



Te Panonitanga o te Mahere Wai Māori Hukihuki: Te Kaupapa Here Tuaritanga Wai Arotahi

The draft Freshwater Plan Change: Targeted Water Allocation Policy

Companion document to the Freshwater Plan Change

Kōrero whakataki

Introduction

Northland Regional Council (NRC) has released the draft Freshwater Plan Change for public feedback. It sets out a direction for significantly improving the health of freshwater to meet community and tāngata whenua aspirations for freshwater. The draft Freshwater Plan Change implements government direction in the National Policy Statement for Freshwater Management 2020 (NPS-FM).

The NPS-FM requires that freshwater is managed in a way that gives effect to Te Mana o te Wai. It requires that tangata whenua are actively involved in freshwater management and Māori freshwater values are identified and provided for¹.

To assist in meeting the direction in the NPS-FM and developing the draft Freshwater Plan Change, NRC engaged the Tangata Whenua Water Advisory Group² (TWWAG), who provided advice to council in their 2023 report: *Ngā roimata o ngā atua: the tears of Ranginui and Papatūānuku*. In this report, which was fully endorsed by Te Taitokerau Maori and Council (TTMAC) Working Party, the Advisory Group provide recommendations to NRC on giving effect to Te Mana o te Wai, which they have redefined as 'Te Mana me te Mauri o te Wai' for Te Taitokerau Northland.

The Advisory Group recommendations include a policy that sets aside 20% of allocatable water to contribute to environmental, social, economic and cultural enhancement. This would not affect existing resource consents to take water, but it could affect renewals.

Although this draft policy would be a change in the way council allocates wai, we recognise the policy forms an important part of giving effect to Te Mana me te Mauri o Te Wai in Te Taitokerau.

We'd like your views on the idea - the more feedback we get, the better informed our decisions will be.

Te Takenga Mai

Background

Te Mana me te Mauri o te Wai

Te Mana me te Mauri o te Wai is a concept that refers to the fundamental importance of wai.

¹ Policies 1 and 2 of Clause 2.2 of the NPS-FM

² TWWAG is made up of Māori technical advisors that whakapapa to Te Taitokerau and with expertise in freshwater and te ao Māori.

It protects the mauri of wai and is central to the NPS-FM. It is about restoring and preserving the balance between freshwater, the wider environment, and the community. It includes principles³ relating to the role of tangata whenua to apply in implementing the NPS-FM and the draft Freshwater Plan Change: mana whakahaere, kaitiakitanga, and manaakitanga.

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.

Kaitiakitanga

- The obligations of tangata whenua to preserve, restore, enhance, and sustainably use freshwater for the benefit of present and future generations.

Manaakitanga

- The process by which tangata whenua show respect, generosity, and care for freshwater and for others.

The NPS-FM also includes two related policies:

- **Policy 1:** Freshwater is managed in a way that gives effect to Te Mana o te Wai.
- **Policy 2:** Tangata whenua are actively involved in freshwater management (including decision making processes), and Māori freshwater values are identified and provided for.

The draft Freshwater Plan Change must give effect to these principles and policies.

Tangata Whenua Water Advisory Group recommendations

The following objectives recommended by the Advisory Group and endorsed by the Working Party have been included in the draft Freshwater Plan Change:

F.1A.5 RANGATIRATANGA⁴ AND KAITIAKITANGA⁵

- Tangata whenua can exercise Rangatiratanga and Kaitiakitanga in wai decision-making.

³ Clause 1.3(4) of the NPS-FM

⁴ The right to exercise authority, self-determination (Source: Te Aka Māori Dictionary)

⁵ Guardianship, stewardship (Source: Te Aka Māori Dictionary)

F.1A.6 TIKANGA MĀORI, HE WHAKAPUTANGA⁶ AND TE TIRITI O WAITANGI

- Freshwater management decisions:
 - take into account Tikanga Māori and He Whakaputanga, and
 - give effect to the principles of Te Tiriti o Waitangi.

F.1A.7 TANGATA WHENUA WELL-BEING

- Tangata whenua environmental, economic, social, spiritual, and cultural wellbeing is enabled and resourced.

