. Water supply for papakainga development outside of council supply of water in some instances, require their own domestic water supply. This should be allocated a reasonable residential amount per household rather than per block.
8	WQ O9	Support in part	(a) Tangata whenua <u>rights</u> , values and <u>interests</u> aspirations.	This language is consistent with the NPSFW. Tangata whenua rights and interests are being progressed by the Iwi Leaders Forum and Crown on behalf of Iwi. Aspirations can be included in the interests of tangata whenua.
8	WQ O10	Support	Maintain	All water takes must be accounted for by council in order to efficiently monitor and allocate water.
8	WQ P1A	New	<u>New-</u> <u>Bay of Plenty Regional Council in</u> <u>partnership with Iwi and Hapū</u> <u>within the WMA will identify</u> <u>specific water quality and water</u> <u>quantity limits and targets in</u> <u>consultation with the</u> <u>stakeholders and the community.</u>	Iwi seek a partnership arrangement with Council to jointly and collaboratively lead WMA in their rohe. NTR seeks to work collaboratively with Council to implement the WMA for improved community outcomes in the management of water. Some catchments already have co-governance arrangements. It would be appropriate and forward thinking for Council to show leadership and apply a similar modes for the development of WMA prior to Tauranga Moana settlement agreements. The partnership approach supports Part 2 of the RMA, see section 8. Kaitiakitanga is recognised in section 7(a) in protecting our ancestral waters, ... sites and other taonga – section 6(e).

10	WQ P2	Support in part	Amend- <u>Jointly lead in a partnership arrangement with co-governance partners (or where appropriate iwi) for each WMA, to work with co-governance partners, tangata whenua, city and district councils...</u>	See above
10	WQ P2	Support in part	Amend- (b) Identify tangata whenua <u>rights</u> , values and interests relating to freshwater. (e)(ii) That reflects tangata whenua <u>rights</u> , values and interests.	Consistent language for inclusion of tangata rights, values and interests as per earlier submission points.
11	WQ P3	Support in part	Amend- (b) Reviewing <u>all</u> resource consents to determine reasonable and efficient use...	NTR submits to review all resource consents to ensure decisions are based on well informed information and data.
11	WQP4	Support in part	Amend- To maintain <u>and restore</u> flow variation in streams...	NTR has an expectation that the water plan change will make improvements to all management of water and submits that the plan reflects restoration of impacted waterways throughout the plan change.
13	WQ P7	Support		NTR supports the precautionary approach.
13	WQ P8	Need more information		Secondary allocation needs to be defined to ensure that it does not conflict with P7 or WQ O3. Given the lack of information and data available, there must be limitations on how secondary allocation is provided.
13	WQ P9	Support in part	a) Investigate and recognise...	There is a need to better understand potential adverse effects of groundwater takes on surface water levels and flows.
15	WQ P13	Support	Maintain	NTR especially supports efficient and conservative water use and management.
17	WQ P16	Support	Maintain	NTR especially supports the reporting and review requirements.

17	WQ P17	Oppose	Amend – (a) Consent term of no more than <u>5 years</u> <del>10 years</del> for water bodies. (b) Consent term of no more than <u>10 years</u> for all other water bodies.	A precautionary approach needs to be applied to all consent terms. This should be supported by council given that there is a lack of information in determining accurate water availability. A shorter consent term allows for any adverse effects to be rectified in a timely manner.
18	WQ P18	Support in part	Amend- The extent to which the change would adversely affect the <u>mauri</u> , safeguarding the life-supporting capacity of fresh water...	The RPS Policy IW 5B recognizes the need to avoid, remedy or mitigate adverse effects on Mauri, particularly in relation to freshwater. Assessment of cultural effects is undertaken by tangata whenua to ensure that mauri is safeguarded. Recognising and providing for the use of mātauranga Māori through peer review of assessment of effects is required.
22	WQ P21	Support in part	Amend- To recognise the essential nature of domestic, marae, <u>papakainga</u> , and municipal water supply...	Papakainga developments on multiply owned Māori land may in some instances require their own domestic water supply. Papakainga requires its own classification.
22	WQ P23	Support	Maintain	NTR does not support water transferred outside the catchment
23	WQ P24	Support	Maintain	NTR agrees with the requirement to meter for information purposes. This will enable more effective water management.
24	WQ P26	Support	Maintain	See above.
30	WQ M8	Support	Maintain	Water user groups will allow for greater user/community driven feedback.
31	WQ M9	Support in part	Amend- Recognise <u>and provide for</u> :	NTR supports the view to ensure that iwi and hapu are involved in the process of water allocation to protect tangata whenua water rights, values and interests. However, this should be recognised <u>and provided for</u> by the applicant to ensure that it can be implemented appropriately.

39	WQ R1	Support in part	Amend- IN addition to any take under section 14(3)(b) of the Act, the take and use of groundwater with a temperature of less than 30°Celsius where the property size is less than 5 hectares and the quantity of water taken does not exceed 15 cubic metres per day per property, is a Permitted Activity.	To apply the precautionary approach, a permitted activity status for groundwater take of 15 cubic metres per day regardless of property size should be applied.  The proposed limit in R2 seems to repeat the current rule 38. While there are conditions in R2, it is the view of NTR that if the community is serious about managing water allocation, they need to be set more appropriately.  Assessments through the WMA process will address more of the specifics around the existing, proposed and recommended additions in this submission.
40	WQ R2	Oppose	WQ R3 Permitted Activity – Take and Use Groundwater	See above
41	WQ R3	Support	Maintain	See above. A water limit of 15m <sup>3</sup> would be consistent with groundwater takes and the permitted activity status.
44	WQ R4	Support in part	Amend- (e) <u>The extent to which the applicant has consulted with tangata whenua and taken into account tangata whenua values.</u>	NTR expects to ensure that tangata whenua are appropriately consulted.
44	WQ R5	Support in part	Amend- (f) <u>The extent to which the applicant has consulted with tangata whenua and taken into account tangata whenua values.</u>	NTR expects to ensure that tangata whenua are appropriately consulted.
45	WQ R6	Support	Maintain	NTR support that tangata whenua values and other important values are recognised.
46	WQ R8	Support in part	Amend- (g) <u>The extent to which the applicant has consulted with tangata whenua and taken into account tangata whenua values.</u>	NTR expects to ensure that tangata whenua are appropriately consulted.
47	WQ R9	Support in part	Amend- (h) <u>The extent to which the applicant has consulted with tangata whenua and taken into account tangata whenua values.</u>	NTR expects to ensure that tangata whenua are appropriately consulted.

47	WQ R10	Support in part	Amend- (g) <u>The extent to which the applicant has consulted with tangata whenua and taken into account tangata whenua values.</u>	NTR expects to ensure that tangata whenua are appropriately consulted.
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