



# Choose Clean Water submission on consent conditions for Matawii Water Storage Reservoir

TO ENVIRONMENT PROTECTION AGENCY

14 October 2020

CHOOSE  
CLEAN  
WATER

Choose Clean Water

Contact: Marnie Prickett

Phone: 022 161 2634 | Email: [marnie@choosecleanwater.org.nz](mailto:marnie@choosecleanwater.org.nz)

## 1. EXECUTIVE SUMMARY

- 1.1 Choose Clean Water welcomes the opportunity to make a submission on 'consent conditions for Matawii Water Storage Reservoir by Te Tai Tokerau Water Trust (LP16) under the COVID-19 Recovery (Fast-track Consenting) Act 2020.
- 1.2 Choose Clean Water wishes to note that it does not agree with the decision to grant this application as outlined in our submission dated 19 September 2020.
- 1.3 However, understanding that we are to respond to the draft conditions dated 6 October 2020, we seek the addition of conditions, noting that there appear to be no conditions that respond directly to the requirements of the National Policy Statement for Freshwater Management 2020 (NPS-FM 2020).
- 1.4 To be consistent with the NPS-FM 2020, Te Tai Tokerau Water Trust should have conditions applied that require it to:
  - maintain and/or improve water quality in all (sub)catchments above and below the dam;
  - not interfere or degrade any current values and their corresponding objectives determined from the policies attribute tables (values, objectives and numerical attributes as described in the NPS-FM 2020) or preclude their achievement over time; and
  - have a legally-binding agreement with relevant council(s) to provide for the health of people first, i.e. in times of water scarcity domestic water supplies to Kaikohe will be prioritised

## 2. CHOOSE CLEAN WATER

- 2.1 Choose Clean Water is a student-established and volunteer run freshwater campaign started in 2015 and aimed at improving New Zealand's freshwater policy and management in order to protect and restore the health of waterways for people and nature.
- 2.2 Choose Clean Water has advised government on freshwater policy since 2018.

## 3. CONSISTENCY WITH NPS-FM 2020 REQUIRES WATER QUALITY IN ALL WATERWAYS TO BE MAINTAINED OR IMPROVED.

- 3.1 The NPS-FM 2020 requires councils to maintain and/or improve the baseline state of waterbodies, where:

“**baseline state**, in relation to an attribute, means the best state out of the following:

- 1. (a) the state on the date it is first identified by a regional council
  - 2. (b) the state on the date on which a regional council set a freshwater objective for the attribute under the National Policy Statement for Freshwater Management 2014 (as amended in 2017)
  - 3. (c) the state on 7 September 2017”
- 3.2 Te Tai Tokerau Trust must be required to be consistent with the NPS-FM 2020.
  - 3.3 Conditions of the consent, therefore, must include Northland Regional Council providing a baseline state (as on 7 September 2017) for all waterways in (sub)catchments above and below the dam, which must be maintained or improved (in case of baselines states falling below NPS-FM bottom lines).

---

<sup>1</sup> Page 6. Retrieved from <https://www.mfe.govt.nz/publications/fresh-water/national-policy-statement-freshwater-management-2020>

#### 4. CONSISTENCY WITH NPS-FM 2020 REQUIRES COUNCILS TO IDENTIFY VALUES WITHIN A FRESHWATER MANAGEMENT UNIT (FMU), AND MANAGE FOR THE ACHIEVEMENT OR MAINTENANCE OF COMMUNITY VALUES.

4.1 The NPS-FM 2020 requires councils to identify values within a FMU through consultation with communities.

4.2 Compulsory values are:

- Ecosystem health (including 5 biophysical components identified in the NPS-FM 2020)
- Human contact
- Threatened species
- Mahinga kai<sup>2</sup>

4.3 Other values that must be considered are:

- Natural form and character
- Drinking water supply
- Wai tapu
- Transport and turanga waka
- Fishing
- Hydroelectric power generation
- Animal drinking water
- Irrigation, cultivation and production of food and beverages
- Commercial and industrial use<sup>3</sup>

4.4 Once values have been established, councils must then (through consultation) set objectives (using attribute tables) to achieve these values.

4.5 Objectives must either be the same or better than baseline state and cannot be below any bottom line.

4.6 Therefore, to be consistent with the NPS-FM 2020, Northland Regional Council must conduct this process of setting values and objectives (as described in the policy) and a condition of the consent must be that the dam will not degrade or preclude the achievement of any of the values of the FMU and their objectives.

---

<sup>2</sup> Page 36 and 37. Retrieved from <https://www.mfe.govt.nz/publications/freshwater/national-policy-statement-freshwater-management-2020>

<sup>3</sup> Page 38 and 39. The same as above.

## 5. CONSISTENCY WITH NATIONAL POLICY STATEMENT FOR FRESHWATER MANAGEMENT 2020 REQUIRES DELIVERY OF TE MANA O TE WAI AND ITS HIERARCHY OF OBLIGATIONS

- 5.1 The NPS-FM 2020 requires councils to give effect to Te Mana o Te Wai.
- 5.2 “There is a hierarchy of obligations in Te Mana o Te Wai that prioritises:
- (a) first, the health and well-being of water bodies and freshwater ecosystems
  - (b) second, the health needs of people (such as drinking water)
  - (c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.
- 5.3 To give effect to Te Mana o Te Wai, Te, a condition of the consent must be, therefore, for Te Tai Tokerau to have a legally-binding agreement that requires in times of water scarcity domestic water supplies to Kaikohe to be given priority over commercial interests.
- 5.4 This condition must have a definition of scarcity and must apply even when commercial interests are at risk from inadequate water.