

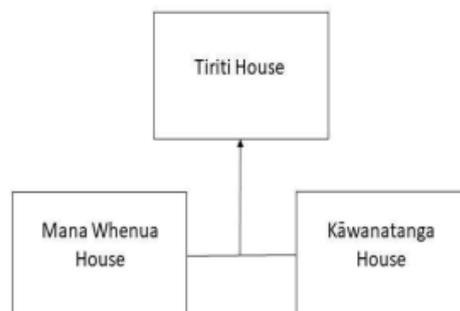


Monday 20 November

Re: **Proposed Change 1 to the Regional Policy Statement for the Wellington Region
Hearing Stream 5 - Freshwater and Te Mana o te Wai**

Tēnā koutou e te Hearings Panel,

Ātiawa are in the privileged and constraining position of providing comment on this Hearing Stream 5 - Te Mana o te Wai, within the context of Whaitua Kāpiti. As we have previously discussed, Whaitua Kāpiti is operating within a Te Tiriti House model of decision making. This means that the representatives within the Kāwanatanga House and Mana Whenua House each gather knowledge and develop an understanding of a topic within their own context. They then come together in the Te Tiriti House to reach consensus decisions.



I am therefore respectful of that Whaitua Kāpiti process when seeking the relief outlined below. I note that we, Ātiawa, provide these comments with the support of the other two mana whenua of the Kāpiti District, Ngā Hapū o Ōtaki and Ngāti Toarangatira, and the Kāwanatanga representatives appointed by Greater Wellington Regional Council.

I note that on Monday 28 August I provided to you the Whaitua Kāpiti expression of Te Mana o te Wai and its principles and Objectives 1 and 2. The objectives, along with the proposed FMUs can now be accessed on the Greater Wellington Regional Council webpage: <https://www.gw.govt.nz/environment/freshwater/protecting-the-waters-of-your-area/whaitua-kapiti/>

Ngā mihi

Claire Gibb
Senior Consultant
Te Kōnae

Relief sought:

1. **Within Chapter 3.4: Fresh water (including public access) Chapter Introduction include reference to the six principles of Te Mana o te Wai.**

Current text:

The concept of Te Mana o te Wai is central to freshwater management, as set out in the NPS-FM. Te Mana o te Wai includes a hierarchy of obligations, as follows: ...

Proposed text:

The concept of Te Mana o te Wai is central to freshwater management, as set out in the NPS-FM. Te Mana o te Wai encompasses six principles relating to the roles of tangata whenua and other New Zealanders in the management of freshwater and includes a hierarchy of obligations, as follows:

Principles:

(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 obligation 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 obligation of all New Zealanders to manage freshwater in a way that ensures it sustains present and future generations, and

(f) Care and respect: the responsibility of all New Zealanders to care for freshwater in providing for the health of the nation.

Hierarchy of obligations:

....

Reason:

The framework of Te Mana o te Wai includes both the Principles and the Hierarchy of obligations. Both are critical to the success of Te Mana o te Wai and should therefore equally be included in the RPS. The Te Tiriti Whare approach of Whaitua Kāpiti is demonstrating the importance and value of the Principles in guiding the development of its recommendations. It is the intent of the Mana Whenua Whare to continue to engage in this principled manner through the implementation of Te Mana o te Wai.

2. **Within Chapter 3.4: Fresh water (including public access) Chapter Introduction, replace (catchment) with (area).**

Current text:

"Since 2018, There are five whaitua (catchments) in total being..."

Proposed text:

"Since 2018, There are five *whaitua* (areas) in total being..."

Reason:

Whaitua is term that refers to an area broader than catchment. Further, the Whaitua Kāpiti includes many hydrological catchments, so the use of the term catchment in this context adds confusion to the extent of the area referred to.

Note:

Ātiawa support the reference changes, from *catchment* to *FMU*, made by the Reporting Officer in their Rebuttal Evidence. This is consistent with the Whaitua Kāpiti approach to recommending FMUs (See Appendix 2: Whaitua Kāpiti proposed FMUs).

