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Finance and Expenditure Committee
Parliament Buildings
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Tēnā koe

SUBMISSION ON THE LOCAL GOVERNMENT (WATER SERVICES) BILL

This Submission

This submission is made on behalf of the Rangitāne o Wairau Group (comprising Te Rūnanga a Rangitāne o Wairau Trust, Rangitāne o Wairau Settlement Trust, Rangitāne Holdings Limited and Rangitāne Investments Limited) and relates to the Local Government (Water Services) Bill (the Bill).

Rangitāne o Wairau welcomes the opportunity to provide a submission on the Bill. As the mandated iwi authority representing the interests of Rangitāne within our rohe, we approach this submission through the lens of Te Tiriti o Waitangi, recognising the foundational role that Te Tiriti plays in Aotearoa New Zealand's legal and constitutional framework.

About Rangitāne

Rangitāne have resided in Te Tauihu o Te Waka-a-Māui (northern South Island) for many generations since the arrival of our tupuna Te Huataki in the sixteenth century. In addition to Te Huataki, other significant migrating chiefs include Hapairangi, Tūkaue, and Te Whakamana. These leaders played pivotal roles in establishing Rangitāne's presence and influence in the region.

Rangitāne have occupied and used resources within a territory stretching from the Waiau-Toa (Clarence River) in the south to the Wairau (Marlborough), including the Nelson Lakes, and north to Kaituna and the Marlborough Sounds and west into the Whakatū (Nelson) area. Rangitāne customary rights often overlapped and intersected with Kurahaupō and other iwi, especially in the Waiau-Toa, Nelson Lakes, Marlborough Sounds and Whakatū districts.

Rangitāne communities were linked by a well-used system of trails across the interior, which also formed conduits for trade and means of contact with other iwi. Trade goods included pounamu (greenstone) and pakohe (argillite). The Nelson Lakes formed the hub of this extensive network of trails which connected Rangitāne with other tribal

communities in Te Hoiere, Te Tai Aorere (Tasman Bay), Mohua (Golden Bay), Te Tai Tapu (the northern West Coast) and Kawatiri (Westport).

Rangitāne Chief Ihaia Kaikōura was one of the signatories of Te Tiriti o Waitangi, signing Te Tiriti at Horahora Kākahu Island in the Port Underwood area on 17 June 1840. This established Rangitāne's enduring relationship with the Crown.

In 2014, our Treaty Settlement was passed into law, with the Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau Claims Settlement Act gaining royal assent on 22 April 2014. Our rohe/Area of Interest is defined in our Deed of Settlement and the Settlement Act, and is attached as **Appendix 1**.

Within our Treaty Settlement, the Crown made a formal apology to Rangitāne. The Crown apology is included below:

- (1) The Crown makes the following apology to Rangitāne, and to their ancestors and descendants.
- (2) On 17 June 1840 the Rangitāne rangatira Ihaia Kaikoura signed the Treaty of Waitangi at Horahora-kākahu, Port Underwood. The Crown is deeply sorry that it has not fulfilled its obligations to Rangitāne under the Treaty of Waitangi and unreservedly apologises to Rangitāne for the breaches of the Treaty of Waitangi and its principles acknowledged above.
- (3) The Crown profoundly regrets its long-standing failure to appropriately acknowledge the mana and rangatiratanga of Rangitāne. The Crown did not recognise Rangitāne when it purchased the Wairau district in 1847 and recognition of Rangitāne mana in the Te Waipounamu purchase was belated. The Crown is deeply sorry that its acts and omissions quickly left Rangitāne landless and this has had a devastating impact on the economic, social, and cultural well-being and development of Rangitāne.
- (4) The Crown regrets and apologises for the cumulative effect of its actions and omissions, which have had a damaging impact on the social and traditional structures of Rangitāne, their autonomy and ability to exercise customary rights and responsibilities, and their access to customary resources and significant sites.
- (5) With this apology the Crown seeks to atone for its past wrongs and begin the process of healing. It looks forward to re-establishing its relationship with Rangitāne based on mutual trust, co-operation, and respect for the Treaty of Waitangi and its principles.

