

Notice is hereby given that an extraordinary meeting of Horowhenua District Council will be held on:

Date:	Wednesday 30 April 2025
Time:	10:00 am
Meeting Room:	Council Chambers
Venue:	126-148 Oxford St Levin

Council OPEN AGENDA

MEMBERSHIP

**Mayor
Deputy Mayor
Councillors**

His Worship The Mayor Bernie Wanden
Councillor David Allan
Councillor Mike Barker
Councillor Rogan Boyle
Councillor Ross Brannigan
Councillor Clint Grimstone
Councillor Nina Hori Te Pa
Councillor Sam Jennings
Councillor Paul Olsen
Councillor Jonathan Procter
Councillor Justin Tamihana
Councillor Alan Young

Contact Telephone: 06 366 0999
Postal Address: Private Bag 4002, Levin 5540
Email: enquiries@horowhenua.govt.nz
Website: www.horowhenua.govt.nz

Full Agendas are available on Council's website
www.horowhenua.govt.nz

Full Agendas are also available to be collected from:
Horowhenua District Council Service Centre, 126 Oxford Street, Levin
Te Awahou Nieuwe Stroom, Foxton,
Shannon Service Centre/Library, Plimmer Terrace, Shannon
and Te Takeretanga o Kura-hau-pō, Bath Street, Levin

ITEM TABLE OF CONTENTS

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KARAKIA TIMATANGA

Whakataka te hau ki te uru	Cease the winds from the west
Whakataka te hau ki te tonga	Cease the winds from the south
Kia mākinakina ki uta	Let the breeze blow over the land
Kia mātaratara ki tai	Let the breeze blow over the ocean
E hī ake ana te atakura	Let the red-tipped dawn come with a sharpened air.
He tio, he huka, he hau hū	A touch of frost, a promise of a glorious day.
Tihei mauri ora!	

PROCEDURAL

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REPORTS

4	Reports for Decision	
4.1	Local Water Done Well Service Delivery Options: Receipt and Hearing of Submissions	7

KARAKIA WHAKAMUTUNGA

Kia whakairia te tapu	Restrictions are moved aside
Kia wātea ai te ara	so the pathway is clear
Kia turuki whakataha ai, kia turuki whakataha ai	To return to everyday activities
Haumi e, hui e, taiki e!	Draw together, affirm!

Karakia

1 Apologies

2 Late Items

To consider, and if thought fit, to pass a resolution to permit the Council to consider any further items which do not appear on the Agenda of this meeting and/or the meeting to be held with the public excluded.

Such resolution is required to be made pursuant to Section 46A(7) of the Local Government Official Information and Meetings Act 1987, and the Chairperson must advise:

- (i) The reason why the item was not on the Agenda, and
- (ii) The reason why the discussion of this item cannot be delayed until a subsequent meeting.

3 Declarations of Interest

Members are reminded of their obligation to declare any conflicts of interest they might have in respect of the items on this Agenda.

File No.: 25/215

4.1 Local Water Done Well Service Delivery Options: Receipt and Hearing of Submissions

Author(s)	Justine Moore Principal Advisor - Infrastructure Kaihautū Whakamahere Tūāhanga
Approved by	Daniel Haigh Group Manager Community Infrastructure Tumu Rangapū, Tūāhanga Hapori
	Monique Davidson Chief Executive Officer Tumuaki

PURPOSE | TE PŪTAKE

1. The purpose of this report is to receive the submissions on the Local Water Done Well Service Delivery Options Consultation that took place from 10 March 2025 to 10 April 2025 and hear from submitters

This matter relates to Local Water Services Done Well

Position Council for future changes to Local Waters Done Well waters arrangements.

RECOMMENDATION | NGĀ TAUNAKITANGA

- A. That Report 25/215 Local Water Done Well Service Delivery Options: Receipt and Hearing of Submissions be received.
- B. That Council receive the submissions on the Local Water Done Well Service Delivery Options lodged by 4pm on 10 April 2025.
- C. That Council receive the late submissions on the Local Water Done Well Service Delivery Options lodged after 4pm on 10 April 2025.

BACKGROUND | HE KŌRERO TŪĀPAPA

2. At the meeting on 5 March 2025, Council adopted the consultation document 'Have your say on Who Delivers Local Water Services' for consultation.
3. Consultation commenced on 10 March 2025 and closed at 4pm on 10 April 2025.
4. During the consultation period, the engagement campaign included advertising in the local paper, editorial and interviews with elected members, radio ads, digital billboards, social media campaign, 2 citizen panel workshops and 3 Cuppa with a Councillor session: Te Awahou Nieuwe Stroom, Te Takeretanga o Kura-hau-pō, Shannon Library.
5. Social Media Analytics:
Citizens' Panel workshops
 - 36 attended workshop 1
 - 18 attended workshop 2

Let's Kōrero reporting

- 1,100 visits to site
- 135 consultation documents downloaded
- 44 Financial reports downloaded
- 33 LWDW one pager downloads
- 57 views of the FAQs

6. Social Media reporting

- We published 24 posts in total
- 15x Facebook posts
- 3x Stories
- 3x Instagram posts
- 2x LinkedIn posts
- 1x Facebook Live
- Link clicks - 283
- Comments – 434
- Reach – 49,222
- Views – 93,264
- Post Shares - 43
- Impressions: 69,719
- Engagements: 7,832

7. 93 submissions were received during the consultation period. Of those received 10 individuals or groups have requested to speak to their submissions before Council. Council will need to decide whether or not to accept any late submissions received after the consultation period closed.

DISCUSSION | HE MATAPAKINGA

8. Of the 93 submissions received:
- 57% (53 submissions) chose Option 1
 - 8% (8 submissions) chose Option 2
 - 30% (28 submissions) chose Option 3
 - 4% (4 submissions) did not choose an Option
9. Two submitters chose both Option 1 and Option 2 in their submission and both included an explanation of why they did this.

NEXT STEPS | HEI MAHI

10. Those wishing to speak to their submissions have been invited to speak to Council on 30 April 2025.
11. At the time of writing this report submitters were still confirming their speaking times for the scheduled hearing. A confirmed list of submitters and their speaking times will be made available prior to the hearings.

12. The table below identifies the submitters who have indicated that they wish to speak to their submission at the hearing.

Submitter No.	Submitter
80	Kelvin Lane
25	Garth Flores
55	Charles Rudd
66	Te Awahou Foxton Community Board
56	Daniel Okano
83	David Roache
81	Manawatu Estuary Trust
91	Corrie Smith
88	Julie Harris
93	Te Tūmatakahuki

13. Copies of all submissions are attached to this report.
14. Councillors will consider all submissions received and will meet again to deliberate on the submissions and provide officers with further direction.

Confirmation of statutory compliance

In accordance with sections 76 – 79 of the Local Government Act 2002, this report is approved as:

- a. containing sufficient information about the options and their advantages and disadvantages, bearing in mind the significance of the decisions; and,
- b. is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision.

ATTACHMENTS | NGĀ TĀPIRINGA KŌRERO

No.	Title	Page
A ↓	Local Water Services Delivery Model submissions for Council Report - Redacted	10

Local Water Services Delivery Model

SUBMISSIONS FOR PUBLICATION WITH COUNCIL REPORT

****There are no submissions 13 or 54 in this list, as these were additional submissions sent in and were merged with that person's first submission.**

Submission <i>* Number in top right corner</i>	Name	Individual/ Organisation
1	Jasmine Craig	Individual
2	Jamie Wilson	Individual
3	Ian Gallagher	Individual
4	Leah Hoby	Individual
5	Terrence Griffen	Individual
6	Sarah Gwerder	Individual
7	Belinda Chainey	Individual
8	Cathy Syms	Individual
9	Justine Roberts	Individual
10	Jenny Miller	Individual
11	Juliette Darnley	Individual
12	Bob Smith	Individual
14	Phillip Bolton	Individual
15	Soxxy Hyndman	Individual
16	Claudia Renner	Individual
17	Dominic Maher	Individual
18	Judy Webby	Individual
19	Craig Mitchell	Individual
20	Dawn Dawn	Individual
21	Andy Smith	Individual
22	Sharon de Boer	Individual

Submission	Name	Individual/ Organisation
23	Rebecca Louth	Individual
24	Ross Lill	Individual
25	Garth Flores	Individual
26	Mervyn Taueki-Ransom	Individual
27	Roger Truebridge	Individual
28	Melissa White	Individual
29	Clive Smith	Individual
30	Dave Sutich	Individual
31	Julia George	Individual
32	Audrey Shepherd	Individual
33	Sharon Freebairn	Individual
34	Carol Blair	Individual
35	Georgina Workman	Individual
36	Maureen Dunn	Individual
37	Sophia Forlong	Individual
38	James Dorne-MacDonald	Individual
39	Jenny Boyd	Individual
40	adam jamieson	Individual
41	Yvonne Simons	Individual
42	Junette Haronga	Shannon Community

Submission	Name	Individual/ Organisation	Submission	Name	Individual/ Organisation
43	Mostafa Alwash	Individual	74	charmaine fluker	Individual
44	Anthony (Tony) Strawbridge	Individual	75	Remana Rudd	Individual
45	John James Baird	Individual	76	Ann Thomas	Individual
46	Bryan Bishop	Individual	77	Peter Rosewarne	Individual
47	Mike Fletcher	Individual	78	Christine Moriarty	Hokio Beach Progressive Association
48	Sue Howarth	Individual	79	Garry Good	Individual
49	Terangi Miriau	Individual	80	Kelvin Lane	Individual
50	John Martin	Individual	81	Kathryn Lane	Manawatu Estuary Trust
51	Peter Smaling	Individual	82	Danielle Harris	Tānenuiārangi Manawatū Charitable Trust Rōpu
52	Janine Hawthorn	Individual	83	David Roache	Individual
53	Ann Matthews	Individual	84	Janis Kieninger	Individual
55	Charles Rudd	He Mokai o Papatuanuku	85	Graham Purvis	Tokomaru Opiki Community Support Civil Defence
56	Daniel Okano	Individual	86	Pam Good	Individual
57	Journet Wallace	Individual	87	Briar Moffatt	Individual
58	Greer Pivac	Individual	88	Julie Harris	Individual
59	Lone Morris Jorgensen	Individual	89	Phillena Paki	Individual
60	Susan Walker	Individual	90	Sharon Williams	Individual
61	Christine Avery	Individual	91	Corrine Smith	Individual
62	Barbara Whitton	Individual	92	John Biersteker	Individual
63	Dean Blackburn	Individual	93	Shane Royal	Te Tūmatakahuki
64	Morgan Braddick	Individual			
65	Janice Swanwick	Individual			
66	John Girling	Te Awahou Foxton Community Board			
67	Sarah Martin	Individual			
68	Simon Fraser	Individual			
69	Jeremy Manks	Individual			
70	Allan Mitchell	Individual			
71	Andre Thompson	Individual			
72	Debbie Schoonbeek	Individual			

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Local Waters Service Delivery Model

Submitter Details

Submission Date: 10/03/2025

First name: Jasmine **Last name:** Craig

Preferred method of contact Email

Postal address: [REDACTED]

Suburb:

City: Levin

Country: NZ

Postcode: 5510

Email: [REDACTED]

Daytime Phone: [REDACTED]

Age: [REDACTED]

Gender: Female

New Zealand European

Resident or Ratepayer *

Ratepayer

Which Area is your property in? *

Levin

Do you wish to speak in support of your submission at a Hearing?

☐ Yes

☒ I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Feedback

Which of these is your preferred option for the delivery of water services in Horowhenua?

You can check the Consultation Document [here](#)

Option 1: Water Services Organisation jointly owned by Horowhenua District Council, Palmerston North City Council, Manawātū District Council, and Kāpiti Coast District Council.

Please tell us what you like about your preferred option

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

The option for more sustainable funding and growth. Shared expenses across the regions allowing for more cost effective water rates for homeowners.

1

1

Please share any other feedback you have about water service delivery in the future

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

No

2

2

logo

Local Waters Service Delivery Model

Submitter Details

Submission Date: 10/03/2025

First name: Jamie **Last name:** Wilson

Preferred method of contact Postal

Postal address: [REDACTED]

Suburb:

City: Levin

Country: NZ

Postcode: 5510

Email: [REDACTED]

Daytime Phone:

Age: [REDACTED]

Gender: Female

New Zealand European Māori

Resident or Ratepayer *

Resident

Which Area is your property in? *

Levin

Do you wish to speak in support of your submission at a Hearing?

☐ Yes

☒ I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Feedback

Which of these is your preferred option for the delivery of water services in Horowhenua?