Note 2:

The Reporting Officers' drafting change in Policy 12 (c) from "FMU" to "whaitua" allows for the removal of the term "whaitua" from the end of each whaitua name in (i)-(v)

(c) manage freshwater through the following whaitua which are shown on Map X:

(i) Kāpiti ~~Whaitua~~

(ii) Ruamahanga ~~Whaitua~~

(iii) Te Awarua-o-Porirua ~~Whaitua~~

(iv) Te Whanganui-a-Tara ~~Whaitua~~

(v) Wairarapa Coast ~~Whaitua~~

3. Within the Objective 12 heading replace *the Wellington Region* with *Ruamahanga and Te Whanganui-a-Tara*.

Current text:

Objective 12 – Te Mana o te Wai in the Wellington Region

Proposed text:

Objective 12 – Te Mana o te Wai in Ruamahanga, Te Whanganui-a-Tara

Reason:

The Whaitua Kāpiti Committee has collectively identified the local approach to giving effect to Te Mana o te Wai. This has been expressed in part through Objectives 1 and 2 (See Appendix 1). The Committee has expressed Te Mana o te Wai as objectives with the intent that they will be included in the RPS and guide the associated cascade of policies, rules and methods. Ātiawa therefore request that Objective 12 is renamed to reflect that it is an expression of Te Mana o te Wai for the Whaitua processes that have concluded. That change will retain the mana of Whaitua Kāpiti by allowing consideration of the proposed Objectives 1 and 2 in a subsequent plan change.

Also, Ātiawa note their objection to the Whaitua Kāpiti Committee expression of Te Mana o te Wai being included in an appendix. For Ātiawa, such an approach is inconsistent with the Te Tiriti House approach of Whaitua Kāpiti and the Te Mana o te Wai principles of Mana Whakahaere, Kaitiakitanga and Manaakitanga.

Note:

Ātiawa respectfully acknowledge that a Te Mana o te Wai objective must also be included for Te Awarua-a-Porirua. Recognising that this is a matter for Ngāti Toa Rangatira to identify, we have not presumed to identify the appropriate reference to Te Awarua-a-Porirua here as part of Objective 12.

- 4. Within Chapter 3.4: Fresh water (including public access) Chapter Introduction, change the reference to the region, to Ruamahanga and Te Whanganui-a-Tara and add reference to the status of the other Whaitua processes. This is partially a consequential amendment to the relief sought in Objective 12.**

Current text:

~~Note: There are six iwi wishing to express their meaning of Te Mana o Te Wai as part of this objective. There are ~~two~~ three expressions of Te Mana o Te Wai in this RPS at this time from Rangitāne o Wairarapa, ~~and~~ Kahungunu ki Wairarapa and Taranaki Whānui. Others will be added either through the Schedule 1 process or in future plan changes.~~

Proposed text:

~~Note: There are six iwi wishing to express their meaning of Te Mana o Te Wai as part of this objective. Two There are Three expressions of Te Mana o Te Wai have been included in the RPS at this time, from Rangitāne o Wairarapa, and Kahungunu ki Wairarapa, and Taranaki Whānui. Others Ngā Hapū Ōtaki, Te Ātiawa ki Whakarongotai and Ngāti Toa Rangatira are currently working within the Whaitua Kāpiti Te Tiriti Whare model to develop a collective expression of Te Mana o Te Wai. A further expression of Te Mana o te Wai from Ngāti Toa Rangatira (for Te Whanganui-a-Tara and Te Awarua-o-Porirua) will be added either through the Schedule 1 process or in future plan change.~~

Reason:

These changes are consequential to the requested changes to Objective 12. Also, under the Te Mana o te Wai principles of Mana Whakahaere, Kaitiakitanga and Manaakitanga, Ātiawa seek clear recognition of their engagement, alongside Ngā Hapū Ōtaki, Ngāti Toa Rangatira and the community to develop a Whaitua Kāpiti expression of Te Mana o te Wai.

Further, Ātiawa continue to vehemently oppose the submission and claims made by Muaūpoko Tribal Authority. The assertions made by Muāupoko Tribal Authority are categorically incorrect, highly offensive to Ātiawa ki Whakarongotai and inconsistent with the principles of Te Mana o te Wai. Ātiawa oppose the suggested amendments made by the Reporting Officer (upon legal advice) that seek to absolve the councils need to directly refer to the number of iwi / name iwi (mana whenua / tangata whenua) in the rohe. While I support that this plan change process is not the appropriate platform to confirm or deny mana whenua status, it is important to note that the suggested wording is a departure from referring to the six iwi (mana whenua / tangata whenua) in the rohe, and could suggest that this matter is open to renegotiation.

