

Date: 28 March 2016	Submission to NRC Hearing by Theresa Burkhardt and Alan Macrae
NRC APPLICATION NO: REQ-581172	Applicants - Motutangi-Waiharara Water User Group (MWWUG)
Application	Groundwater take for irrigation purposes

Introduction

Tēnā koe ki tenei whare Te Ahu;
Tēnā koutou ki ngā Iwi me hapū o tenei rohe, Te Rarawa me Ngati Kahu, tenei koutou
Tēnā kōrua Commissioners
Nga mihi mahana ki a koutou katoa i tenei ata.
Maungapiko me Whangatauatia ōku maunga
Pawarenga me Karirikura ōku moana
Te Hiku o Te Ika me Roma ōku marae
Ngati Murikahara me Ngati Waiora ōku hapū
Ngati Kuri me Te Rarawa ōku Iwi
Ko Theresa Burkhardt ahau.

My whakapapa tells you that on my mother's side our whanau has a connection with marae, hapū and Iwi in Te Hiku. While this is noted I'm only speaking on behalf of myself, my partner Alan Macrae, our children, our mokopuna and our future descendants. We have a long inter-generational connection to the whenua and other natural resources of Te Hiku.

Our whanau are the kaitiaki of land at 2 locations on Paparore Rd that are within the Aupouri acquirer & the Aupouri-Paparore sub-zone. Both pieces of land contain wetlands, one 32 hectare wetland has been protected by a QEII covenant for the last 30 years.

#	Submission Point	Additional Submission Information	Recommendation

1	<p>The application does not provide an assessment to the proposed groundwater take against matters set out in Part 2 of the RMA 1991</p>	<p>Schedule 4 of the RMA 1991 requires that an assessment of effects of an activity on the environment be provided as prescribed in s2(1)(f), an assessment against Part 2:</p> <ul style="list-style-type: none"> • s5, Purpose and Principles, sustainable management of in this case water, to meet the needs of future generations, safeguarding the life supporting capacity • s6 Matters of National Importance, in particular s6(e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga, • s7 Other matters, in particular 7 (a) kaitiakitanga: 7(aa) the ethic of stewardship:7(b)the efficient use and development of natural and physical resources. • s8 Take into account the Treaty of Waitangi <p>These were not addressed in the application but the application was not sent back under s88?</p> <p>We consider that the application did not demonstrate that it is consistent with Part 2 of the Act.</p> <p>While taking into account that the applicants are not resource management practitioners perhaps it would have been prudent to engage a RM expert as well as a hydrologist to make the application. If the water allocation limit is reached then there will no longer be permitted activity water takes from these aquifer sub-zones therefore we submit that it cannot be concluded that these water takes will not impede the wider community from providing for their future needs.</p>	<p>This is not a request that consent be refused due to the deficiency in the application and in particular the lack of genuine engagement with the community and particularly tangata whenua. While it is acknowledged that the RMA does not require consultation it is considered best practice to engage with communities particularly when considering applications of such high public interest such as this.</p> <p>We submit that it would be prudent for commissioners to consider how cultural concerns can be addressed at this stage of the process. Just because no specific cultural concerns have been raised in the submission process does not mean there are no cultural concerns.</p>