You can check the Consultation Document [here](#)

Option 3: Status quo – Council continues to manage and deliver the District's water services (financially constrained).

Please tell us what you like about your preferred option

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

You should stop worrying about growing our area and look after the people and everything we already have! Greed is all I hear from certain privileged people.

3

3

logo

Local Waters Service Delivery Model

Submitter Details

Submission Date: 10/03/2025

First name: Ian Last name: Gallagher

Preferred method of contact Email

Postal address: [REDACTED]

Suburb:

City: Levin

Country: NZ

Postcode: 5571

Email: [REDACTED]

Daytime Phone: [REDACTED]

Age: [REDACTED]

Gender: Male

New Zealand European

Resident or Ratepayer *

Ratepayer

Which Area is your property in? *

Levin

Do you wish to speak in support of your submission at a Hearing?

☐ Yes

☒ I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Feedback

Which of these is your preferred option for the delivery of water services in Horowhenua?

You can check the Consultation Document [here](#)

Option 1: Water Services Organisation jointly owned by Horowhenua District Council, Palmerston North City Council, Manawātū District Council, and Kāpiti Coast District Council.

Please tell us what you like about your preferred option

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

Makes sense for the future management and economics of the situation, and it should allow for a greater pool of equipment and workers to handle situations. Avoids Horowhenua being its own isolated system which may be harder to maintain in the future.

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Local Waters Service Delivery Model

Submitter Details

Submission Date: 10/03/2025

First name: Leah **Last name:** Hoby

Preferred method of contact Email

Postal address: [REDACTED]

Suburb:

City: Levin

Country: NZ

Postcode: 5510

Email: [REDACTED]

Daytime Phone: [REDACTED]

Age: [REDACTED]

Gender: Female

New Zealand European Māori

Resident or Ratepayer *

Resident

Which Area is your property in? *

Levin

Do you wish to speak in support of your submission at a Hearing?

☐ Yes

☒ I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Feedback

Which of these is your preferred option for the delivery of water services in Horowhenua?

You can check the Consultation Document [here](#)

Option 1: Water Services Organisation jointly owned by Horowhenua District Council, Palmerston North City Council, Manawātū District Council, and Kāpiti Coast District Council.

Please share any other feedback you have about water service delivery in the future

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

I don't like the fluoride or the chloride but it is what it is

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Local Waters Service Delivery Model

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Submitter Details

Submission Date: 10/03/2025

First name: Terrence **Last name:** Griffen

Preferred method of contact Email

Postal address: [REDACTED]

Suburb:

City: Levin

Country: NZ

Postcode: 5510

Email: [REDACTED]

Daytime Phone: [REDACTED]

Age: [REDACTED]

Gender: Male

New Zealand European Māori

Resident or Ratepayer *

Ratepayer

Which Area is your property in? *

Levin

Do you wish to speak in support of your submission at a Hearing?

☐ Yes

☒ I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Feedback

Which of these is your preferred option for the delivery of water services in Horowhenua?

You can check the Consultation Document [here](#)

Option 3: Status quo – Council continues to manage and deliver the District's water services (financially constrained).

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Local Waters Service Delivery Model

Submitter Details

Submission Date: 11/03/2025

First name: Sarah **Last name:** Gwerder

Preferred method of contact Email

Postal address: [REDACTED]

Suburb: [REDACTED]

City: Lower Hutt

Country: NZ

Postcode: 5010

Email: [REDACTED]

Daytime Phone:

Age: [REDACTED]

Gender: Female

New Zealand European

Resident or Ratepayer *

Ratepayer

Which Area is your property in? *

Waitāre Beach

Do you wish to speak in support of your submission at a Hearing?

☐ Yes

☒ I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Feedback

Which of these is your preferred option for the delivery of water services in Horowhenua?

You can check the Consultation Document [here](#)

Option 3: Status quo – Council continues to manage and deliver the District's water services (financially constrained).

Please tell us what you like about your preferred option

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

We already have tanks and are self sufficient with water so won't need this service. I dont want to have to pay more rates for something we don't need! As it stands, for our other property we pay for stormwater within our rates even though we don't have the infrastructure associated with this cost?

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Please share any other feedback you have about water service delivery in the future

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

We don't have a requirement for this

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logo

Local Waters Service Delivery Model

Submitter Details

Submission Date: 11/03/2025

First name: Belinda **Last name:** Chainey

Preferred method of contact Email

Postal address: [REDACTED]

Suburb:

City: Levin

Country: NZ

Postcode: 5510

Email: [REDACTED]

Daytime Phone: [REDACTED]

Age: [REDACTED]

Gender: Female

New Zealand European

Resident or Ratepayer *

Ratepayer

Which Area is your property in? *

Levin

Do you wish to speak in support of your submission at a Hearing?

☐ Yes

☒ I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Feedback

Which of these is your preferred option for the delivery of water services in Horowhenua?

You can check the Consultation Document [here](#)

Option 1: Water Services Organisation jointly owned by Horowhenua District Council, Palmerston North City Council, Manawātū District Council, and Kāpiti Coast District Council.

Please tell us what you like about your preferred option

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

The decision making is better suited to a Board not subject to lobbying by special interest groups

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Please share any other feedback you have about *water service delivery in the future*

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

I hope flouridisation will continue

8

logo

Local Waters Service Delivery Model

Submitter Details

Submission Date: 11/03/2025

First name: Cathy **Last name:** Syms

Preferred method of contact Email

Postal address: [REDACTED]

Suburb:

City: Levin

Country: NZ

Postcode: 5510

Email: [REDACTED]

Daytime Phone: [REDACTED]

Age: [REDACTED]

Gender: Female

New Zealand European

Resident or Ratepayer *

Non-resident ratepayer

Which Area is your property in? *

Levin

Do you wish to speak in support of your submission at a Hearing?

☐ Yes

☒ I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Feedback

Which of these is your preferred option for the delivery of water services in Horowhenua?

You can check the Consultation Document [here](#)

Option 1: Water Services Organisation jointly owned by Horowhenua District Council, Palmerston North City Council, Manawātū District Council, and Kāpiti Coast District Council.

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Local Waters Service Delivery Model

Submitter Details

Submission Date: 12/03/2025

First name: Justine **Last name:** Roberts

Preferred method of contact Email

Postal address: [REDACTED]

Suburb: Foxton Beach

City: Foxton

Country: NZ

Postcode: 4815

Email: [REDACTED]

Daytime Phone: [REDACTED]

Age: [REDACTED]

Gender: Female

New Zealand European Asian (Please specify.....)

Resident or Ratepayer *

Ratepayer

Which Area is your property in? *

Foxton Beach

Do you wish to speak in support of your submission at a Hearing?

☐ Yes

☒ I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Feedback

Which of these is your preferred option for the delivery of water services in Horowhenua?

You can check the Consultation Document [here](#)

Option 2: A Water Services Organisation jointly owned by all willing Council's from Manawatū, Whanganui and Kāpiti regions

Please tell us what you like about your preferred option

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

Important that Councils are not forced into an arrangement, but do so willingly, subject to there being enough willing Councils.

Please share any other feedback you have about water service delivery in the future

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Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

I have a particular interest in Foxton Beach as I live there - but understand there was funding for Levin and others previously to have their water systems upgraded. It would be good if funding was prioritised for places that have not previously received this. At Foxton Beach - the tap water tastes worse than any other place I've lived in in New Zealand - and I've had to install a filter which almost makes it acceptable.

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logo

Local Waters Service Delivery Model

Submitter Details

Submission Date: 12/03/2025

First name: Jenny Last name: Miller

Preferred method of contact Email

Postal address:

Suburb:

City: Porirua

Country: NZ

Postcode: 5024

Email:

Daytime Phone:

Age:

Gender: Female

New Zealand European

Resident or Ratepayer *

Ratepayer

Which Area is your property in? *

Levin

Do you wish to speak in support of your submission at a Hearing?

☐ Yes

☒ I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Feedback

Which of these is your preferred option for the delivery of water services in Horowhenua?

You can check the Consultation Document [here](#)

Option 1: Water Services Organisation jointly owned by Horowhenua District Council, Palmerston North City Council, Manawātū District Council, and Kāpiti Coast District Council.

Please tell us what you like about your preferred option

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

This option allows for the most cost effective management of water into the future and provides best opportunity for the community to benefit from the Government support for water initiatives.

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Local Waters Service Delivery Model

Submitter Details

Submission Date: 13/03/2025

First name: Juliette **Last name:** Darnley

Preferred method of contact Email

Postal address: [REDACTED]

Suburb:

City: Ōhau

Country: NZ

Postcode: 5570

Email: [REDACTED]

Daytime Phone: [REDACTED]

Age: [REDACTED]

Gender: Female

New Zealand European

Resident or Ratepayer *

Ratepayer

Which Area is your property in? *

Ohau

Do you wish to speak in support of your submission at a Hearing?

☐ Yes

☒ I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Feedback

Which of these is your preferred option for the delivery of water services in Horowhenua?

You can check the Consultation Document [here](#)

Option 1: Water Services Organisation jointly owned by Horowhenua District Council, Palmerston North City Council, Manawātū District Council, and Kāpiti Coast District Council.

Please tell us what you like about your preferred option

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

It is a pragmatic approach. Option two would not provide the same economies of scale, and option three is not great!

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Local Waters Service Delivery Model

Submitter Details

Submission Date: 14/03/2025

First name: bob Last name: smith

Preferred method of contact Email

Postal address: [REDACTED]

Suburb:

City: Foxton

Country: NZ

Postcode: 4814

Email: [REDACTED]

Daytime Phone:

Age: [REDACTED]

Gender: Male

Other ethnicity (Please specify.....)

Resident or Ratepayer *

Ratepayer

Which Area is your property in? *

Foxton

Do you wish to speak in support of your submission at a Hearing?

☐ Yes

☒ I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Feedback

Which of these is your preferred option for the delivery of water services in Horowhenua?

You can check the Consultation Document [here](#)

Option 1: Water Services Organisation jointly owned by Horowhenua District Council, Palmerston North City Council, Manawātū District Council, and Kāpiti Coast District Council.

Please tell us what you like about your preferred option

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

cheapest option. us ratepayers cannot afford anymore rate increases

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Please share any other feedback you have about *water service delivery in the future*

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

maori only consultation is racist. no additional iwi consultation unless iwi pay for what they want done with our water.

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logo

Local Waters Service Delivery Model

Submitter Details

Submission Date: 14/03/2025

First name: Phillip **Last name:** Bolton

Preferred method of contact Email

Postal address: [REDACTED]

Suburb:

City: Kuku

Country: NZ

Postcode: 5570

Email: [REDACTED]

Daytime Phone:

Age: [REDACTED]

Gender: Male

New Zealand European

Resident or Ratepayer *

Ratepayer

Which Area is your property in? *

Manakau

Do you wish to speak in support of your submission at a Hearing?

☐ Yes

☒ I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Feedback

Which of these is your preferred option for the delivery of water services in Horowhenua?

You can check the Consultation Document [here](#)

Option 1: Water Services Organisation jointly owned by Horowhenua District Council, Palmerston North City Council, Manawātū District Council, and Kāpiti Coast District Council.

Please tell us what you like about your preferred option

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

Best option if properly managed - not like Wellington Water

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Local Waters Service Delivery Model

Submitter Details

Submission Date: 14/03/2025

First name: Soxy Last name: Hyndman

Preferred method of contact Email

Postal address: [REDACTED]

Suburb:

City: Levin

Country: NZ

Postcode: 5510

Email: [REDACTED]

Daytime Phone: [REDACTED]

Age: [REDACTED]

Gender: Male

Other ethnicity (Please specify.....)

Resident or Ratepayer *

Resident

Which Area is your property in? *

Levin

Do you wish to speak in support of your submission at a Hearing?

☐ Yes

☒ I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Feedback

Which of these is your preferred option for the delivery of water services in Horowhenua?

You can check the Consultation Document [here](#)

Option 1: Water Services Organisation jointly owned by Horowhenua District Council, Palmerston North City Council, Manawātū District Council, and Kāpiti Coast District Council.

Please tell us what you like about your preferred option

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

Its councils combined

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Please share any other feedback you have about *water service delivery in the future*

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

Hopefully its clean swimming and drinking water

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logo

Local Waters Service Delivery Model

Submitter Details

Submission Date: 15/03/2025

First name: Claudia **Last name:** Renner

Preferred method of contact Email

Postal address: [REDACTED]

Suburb: Ōtaki Beach

City: Ōtaki

Country: NZ

Postcode: 5512

Email: [REDACTED]

Daytime Phone: [REDACTED]

Age: [REDACTED]

Gender: Female

New Zealand European Māori

Resident or Ratepayer *

Non-resident ratepayer

Which Area is your property in? *

Waitāre Beach

Do you wish to speak in support of your submission at a Hearing?

