



TE MANA O TE WAI

GUIDANCE FOR CONSENT APPLICANTS

FACTSHEET 004



Purpose

This purpose of this fact sheet is to provide an introduction to Te Mana o Te Wai, its role in the National Policy Statement for Freshwater Management (NPSFW) and some of the potential implications for resource consent applicants.

Introduction

Te Mana o Te Wai applies to all aspects of freshwater management. The Essential Freshwater package is part of a new national direction to protect and improve our rivers, streams, lakes and wetlands and aims to:

- Stop further degradation of our freshwater
- Start making immediate improvements so water quality improves within five years
- Reverse past damage to bring our waterways and ecosystems to a healthy state within a generation.

The NPSFW will have a significant impact on resource management approaches including the process for considering resource consent applications.

What is Te Mana o Te Wai?

Te Mana o te Wai is a concept developed by Iwi as a way of describing the importance of freshwater within a Te Ao Māori framework. Throughout Aotearoa, Hapū and Iwi are designing their own expressions of Te Mana o Te Wai that include their associations and expectations as to how freshwater is to be managed both now and in the future.

Te Mana o te Wai requires people to think about the water as a living breathing tāonga in its own right that needs to be looked after rather than a commodity to be taken until it is gone or pushed to its limits until it can no longer survive.

Regional Plans are changing

The NPSFW provides councils with updated direction on how to manage freshwater under the RMA. Councils must give effect to Te Mana o Te Wai. This will require them to engage firstly with tangata whenua, and consequently, the community, to define what Te Mana o Wai means for the waterbodies in the region. Councils must implement the NPSFM through their planning instruments as soon as reasonably practicable, but no later than 31 December 2024.

Resource consent decisionmaking processes will also be impacted

For applicants, the NPSFW will require, that at a minimum, all consent applications that involve freshwater in some way must include an assessment of how the proposed activities give effect to Te Mana o Te Wai.

This is a new approach to consenting and applicants are encouraged to engage early with tangata whenua and councils prior to submitting applications.

What are the main provisions of the NPSFM?

The NPSFM provides for Te Mana o Te Wai is a concept that refers to the fundamental importance of water and recognises that protecting the health of freshwater protects the health and well-being of the wider environment. It protects the mauri of the wai.

Te Mana o te Wai is about restoring and preserving the balance between the water, the wider environment, and the community.

Councils must ensure that regional policy statements and plans reflect:

- Tangata whenua and communities' values
- Long Term Visions that reflect values for the future of waterbodies
- How Te Mana o Te Wai will be given effect

Hierarchy

The NPSFM sets out a hierarchy of obligations. Applicants will need to demonstrate how freshwater is managed is manage in way that prioritises (in this order):

1. The health and well-being of water bodies and freshwater ecosystems
2. The health needs of people (such as drinking water)
3. The ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

Applicants should note that the hierarchy provisions under the NPSFM carry considerable weight and inconsistency with these may lead to decision makers declining consent applications.

Principles

Six principles of Te Mana o te Wai have been established to inform the implementation of the NPSFM:

1. **Mana whakahaere:** the power, authority, and obligations of tangata whenua to make decisions that maintain, protect, and sustain the health and well-being of, and their relationship with, freshwater
2. **Katiakitanga:** the obligation of tangata whenua to preserve, restore, enhance, and sustainably use freshwater for the benefit of present and future generations
3. **Manaakitanga:** the process by which tangata whenua show respect, generosity, and care for freshwater and for others
4. **Governance:** the responsibility of those with authority for making decisions about freshwater to do so in a way that prioritises the health and well-being of freshwater now and into the future
5. **Stewardship:** the obligation of all New Zealanders to manage freshwater in a way that ensures it sustains present and future generations
6. **Care and respect:** the responsibility of all New Zealanders to care for freshwater in providing for the health of the nation

Five Key requirements

Regional Councils must give effect to Te Mana o Te Wai by actioning the five key requirements set out in the NPSFW:

- Adopt an integrated approach, 'ki uta, ki tai', to the management of Freshwater
- Actively involve tangata whenua in freshwater management
- Engage with communities and tangata whenua to identify long-term visions, environmental outcomes and other elements of the NOF
- Apply the hierarchy of obligations when implementing the NPSFW and the NOF
- Enable the applications of a diversity of systems of values and knowledge, such as Mātauranga Māori, to the management of freshwater.

What will be required under NPSFM consenting approaches?

Applicants should approach consent teams at their regional council as a first step in the consenting process.

Consent applications will need to provide an assessment of the relevant provisions of the NPSFM prior to submission including:

- The objective and policies of the NPSFM which give effect to the fundamental concept of Te Mana o te Wai and the associated hierarchy of obligations; and
- The relevant implementation provisions that apply to consenting of specific types of activities

Other considerations:

- Engagement with Hapu and Iwi should take place in the early stages of consent preparation and be fairly resourced as part of the compliance process, it is recommended that engagement should be at least 3 months before lodgment for significant consent applications
- Cultural Impact Assessments (CIA) may be required by Hapu and Iwi, these are important reports that should demonstrate the appropriate mana whenua group's cultural connection to the waterway, it should identify the impacts of the proposed application to their view of Te Mana o te Wai and their wai, and should provide the applicant with clear recommendations to avoid, remedy or mitigate the effects of the application. A CIA is not approval, however it will assist in engaging equitably with mana whenua.
- Where regional definitions of Te Mana o Te Wai are still being developed, applicants should carefully consider any existing provisions within Iwi Management Plans, Te Tiriti o Waitangi settlements/statutory acknowledgements, regional plans and associated policies
- Technical advice should be sought for more complex consent applications at an early stage from experienced advisors in issues relating to Te Ao Māori. It is recommended that the mana whenua group(s) provide direction to who may be appropriate as a first point of call.
- Applicants will need to meet the costs of engagement processes

Getting involved in Te Mana o Te Wai

Regional approaches to Te Mana o Te Wai will reflect the views of tangata whenua and the whole community. In addition to consent applications, applicants may also choose to proactively participate in discussions about regional plan making.

Key contacts may include regional council staff, hapu and iwi entities, industry bodies and catchment groups. Contact your regional council for further information.

This fact sheet is one of a series. Further information about Te Mana o Te Wai and its implementation can be found at www.pojipoia.co.nz or www.ourlandandwater.nz