

BEFORE THE CANTERBURY REGIONAL COUNCIL

IN THE MATTER of a proposed plan
change under Schedule
1 to the Resource
Management Act 1991

AND

IN THE MATTER of a submission by
**NGĀI TŪĀHURIRI
RŪNANGA** on
**PROPOSED PLAN
CHANGE 7 ON THE
CANTERBURY LAND
AND WATER
REGIONAL PLAN**

**SUMMARY OF EVIDENCE OF SANDRA MCINTYRE ON BEHALF OF NGĀI
TŪĀHURIRI RŪNANGA**

25 NOVEMBER 2020

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INTRODUCTION

1. My name is Sandra McIntyre. This statement summarises key points of the planning evidence I have prepared on behalf of Ngāi Tūāhuriri Rūnanga on Proposed Plan Change 7. I will also briefly comment on how the introduction of the National Policy Statement for Freshwater Management 2020 (**NPSFM 2020**) affects the matters I have discussed in my evidence.

SUMMARY OF KEY POINTS

2. The central concern of Ngāi Tūāhuriri is that Proposed Plan Change 7 will be ineffective in addressing degradation of water bodies in the Waimakariri sub-region, and the effects of this on mahinga kai values. The evidence of Dr Tau and Mr Reuben demonstrates that mahinga kai is integral to Ngāi Tūāhuriri identity and to their relationship with their ancestral lands and resources. It follows that mahinga kai values must be recognised and provided for in accordance with section 6(e) of the Resource Management Act 1991 (**RMA**).
3. To achieve this, I consider it would be appropriate for the Proposed Plan Change to include provisions that:
 - (a) Ensure mahinga kai values are sustained;
 - (b) Enable mana whenua to access and use mahinga kai resources; and
 - (c) Facilitate mana whenua input in decision-making where mahinga kai may be affected.
4. Ngāi Tūāhuriri consider that failure to provide adequately for the health of the water bodies will hinder the exercise of kaitiakitanga (to which particular regard must be had under section 7(a) of the RMA) and will not provide appropriate recognition of rangatiratanga in accordance with section 8.
5. The direction in sections 6(e), 7(a) and 8 of the RMA in respect to tangata whenua values and interests in freshwater is reflected in the objectives and policies the Regional Policy Statement (**RPS**) and the Land and Water Regional Plan (**LWRP**) that support exercise of customary uses and prioritise

the life-supporting capacity of water bodies and essential needs above economic uses. However this direction has not been carried through in setting minimum flow and allocation limits in Proposed Plan Change 7. Instead, reliability of irrigation has been prioritised over instream outcomes for ecological and mahinga kai needs, and the flows and allocation limits will not achieve the mahinga kai outcome set in Section 8.6 of the Proposed Plan Change.

6. I consider the Proposed Plan Change is also ineffective in phasing out over-allocation, as required by the both the NPSFM 2017 and NPSFM 2020. This is because:
- (a) The determination of over-allocation is based on exceedance of current consented takes rather than the health of the water body; and
 - (b) Measures to reverse over-allocation primarily focus on reducing 'paper' over-allocation rather than actual abstraction.

IMPLICATIONS OF NPSFM 2020

7. In my evidence, I discuss the direction in the NPSFM 2017. I conclude that the approach of the Proposed Plan Change in respect to flow and limit-setting and management of over-allocation is not consistent with that direction, particularly in terms of the requirement to consider and recognise Te Mana o te Wai.
8. I have reviewed my evidence against the direction that now applies in the NPSFM 2020. This direction does not alter my conclusions, but I consider the following provisions do increase the weight that should be given to the changes requested by Ngāi Tūāhuriri:
- (a) Te Mana o te Wai must be given effect to, rather than considered and recognised;¹
 - (b) The principles of mana whakahaere, kaitiakitanga and manaakitanga encompassed in Te Mana o te Wai recognise the importance of the

1 NPSFM 2020 2.2 Policy 1.

ongoing relationship of tangata whenua with freshwater and their role in decision-making to sustain the health of freshwater for the benefit of present and future generations;²

- (c) Māori freshwater values must be identified and provided for,³ and mahinga kai is made a compulsory value;⁴
- (d) Rules, action plans and clear timeframes must be set to achieve the environmental outcomes established for each value;⁵
- (e) Environmental flows and levels must be set at a level that achieves the environmental outcomes for the values;⁶ and
- (f) Take limits must provide for the needs of the water body and associated ecosystems, safeguard ecosystem health from effects of the take limit on the frequency and duration of lowered flows or levels, and provide for the life cycle needs of aquatic life.⁷

RECOMMENDATIONS

- 9. To give effect to the priorities in the LWRP and the higher order statutory documents, I agree with the submitter that the minimum flows and allocation limits for water bodies in Tables 8.1 and 8.2 should be adjusted to accommodate the ecological and cultural flow conditions recommended in the technical reports, to better achieve ecological and mahinga kai outcomes. Clear timeframes must be set to achieve the ecological and cultural flow regimes, as required by the NPSFM 2020.
- 10. I also agree that, where the recommended ecological limits are being exceeded, it would be appropriate to include provision for surplus portions of water permits to be returned to the water body rather than made available for re-allocation. These measures would better give effect to Te Mana o te Wai.

2 NPSFM 2020 1.3(4).
3 NPSFM 2020 2.2 Policy 2.
4 NPSFM 2020 Appendix 1A.
5 NPSFM 2020 3.7(2), 3.11(5) and (6).
6 NPSFM 2020 3.16(2).
7 NPSFM 2020 3.17(4)

- 11.** I support establishment of a Protection Zone for the Cam/Ruataniwha River near Tuahiwi, as requested by the submitter, to reduce contaminants entering the river and enable restoration of mahinga kai to support Tuahiwi community and marae. This would appropriately recognise and provide for the relationship of Ngāi Tūāhuriri to their ancestral land at Tuahiwi, and better enable exercise of kaitiakitanga in respect to the resources of this area.

- 12.** The submitter has also sought improved provision for mahinga kai allocations in other areas of cultural significance, namely the Ashley/Rakahuri River and the Courtenay Stream. Although current over-allocation imposes some limitations in these areas, I consider that this is not a barrier to including provisions that could be implemented once the over-allocation has been recovered, and I have recommended measures to achieve this.