



TE RŪNANGA O NGĀTI AWA

Allegrow Ltd.

Tena kōoutou

TE RŪNANGA O NGĀTI AWA (TRONA) ASSESSMENT OF RESOURCE CONSENT APPLICATION FOR WATER TAKE AT 85 Western Drain Road, Edgecumbe

Te Rūnanga o Ngāti Awa (TRONA) is a local iwi authority, a post settlement governance entity, and a representative body for 22 confederate hapū.

Introduction

Thank you for your correspondence regarding a new groundwater take resource consent for Haas Orchard Limited (the **applicant**) at 85 Western Drain Road, Edgecumbe. The applicant proposes to take up to 45,374 cubic metres for frost protection and irrigation of kiwifruit over a term of 15 years. The source is Kope Orini 1 groundwater catchment in the Whakatane and Tauranga Water Management Area.

Ngāti Awa

We recently launched our Ngāti Awa Environment Management Plan (“The Plan”) which outlines our relationship with our natural resources, highlights tangata whenua and cultural values and expectations around engagement and implementation of policies and objectives. It is also a tool that can influence other management plans, planning documents, policy statements and legislation. The main target audience is government, district and regional councils, resource consent applicants and/or consultants. Although this plan was informed and shaped by Ngāti Awa hapū and whanau, it does not attempt to articulate values, interests, aspirations, or policy position(s) of Ngāti Awa hapū. It does not supersede or replace any planning document prepared by Ngāti Awa hapū. The Plan has a lifespan of 10 years with a review term of 1 year. The Plan does not substitute consultation or engagement with Ngāti Awa and the full document can be found at www.ngatiawa.iwi.nz

TRONA objectives require land use planning, management, and decisions to recognise Ngāti Awa values, interests, and mātauranga. We value our intergenerational knowledge and role as a Treaty partner, and recognise the linkages between land use, freshwater quantity, and freshwater quality.

Freshwater management is no longer just about the allocation and use of water. Te Mana o Te Wai (TMTW) is a contemporary term but matter of national significance within the National Policy Statement for Freshwater Management.

TMTW is all encompassing and ensures that the first right to water goes to the water. It is about restoring balance and ensuring reciprocity. It means considering the health of the source waterbody

in the first instance and all that it sustains, before considering how much is available for allocation and use. This also means looking at water quantity and quality.

Mataatua Declaration of Water 2012 (The Declaration) also relates to freshwater management, and affirms our desire for full, exclusive, and undisturbed possession of ancestral waters. The Declaration recognises water is essential in sustaining all life principles and recognises the need to share and manage our water for the long-term benefit of all peoples.

Comments

When considering our response TRONA must advocate for water use that recognises TMTW, has an integrated and holistic approach, and promotes no further degradation of water quality within our rohe.

Freshwater is an essential element of life. Without it nothing and no-one would survive. Water is a very significant resource to Maori people and plays a central role in both spiritual and physical worlds.

Some of the issues we highlight in The Plan are the current allocation system of first in first serve does not recognise TMTW, nor does it allow for equitable sharing for sustainable uses. This creates an imbalance; locks out other users (particularly on underutilised Maori land) and affects instream life and mahinga kai resources. Also, our freshwater resources are taken for granted particularly within urban areas and by large water abstractors. This is demonstrated via inefficient water use such as wastage, water banking and in some cases, over-abstraction.

Objective 2 of the Plan states Freshwater management, planning and decisions must:

- a) Recognise Ngāti Awa values, interests and Matauranga
- b) Recognise the 2012 Mataatua Declaration of Water
- c) Value our intergenerational knowledge and role as a Treaty partner
- d) Afford greater priority to the natural limits of our rivers, streams and groundwater aquifers.

Plan Change 9 was intended to improve provisions for water quantity management in the Bay of Plenty and contained regulations designed to strengthen water allocation limits and freshwater management.

The Bay of Plenty Regional Council have recently withdrawn Plan Change 9 which means, the precedent has defaulted to the existing, but outdated regional rule framework. This framework does not consider tangata whenua values or TMTW and water allocation limits continue to be a significant issue.

The impacts of water take need to be managed carefully to ensure that water takes are not adversely affecting the environment in a more than minor way. We are concerned that groundwater systems may be at risk because of adverse cumulative effects and that these effects can be exacerbated when the starting place for consent applicants is to rely on a water availability report that we consider is unclear, inadequate and unreliable. TRONA will do everything we can to ensure its managed sustainably.

The application proposes the volumes sought are considered to be reasonable and effects of an inefficient water use are less than minor. However, TRONA understand the Kope Orini 1 catchment is over allocated, which is where the bore is located.

For the above reasons, TRONA opposes any water resource consent application, until such time tangata whenua values and TMTW have been implemented appropriately.

We encourage collective responsibility for the efficient and responsible use of water across all sectors within our rohe. This includes but is not limited to large volumes of water taken and used for agricultural or horticultural purposes.

If this consent should be granted by Bay of Plenty Regional Council, we believe the following conditions should apply:

- The consent is granted for a term no longer than 5 years, when the new National Policy Statement for Freshwater Management framework is likely to be implemented.
- The applicant shall undertake an assessment of the efficiency and appropriateness of the take if the application were to be granted for a term longer than 5 years at the midway point of the consent term. The outcomes of the assessment may trigger the need for a review of the entire activity.
- Consider additional treatment and/or alternative disposal methods, wastewater and stormwater such as the use of new technology, land based disposal, or the use of wetlands and innovative solutions to remedy the long-term effects of discharge on the historical, cultural and spiritual values of freshwater if applicable.
- The applicant should seek feedback of the assessment from TRONA to consider whether changes are required or should trigger a review of the consent.
- Soil moisture probes should be considered to monitor the soil moisture and determine when irrigation is required.
- Telemetry and other measurement tools deemed necessary are installed and/or used to ensure efficiency.
- Regional Council ensure water allocation limits are reasonable based on the applicant's rate and volume of take.

"In accordance with Ss 8 & 128 of the Resource Management Act 1991 Te Rūnanga o Ngāti Awa reserve the right to request the ability to review any consent lodged with either Whakatane District Council or Bay of Plenty Regional Council to determine the cultural impacts that may arise from any legislative, national, regional, or district plan changes concerning the environment."

If you have any questions, please contact Jaymie-Kate Wardlaw (Consents and Policy Planner) email kaitiaki@Ngātiawa.iwi.nz

Nga mihi,

A handwritten signature in purple ink, appearing to read 'Jaymie-Kate Wardlaw'.

(pp sign Jaymie Wardlaw)

Leonie Simpson

Chief Executive