To support these objectives the Advisory Group and the Working Party recommended the following water allocation policy.

Water allocation policy

Where primary allocation is available for abstraction, the Northland Regional Council will allocate 20% of the total wai available in every allocation unit⁷, for use for the following activities:

- a) Contribution to environmental enhancement; or
- b) Wai for domestic use by marae and papakāinga; or
- c) Any other use of wai, provided that:
 - i. it includes contribution to a Te Mana me te Mauri o te Wai fund managed by the Northland Regional Council in consultation with tangata whenua,
 - ii. the fund will be used to provide for development of Māori wellbeing;
 - iii. the contribution to the fund is proportional to the amount of reserved wai being taken and any commercial returns resulting from the application; and,
- d) The development of Māori owned land and land returned to a Post-Settlement Government Entity through a Treaty Settlement.

Advisory note: Māori wellbeing is best defined by tangata whenua groups who may be able to apply to this fund. This can include better social and cultural outcomes for Māori.

This approach intends to:

- preserve the wai
- acknowledge the significance of the connection of wai to tāngata whenua, and
- acknowledge the Māori value of atuātanga.

⁶ He Whakaputanga o te Rangatiratanga o Nu Tirene: the Declaration of Independence of the United Tribes of New Zealand

⁷ The water able to be allocated within water quantity limits set in the Regional Plan taking into account water already allocated – see section H.4 Environmental flows, levels and allocations:
<https://www.nrc.govt.nz/media/lnghzibe/proposed-regional-plan-updated-appeals-version-june-2023.pdf>

In Te Aō Māori, the well-being of tangata whenua and the well-being of the wai are inseparable. Wai provides and holds mana, mauri, whakapapa, and tikanga significant to each iwi, hapū, whanau and marae.

This policy represents a big change in the way we allocate water. Water is typically allocated on a 'first come, first served' basis. The proposed policy provides for targeted allocation and reserves a portion of water for specific uses. The introduction of Te Mana me te Mauri o te Wai is also new territory for freshwater management.

Given the policy forms an important part of the advice from the Advisory Group and the Working Party around giving effect to Te Mana me te Mauri o Te Wai, we think it is important to include it for consultation. Doing so will allow the council to make a much more informed decision, having heard from our communities, about how this policy should be addressed when council formally notifies the proposed plan later in 2024.

We would like to know what you think.

Te Matapaki Discussion

The NPS-FM requires councils to consider freshwater management and address the significance of the connection with wai to tangata whenua. The current 'first in first served' system does not do this. This has led to a significant imbalance historically around the allocation of wai to support tangata whenua values and aspirations.

The inability to access wai also impacts on the relationship Māori have with wai and their ability to exercise tikanga, mana whakahaere, kaitiakitanga and manaakitanga. For example, being able to access wai for manuhiri when they visit a marae, to have drinking water and basic amenities.

The policy aims to reduce the risk of this occurring in the future and promote the well-being of Māori and enhance the mauri of the wai by setting aside water for these purposes. The development of Māori land would also benefit the social and economic well-being of all people in Te Taitokerau. However, it would not address the issue in fully-allocated areas, where there is very limited ability to take more wai from waterbodies⁸. For more information on allocation levels, please see: <https://www.nrc.govt.nz/your-council/about-us/council-projects/new-regional-plan/indicative-water-quantity-allocation-maps/>

We think the environmental enhancement part of the policy (Clause a) aligns well with Te Mana me te mauri o te Wai and the requirement to prioritise the health of waterbodies. For example, water within the 20% allocation could be used where limits set in the Regional Plan do not provide for local values in a specific waterbody. This recognises that all rivers in the region fall within one of four management units and limits (minimum flows and

⁸ For example, for registered drinking water supply or during high flows.

allocation limits) are set at the freshwater management unit scale – i.e., the limits do not necessarily reflect the individual values of each river.

For example, this part of the policy could mean wai within the 20% allocation being kept in a river to better provide for native fish during drier periods, or to create or to improve wetlands or mahinga kai.

We also think that the clauses for domestic uses by papakainga and marae (Clause b) and development of Maori land and Treaty Settlement asset (Clause d) and will provide greater opportunities for high deprivation communities to gain access to resources that will contribute to their economic and social wellbeing.

