

## Ngāti Kahungunu Iwi Incorporated (Submitter #120)

### Summary of presentation for 22 June 2021 (15 minutes)

#### Freshwater Management Units – Ms Haidekker Addendum Evidence

- 1 The evidence of Alexandra (Sandy) Haidekker appendix 6, refers to FMU's at section 5.8 and 5.19. At 5.19, Ms Haidekker states:

*“The periphyton biomass attribute is one of the compulsory ecosystem variables that needs to be managed according to the NPSFM 2020 framework. But this applies to a representative monitoring site for each FMU, not for all sites the council may undertake monitoring at. I have recommended a representative monitoring site for each of the four major catchments in TANK, which I think would make logical FMUs from a biophysical perspective. Periphyton biomass would be monitored at each of these four sites, as per NPSFM 2020. However, FMUs have not officially been proposed through PPC9 process, and rather FMUs will be consulted upon and confirmed during the Kotahi (i.e. region wide) plan change process.*

- 2 This provides leeway for submitters to respond to the recommended number of FMU's for biophysical (and other) reasons.
- 3 In contrast to Ms Haidekker's position, FMUs must be included as part of PC9. FMUs are within scope of PC9 as follows:
  - (a) In opening, Counsel for HBRC confirmed that scope to give effect to the NPSFM 2020 included PC9 as notified together with relief sought by submitters that was on PC9. The Director-General (Department of Conservation) (submitter #123) expressly sought that FMUs be included in PC9. This is identified at page 7 of the submission (relief sought) as follows:

*“(b) include schedules of FMU's and freshwater values and clearly define where they apply.”<sup>1</sup>*
- 4 It appears that other parties agree as to scope, including EDS<sup>2</sup> and Mr Apple. Accordingly, FMUs are relevant matters to be included within scope of PC9.
- 5 A catchment approach is not in conflict with a Regional approach. NKII has participated in FMU discussions with HBRC over the course of TANK plan development, TANK Group stakeholder and iwi engagement. The last proposal by HBRC provided to NKII was for the establishment of 7 FMUs. Establishment of FMUs within the plan change catchments before conducting a region wide investigation is practicable, given the years of engagement on FMUs.
- 6 In response to Ms Haidekker's specific recommendation of four FMUs based on biophysical values and Council's previous proposal of 7 FMUs, these recommendations have not considered appropriate spatial management units i.e

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<sup>1</sup> It is likely that other submitters including NKII also sought FMUs as part of their relief, but the Director-General submission is explicit on this.

<sup>2</sup> Noting that Counsel for NKII also appeared as Counsel for EDS.

FMUs to recognise and provide for cultural effects on the relationship between tangata whenua and their ancestral waters and taonga (as identified by whakapapa).

- 7 This approach of limiting the scope of cultural effects is further promulgated in PC9, through Schedule 26, Water Quality Attributes - that includes a

*“..Placeholder for mātauranga Māori attributes that are yet to be developed.”*

- 8 Attributes for tangata whenua and mātauranga Māori go beyond biophysical and water quality attributes. When considering effects on cultural values, NKII agrees with the comments provided by Sheena Tepania in context of a recent resource consent decision that has received national attention:

*“..cultural aspects of the environment include both physical and spiritual dimensions, the effects on cultural values, whether they be physical or spiritual dimensions, the effects on cultural values, whether they be physical or spiritual aspects, must be considered within a cultural framework and by this with the requisite knowledge to undertake that assessment.”<sup>3</sup>*

- 9 Ms Haidekker’s qualified approach (4 FMUs) is overly reductionist, and limited to (some) biophysical attributes of water quality (that are Western science based). NKII’s position is that it is appropriate (having regard to the planning framework) to identify at least 3 FMUs for each catchment, except Ahuriri.<sup>4</sup>