☐ Yes

☒ I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Feedback

Which of these is your preferred option for the delivery of water services in Horowhenua?

You can check the Consultation Document [here](#)

Option 1: Water Services Organisation jointly owned by Horowhenua District Council, Palmerston North City Council, Manawātū District Council, and Kāpiti Coast District Council.

Please tell us what you like about your preferred option

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

More cost effective and resilient.

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Local Waters Service Delivery Model

Submitter Details

Submission Date: 15/03/2025

First name: Dominic **Last name:** Maher

Preferred method of contact Email

Postal address: [REDACTED]

Suburb: Koputaroa

City: Shannon

Country: NZ

Postcode: 5571

Email: [REDACTED]

Daytime Phone: [REDACTED]

Age: [REDACTED]

Gender: Male

New Zealand European

Resident or Ratepayer *

Ratepayer

Which Area is your property in? *

Levin

Do you wish to speak in support of your submission at a Hearing?

☐ Yes

☒ I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Feedback

Which of these is your preferred option for the delivery of water services in Horowhenua?

You can check the Consultation Document [here](#)

Option 3: Status quo – Council continues to manage and deliver the District's water services (financially constrained).

Please tell us what you like about your preferred option

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

Maintains districts autonomy for decision making and keeps the problems we are paying for local with no financial burden for other districts problems.

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Local Waters Service Delivery Model

Submitter Details

Submission Date: 15/03/2025

First name: Judy **Last name:** Webby

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Postal address: [REDACTED]

Suburb:

City: Manakau

Country: NZ

Postcode: 5573

Email: [REDACTED]

Daytime Phone: [REDACTED]

Age: [REDACTED]

Gender: Female

New Zealand European

Resident or Ratepayer *

Ratepayer

Which Area is your property in? *

Manakau

Do you wish to speak in support of your submission at a Hearing?

☐ Yes

☒ I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Feedback

Which of these is your preferred option for the delivery of water services in Horowhenua?

You can check the Consultation Document [here](#)

Option 1: Water Services Organisation jointly owned by Horowhenua District Council, Palmerston North City Council, Manawātū District Council, and Kāpiti Coast District Council.

Please tell us what you like about your preferred option

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

I like the economy of scale and the fact that the joint entity can access Government funding

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Local Waters Service Delivery Model

Submitter Details

Submission Date: 17/03/2025

First name: Craig Last name: Mitchell

Preferred method of contact Email

Postal address:

Suburb:

City: Levin

Country: NZ

Postcode: 5510

Email:

Daytime Phone:

Age:

Gender: Male

New Zealand European

Resident or Ratepayer *

Ratepayer

Which Area is your property in? *

Levin

Do you wish to speak in support of your submission at a Hearing?

☐ Yes

☒ I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Feedback

Which of these is your preferred option for the delivery of water services in Horowhenua?

You can check the Consultation Document [here](#)

Option 1: Water Services Organisation jointly owned by Horowhenua District Council, Palmerston North City Council, Manawātū District Council, and Kāpiti Coast District Council.

Please tell us what you like about your preferred option

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

Ultimately we need to reduce costs to our rate payers. Rates cannot continue to climb but we also cannot leave our infrastructure to rot.

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Please share any other feedback you have about *water service delivery in the future*

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Developers need to pay for infrastructure upgrades for any new connection to the existing network. Much like Electra do, if a larger transformer is required the cost is on the person wanting the capacity. Development contributions are essential to funding future capacity upgrades. This was removed when a developer (think former deputy major) was on council. This cannot be allowed to happen again and contributions must stay in place, no exceptions!!

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Local Waters Service Delivery Model

Submitter Details

Submission Date: 18/03/2025

First name: Dawn Last name: Dawn

Preferred method of contact Email

Postal address:

Suburb: Waitāre Beach

City: Levin

Country: NZ

Postcode: 5510

Email:

Daytime Phone:

Age:

Gender: Female

New Zealand European

Resident or Ratepayer *

Ratepayer

Which Area is your property in? *

Waitāre Beach

Do you wish to speak in support of your submission at a Hearing?

☐ Yes

☒ I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Feedback

Which of these is your preferred option for the delivery of water services in Horowhenua?

You can check the Consultation Document [here](#)

Option 1: Water Services Organisation jointly owned by Horowhenua District Council, Palmerston North City Council, Manawātū District Council, and Kāpiti Coast District Council.

Please share any other feedback you have about water service delivery in the future

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

It would be nice to have water supply at Waitare beach

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-----Original Message-----

From: [REDACTED]
Sent: Sunday, 16 March 2025 8:39 am
To: Submissions <Submissions@horowhenua.govt.nz>
Subject: Water done well

Andy Smith here , my concern with any new entity is will that entity anc its directors take any responsibility for spending rate payers money wisely ? .
Of course you'll say yes of course they will , ud be well aware of Wellington waters debacle wasting millions of \$\$ over paying contractors yet guess what that's been put down to poor systems . What a joke nobody's liable because the system was poorly designed to capture things like millions of dollars being over paid .
So perhaps some cast iron guarantee that the systems in our water done well isn't guna bite ratepayers ? .
By joining these other councils I'd hope we aren't swallowing any dead rats (huge issues some councils face) ie Wellington because there so focussed on cycleways instead of fresh water and poo things like that are like oxygen it's there until
It's not .
Is counsellor Boyle available for the meet the counsellors via zoom ? On this issue?

Thanx Andy Smith [REDACTED]
Sent from my iPhone

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Local Waters Service Delivery Model

Submitter Details

Submission Date: 19/03/2025

First name: Sharon Last name: de Boer

Preferred method of contact Email

Postal address:

Suburb:

City: Levin

Country: NZ

Postcode: 5510

Email:

Daytime Phone:

Age:

Gender: Female

New Zealand European

Resident or Ratepayer *

Ratepayer

Which Area is your property in? *

Levin

Do you wish to speak in support of your submission at a Hearing?

☐ Yes

☒ I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Feedback

Which of these is your preferred option for the delivery of water services in Horowhenua?

You can check the Consultation Document [here](#)

Option 1: Water Services Organisation jointly owned by Horowhenua District Council, Palmerston North City Council, Manawātū District Council, and Kāpiti Coast District Council.

Please tell us what you like about your preferred option

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

By joining forces with Kapiti, Manawatu and Palmerston North, this spreads the costs across more people.

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Local Waters Service Delivery Model

Submitter Details

Submission Date: 21/03/2025

First name: Rebecca **Last name:** Louth

Preferred method of contact Email

Postal address: [REDACTED]

Suburb:

City: Tokomaru

Country: NZ

Postcode: 4864

Email: [REDACTED]

Daytime Phone:

Age: [REDACTED]

Gender: Female

New Zealand European

Resident or Ratepayer *

Ratepayer

Which Area is your property in? *

Tokomaru

Do you wish to speak in support of your submission at a Hearing?

☐ Yes

☒ I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Feedback

Which of these is your preferred option for the delivery of water services in Horowhenua?

You can check the Consultation Document [here](#)

Option 1: Water Services Organisation jointly owned by Horowhenua District Council, Palmerston North City Council, Manawātū District Council, and Kāpiti Coast District Council.

Please tell us what you like about your preferred option

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

I agree with HDcouncil that cooperating with other councils is a good idea

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Please share any other feedback you have about *water service delivery in the future*

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

Thanks for all the hard work you do

24

logo

Local Waters Service Delivery Model

Submitter Details

Submission Date: 21/03/2025

First name: Ross Last name: Lill

Preferred method of contact Email

Postal address:

Suburb:

City:

Country: NZ

Postcode: Unknown

Email:

Daytime Phone:

Age:

Gender: Male

New Zealand European

Resident or Ratepayer *

Ratepayer

Which Area is your property in? *

Levin

Do you wish to speak in support of your submission at a Hearing?

☐ Yes

☒ I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Feedback

Which of these is your preferred option for the delivery of water services in Horowhenua?

You can check the Consultation Document [here](#)

Option 1: Water Services Organisation jointly owned by Horowhenua District Council, Palmerston North City Council, Manawātū District Council, and Kāpiti Coast District Council.

Please tell us what you like about your preferred option

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

This provides a strong regional presence for the water company to service the mix of large and small towns. This area has sufficient critical mass to support the specialist expertise needed to develop water solutions for the region. The main risk is that the needs in Palmerston North swamp out the needs for the smaller communities. My fallback preference is for all willing communities in the southern North Island. It did cross my mind that we could seek out other friendless small towns in the North Island and propose a water company specialising in the

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needs of those sized towns.

Please share any other feedback you have about *water service delivery in the future*

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

The benefits of the move to water service companies include scale of operation enabling a stronger specialist design team, economies of scale giving purchasing power, separation from the council thus avoiding capture by pressure groups. The downside will be increased difficulty getting action on the needs of our community.

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Local Waters Service Delivery Model

Submitter Details

Submission Date: 21/03/2025

First name: Garth **Last name:** Flores

Preferred method of contact Email

Postal address: [REDACTED]

Suburb:

City: Levin

Country: NZ

Postcode: 5510

Email: [REDACTED]

Daytime Phone: [REDACTED]

Age: [REDACTED]

Gender: Male

African

Resident or Ratepayer *

Ratepayer

Which Area is your property in? *

Levin

Do you wish to speak in support of your submission at a Hearing?

☒ Yes

☐ I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Do you require a sign language interpreter or translator?

No

Feedback

Which of these is your preferred option for the delivery of water services in Horowhenua?

You can check the Consultation Document [here](#)

Option 3: Status quo – Council continues to manage and deliver the District's water services (financially constrained).

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Please tell us what you like about your preferred option

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

1) What can we control and do ourselves? The Civil Defence motto is "get ready get thru" and encourages people to be ready for an emergency and to be resilient communities. It warns "it may be a matter of days or weeks before help can get to you." You may not be able to control the event, but you can control your preparation and set yourself up for success in the response to the event. In the same way, we need to be preparing to "go it alone" and figure out how to make it work. If PNCC did want to join with us that would be a great thing, but we need a "hope for the best but prepare for the worst" mentality. In the mean time getting our house in order makes us a more attractive suitor. 2) Water is a precious commodity Why with a little bit of heating, processing and frothing will I pay \$4-\$5 for a 350 ml of processed hot water (coffee). Why with a little bit of fermenting and processing and packaging will people pay \$30 for 750 ml for fermented water (wine). Why do mines pay millions in extracting ores and metals from the earths surface? Some people more for broadband, Netflix and Disney+ in a year than they pay for drinking water (\$500 per annum). We need to treat water as the precious commodity that it is. Without water we die. Our bodies are made up of predominantly water. Whatever we are paying for water (including cleaning the water we have used and contaminated) it isn't enough. The reality is that years of wrong attitudes to water and a sense of entitlement amongst consumers means we have not invested in water infrastructure the way we should have and now the proverbial "chickens are coming home to roost." 3) Who pays Lending, and lending, and lending, means we kick the can down the road and some poor kids have to pay the bills for the luxuries we are enjoying today. This in my understanding is called "generational theft". We need to live within our means. Yes we need to invest in the future, but if we need more capital, we need to raise the capital. Public-private-partnerships could be one model for service delivery. Could a private water company operate the network on a concession basis? Eg, historically companies like BiWater have had concessions to operate and maintain the 3 waters network for 25-30 years. They would raise the capital and invest in and operate the network in such a way as to make it a profitable and sustainable business which pays their shareholder dividends from billing revenue. As part of their concession the network is kept in good working order and staff are recruited and trained to look after it. 4) Who builds? There is approximately \$284 million project over the next 10 years. That averages out to just under \$30 per annum. There will need to be project managers, designers and contractors to make these projects happen. There will need to be specialist equipment manufactured to construct these projects. Whilst it is good to have ambitious plans, the reality is it will be a big stretch to roll out these projects. 5) Recycling and thinking outside the box I think the biggest single water user in Levin is Alliance meat works. Right next to Alliance is an abundant, albeit, "dirty" water source. If we are going to spend millions treating wastewater, how much more will it cost to treat that water to a standard where it can be safely on sold to Alliance? Does the cost of that extra treatment buy "credit" and defer much more expensive upgrades to the Levin WTP? What other "out of the box" ideas could be implemented to have similar benefit across the district. 6) Water Conflict There is a growing concept that future wars will be fought over water resources. In NZ we have been blessed to have it fall from the sky, sometimes to much of it, but seldom too little. If weather patterns change, and we have higher intensity events (lots of rain in a little time) and longer dry periods in between, our old attitudes and approach to water may not work going forward. For water supply this means capturing and storing water for future use in dry periods. For wastewater what are we doing to reduce "I and I" and get the wet weather peak down. For stormwater - soakpits that could process long, low intensity events could get overwhelmed. Small undersized pipes will not cope. Hopefully this will only lead to nuisance ponding in road carriageways, but if habitable floor spaces get repeatedly flooded, then properties will be hard to insure. Whilst there may not be a war in NZ about water, there could be growing angst in our communities and it water could be a highly contentious issue going forward. It will require wise and brave leadership as we navigate an uncertain future.