Clause c provides for any other uses that contribute to a fund. Such a fund could help provide financial support for environmental enhancement of waterways or other activities which would result in benefits to biodiversity and ecological health.

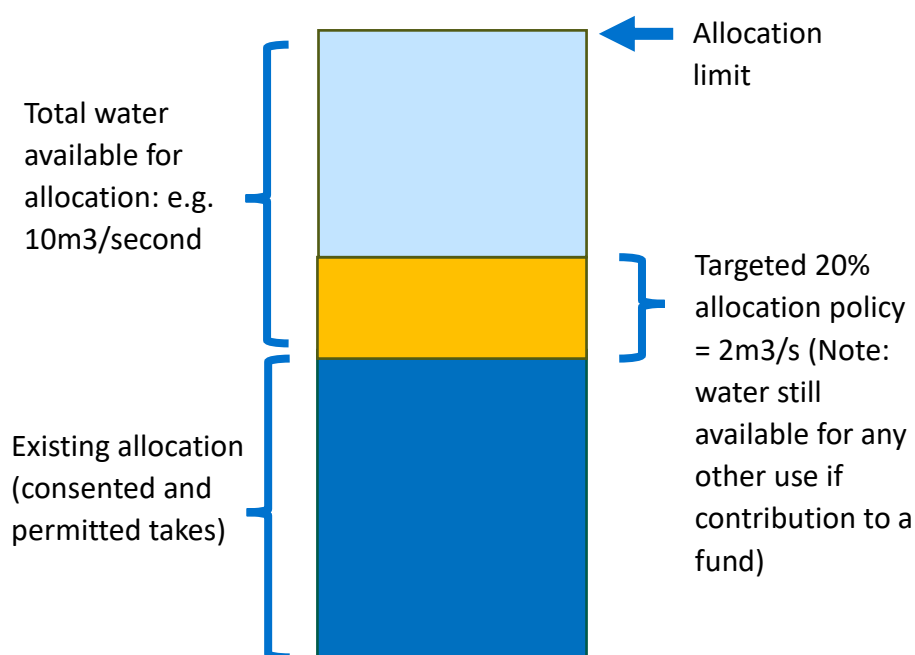
How the policy could work: Questions and answers

Q: How much wai would be reserved?

A: The policy would reserve 20% of the remaining wai available – available wai is the amount that can be taken *within* allocation limits in the Regional Plan (see Section H.4) that has not already been allocated to permitted and consented takes.

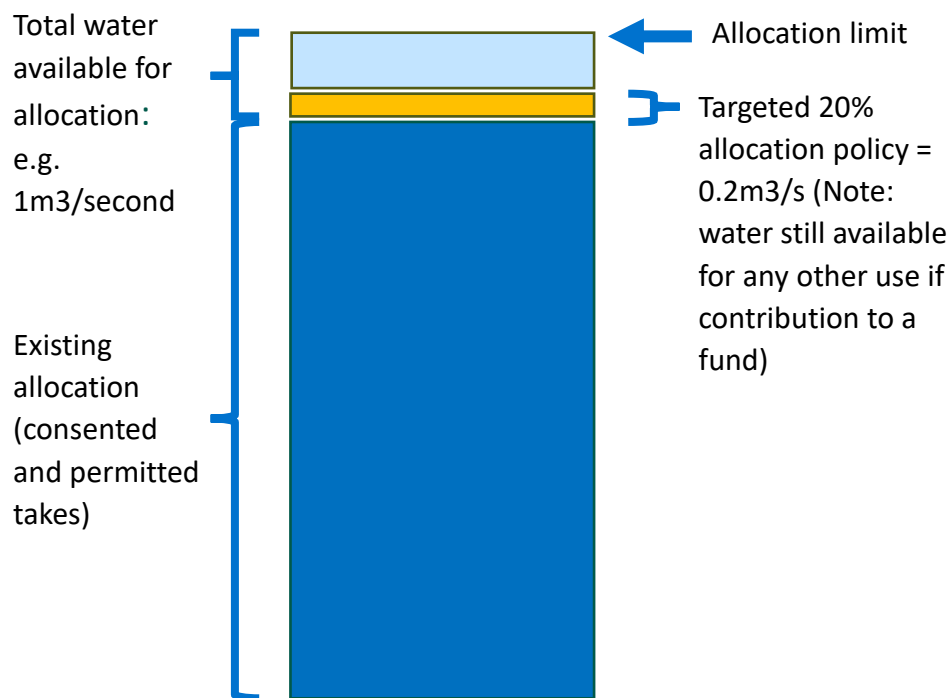
For example, if a river had 10 cubic metres per second available for allocation after consented and permitted takes, 2 cubic metres per second would be set aside for the purposes in the policy (see Figure 1).

