

13 June 2024

To: Finance and Expenditure Select Committee
Wellington
New Zealand

RE: Submission on Local Government (Water Services Preliminary Arrangements) Bill

Thank you for the opportunity for Far North District Council to provide a submission to the Finance and Expenditure Select Committee on the Local Government (Water Services Preliminary Arrangements) Bill

We wish to be heard in support of our submission.

We have provided recommendations and commentary to specific aspects that are particularly relevant to the Far North District and/or the Council.

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Background

The Far North District is the most northern territorial local authority in New Zealand and shares borders with the Whangārei and Kaipara Districts. It has a land area of 669,251 hectares and an estimated residential population of approximately 74,700. Of those, approximately 38,000 are Māori. The population of the Far North is predicted to grow to over 82,000 by 2043. As at April 2024, there are 35,366 people on the General Roll, and 14,721 on the Māori Roll for the Far North District.¹

The Far North district includes approximately 144 marae, 10 Iwi Runanga and over 200 hapū. Not all iwi in the district have reached a treaty settlement.

The Far North is characterised by coastal harbours and bays on the east coast and long beaches interrupted by deep harbours on the west coast. Inland, the Far North is made up of rugged bush covered areas, farmland, and horticulture. There is no single main centre. Instead, our urban population

¹ Based on the Electoral Commission Website: <https://elections.nz/stats-and-research/enrolment-statistics/enrolment-by-local-council-voting-area/>

is focused in a series of towns across the district, with Kerikeri, Kaitaia, Kaikohe and Kawakawa being the largest.

Currently, more people in the Far North live rurally than in urban settings. The Far North is a holiday destination, which leads to a fluctuating population over summer. Some areas have a household occupancy rate that doubles during the peak summer season.

Context and Concerns

Far North District Council (FNDC) have a number of concerns regarding the Bill and its operation.

This amendment is seeking to repeal the Te Mana o te Wai hierarchy obligations in the NPS-FM 2020 and that these obligations will not apply when Taumata Arowai sets wastewater environmental performance standards.

Te Mana o te Wai established a hierarchy of obligations structured to ensure that:

1. The health and well-being of water bodies and freshwater ecosystems are prioritised first.
2. The needs of the people (including safe drinking water) follow, once the first obligation is met.
3. Thirdly, the ability of people and communities to provide for their social, economic, and cultural well-being is considered, as long as it doesn't compromise the first two priorities.

The 6 principles of Te Mana o te Wai are:

- Mana whakahaere
- Kaitiakitanga
- Manaakitanga
- Governance
- Stewardship; and
- Care and respect.

Taumata Arowai is an independent Crown Entity water services regulator, established to oversee and ensure the quality and safety of the country's drinking water, wastewater, and stormwater services. It was established following the Havelock North water contamination incident and officially established in March 2021.

Te Mana o Te Wai has been part of the National Policy Statement for Freshwater Management since 2014 and remains for now, but there are concerns that this bill is constructing alternative governance principles for water standards.

The introduction of Te Mana o Te Wai was a pivotal moment in New Zealand's environmental policy, aimed at reversing decades of water degradation. This framework has provided a holistic approach to water management, ensuring that the needs of the environment are placed at the forefront of decision-making. Removing these provisions disregards the hard-won progress and the collaborative efforts of iwi, communities, and environmental advocates.

The concerns raised in this submission were referred to in a kanohi ki te kanohi (face to face) hui on Wednesday 5 April 2023 between the previous governance roopu, Waipunaarangi and Far North District Council through Te Kuaka – Te Ao Maori Committee (Te Kuaka).

The purpose of Te Kuaka is to ensure that the work of the Far North District Council is carried out in a way that enhances the social, economic, cultural, and environmental wellbeing of the Far North District on aspects of importance to Māori.

The relationship FNDC has with its communities is of importance, with processes and procedures put in place to ensure that FNDC properly consults and engages with iwi and hapū. This is through

governance structures such as Te Kuaka, through building relationships, and entering into various agreements to enable this. For example,

- Working to put in place a Mana Whakahono ā Rohe with Te Runanga a Iwi o Ngapuhi under ss. 58L – 58U of the Resource Management Act.
- Entering into a Memorandum of Understanding with all 11 iwi and 3 hapū in the district which covers how we as a council will work with them.
- Entering into *Whanaungatanga kī Taurangi*, which is an agreement between the Northland Mayoral Form (consisting of FNDC, Whangārei District Council, Kaipara District Council and Northland Regional Council) and Tai Tokerau Iwi Chairs' Forum Te Kahu o Taonui (which consisted of the chairs from 11 Iwi authorities within the Northland region). This agreement includes principles of participation by the Iwi authorities as part of decision making.

In addition, FNDC have strategies and policies which require input from iwi/hapū when decisions are made and have made commitments to how FNDC will address matters within its district. These include:

- Far North 2100, which includes as a Driver of Change to *embed Tikanga Māori within Council as part of decision-making...*,
- Significance and Engagement Policy which directs FNDC to engage with Māori on issues that have a major and long-term impact on iwi/hapū/whanau,
- Iwi/Hapū (Environmental) Management Plans Policy which includes as an objective to *"integrate and consider the views and values of iwi/hapū regarding the use of natural and physical resources in Council's strategies, plans, and work programs"*.
- Policies in the Proposed District Plan including to:
 - Work proactively with iwi and hapū and implement agreements with them, and
 - Ensure tangata whenua are provided with opportunities to actively participate in resource management processes which involve ancestral lands, water, sites, wāhi tapu and other taonga.
- *Te Mahi Tahī me te Māori/Working with Māori* which is included in FNDC's Long-Term Plans. This recognises the special position of tāngata whenua within the Far North district and the significant and long-term role Māori have to play in Council's decision-making.
- *Te Pae o Uta – Te Ao Māori Framework* for FNDC staff which seeks to guide and improve responsiveness and inclusiveness of Te Ao Māori across the organisation.

The Far North District Council supports the inclusion of Te Mana o te Wai within our operations and support our Iwi and Hapu partners who have developed Te Mana o te Wai statements within their local plans. Far North District Council will continue to work alongside Iwi and Hapu to implement their aspirations acknowledged in their Te Mana o te Wai statements irrespective of this bill moving forward. The principles of Partnership and Participation endure.

FNDC supports the recommendations made by Te Kahu o Taonui, and further recommends:

- Retain Te Mana o Te Wai Provisions
 - It is crucial to maintain Te Mana o Te Wai within the Water Services Bill. These provisions ensure that the health and well-being of water bodies remain a priority, guiding sustainable water management practices that benefit both current and future generations.
- Enhance Wastewater Treatment Standards
 - Rather than lowering wastewater treatment standards, efforts should be focused on providing councils with the necessary resources and support to meet and exceed current standards. This will ensure that we continue to improve water quality and protect our valuable freshwater resources.

- Strengthen Environmental Protections
 - Any amendments to water services legislation should seek to strengthen, not weaken, environmental protections. This includes maintaining stringent standards for wastewater treatment and ensuring robust mechanisms for monitoring and enforcement.

In conclusion, the removal of Te Mana o te Wai provisions from the Water Services Bill would be a significant step backward for New Zealand's water management. I urge the Select Committee to retain these crucial provisions and focus on enhancing environmental protections to safeguard our water quality for future generations.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Guy Holroyd', written in a cursive style.

Guy Holroyd
Chief Executive Officer
Far North District Council