Please share any other feedback you have about water service delivery in the future

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

The user needs to pay for the service they are enjoying. We need to work out the actual costs and be honest about how much it costs to deliver the service. If we are not willing to pay for that service, then we need to reduce the level of service to what people are willing to pay for. If people don't want to lower the level of service and agree to pay we should expect a minority will vote with their feet and move to an area where they they think they are getting better value.

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Local Waters Service Delivery Model

Submitter Details

Submission Date: 21/03/2025

First name: Mervyn Last name: Taueki-Ransom

Preferred method of contact

Postal address:

Suburb:

City: Christchurch

Country: NZ

Postcode: 8041

Email:

Daytime Phone:

Age:

Gender: Male

New Zealand European Māori

Resident or Ratepayer *

Other

Which Area is your property in? *

Waikawa Beach

Do you wish to speak in support of your submission at a Hearing?

☐ Yes

☒ I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Feedback

Which of these is your preferred option for the delivery of water services in Horowhenua?

You can check the Consultation Document [here](#)

Option 1: Water Services Organisation jointly owned by Horowhenua District Council, Palmerston North City Council, Manawātū District Council, and Kāpiti Coast District Council.

Please tell us what you like about your preferred option

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

Has the most pros. However, the big sticking point is Article 2 of Te Tiriti and usurping consultation with/ownership (wai) of mana whenua. HDC and Horizons are complicit regarding the degradation of Lake Horowhenua so have a moral duty not to right roughshod over Muaupoko etc. again as is usual.

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Please share any other feedback you have about water service delivery in the future

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

Until Punahau heals, Horowhenua will remain pouri. Water = Life so this decision is of utmost priority. Agriculture and Horticulture shouldn't get preferential usage rights and bylaws need to be enforced properly for once. Commercial interests \$\$\$\$ therefore shouldn't trump residential rights.

Attached Documents

Name
the-potential-for-maori-customary-claims-to-freshwater-036259

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T24Consult Page 2 of 2

The Potential for Maori Customary Claims to Freshwater

*A dissertation submitted in partial fulfilment of the degree of LLB (Hons) at
the University of Otago*

Rachel Kennard

Acknowledgments

Thanks to John Dawson, for his encouragement and ideas, and my family and friends for their support.

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Introduction

Maori assert a range of relationships with and interests in freshwater resources in New Zealand, which may be recognised under the common law as customary rights. This dissertation begins with an exploration of possible uses or interests in running water, and examines Maori interests in closer detail. Cases such as *Ngati Apa v Attorney General* [2003] 3 NZLR 643 establish that it is the indigenous conception that must be at the forefront in determining the rights to be recognised under the common law. The Court emphasised the necessity of taking Maori conceptions of ownership and rights to natural resources as the starting point in cases concerning aboriginal title.

It is then necessary to consider whether or to what extent these interests may have been extinguished. While customary rights are vulnerable to statutory extinguishment, the Court of Appeal has adopted a particular approach to interpreting such legislation, which must be sufficiently “clear and plain” in order for the Court to hold that the rights have been extinguished. The effect of a number of statutory provisions and regimes on customary rights will be considered on this basis. It may be that many of the interests and relationships Maori assert in freshwater have in fact been extinguished by legislation which meets the test in *Ngati Apa*. However, it is unlikely that the full range of interests have been so disposed. Others may have been translated on to a statutory foundation. The Resource Management Act 1991 (RMA), in particular, as well as various Treaty settlements will be considered in this context. Finally, how any rights or interests that have not been extinguished or incorporated into legislation may be recognised will be examined, having regard to the possible avenues Maori may have for redress.

CHAPTER ONE: Ownership and Control of Running Water

Ownership of running water

The ownership of running water at common law

If one follows English common law principles, the general position regarding ownership of freshwater in NZ is that there is no owner of running water until it is abstracted. According to Wheen, “At common law, water itself (as compared to the land beneath it) was not the subject of property or capable of being granted to anybody.”¹ This proposition has not been altered by statute. Parliament has, however, conferred the authority to regulate the resource and to allocate uses on certain bodies through various legislative enactments, principally the Water and Soil Conservation Act 1967 (the Water Act) and the RMA, although neither Act dealt explicitly with ownership.

The current (statutory) position

While under the common law there were rights to use water, based on riparian ownership, such rights have generally been extinguished by the Water Act and/or the RMA. Section 14 of the RMA requires a resource consent to be obtained in order to take, use, dam or divert water, although there are some situations whereby water can be taken as of right. A permit can be granted for a maximum period of 35 years after which the consent holder must apply for renewal. The authority to grant such consents is conferred by statute on regional councils under the RMA.²

Despite these two rules concerning ownership and allocation of use of the resource, there is still the possibility that customary interests of Maori may be recognised under the common law of NZ. These interests would have to be based on past uses or connections. This section will therefore examine the range of uses that can be made of a river, and, in turn, the range of interests and relationships Maori assert to the resource.

¹ N. Wheen, (1995), *The Resource Management Act and Water in New Zealand: Impact and Implications*, (a thesis submitted for the degree of Master of Laws at the University of Otago, Dunedin), p13.

² See further Chapter Two: Extinguishment. The functions of regional councils are set out in the Resource Management Act 1991, section 30(1).

Possible uses of a river

This section will examine the range of possible uses of or connections with a river. These functions can be divided up and separately regulated or separately allocated to different parties, as ownership interests or use rights and the like. Some may remain with Maori, as the original, indigenous users or owners of the resource, while some may have been conferred by law on others.

Sustenance/harvesting

Rivers may be “sources of water, food and other resources such as hangi stones and pounamu.”³ NZ’s rivers and lakes are also important for recreational fishing and commercial operations such as salmon farming, eeling and whitebaiting.

Navigation/transport

Rivers used to form “part of traditional travel routes and trading networks.”⁴ The Waitaki catchment, for example, was “... a means of travel by reed raft (mokihi).”⁵ In NZ, the use of waterways as transport is now largely confined to history, although jet boating and white water rafting are popular activities.

Spiritual and ancestral connections

Rivers may carry spiritual and ancestral connections, particularly for the indigenous users of the resource,⁶ although others may also assert such interests.

³ Office of Treaty Settlements, (2002), *Ka Tika a Muri, Ka Tika a Mua, Healing the Past, Building a Future*, Wellington, p110.

The practice of mahinga kai, for example, is central to Maori culture and tradition.

Mahinga kai is “a seasonal food and resource-gathering activity requiring intimate knowledge of the catchment, seasons and methods of procurement” (Waitaki Catchment Water Allocation Board, (2005), *Waitaki Catchment Water Allocation Regional Plan*

Available:

<http://www.ecan.govt.nz/Plans+and+Reports/Water/Waitaki+Catchment+Water+Allocation+Regional+Plan.htm>

Accessed: 14/05/06).

⁴ *Supra*, n. 3, at 110.

⁵ Waitaki Catchment Water Allocation Board, (2005), *Waitaki Catchment Water Allocation Regional Plan*

Available:

<http://www.ecan.govt.nz/Plans+and+Reports/Water/Waitaki+Catchment+Water+Allocation+Regional+Plan.htm>

Accessed: 14/05/06.

⁶ For example, the Office of Treaty Settlements states that, to Maori, “rivers and lakes can be or represent any or all of the following:

- the embodiment of or creation of ancestors
- a key aspect of tribal and personal identity
- the location of wahi tapu
- boundary markers and part of traditional tribal defences, and
- possessors of mauri, the life force or essence that binds the physical and spiritual elements of all things together.”

(See Office of Treaty Settlements, (2002), *Ka Tika a Muri, Ka Tika a Mua, Healing the Past, Building a Future*, Wellington, p110).

Recreation

There is uninhibited public access to many of NZ's rivers and lakes for recreational uses such as fishing, swimming and boating.⁷ Also, as outlined by the Ministry for the Environment's Water Programme of Action, "[l]akes, rivers and wetlands may be preserved for conservation values (or in national parks)."⁸ There may be further restrictions regarding waterways which are managed under the Conservation estate.

Harnessing for energy

Hydro-electricity generation is another purpose for which water is highly valued in NZ. The Water-power Act of 1903 first reserved to the Crown the sole rights to generate electricity by waterpower.⁹ Later, under the Public Works Amendment Act 1908, the Crown allowed private enterprise to construct hydro schemes, subject to it issuing a generation consent.¹⁰ The rights to use water and generate power were eventually separated by the passing of the Water and Soil Conservation Act 1967, which effectively meant that two consents were required for hydro-schemes, one from the Water and Soil Conservation Authority, and one from the Minister of Electricity.¹¹ However, the Authority's power to grant consents is now exercised by regional councils under the RMA, who have management responsibilities under section 30(1)(e).¹² A land use consent is also required in order to build a dam on a river bed.¹³

Irrigation

Resource consent is required in order to abstract water for irrigation for agricultural or horticultural uses. Pastoral farming also requires stock drinking water, but this use is provided for as of right by section 14 of the RMA, a water permit thus not being necessary.

Commercial and industrial usages

⁷ Commercial operators require a resource consent or water permit under the RMA to carry out activities. Uses of the surface of rivers and lakes are controlled by territorial authorities rather than regional authorities, who in the main exercise responsibility for water management. (See the Resource Management Act 1991, section 31).

⁸ Ministry for the Environment, (2004), *Water Programme of Action: Water Allocation and Use*, MfE, Wellington, p4.

⁹ See the Water-power Act 1903, section 2.

¹⁰ Waitangi Tribunal, (1998) *Te Ika Whenua Rivers Report* (Wai 22), GP Publications, Wellington, p44

¹¹ *Ibid.*, 46-47.

¹² Regarding "the control of the taking, use, damming, and diversion of water, and the control of the quantity, level, and flow of water in any water body, including, the setting of any maximum or minimum levels of flows of water and the control of the range, or rate of change, of levels or flows of water."

¹³ See the Resource Management Act 1991, section 13(1), which places restrictions on the use of the beds of lakes and rivers. No person may "use, erect, reconstruct, place, alter, extend, remove, or demolish any structure or part of any structure in, on, under, or over the bed" of any lake or river except as expressly allowed under a rule in a plan, or by a resource consent.

Discharge permits are the type of consent required in order to discharge waste or water onto land or into waterways.¹⁴ Industrial uses often require abstraction of water, for which a water permit from a regional council is needed also.

Therefore, there are many ways to divide up the interests in a river. Some uses are in the public domain; others require a statutory consent. Maori also have customary connections to rivers in NZ. Thus, it is necessary to consider to what extent the common law can recognise these customary interests.

¹⁴ Resource Management Act 1991, section 15.

Customary title

Boast defines customary title as the “rule that rights of use and occupancy in lands and waters formerly exercised by native peoples continue as a recognised legal interest after conquest, discovery or cession until such time as the rights are extinguished by the colonising power. The aboriginal title is a burden on the Crown’s primary title.”¹⁵ This legal recognition is afforded “...through the simple fact that the indigenous peoples were already there, living in communities according to their own laws and customs.”¹⁶ The doctrine of aboriginal title is now well established in NZ. In *Te Runanganui o Te Ika Whenua Inc Society v Attorney-General* [1994] 2 NZLR 20 Cooke P described it as “a compendious expression to cover the rights over land and water enjoyed by the indigenous or established inhabitants of a country up to the time of its colonisation...”¹⁷

Historical recognition of Maori customary rights in NZ

Customary title is “enforceable in the ordinary courts and enforceability is not dependent on legislative recognition,”¹⁸ unlike the Treaty of Waitangi. However, there have been two conflicting lines of authority on customary rights in NZ. Chapman J held in *R v Symonds* (1847) NZPCC 387 that:

“It cannot be too solemnly asserted that [native property over land] is entitled to be respected, that it cannot be extinguished (at least in times of peace) otherwise than by the consent of the Native occupiers.”¹⁹

But the later decision in *Wi Parata v Bishop of Wellington and Attorney General* (1877) 3 NZ Jur (NS) 72 became the basis for much of the Crown’s future legislative and administrative dealings with Maori. *Wi Parata* held that the common law rule that native customary property survived the acquisition of sovereignty had no application to the circumstances in NZ. According to Prendergast J, Maori had insufficient social organisation upon which to found custom recognisable by the new legal order.²⁰ Thus, any Maori rights could only be derived from statute. Maori had no pre-existing customary rights.²¹ However, the Privy Council provided some sort of bulwark against the attitudes of the colonial courts during this period.