2	<p>The application does not provide an assessment to the proposed groundwater take against the relevant objectives and policies in the higher order planning documents i.e: the Northland Regional Policy Statement and the NPS Freshwater Management, in particular Te Mana oTe Wai</p>	<p>The application is also deficient on its assessment against the higher order RMA documents i.e:</p> <ul style="list-style-type: none"> • NPS on Freshwater Management 2014 (updated 2017) - in particular Objective AA1 To consider and recognise Te Mana o te Wai in the management of fresh water. By recognising Te Mana o te Wai as an integral part of the freshwater management framework it is intended that the health and well-being of freshwater bodies is at the forefront of all discussions and decisions about fresh water, including the identification of freshwater values and objectives, setting limits and the development of policies and rules. • Northland Regional Policy Statement 2016 <p>Objective TW kaitiaki role is recognised and provided for in decision making over natural and physical resources.</p> <ul style="list-style-type: none"> • NRW&S Plan <p>Objective recognises & provides for the traditional and cultural relationships of TW with the land and water. WSP Obj 6.3.1 & Policy 6.4.1 & Policy 10.5.8 Cultural Values requires that when allocating groundwater to recognise and as far as practical provide for the cultural and spiritual values held by tangata whenua for the ground water resources.</p> <p>If a comprehensive assessment of the higher order documents had been undertaken prior to application and if attempts had been made to engage genuinely, particularly with TW, then a Cultural Impact Assessment could have been commissioned by the applicants or requested under s92 by the NRC. This report could have documented Māori cultural values, interests and associations with an area or a resource, and the potential impacts of a proposed activity on these. They are a tool to facilitate meaningful and effective participation of Māori in impact assessment and should be regarded as technical advice, much like any other technical report such as ecological or hydrological assessments. We contend that the submission process is not an effective means by which to engage meaning fully with tangata whenua.</p>	<p>The community liaison group may provide a mechanism by which the cultural values of tangata whenua can be considered this should have been considered at time of considering the application not once the consent has been granted.</p>
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3	<p>The application is for maximum groundwater takes that is more than required</p>	<p>The applications are for water take volumes that are in excess of the water required for the (para 79 of NRC Staff Report) "volumes sought for some applications appear to be in excess of 200% of actual irrigation requirements.."</p> <p>In addition to this the Reporting Officers Recommendation Allocation (Table 5) has arrived at allocation limit percentages of approx 68%, 90% & 61%.</p> <p>Therefore more than half of the allocations limits of 2 of the aquifers and almost 100% of the remaining aquifer.</p> <p>This is too much.</p>	<p>Commissioners should consider reducing the individual water take volumes and reduce the total allocation and % of the allocation limit particularly in the Motutangi sub-zone.</p> <p>Commissioners should also consider the conditioning of water storage tanks which can be filled from the bores in the higher rainfall times as a means to provide for the shortfall in the drier times.</p>
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4	<p>The assessment of environmental effects does not include a scenario involving future permitted activity bores.</p>	<p>Section 14(3)(b) of the Resource Management Act 1991 allows fresh water to be taken or used for a person's reasonable domestic needs or the reasonable needs of an person's animals for drinking water without a resource consent, provided the taking or use does not, or is not likely to, have an adverse effect on the environment.</p> <p>The pNRP</p> <p>C.5.1 Taking and use of freshwater</p> <p>Minor takes – permitted activity</p> <p>The taking and use of water from a river, lake or aquifer is a permitted activity provided:</p> <p>1) the take is not from a fully allocated river or aquifer, unless the take and use was authorised at 1 September 2017,</p> <p>The application if granted will allocate</p> <p>Table 4 Application Allocations</p> <p>Houhora 70% allocated Motutangi 99% allocated Waiparera 61% allocated</p> <p>The reporting officers recommendation is for slightly reduced allocations reductions of 0.3% in Houhora zone and 90% in Motutangi aquifer - no change to Waiparera bore</p> <p>So once these aquifer sub-zones are fully allocated there will be no permitted activity bores. If granted as applied for other properties in the aquifer will be prevented from being able to provide for a persons reasonable domestic needs or the needs of their animals without a resource consent. Is this fair?</p> <p>NRPS 4.3.3 Policy – Efficient allocation and use of water Allocate and use water efficiently within allocation limits.</p> <p>The efficiency of the “first in first served” approach to allocating water can be improved by setting clear allocation limits in plans, by providing for low cost transfer of water permits, and by encouraging efficient water use so that water is available for further allocation. Making the use of water more efficient will help prevent disruptions to supply during dry periods.</p> <p>4.3.4 Policy – Water harvesting, storage and conservation Recognise and promote the benefits of water harvesting, storage, and conservation measures.</p>	<p>As above commissioners should consider conditions to provide of water storage as a means to reduce the draw down from the aquifer.</p>
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5	The effects of saline intrusion on the Kaimaumu wetland is minimised	A recent report Update on Results of Groundwater Monitoring Undertaken By NRC – Paparore to Pukenui dated March 2018 and the Aupouri Aquifer groundwater model Final Report June 2015 indicate that monitoring of saline intrusion is an area that could be improved.	Commissioners should consider a condition to increase the number of bores in all sub-zones and the frequency of monitoring for saline intrusion.
6	There is no balance of socio-economic costs of the proposed activity	<p>The application states under Socio Economic Effect (sec 3.5) "... the group will provide a blueprint to further develop horticulture ventures & for Iwi to develop their lands" is considered to be a disingenuous statement. The allocation limits are all but reached by this application. If granted, as recommended, albeit with conditions, I'm afraid the winners have already been picked and you have missed this gravy train/water taxi</p> <p>The overall socio-economic benefit to the region is considered to be a significant benefit, however to the immediate environs of Te Hiku, 70 additional full time equivalents, that it unlikely to be 70 full-time permanent jobs and is more likely to be seasonal work</p>	
7	There is a need to guard against 'water banking'	Applications such as these encourage individuals to create their own wealth at the expense of the environment and society.	Commissioners should consider reducing the duration of the consent from 15 years to 10 years and condition the consent so that if the land is sold then the water take has to be transferred through an application to the consent authority and there is not just an assumption that there is an automatic 'water right' that goes with the land, in fact there is a 'water obligations & responsibility' that goes with the land.
		<p>Land with a water right Water should be considered a common good not a commodity with a dollar value attached to it.</p> <p>Water take right increases the price of the land by between 1.6 to 2 times. Turn public resource into profit. Water as a common good - the discussion is not no-one owns the water, it is everyone owns the water. water right comes with obligations & duties that are for the collective good primarily for the good of the resource i.e: water First in first serve is not an appropriate allocation mechanism.</p>	<p>The cost of monitoring should definitely be borne by applicants and information should be open not owned by applicants, it is after all NZs water</p>

8	The data informing the allocation limits of the Aupouri Acquifer is uncertain	<p>Planners Report</p> <p>166 - "however, it is the nature of groundwater resources that there is a degree of estimation or inferring involved with the assessment, and accordingly there is a degree of uncertainty involved with the current understanding of the resource</p> <p>para 166 "there is uncertainty with regard to the accuracy of the model due to the complexity and heterogeneity of the geological environment. It is not fully and accurately able to determine the effects of the abstraction on the complex environmental system"</p> <p>Lets apply the precautionary principle</p>	Commissioners should take a precautionary principle to their decision
	Summary	<p>It is the opinion of the submitters that if the consents are to be granted then strong conditions of consent in regard to allocation and monitoring are recommended.</p> <p>I just want to end with a whakatauaki Kei te ora te wai, kei te ora te whenua, kei te ora te tangata When the water is healthy the kland and the people are nourished.</p> <p>Kia ora mai tatou.</p>	