Our Strategic Direction

Our submission is supported and guided by our Strategic Plan, set out in summary below (including our Vision, Strategic Priority Areas and Values).

OUR STRATEGIC PLANNING FRAMEWORK					
VISION	He waka uruuru moana, he waka uruuru whenua, he waka uruuru kapua		A canoe that braves the vast oceans, seeking endless opportunities, whose vision is limitless		
STRATEGIC PRIORITIES	RANGATIRATANGA	MANA MOTUHAKE	MANA TAIAO	MANA AHUREA	MANA TAHUA
	Tangata ora, mana tangata The health and wellbeing of our people is paramount	Mana mau, mana tū! Rights upheld, rights entrenched!	Toitū te taiao ki tua o ake tonu atu! Ensuring the integrity and sustainability of our environment	Taku Rangitānetanga, taku mana, taku oranga! Our Rangitāne identity is our pride and livelihood	Whakatupu tahua, whakatupu mana Growing sustainable wealth, status and influence
VALUES	RANGATIRATANGA	KOTAHITANGA	KAITIAKITANGA	MANAAKITANGA	WHANAUNGATANGA
	Kia pono, kia ngākau māhaki, kia mana-ā-kī Leading with honour, humility and integrity	Kia mahi tahi, kia kauuananu tētahi ki tētahi Working together, respectfully, as one	Tiakina ā tātou taonga kei ngaro Embracing our responsibility to protect, preserve and enhance our taonga	Kia tangata marae, kia manaaki tētahi i tētahi Upholding mana with hospitality, generosity and service	Kia renarena te taukaea tangata, tātou, tātou! Valuing our relationships and ensuring a shared sense of belonging

Our Feedback: Executive Summary

This submission is made on behalf of Rangitāne, expressing strong opposition to the Bill, particularly in relation to wastewater discharges and its implications for local decision-making, iwi-Council partnerships, and the Crown's obligations under Te Tiriti o Waitangi. The Bill represents a significant centralisation of regulatory control over water services, undermining local authorities' ability to engage meaningfully with iwi/Māori and the wider community to achieve tailored and environmentally, culturally and economically sustainable water management solutions.

Local Decision-Making and Iwi Partnership

The Bill imposes a prescriptive national framework that requires resource consents to conform strictly to set standards, effectively removing the ability of local consent authorities to impose conditions that reflect local environmental, cultural, and community values. Rangitāne considers that this undermines the role of local government and iwi, as Treaty partners, in ensuring effective, place-based decision-making that upholds both environmental and cultural aspirations.

Of particular concern are the following provisions:

- **Resource Consents and Standards:** The Bill mandates that resource consents must comply with national standards without deviation, unless an exception applies. This significantly constrains councils from incorporating local environmental and cultural considerations in their decision-making.
- **Precedence Over RMA Instruments:** The Bill overrides existing RMA mechanisms, including National Policy Statements, Regional Policy Statements, and District Plans. This negates years of collaborative effort between iwi,

community and councils to establish regionally appropriate water management policies and rules.

- **Extended Consent Duration (35 years):** The imposition of a fixed 35-year consent period for wastewater and stormwater infrastructure disregards the need for periodic reassessment to ensure compliance with evolving environmental and cultural expectations, as well for consideration of the impacts of climate change.
- **Removal of Notification Rights:** The Bill removes public and limited notification requirements for resource consents governed by the standards, precluding iwi and communities from having a say in significant water-related decisions affecting their rohe.

These provisions undermine the ability of local government and iwi to work together in good faith to improve water service outcomes and uphold kaitiakitanga over freshwater resources.