¹⁵ R. Boast, *Treaty rights or aboriginal rights* [1990] NZLJ 32.

¹⁶ R. Maihi, (2003), *The foreshore and seabed: Maori customary rights and some legal issues*, NZ Parliamentary Library, Wellington, p3.

¹⁷ *Te Runanganui o Te Ika Whenua Inc Society v Attorney-General* [1994] 2 NZLR 20, at 21.

¹⁸ *Supra*, n. 22, at 32.

¹⁹ *R (On the Prosecution of C H McIntosh) v Symonds* (1847) NZPCC 387.

²⁰ *Wi Parata v Bishop of Wellington and Attorney General* (1877) 3 NZ Jur (NS) 72.

²¹ As described by Kahn, “The Court in *Wi Parata* theorised that countries with multiple tribal chiefs and no unified governmental body could not possess any supreme sovereign power, pre-existing natural resource rights, or authority to negotiate a treaty, although these concepts had already been rejected in English courts prior to the signing of the 1840 Treaty of Waitangi.” (See Benjamin Kahn, *The Legal Framework Surrounding Maori Claims to Water Resources in New Zealand: In Contrast to the American Indian Experience*, (1999) 39 Stan J Int L 49, p104.)

Nireaha Tamiki v Baker (1901) NZPCC 371 held that it was “rather late in the day for such an argument to be addressed to a New Zealand Court.”²²

Maori customary rights were eventually ‘re-recognised’, initially in the context of customary fishing rights in *Te Weehi v Regional Fisheries Officer* [1986] 1 NZLR 680. According to Kahn, “...the decision is notable as a renewed recognition that natural resource rights secured by common law aboriginal title and ratified by the Treaty of Waitangi are indeed enforceable unless subsequent laws alter those rights.”²³

The content of customary rights

As stated by Boast, “what might be called the *content* of Native title... in terms of the precise kinds of rights to be protected, the descent groups who can lay claim to such rights, the rules relating to succession... and so on can only be governed by indigenous customary law.”²⁴ Therefore, the content of any native title is to be derived from an investigation of the traditional customs and conceptions of the indigenous people in question.²⁵

The sui generis nature of customary rights

As stated by the Waitangi Tribunal in its Whanganui River Report, “custom is to be seen in its own terms.”²⁶ The Tribunal also accepted that past judicial determinations of Maori interests [in rivers] were erroneous because they relied on the division of waterways into water, bed and banks: “The decisions had fitted Maori interests into categories that were relevant to English law so that Maori interests had not been assessed in terms of Maori concepts.”²⁷ The need to avoid equating customary rights with English concepts has been emphasised in a number of cases, the most well known being *Amodu Tijani v The Secretary, Southern Nigeria* [1921] 2 AC 399. There the Privy Council stated:

“There is a tendency, operating at times unconsciously, to render that title [to native land] conceptually in terms which are appropriate only to systems which have grown up under English law. But this tendency has to be held in check closely...”²⁸

²² *Nireaha Tamiki v Baker* (1901) NZPCC 371, at 382.

²³ B. Kahn, *The Legal Framework Surrounding Maori Claims to Water Resources in New Zealand: In Contrast to the American Indian Experience*, (1999) 39 Stan J Int L 49, p160.

²⁴ Boast et al, (1999) *Maori Land Law*, Butterworths, Wellington, p3.

²⁵ In *Mabo v Queensland (No 2)* (1992) 175 CRL 1, 48, at 58 Brennan J stated it thus: “Native title has its origin and is given its content by the traditional laws acknowledged by and the traditional customs observed by the indigenous inhabitants of a territory. The nature and incidents of native title must be ascertained as a matter of fact by reference to those laws and customs.”

²⁶ Waitangi Tribunal, (1999), *Whanganui River Report* (Wai 167), GP Publications, Wellington p25.

²⁷ *Ibid.*, at 23.

²⁸ *Amodu Tijani v The Secretary, Southern Nigeria* [1921] 2 AC 399, at 403.

This proposition was affirmed in *Ngati Apa*, where Elias CJ held: “The proper starting point is not with assumptions about the nature of property... but with the facts as to native property.”²⁹

The danger in attempting to treat aboriginal rights as analogous to western property conceptions is twofold. On the one hand, “it may be dismissive of customary interests which are less than recognisable English legal estates.”³⁰ In *Re Landon and Whitaker Claims Act 1871* (1871) 2 NZCA 41 the Court held that “whatever the extent of that right by established native custom appears to be, the Crown is bound to respect it.” Thus, as stated by McHugh, “there may well be a range of common law aboriginal rights relating to land which Courts will recognise notwithstanding their non-conformity with conventional property rights.”³¹ Conversely, there is a valid concern that a euro-centric approach “may cause lesser customary interests to be inflated to conform to familiar legal estates.”³²

A spectrum of rights

It has been asserted that aboriginal rights cannot amount to exclusive ownership but only a lesser form of use right.³³ However, aboriginal title jurisprudence has affirmed that customary rights may include not only usufructuary rights but also ownership. According to Cooke P, in *Te Ika Whenua*:

“At one extreme they may be treated as approaching the full rights of proprietorship of an estate in fee recognised at common law... At the other extreme they may be treated as at best a mere permissive and apparently arbitrarily revocable occupancy...”³⁴

Fiduciary obligations of the Crown

The Crown may also have a fiduciary obligation to preserve Maori customary rights. The existence of such a duty is well established in Canadian jurisprudence, but has also gained support in NZ. As described by McHugh:

“In the *New Zealand Maori Council* case (1987)... the Court held that... the relationship between the Crown and tribes created responsibilities analogous to fiduciary duties... The Court located the fiduciary duty squarely in the ‘principles of the Treaty of Waitangi’ [whereas] the North American courts have seen treaties and legislation not as the legal source so much as a declaration of the preexisting duty. By the North American approach, the Crown would owe a fiduciary duty to the tribes irrespective of the Treaty. This must also be the case in New Zealand; however, the Treaty gives the aboriginal fiduciary duty added

²⁹ See *Ngati Apa v Attorney General* [2003] 3 NZLR 643 at 661 (per Elias CJ).

³⁰ *Supra*, n. 16, at 5.

³¹ P. McHugh, *Proving Aboriginal Title*, [2001] NZLJ 303.

³² *Supra*, n. 16, at 5.

³³ Which may or may not be territorial in nature.

³⁴ *Supra*, n. 17, at 21.

potency, for it is an explicit and formal assumption of responsibility that is often lacking in the North American treaties.”³⁵

In *Te Ika Whenua* the Court appeared to leave open the possibility of claim based on a customary interest in the flow of the rivers, or breach of fiduciary duty by the Crown. As stated by Cooke P, the removal of such a right “by less than fair conduct or on less than fair terms would be likely to be a breach of the fiduciary duty widely and increasingly recognised as falling on the colonising power...”³⁶ Wheen writes:

“Maori customary title may today support a Waitangi Tribunal claim to control or participate in the management of water bodies. Although there is a prospect that it could support action in the ordinary courts... even if the argument that Maori customary title has itself survived should fail, it could still be argued that in extinguishing the Maori rights, the Crown breached its fiduciary duties...”³⁷

Thus, even if customary interests have been extinguished, it may remain open to Maori to bring a claim based on breach of the Crown’s fiduciary duty to preserve these rights and interests.

Given that customary rights may be recognised in NZ Courts, it is therefore necessary to consider Maori customs and traditional interests in water resources in order to understand the potential extent of any interests that may still remain. As stated by the Waitangi Tribunal, “[t]o consider whether the Crown extinguished Maori interests in the river, we have first to ask what those interests were.”³⁸ This exploration must keep in mind the warning in *Amodu Tijani* against attempting to categorise these interests in terms of western property conceptions. It must also be recognised that such interests may occupy a full spectrum, ranging from use rights to exclusive ownership.

³⁵ P. McHugh, (1991), *The Maori Magna Carta: New Zealand Law and the Treaty of Waitangi*, Oxford University Press, Auckland, p247 – 249.

³⁶ *Supra*, n. 17, at 24 (per Cooke P).

Also at 26: “...the assumption of control over the rivers implicit in the construction of the dams is more fundamental. If control has been assumed without consent there may well have been breaches of the Treaty of Waitangi, as the Crown acknowledges... The Maori remedy lies in the Waitangi Tribunal claim, or conceivably in Court action based for instance on Maori customary title or fiduciary duty...”

³⁷ N. Wheen, *A Natural Flow: A History of Water Law in New Zealand* (1997) 9 Otago LR 71, at 77-78.

Also see the Canadian cases *R v Sparrow* [1990] 1 WWR 410 (SC) and *Guerin v R* [1984] 2 SCR 335; 55 NR 161; 13 DLR (4th) 321.

³⁸ *Supra*, n. 26, at 15.

The interests and relationships Maori assert to freshwater: Property, Authority & Metaphysical Claims

Maori assert their relationship to freshwater at a number of different levels, which are all linked by an underlying spiritual philosophy.

PROPERTY

Rivers as taonga

The Waitangi Tribunal has recognised that rivers are a “taonga essential to the identity, culture, and spiritual well-being of the people.”³⁹ Maori were guaranteed the possession and tino rangatiratanga of their taonga by Article II of the Treaty of Waitangi, which may therefore be seen as declaratory of aboriginal title.⁴⁰ In one sense, “taonga” is a resource owned or treasured by Maori. With regards to the Whanganui River, the Tribunal were of the view that Maori may ‘own’ water in the river by virtue of the fact that they were recognised as the possessors of the river as a whole: “Maori ‘rights’ in either land or waterways can be seen to be based on usage and possession, from which, according to the law as settled in the Native Land Court, ownership derives.”⁴¹ Thus, White writes, “ownership...seemed to flow from the right to use the resource. This is in contrast to the European model of ownership where use rights derive from the ownership of the resource...”⁴²

Rivers as holistic, indivisible entities

Maori holism regarding natural resources underpinned the Tribunal’s conclusion that Te Atihaunui ‘owned’ the water in the Whanganui River.⁴³ They were of the view that “it was inconsistent with Maori river interests, according to their philosophy, that those interests might be determined according to...the severance of water, banks and bed.”⁴⁴ The Maori conception of ownership sees a river “... as an indivisible whole, not something to be divided up and analysed by the constituent parts...”⁴⁵ The Tribunal reasoned:

³⁹ *Supra*, n. 26, at 25.

⁴⁰ See *Te Runanganui o Te Ika Whenua Inc Society v Attorney-General* [1994] 2 NZLR 20, at 21 where Cooke P stated: “The Treaty of Waitangi 1840 guaranteed to Maori, subject to British kawanatanga or government, their tino rangatiratanga and their taonga. In doing so the treaty must have intended effectively to preserve for Maori their customary title.”

⁴¹ *Supra*, n. 26, at 49.

⁴² B. White, (1998), *Inland Waterways: Lakes*, Waitangi Tribunal, Wellington, p251. He further writes: “But...one must be wary of trying to reduce Maori customary rights to accord to western conceptions of ownership.” As stated by the Waitangi Tribunal, “‘land ownership’ is not a universal law but a particular construct of some cultures.” (See Waitangi Tribunal, (1999), *Whanganui River Report* (Wai 167), GP Publications, Wellington, p49).

⁴³ And that Te Ika Whenua had a proprietary interest in their rivers, described as “the right of full or unrestricted use and control of the waters thereof – while they were in their rohe.” (Waitangi Tribunal, (1998) *Te Ika Whenua Rivers Report* (Wai 22), GP Publications, Wellington, p 84 & 124.)

⁴⁴ *Supra*, n. 26, at 23.

⁴⁵ *Ibid.*, 23.