Note:

Subsequent amendments will need to be made to *New Freshwater policy in Chapter 4.1 – Regulatory Policies*; and *New Freshwater policy in Chapter 4.2 – Regulatory Policies – Matters to be considered* at the appropriate time to reflect the Whaitua Kāpiti approach.

5. Within Policy 42, retain (o)

Current text to be retained:

(o) The extent to which rivers and wetlands within the area proposed for urban development have been mapped, and whether the scale of the urban development necessitates such mapping

Reason:

The requirement for mapping appears to have been removed from Chapter 3.4: Policy 14 and Policy 42. The logic of the submission point made by Mr Lewandowski and the Statement of Rebuttal is unclear.

Mr Lewandowski states:

4.27 I am also unclear on the purpose of matter (o), and what purpose this matter lends to the consideration of a resource consent application. The mapping of rivers and wetlands is required by Policy 14 and I do not see the purpose of matter (o) in this consideration policy. Resultingly, I consider that it should be deleted.

Statement of Rebuttal:

124 Again, I agree with Mr Lewandowski that clause (o), which requires the mapping of rivers and wetlands within the area proposed for urban development will be difficult to implement. I recommend deleting clause (o). This is consistent with my analysis and recommendations in relation to Policy 14, as set out in paragraph 97.

97 I also agree with Mr Lewandowski that clause (l), which requires the mapping of rivers and wetlands within the area proposed for urban development, would be difficult to implement in practice. I recommend this clause be deleted from Policy 14.

Appendix 1: Te Mana o te Wai Objectives 1 & 2

Objective 1:

Water management in te Whaitua o Kāpiti give effect to Te Mana o te Wai by transforming the legacy of seeing water as just an asset, through a paradigm shift back to seeing healthy water as fundamental to the existence of all living things by upholding:

1. *Mana atua*: The whole system of divinely interconnected Atua (naturally occurring influences and processes) that comprise the holistic health of water systems, their manas and their mauri; and
2. *Mana whenua*: The particular relationships between mana whenua, land, and water; and
3. *Mana tangata*: Our integrity as individuals and communities within Kāpiti in the way that we use water to support our social, economic, and cultural well-being.

Objective 2:

Te Mana o te Wai is implemented through a bicultural decision-making and implementation framework that provides for the recognition and application of both tikanga and mātauranga Māori and Western knowledge systems and regulation. Implementing Te Mana o te Wai requires the expression of its Principles by giving effect to:

1. Mana Whakahaere by:
 1. Recognising the rangatiratanga of mana whakahaere to water; and
 2. Providing for mana whenua to collectively identify all relevant mana whakahaere, rights and interest holders, and their roles in relation to the care and use of water, through processes consistent with tikanga Māori; and
2. Governance by:
 1. Ensuring decisions are transparent, informed by the best available information, and accountable to communities; and
 2. Fostering active collaboration between government, mana whenua and communities to achieve equitable and sustainable outcomes; and
 3. Managing land and water in a way that involves, and achieves the vision of, the communities of te Whaitua o Kāpiti; and
3. Kaitiakitanga by:
 1. Limiting our use of water and impacts on water in a way that provides for ecosystem integrity; and
 2. Recognising the interdependence of ecological, cultural, social, and economic well-being; and
 3. Recognising the importance of observing and monitoring water values to understand their state; and

4. Stewardship by:
 1. Recognising that freshwater is a living being; and
 2. Recognising the interdependent relationship between land use and the health of water and well-being of people; and
 3. Pursuing outcomes that improve the health and well-being of te Taiao for future generations; and
5. Manaakitanga by:
 1. Enhancing water values where we benefit from their use; and
 2. Intervening promptly and effectively when water values are degraded below target attribute states; and
 3. Sharing water equitably across communities; and
 4. Enhancing communities' access and connection with water; and
6. Care and Respect by:
 1. Promoting positive activities that protect, restore, or enhance waterbodies and their ecosystems; and
 2. Recognising the intrinsic values of waterbodies and supporting their natural character and values; and
 3. Supporting positive relationships between people and water through education, improved access and connection with waterbodies.

Appendix 2: Whaitua Kāpiti proposed FMUs