Blenheim Sewage Treatment Plant

Rangitāne has a long-standing interest in the management of freshwater resources in Te Taihū. Within the Wairau (Marlborough) region, we note that the Blenheim Sewage Treatment Plant is approaching its consent renewal period, presenting an opportunity for iwi and the Marlborough District Council to collaborate on improvements that align with both environmental enhancements and cultural values. However, under the Bill's provisions, the ability to agree on appropriate consent conditions will be severely restricted, and iwi may be restricted from playing any role in the decision-making process.

The Bill effectively diminishes the ability of iwi and councils to pursue innovative and locally responsive solutions to wastewater management. The removal of notification requirements means that Rangitāne and other affected parties may have no formal avenue to participate in the decision-making process, despite our interests in the protection of freshwater and coastal ecosystems.

Treaty Obligations

The Bill represents yet another step in the Government's broader programme of work to diminish the role of iwi/Māori in environmental governance and Treaty-based decision-making. By centralising control over water infrastructure and stripping iwi of their ability to engage meaningfully in resource consent processes, the Bill directly contravenes the principles of Te Tiriti o Waitangi, including:

- **Partnership:** The unilateral imposition of national standards without meaningful consultation or co-governance arrangements undermines the Treaty partnership between iwi and the Crown.

- **Active Protection:** The Bill fails to actively protect iwi interests in freshwater and wastewater management by limiting opportunities for iwi to influence decision-making.
- **Redress:** The Bill disregards existing Treaty settlements and agreements that recognise iwi roles in freshwater management and co-governance arrangements.

The Crown has an obligation to work with iwi to ensure that legislative reforms enhance, rather than diminish, the ability of iwi/Māori to exercise rangatiratanga and kaitiakitanga over natural resources. The approach taken in this Bill is inconsistent with that obligation and continues the Government's pathway of a concerning regression in the recognition of iwi rights and interests in freshwater governance.

Recommendations

To ensure that the Bill upholds Treaty obligations, protects local decision-making, and enables meaningful iwi involvement in wastewater management, we recommend the following amendments:

- **Retain local authority discretion:** Amend the Bill to allow councils to impose consent conditions that reflect local environmental and cultural considerations, rather than imposing rigid national standards.
- **Ensure notification rights for iwi:** Amend the Bill to require public or limited notification of resource consents for wastewater discharges where there is a clear impact on iwi/Māori interests.
- **Reduce the maximum consent duration:** Amend the Bill to allow for shorter consent durations (e.g., 10-15 years) to enable regular review and adjustment in response to environmental changes and technological advancements.
- **Recognise and uphold Treaty obligations:** Include provisions that explicitly require decision-makers to give effect to Te Tiriti o Waitangi and consider iwi interests in wastewater and stormwater management.
- **Maintain alignment with RMA frameworks:** Ensure that the Bill does not override existing regional plans, policy statements, or Treaty settlements that incorporate iwi co-governance arrangements.

Concluding Remarks

The Local Government (Water Services) Bill 2024 fundamentally undermines local decision-making, weakens iwi/Māori participation in water governance, and fails to uphold the Crown's obligations under Te Tiriti o Waitangi. The Bill's centralised approach is inconsistent with principles of good environmental management, local democracy, and Treaty partnership.

We strongly urge the Government to amend the Bill to restore local authority discretion, ensure iwi participation, and uphold the Treaty obligations that form the foundation of Aotearoa New Zealand's constitutional framework. Failure to do so will result in significant environmental, cultural, and governance risks, undermining the ability of iwi and councils to work together in good faith to achieve sustainable water management outcomes.

Ngā mihi nui, nā

A handwritten signature in blue ink, consisting of a large, stylized 'C' followed by a long horizontal stroke and a small loop at the end.

Corey Hebbard
Kaiwhakahaere Matua (General Manager)
Rangitāne o Wairau Group

Appendix 1: Rangitāne o Wairau Area of Interest (Our Tribal Rohe)

Source: Deed of Settlement