“Without ownership of the water within a river, ownership of that river is meaningless... If the river is regarded as a whole, as we think it must be in terms of Maori possessory concepts, the water is an integral part of the river that was possessed, and was possessed as well. Though its molecules may pass by, as a water regime it remains.”⁴⁶

This view also underlies the Maori approach to resource management, as illustrated by Ngai Tahu’s Freshwater Policy: “[As] water is a holistic resource, the complexity and interdependency of different parts of the hydrological system should be considered when developing policy and managing the water resource.”⁴⁷ This is in contrast to the approach of the NZ legislature in regulating water use, whereby various different uses or interests in water may be both separately regulated and separately allocated. Such a particularistic, compartmentalised approach is also reflected to some degree in the existence of various different bodies controlling water use.⁴⁸

AUTHORITY

Rangatiratanga

Rangatiratanga is generally interpreted to include *the power* to control and manage resources in accordance with Maori customary practices. As described by the Waitangi Tribunal, “rangatiratanga denotes mana, not only to possess what one owns, but to manage and control it in accordance with the preference of the owner.”⁴⁹ Thus to Maori, ownership and authority go hand in hand. According to Stephenson, “[r]angatiratanga incorporates [both] concepts...As such, it does not fit easily with the contemporary legal structure which makes a distinction between ‘ownership’ – that is, the right to use, trade and benefit from the use of the resource, and ‘resource management’, which incorporates concepts of controlling the use of the resource.”⁵⁰

Kaitiakitanga

Kaitiakitanga may be considered as the practical expression of rangatiratanga. It therefore involves *the exercise* of customary authority over the way a resource is used, managed and protected. As described by the Waitaki Catchment Water Allocation Regional Plan, “[k]aitiakitanga, a function of manawhenua, involves the observance of kawa and tikanga, traditional rules applied to protect the mauri from harm by human actions.”⁵¹ To the extent that kaitiakitanga is inextricably linked to

⁴⁶ *Supra*, n. 26, at 50.

⁴⁷ Te Runanga o Ngai Tahu Freshwater Policy (iwi management plan), p8.

⁴⁸ For example, while regional councils exercise the main responsibilities in respect of running water, territorial bodies are authorised to control the use of the surface of lakes and rivers (under the Resource Management Act 1991, section 31(1)(e)).

⁴⁹ Waitangi Tribunal, (1992), *Mohaka River Report* (Wai 119), GP Publications, Wellington.

⁵⁰ J. Stephenson, *Recognising Rangatiratanga in Resource Management for Maori Land: A Need for a New Set of Arrangements?* [2001] 5 NZJEL 159, at 160.

⁵¹ *Supra*, n. 5.

rangatiratanga⁵² and thus Maori conceptions of resource ownership, it is one aspect of the relationship between Maori and their taonga that may be both preserved as an element of customary title and entitled to active protection under the Treaty of Waitangi. While the central concept is more one of obligation than authority, it still “entails an active exercise of power in a manner beneficial to the resource.”⁵³

METAPHYSICAL CONCEPTS

Rivers as living “beings”

There is a large overlap between the metaphysical or spiritual beliefs of Maori regarding water, and the concepts of rangatiratanga and kaitiakitanga. The content of these values is derived from the Maori world-view, which sees taonga such as rivers as imbued with a spiritual essence, or mauri. As Durie writes, “[d]istinctions between inanimate and animate objects are therefore blurred, because each is afforded a spiritual existence which complements the physical state. Nothing is lifeless.”⁵⁴ According to the Waitangi Tribunal, “the river is seen as a living entity with its own personality and life-force...”⁵⁵ by Maori.

Maori spiritual relationships with water

While iwi may differ in their expression of spiritual relationships with water, as stated by the Waitangi Tribunal, “there is among all tribes a continuing and all embracing theme of acknowledging traditional holistic concepts of water in both physical and spiritual, tangible and intangible senses.”⁵⁶ The Waikato River, for example, “has long been used for healing illnesses, the cleansing of the dead, the baptism of new-borns, spiritual cleansing and preparing those who had important tasks to perform or journeys to undertake.”⁵⁷ Such traditions have retained contemporary relevance. Freshwater is integral to Maori cultural and personal identity and wellbeing – “rivers and lakes carry ancestral connections, identity and wairua for whanau, hapu and iwi.”⁵⁸ Preservation of the metaphysical attributes of the river is not only important for the integrity of these spiritual practices, however. Tangata whenua, as kaitiaki, have a reciprocal obligation to protect taonga, including rivers, now and for future generations.

⁵² Te Puni Kokiri, (1993), *Mauriora Ki te Ao: An Introduction to Environment and Resource Management Planning*, Ministry of Maori Development, Wellington, p10.

⁵³ Ibid., 10.

⁵⁴ M. Durie, (1998), *Te Mana Te Kawanatanga: the Politics of Maori Self-determination*, Oxford University Press, Auckland, p22.

⁵⁵ *Supra*, n. 26, at 23.

How the concept of a river as a being may be provided for by our legal system is further considered in Chapter Three: Incorporation.

⁵⁶ Waitangi Tribunal, (2002) *The Pouakani Report 1993* (Wai 33), Legislation Direct, Wellington.

⁵⁷ Environment Waikato Regional Council, *Waikato Te Awa – A Taonga*, Available: <http://www.ew.govt.nz/enviroinfo/water/healthyrivers/waikato/facts6h.htm>. Accessed: 18/7/06.

⁵⁸ Ministry for the Environment, (2005), *Wai Ora: Report of the Sustainable Water Programme of Action Consultation Hui*, Wellington, p8.

The Water Act made no provision for these metaphysical or spiritual relationships. However, in *Huakina Development Trust v Waikato Valley Authority* [1987] 2 NZLR 188, Chilwell J applied *Public Trustee v Loasby* (1908) 27 NZLR 801 to find that “customs and practices which include a spiritual element are cognisable in a Court of law provided they are properly established, usually by evidence.” He held that “Maori spiritual and cultural values could not be excluded from consideration if the evidence established the existence of spiritual, cultural, and traditional relationships to natural water held by a particular and significant group of Maori people.”⁵⁹ Under the RMA, these interests are given some protection by section 6(e).⁶⁰

It is clear therefore that English and Maori customs regarding ownership of running water are markedly different. The above discussion has illustrated the range of traditional concepts Maori use to describe their relationship with rivers. In terms of the common law, the various interests and relationships that are asserted can be brought under the headings of property and authority. Both the power of rivers, particularly in metaphysical or spiritual terms, and duties towards them are recognised. However, the status of our law currently is that many of these interests are not fully recognised or incorporated, or may in fact have been extinguished. If the NZ legal system was really to start from the proposition that customary rights of Maori are to be recognised on their own terms, all these notions would have to be recognised freely.

⁵⁹ LexisNexis, (2002), *The Laws of New Zealand*, [81] “The Treaty of Waitangi as an aid to statutory interpretation.”

⁶⁰ They have thus been codified to some extent, albeit in a limited sense which does not give them priority over any of the other matters listed in Part 2. See further Chapter Three: Incorporation.

CHAPTER TWO: To what extent have Maori customary interests in running water been extinguished?

Statutory extinguishment

The common law position that there is no owner of running water until abstracted has not been explicitly modified by statute. According to a Ministry for the Environment working paper, “[u]nder the Water Act 1967 there is still no right to own water – except confined water. What the Act addresses is *the right to use water*.”⁶¹ The same can be said of the RMA. Thus, there has been no express statutory extinguishment of Maori customary rights to freshwater, in the sense of ownership being vested in the Crown (or elsewhere). However, such enactments, dealing with the management and control of fresh water, still have the potential to have an extinguishing or expropriating effect on customary interests.

The Court in *Ngati Apa* adopted a very specific approach to statutory interpretation in the context of considering whether or not a statute has the effect of extinguishing aboriginal rights. As stated by Keith and Anderson JJ, “...the onus of proving extinguishment lies on the Crown and the necessary purpose must be clear and plain.”⁶² This approach is not new, however. NZ Courts have affirmed the principle that extinguishment of customary rights cannot occur ‘by a side wind’ in a number of cases. In *Te Weehi* for example, Williamson J adopted the Baker Lake “test” for extinguishment from Canadian jurisprudence,⁶³ holding that “customary rights of native... peoples may not be extinguished except by way of specific legislation that clearly and plainly takes away the right.”⁶⁴

Thus it is necessary to consider whether NZ legislation such as RMA and its legislative precursors has achieved the extinguishment of Maori customary interests in water (and if so, to what extent) in such clear and plain terms.

⁶¹ Ministry for the Environment, (1988) *Resource Management Law Reform Analysis of Existing Statutes, Working Paper No. 7: “Water and Soil Conservation Act”*, Wellington, p4.

⁶² *Ngati Apa v Attorney General* [2003] 3 NZLR 643, at 685 (per Keith J).

⁶³ *Supra*, n. 15.

⁶⁴ *Te Weehi v Regional Fisheries Officer* [1986] 1 NZLR 680, at 691 – 692.

Similarly, in *Faulkner v Tauranga District Court* [1996] 1 NZLR 357, at 363 Blanchard J stated: “It is well settled that customary title can be extinguished by the Crown only by means of a deliberate Act authorised by law and unambiguously directed towards that end... Customary title does not disappear by a side wind. Where action taken by the Crown which arguably might extinguish aboriginal title is not plainly so intended the Court will find that the aboriginal title has survived.”

THE COAL MINES AMENDMENT ACT 1903

Only the beds of navigable rivers were statutorily vested in the Crown by this enactment, and in any case, according to the Court of Appeal in *Te Ika Whenua*, “the Coal-mines Amendment Act 1903 and succeeding legislation might not be *sufficiently explicit* to override or dispose of the concept of a river as taonga, meaning a whole and indivisible entity, not separated into bed, banks and waters.”⁶⁵ It is therefore arguable that the entirety of customary rights to the beds of navigable rivers have not, in fact, been validly extinguished, in accordance with the test in *Ngati Apa*. Such a conclusion would also accord with the admonition given in that case, whereby the indigenous property conception is taken to be the starting point in what may be recognised under the common law.

However, as Boast points out:

“The Court of Appeal has taken different views over the legal effects of the 1903 legislation as to whether it extinguishes native title and vests title in dominium in the Crown....In *Ngati Apa* Keith and Anderson JJ were very clear that section 14 did extinguish Maori customary title to riverbeds, contrasting this provision with the language used in the Territorial Sea Acts of 1965 and 1977. To them the key phrase was ‘absolute property’ of the Crown’...With respect, however, the view of Cooke P is to be preferred. Section 14 does not actually state that the Crown has ‘absolute property’ of river beds. Rather the provision states that the beds of navigable rivers are ‘vested’ in the Crown and that *minerals* ‘within’ the bed are the *absolute property* of the Crown.”⁶⁶

Thus Boast concludes that “...the legislation is insufficiently ‘clear and plain’ to extinguish a customary title to the beds as such and... the Crown’s title remains burdened by Maori title.”⁶⁷

THE WATER AND SOIL CONSERVATION ACT 1967

In 1967, the rights of the Crown in relation to freshwater were extended by the Water and Soil Conservation Act. The Act did not specifically or explicitly vest ownership of running water in the Crown⁶⁸ but did appropriate to it “... the sole right to dam any river or stream, or to divert or take natural water, or discharge natural water or waste into any natural water, ...or to use natural water”, by section 21(1). In order to establish whether the effect of this vesting was to extinguish Maori customary rights in freshwater, it is necessary to carefully examine both the

⁶⁵ *Supra*, n. 17, at 24.

⁶⁶ R. Boast, (1995), *Foreshore and Seabed*, Lexis Nexis, Wellington, p21.

⁶⁷ *Ibid.*, 21.

⁶⁸ Presumably because of the common law proposition that running water could not in fact be owned.

wording and purpose of the legislation in light of the “clear and plain” test in *Ngati Apa*.

In *Ngati Apa*, the Court considered the effect of section 7 of the Territorial Sea Acts of 1965 and 1977, which was prima facie an extinguishment of Maori customary title in that it deemed the foreshore and seabed to be vested in the Crown. However, the Court was of the view that the enactments “were primarily directed in 1965 to extending NZ fishing waters and in 1977 to establishing an exclusive economic zone” rather than at the extinguishment of any customary rights that may have existed. According to Boast, “the view expressed by Keith and Anderson JJ amounts to a proposition that a mere ‘vesting’ of property rights in the Crown is, by itself, insufficient to defeat the presumption against extinguishment. Much clearer language is necessary, unless it is possible to infer an intention to extinguish from the circumstances.”⁶⁹ However, it is arguable that the precedential effect of this interpretation is limited by the international dimension to the legislation. Where there is another purpose of that kind to which legislation can be considered to be directed an “intention to extinguish” is far less easily inferred.