#### **Total Allocation Mr Waldron Addendum Evidence**

- 10 Mr Waldron’s Section 42A addendum report at 3.4 refers to “water use data presented in Figure 12 of the Appendix 11 Technical Memo Water Quantity, is now considered to over-estimate consented water use and total groundwater pumping between 2015-2016 and 2019 – 2020”.
- 11 This ‘over-estimate’ adjustment demonstrates that adverse effects from groundwater abstraction and ‘over allocation’ actually occur at lower use of groundwater by irrigators than originally identified.
- 12 Data was originally provided in HBRC report “Heretaunga Aquifer Groundwater Model, Development Report, 2018” page 105, table ‘Groundwater Budget for the Heretaunga Aquifer Systems” groundwater pumping is recorded at 78.1Mm3.
- 13 This figure represented best available information at the time of presenting NKII’s submissions and evidence and is relevant when considering groundwater budget

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<sup>3</sup> BUN60339589: Waste Management NZ Ltd (Wayby Valley Landfill) Minority Decision dated 14 June 2021, Auckland Council, page 148 paragraph 17.

<sup>4</sup> Counsel for NKII notes two recent decisions relevant to Commissioner deliberations (that were not available or post-date hearing week one). These are relevant to Appendix 11 (as amended) and will be addressed in submissions and evidence to be filed by 2 July 2020 (Minute 6).

balancing approach as this paper, the s32 assessment by Mitchell Daysh, and the original Appendix 11 water quantity summary suggest.

- 14 The original data suggests a total groundwater take limit at no greater than the original 78.1Mm<sup>3</sup>, while Mr Waldron's addendum data suggests that this is an 'over-estimate' and groundwater takes are actually lower than this figure.
- 15 While Mr Waldron's evidence doesn't provide a precise update to this table, his evidence identifies that actual water use is lower for each year (page 8 Table 2). Mr Waldron's addendum evidence provides support for a total allocation limit at 70Mm<sup>3</sup> to address adverse effects caused at this lower level of groundwater use, factoring in risk, and greater protection for any 'uncertainties', highs, lows, averaging and a range of unforeseen considerations.
- 16 In 3.9 Mr Waldron highlights the uncertainties related to the higher demand and use of water: *"When using this method of adjusting the metered data, the degree of uncertainty in the estimated total volume increases as the magnitude of adjustment increases. Therefore, years with less adjustment represent a better (less uncertain) estimate of total metered water use"*.
- 17 70Mm<sup>3</sup>, is lower than the originally proposed limit of 90Mm<sup>3</sup> and subsequent "actual and reasonable" approach. These two approaches have little to no regard for the originally proposed 'water budget' method (in terms of "in and out" budgeting and environmentally sustainable perspective). They reflect a user demand perspective that requires water user data (but not scientific balancing data). This is perhaps why the 'Groundwater Budget for Heretaunga Aquifer Systems' has not been updated. This reinforces the importance of expert conferencing on this subject. Counsel notes that Commissioners have not provided directions on this issue yet, raised in NKII's memo dated 4 June 2021.<sup>5</sup>

#### **Over allocation Mr Waldron s42A Addendum report**

- 18 Mr Waldron's addendum report highlights a change of consideration and methodology, when understanding over allocation. In other words, there is a shift or continual shift of the goal posts. The principle of over-allocation of groundwater use has been accepted by HBRC but measurement has changed and phasing out appears to be shouldered by mitigation initiatives.
- 19 From a cultural perspective, putting health and wellbeing of the water body first (under the NPSFM 2020 hierarchy) supports looking at adverse effects on the water body itself i.e the Heretaunga Aquifer as opposed to adverse effects (while also important) on a subsequent water body for example springs and spring fed streams. NKII will return to this issue in evidence to be filed by 2 July (Minute 6).

**Dated this 21<sup>st</sup> day of June 2021**

**Rob Enright (with input on evidential including cultural matters by Ngaio Tiuka) for and on behalf of Ngāti Kahungunu Iwi Incorporated**

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<sup>5</sup> NKII adopts without repeating matters raised in that memorandum, and supports the submission by RFB on 21 June that NKII's evidence cannot be rejected without proper consideration, including reasons, with scope for input by affected parties.