Figure 1: Reserved wai in a waterbody with 10m³ available for allocation



However, in a river with only 1 cubic metre per second available for allocation, the wai set aside would be 0.2 cubic metres (see Figure 2).

Figure 2: Reserved wai in a waterbody with 1m³ available for allocation



Q: Would existing resource consents be affected?

A: No. The policy would not impact on existing resource consents or their currently consented water take.

Q: Would the policy reduce the amount of water available?

A: The policy would not necessarily reduce the amount of available water by 20%. Resource consents to take wai within the 20% allocation could still be granted for other uses with a contribution to the fund (Clause c) or for the other activities listed (e.g. environmental enhancement, and domestic use by papakainga and marae).

Q: When would the wai be set aside?

A: The wai would be set aside once the policy becomes operative.

Q: How would wai set aside by the policy be accessed?

A: Access to wai set aside would be through a resource consent process to ensure the wai use aligns with the policy.

Q: How would the fund work?

A: Council would need to include Regional Plan rules for contributions to the fund in consultation with tangata whenua⁹. These would set out:

- the purpose of the contribution

⁹ In accordance with Section 77E of the RMA

- how the level of the financial contribution would be determined
- when the financial contribution would be required, and
- how it would be allocated.

Note: The Regional Plan currently does not include rules for financial contributions and we have not included such rules in the draft Freshwater Plan Change either. Draft rules for financial contributions will be considered once council has taken into account feedback on this policy.

Whakamōhiotia mai o whakaaro

Tell us what you think

We'd really like to hear your feedback on the 20% water allocation policy. Some questions you may want to consider are provided below.

- Do you think a targeted allocation policy would improve cultural, social, economic and environmental outcomes for wai?
- Is a policy in the Plan Change is an appropriate way to achieve these outcomes?
- What do you think about requiring a contribution to a fund? What are your thoughts about how the fund could be used?
- How else do you think we can recognise the significant relationship tangata whenua have with wai?

Te kimi mōhiotanga anō

How to find out more

Find information online

Read more about the draft Freshwater Plan online at wai-it-matters.nz

Read about the National Policy Statement for Freshwater Management at <https://environment.govt.nz/acts-and-regulations/national-policy-statements/national-policy-statement-freshwater-management/>

Come to a hui/meeting

We are holding a series of hui to kōrero about the draft Freshwater Plan and answer your questions. Visit wai-it-matters.nz for details, or contact:

Northland Regional Council
0800 002 004

freshwater@nrc.govt.nz

Te tono kōrero mai

How to have your say

Whether you prefer online, print, or kanohi-ki-te-kanohi, there are lots of ways to tell us what you think.

You can share your views in te reo, English or New Zealand sign language (let us know if you might need an interpreter)

Online

Visit wai-it-matters.nz to give us your feedback online or email us at freshwater@nrc.govt.nz

Print and in-person

Fill out our printed feedback form. If you need a printed form or you would like to speak to someone in person at one of our offices, please contact us at:

Northland Regional Council
Private Bag 9021
Te Mai, Whangārei 0143
0800 002 004
freshwater@nrc.govt.nz

Or drop by one of our offices:

Whangārei

36 Water Street
8am to 4:30pm, Monday to Friday

Dargaville

Ground Floor
32 Hokianga Road
9am to 4pm, Monday to Friday

Kaitia

192 Commerce Street
8:30am to 4pm, Monday to Friday

Waipapa

Shop 9, 12 Klinac Lane

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