It is therefore necessary to consider the primary purpose or intention of section 21(1) of the Water Act. The long title described it as “an Act to promote a national policy in respect of natural water...” Chilwell J in *Huakina* described the effect of section 21(1) as “to extinguish all rights which riparian owners previously had at common law to take, divert or discharge natural water and to substitute in place of common law rights certain statutory rights...”⁷⁰ The purpose of the Act was thus to establish a more coherent management regime than the existing system of common law riparian rights. However, of necessity this required the expropriation of any existing common law use rights, so that the intention to extinguish these rights can arguably be inferred from the circumstances. To this end, the legislation does not display the same concern with preserving existing property and use rights as the Territorial Sea Acts, nor the Foreshore and Seabed Endowment Revesting Act 1991, neither of which the Court in *Ngati Apa* considered an effective extinguishment of customary rights.⁷¹

Further, in *Ngati Apa* legislation vesting the seabed in the Crown was not considered to be necessarily inconsistent with the continued existence of Maori property in the resource.⁷² In contrast, a vesting of ‘sole rights of use’ relating to freshwater in the Crown is clearly at odds with a Maori conception of ownership based on use and possession. The Act also confers authority to manage and control running water on regional bodies. It is this conflicting administrative responsibility which may be fatal to the continued existence of Maori customary rights, so linked to the exercise of rangatiratanga and kaitiakitanga.⁷³ In *Western Australia v Ward* [2002] HCA 28 aboriginal title is described as a “bundle of rights, the separate

⁶⁹ *Supra*, n. 66, at 82.

⁷⁰ *Huakina Development Trust v Waikato Valley Authority* [1987] 2 NZLR 188, at 197.

⁷¹ *Supra*, n. 62, at 687 (per Keith and Anderson JJ).

⁷² *Ibid*.

⁷³ This proposition will be further discussed below, in relation to the RMA.

components of which may be extinguished separately.” Looking at the possibility of extinguishment this way, with sole rights of use vested in the Crown, and management and allocation responsibilities located in regional bodies, it appears that section 21(1) operated to extinguish a large proportion of ‘the ownership bundle.’

THE RESOURCE MANAGEMENT ACT 1991

The primary responsibility for controlling, managing, and allocating water uses has been conferred on regional councils by Parliament pursuant to the RMA. As with the Water Act, the question of ownership is not addressed (although the effect of section 21(1) is preserved by section 354 of the Act). There are three ways in which the RMA may be seen as extinguishing customary rights.

1. Devolution of authority and control of running water to regional councils

How regional councils are delegated authority and how they exercise it

The functions of regional councils relating to freshwater are specified in section 30(1) of the RMA.⁷⁴ The Act also provides for councils to make regional policy statements and plans with respect to management of water resources. Water is allocated between uses under the resource consent process, which is generally a 'first-in first-served system' although there may also be provision for priority users. In granting a water permit "the focus is on avoiding, remedying or mitigating adverse environmental effects and the potential impact on existing permit holders"⁷⁵ but the council's considerations regarding consent applications are also made "subject to Part 2" by section 104(1) of the Act.⁷⁶

Grant of authority over water management to regional councils

Maori challenge the right of the Crown to devolve management responsibilities to regional government as failing to recognise that ownership rights to their resources were guaranteed by the Treaty and had been wrongfully subsumed to the Crown in breach of its provisions.⁷⁷ The guarantee of tino rangatiratanga in Article II may be seen as declaratory of the doctrine of aboriginal title, thus the assertion of the right to manage or control freshwater through the RMA is also inconsistent with Maori customary rights. While the legislation does make some attempt to codify aspects of these rights through various provisions in Part 2,⁷⁸ nevertheless, the vesting of

⁷⁴ Section 30(1)(e) refers to "the control of the taking, use, damming, and diversion of water, and the control of the quantity, level, and flow of water in any water body, including –

- (i) the setting of any maximum or minimum levels of flows of water
- (ii) the control of the range, or rate of change, of levels or flows of water
- (iii) the control of the taking or use of geothermal energy.

Section 30(1)(f) relates to the control of discharges or contaminants into water and discharges of water into water. Section 30(1)(fa) governs "the establishment of rules in a regional plan to allocate...the taking or use of water."

⁷⁵ *Supra*, n. 8, at 4.

⁷⁶ For our purposes, these matters relevantly include the principles of the Treaty (section 8), kaitiakitanga (section 7(a)), and the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, wahi tapu, and other taonga (section 6(e)).

⁷⁷ IUCN Inter-Commission Task Force on Indigenous Peoples, (1997), *Indigenous Peoples and Sustainability – Cases and Action*, IUCN Indigenous Peoples and Conservation Initiative, Utrecht, The Netherlands, p341.

⁷⁸ Kaitiakitanga, for example, is given explicit recognition in the RMA. (See Chapter Three: Incorporation.)

ultimate authority concerning the management and control of waterways in regional bodies is inconsistent with the guardianship role of tangata whenua.

The Waitangi Tribunal has expressed the view:

“no matter how often it is said that the [RMA] concerns management and not ownership, in reality the authority or rangatiratanga that was guaranteed to [Maori] has been taken away. ‘Management’ is the word used for the powers exercised in relation to the Act, but on our analysis of the statute, the powers given to regional authorities are more akin to ownership.”⁷⁹

It may still be open to conclude that there has only been a partial extinguishment of the right, since Maori are not necessarily wholly prevented from performing their role as kaitiaki by the devolution of general management responsibilities to regional bodies. Obligations of kaitiakitanga do not cease to exist once the resource in question is no longer in the possession or control of tangata whenua. However, while some vestige of the right to manage and control according to tribal preferences may remain, (or be provided for through preservation of elements of tikanga Maori in the RMA)⁸⁰ Maori generally no longer have the freedom to practise traditional resource management methods or take part in management of the resource at all, absent a statutory foundation.

The role of other bodies in water management

Central government also has a number of responsibilities regarding freshwater management, which include the Minister for the Environment’s role of recommending (to the Governor General) water conservation orders.⁸¹ As outlined by Williams, “the Minister may also assume responsibility for determining a water-related resource consent if he or she were to ‘call in’ a project pursuant to section 140 of the RMA on the basis that the project is of national significance.”⁸² Similar arguments can be made regarding the effect of the exercise of these powers on Maori customary rights.

⁷⁹ *Supra*, n. 26, at 339.

⁸⁰ See Chapter Three: Incorporation

⁸¹ The RMA provides for water conservation orders as an instrument to protect the outstanding amenity or intrinsic values of a water body (see Part 9 of the Act). The Waitangi Tribunal’s Mohaka River Report, discussed in Chapter Three, concerned a proposed water conservation order over the Mohaka River which was opposed by local iwi on the basis that the making of the order interfered with their rights of rangatiratanga and kaitiakitanga.

⁸² D.A.R. Williams, (1997), *Environmental and Resource Management Law*, Butterworths, Wellington, p285.

2. Inconsistent grants (water permits)

While resource consents confer a limited right for a limited period of time, granting a water permit may still impact on the ability of Maori to engage in their traditional usages and practises concerning freshwater. Consents granted in relation to hydro-electricity generation, for example, impact on water flows and the ecological systems of a river. This affects both its mauri and the ability of fish species such as eels to migrate, limiting traditional Maori uses, spiritual practices and relationships with the waterway. Consents that permit the diminishing of flow rates, or diversions or discharges that mix water from different sources all affect the mauri of the waterway, which carries implications for Maori as kaitiaki of the resource.

According to the Ministry, “[w]hile there is no explicit guarantee of the renewal of a water permit, to date the custom has been for this to occur...”⁸³ Thus, “consents tend to be ‘set in concrete’... and have proven difficult to adjust.”⁸⁴ Amendments aimed at strengthening the position of existing permit holders may add further weight to the suggestion that inconsistent grants, in the form of water permits, have the effect of extinguishing Maori customary rights in water.⁸⁵ Furthermore, regarding the extent to which councils must take into account possible impacts on the availability of water to existing consent holders when issuing new consents, Chisholm and Harrison JJ held in *Aoraki Water Trust v Meridian Energy Ltd* [2005] 2 NZLR 268 that:

“Where a resource was already fully allocated to a permit holder a consent authority could not lawfully grant another party a permit to use the same resource... Water permits conveyed rights to the allocated water. A granted right of exclusivity could not be interfered with...”

This proposition arguably serves to increasingly entrench the rights of consent holders, thus operating as a further limitation on the exercise of customary interests. Nevertheless, it seems clear that while a resource consent may limit the exercise of Maori customary rights in freshwater, it cannot act as an extinguishment of those interests. Section 122 of the RMA explicitly states that consents are not real or personal property. “Consequently a water permit does not ‘confer upon the holder any rights of ownership in the resource’ which remain with the Crown (section 354).”⁸⁶

⁸³ *Supra*, n. 8, at 4.

⁸⁴ *Ibid.*, 11.

⁸⁵ Section 67 of the Resource Management Amendment Act 2005 inserted new sections 124A-C, which will give existing holders priority over new applicants for the same resource. These amendments come into force in August 2008. In a similar vein, section 104(2)(A) (already in force) requires the consent authority to have regard to the value of investment by the existing consent holder when considering an application affected by section 124.

⁸⁶ *Aoraki Water Trust v Meridian Energy Ltd* [2005] 2 NZLR 268, at 276.

Indefinite grants

There were exceptions to the general vesting in the Crown of rights in respect of natural water. The excepted rights were those under mining privileges granted under the former Mining Act 1926 and other specified legislation.⁸⁷ Indefinite grants may arguably be seen as more of a property allocation, and thus more of an extinguishment of any Maori customary rights. However, it is now the case that "...the last of the mining privileges will expire in 18 years"⁸⁸ and further, they "are confined to Otago... and their specific case does not represent a universal issue in respect of property rights."⁸⁹

3. The regulatory regime provided by the RMA

The approach of the RMA to regulating the water resource is to place a prohibition on use without permission (under section 14) and then provide for a licensing or permit system whereby uses can be allocated. The question of whether a regulatory regime with a prohibition is effective to rub out an aboriginal right has been considered by Canadian Courts. In *R v Sparrow* [1990] 1 SCR 1075 it was suggested that the progressive restriction and detailed regulation of the fisheries extinguished any aboriginal right of the Musqueam Band to fish. However, the Court rejected this view, stating:

"An aboriginal right is not extinguished merely by its being controlled in great detail by the regulations... Nothing in the Fisheries Act or its detailed regulations demonstrated a clear and plain intention to extinguish the Indian aboriginal right to fish. These fishing permits were simply a manner of controlling the fisheries, not of defining underlying rights."⁹⁰

In *R v N.T.C. Smokehouse Ltd* [1996] 2 SCR 672 Canada's Supreme Court reaffirmed its decision, holding:

⁸⁷ LexisNexis, (2002), *The Laws of New Zealand*, Water, Part II Inland Water, [42] "Exceptions, authorisations, and continuations." Section 14(3)(b)-(e) of the RMA also provides that "Fresh water...may be taken or used if it is required for an individual's reasonable domestic needs, or the reasonable needs of an individual's animals for drinking water, as long as the taking or use does not, or is not likely to, have an adverse effect on the environment."

⁸⁸ Ministry for the Environment, *Property Rights in Water: A Review of Stakeholders' Understanding and Behaviour*,

Available:<http://www.mfe.govt.nz/publications/water/property-rights-water-nov03/html/page2.html>,

Accessed: 9/7/06.

⁸⁹ Ibid.

⁹⁰ *R v Sparrow* [1990] 1 SCR 1075, at 1097.

The Crown had argued that "extinguishment need not be express...but may take place where the sovereign authority is exercised in a manner 'necessarily inconsistent' with the continued enjoyment of aboriginal rights. The Fisheries Act and its regulations were...intended to constitute a complete code inconsistent with the continued existence of an aboriginal right." (*R v Sparrow* [1990] 1 SCR 1075, at 1097).

“The intention to extinguish must... be clear and plain, in the sense that the government must address the aboriginal activities in question and explicitly extinguish them by making them no longer permissible. This is diametrically opposed to the position that extinguishment may be achieved by merely regulating an activity or that legislation necessarily inconsistent with the continued enjoyment of an aboriginal right can be deemed to extinguish it.”⁹¹

It is therefore unlikely to be accepted by NZ Courts that the licensing system provided by the RMA itself constitutes an extinguishment of customary rights in freshwater. The Court of Appeal has said of the RMA in relation to the foreshore and seabed:

“The management of the coastal marine area under the [RMA] may substantially restrict the activities able to be undertaken by those with interests in Maori customary property. That is the case for all owners of foreshore and seabed lands and indeed for all owners of land above the high water mark. The statutory system of management of natural resources is not inconsistent with existing property rights as a matter of custom. The legislation does not effect any extinguishment of such property.”⁹²

This decision, which makes a distinction between statutory regulation and extinguishment, is in keeping with the Canadian jurisprudence, and seems equally applicable to other natural resources within the scope of the RMA. Although the use of freshwater and many activities that may be permitted on it (at least in a commercial context⁹³) are regulated, there may still be room for some underlying Maori customary title to be recognised.

⁹¹ *R v N.T.C. Smokehouse Ltd* [1996] 2 SCR 672, at 712 (per L'Heureux-Dube J).

⁹² *Supra*, n. 62, at 667 (per Elias CJ).

See further 643 (per Tipping J): “The prescribed restrictions on activities within the coastal marine area, stringent as they are, do not inevitably lead to the view that the potential for an underlying status of Maori customary land has thereby been extinguished.”

⁹³ For example, commercial tourist ventures like jet boating and white water rafting.

CHAPTER THREE: Incorporation – to what extent does our current law recognise the interests Maori claim?

The scope that remains for recognition of the interests Maori assert in freshwater under the common law is also dependent on the extent to which these interests and relationships are already provided for by our legal system. One way in which customary rights might be seen as recognised is through various provisions of the RMA. Treaty settlements which vest water resources in Maori ownership may also provide for the expression of Maori customary interests, there being significant overlap between the guarantees of the Treaty and aboriginal title.

Vesting of lake and river beds in tribal ownership

The position with regards to lakes is instructive because it demonstrates that in the absence of statutory constraints, Maori customary interests, independent of ownership of the surrounding land, could be judicially recognised.⁹⁴ As stated by the Waitangi Tribunal, “unless the customary interest had been extinguished, a separate ‘lake title’ could be given... The Native Land Court [in *Tamihana Korokai v Solicitor General*] considered that it could award the beds of lakes to Maori upon proof of customary usages.”⁹⁵ According to Edwards J in the Court of Appeal:

“If it can be established that under those customs and usages there may be a separate property in the bed of a lake, I cannot doubt that the jurisdiction of the Native Land Court with respect to Native lands extends as much to the land covered with water as it does to lands covered with forest.”⁹⁶

This contrasts with the position regarding rivers, where in the case of non-navigable rivers, the *ad medium filum aquae* presumption meant that title to the riverbed was dependent on riparian ownership.⁹⁷

Lakes were treated differently to rivers in terms of recognition of Maori customary ownership. The Crown was less adamant in its claims, and there was no legislation corresponding to the Coal Mines Amendment Act 1903 vesting ownership of lakebeds in the Crown. As White writes: “Although the Crown tried repeatedly to prove that lakes were not subject to a Maori customary title, this was not the view taken by the Native Land Court. Hence the Crown was forced to admit the existence of strong Maori rights in lakes, and negotiate settlements to secure public rights in them.”⁹⁸ It is arguable that vestings of lake and riverbeds in Maori

⁹⁴ *Supra*, n. 26, at 19.

⁹⁵ *Ibid.*, 19.

⁹⁶ *Tamihana Korokai v Solicitor General* (1912) 15 GLR 95, at 108-109 (per Edwards J).

⁹⁷ The beds of navigable rivers were vested in the Crown by section 14 of the Coal Mines Amendment Act 1903, as discussed in Chapter Two.

⁹⁸ *Supra*, n. 42, at p7.

ownership are symbolic of their ownership of the resource as a whole, particularly when regard is had to the jurisdictional limitations of the Courts. According to the Waitangi Tribunal, (speaking in respect of the Whanganui River):

“In the Courts, the matter was decided in terms of the bed of the river because of the way in which the case was brought. The proceedings began in the Native Land Court, which had jurisdiction only in respect of land, so only an order as to land could have been sought. The Court of Appeal has since opined that a different conclusion might have been reached had the claim been made to the river as a whole.”⁹⁹

Deeds of settlement were however, at pains to avoid explicit recognition of customary title. The Native Land Amendment and Native Land Claims Adjustment Act 1926 section 14(1), for instance, stated:

“The bed of the lake known as Lake Taupo, and the bed of the Waikato River extending from Lake Taupo to and inclusive of the Huka Falls, together with the right to use the respective waters, are hereby declared to be the property of the Crown, freed and discharged from the Native customary title (*if any*)¹⁰⁰ or any other native freehold title there to...”

This legislation followed negotiations that provided for Ngati Tuwharetoa to receive a share of fishing licences as compensation. A negotiated settlement was also reached in respect of the Te Arawa lakes, which vested in the Crown the beds and waters of the 14 lakes. As described by White, “native customary title..., if such a thing existed, was extinguished in exchange for the preservation of certain fishing rights, and an annuity of £6,000.”¹⁰¹ If indexed to inflation, the annuity was estimated to have been worth an estimated \$400,000 as at 1993. However, the Te Arawa Lakes Settlement Deed, entered into on 18 December 2004, includes financial redress of \$2.7 million in cash and annuity redress of \$7.3 million to capitalise the annuity Te Arawa receives from the Crown and to address the remaining annuity issues. The Te Arawa Lakes Settlement Bill also provides for vesting of the fee simple title to each of 13 lakebeds in Trustees, as well as various other cultural redress provisions.¹⁰²

⁹⁹ *Supra*, n. 26.

The decision referred to is *Te Runanganui o Te Ika Whenua Inc Society v Attorney-General* [1994] 2 NZLR 20, at 24, where the Court stated: “The vesting of the beds of navigable rivers in the Crown provided for by the Coal-mines Amendment Act 1903 and succeeding legislation may not be sufficiently explicit to override or dispose of that concept [of the river as ‘a whole and indivisible entity, not separated into bed, banks and waters’], although it is odd that the concept seems not to have been put forward in quite that way in the line of cases concerning the Whanganui River...”

¹⁰⁰ Emphasis added.

¹⁰¹ *Supra*, n. 42, at 89.

¹⁰² As the explanatory note states: “The vesting provides for Te Arawa’s beneficial ownership of the lakebeds and subsoil... In each case, title specifically excludes the water column (the space occupied

Lakes Wairarapa, Onoke, Horowhenua, Rotorua, Waikaremoana, Rotoaira, Omapere and Taupo have also all been vested in Maori ownership, pursuant to negotiated settlements. The Ngai Tahu settlement, in addition, provides for vesting of the bed of Lake Mahiniapua and Te Waihora (Lake Ellesmere) in Te Runanga o Ngai Tahu under sections 192 and 168 of the Act.¹⁰³ However, while ownership, at least in the European sense of the word, normally includes the right to exclude others from the resource, these vestings have preserved public rights of access. Discussing Lake Taupo, White states:

“As with other lakes that remained in Maori ownership... the case of Taupo stands testament to the fact that the restoration of Maori ownership of lakes does not necessarily preclude the public enjoying rights of access, navigation, and fishing. In this regard, title to Lake Taupo is more usefully conceptualised in terms of a recognition of Ngati Tuwharetoa’s manawhenua and rangatiratanga, than as exclusive ownership.”¹⁰⁴

Office of Treaty Settlement guidelines state that where statutory vesting of lakebeds (and riverbeds) is to occur, “existing lawful public access and commercial usages will be preserved.”¹⁰⁵

The position may therefore be summarised as follows. The Court of Appeal in *Tamihana Korokai* considered that on proof of customary usage, the Native Land Court had jurisdiction to grant a separate ‘lake title’ awarding the beds of lakes to Maori. Thus, in the absence of statutory constraints Maori customary interests that were independent of ownership of the surrounding land could be judicially recognised, and were recognised in fact in some cases. This is an important distinction in the treatment of lakes and rivers. In respect of the latter, the *ad medium filum aquae* presumption was applied in many instances to deprive Maori of customary title.¹⁰⁶ Such vestings as have occurred are, arguably, symbolic of Maori ownership of the water resource as a whole, and also serve to demonstrate that rights of public access are not a barrier to return or re-vesting. To the extent, therefore, that Maori ownership of lakebeds has already been recognised under NZ law through these means, there is no need for such ownership to be recognised again under the common law of aboriginal title. This is an area in which some

by the water) and the airspace... The rights relating to public navigation, recreational activities, existing commercial activities, and public utilities are provided for in the Bill.” (See Te Arawa Lakes Settlement Government Bill, Explanatory Note: *Key elements of the settlement package*).

The settlement is conditional on the establishment by Te Arawa of a governance entity (in accordance with the deed) and the passage of the Bill.

¹⁰³ The lakebed of Te Waihora is managed under a Joint Management Plan developed between Te Runanga o Ngai Tahu and the Director-General of Conservation. (Office of Treaty Settlements, (2002), *Ka Tika a Muri, Ka Tika a Mua, Healing the Past, Building a Future*, Wellington, p129).

¹⁰⁴ *Supra*, n. 42, at 202.

¹⁰⁵ *Supra*, n. 3, at 129.

¹⁰⁶ See for example, *In Re the Bed of the Wanganui River* [1955] NZLR 419 (CA).

degree of incorporation of Maori interests in freshwater resources has already occurred.

The RMA 1991: ‘a modern expression of Maori traditional authority’?

Even if a Maori ownership conception in respect of freshwater has been extinguished, other relationships and interests may still have been statutorily incorporated by various provisions of the RMA. It is therefore necessary to consider how far the Act goes towards integrating these interests into the law before determining the potential for any further recognition of Maori customary rights.

What is sometimes referred to as the “Maori Part II trilogy” is comprised of sections 8, 6(e) and 7(a). Section 8 requires the principles of the Treaty of Waitangi be “taken into account”. To the extent that the Treaty’s guarantee of tino rangatiratanga over taonga is declaratory of aboriginal title, section 8 has the potential to be a powerful mechanism by which customary ownership or rights could be recognised. As outlined in Chapter One, rangatiratanga denotes the power to control and manage in accordance with Maori preferences and customary practices. Thus directly “taking into account” this guarantee would afford substantive opportunities for recognition of Maori customary rights. However, such opportunities may be limited by the predominant method of statutorily incorporating the Treaty, by way of reference to its ‘principles’, as it is not the actual wording or guarantees of the Treaty which decision-makers are required to take into account. Nevertheless, its principles have been enunciated by both the Courts and the Waitangi Tribunal as including active protection of taonga, which in turn has been interpreted as including various rivers.¹⁰⁷

By section 6(e) decision-makers are required to “recognise and provide for the relationship of Maori and their taonga” as a matter of national importance. This section can be seen as a form of incorporation of Maori spiritual or metaphysical beliefs regarding waterways, and has assumed particular significance in the context of resource consent objections and appeals.¹⁰⁸ However, as held in *Watercare Services Ltd v Minihinnick* [1998] 1 NZLR 294:

¹⁰⁷ See for example the report of the Waitangi Tribunal on the Whanganui River (Waitangi Tribunal, (1999), *Whanganui River Report* (Wai 167), GP Publications, Wellington, p45).

Maori customary law may also be considered taonga. Thus, customary management practices (tikanga Maori) concerning running water can also be seen as included in the duty of active protection that must be taken into account under section 8.

¹⁰⁸ See for example *Ngati Rangi Trust v Manawatu-Wanganui Regional Council* (EnvC Auckland, AO67/2004, 18 May 2004, Judge Whiting). As outlined by Kenneth Palmer in *Local Government Law and Resource Management* [2004] NZLR 751, the case is significant for its acknowledgment that “claims by Maori of spiritual affront, and related Waitangi Tribunal claims, were relevant to limit the entitlement of the applicant for reconsideration at the end of the period.” The case concerned an application by the Genesis Power Company to reissue water permits for the Tongariro Power diversions. Ngati Rangi Trust appealed the decision to renew the consents, arguing that the diversions were culturally unacceptable to Maori, and that “diversion of water from these rivers had affected their cultural traditions in number of ways.” This decision is subject to appeal, however.

“Such Maori dimension as arises will be important but not decisive even if the subject matter is seen as involving Maori issues... While the Maori dimension, whether arising under section 6(e) or otherwise, calls for close consideration, other matters may in the end be found to be more cogent... In the end a balanced judgement has to be made.”¹⁰⁹

The “intrinsic values of ecosystems”, another matter to which decision-makers are to “have particular regard” (section 7(d)), is arguably an expression of the Maori concept of mauri, or a life-force or essence, which underpins the various relationships that Maori assert in freshwater. “These Maori values and concepts have been reflected and/or endorsed in the jurisprudence of the Environment Court. In *Ngati Rangi Trust v Manawatu-Wanganui Regional Council* (EnvC Auckland, AO67/2004, 18 May 2004, Judge Whiting), the Court affirmed that ‘in the world as conceptualised by Maori, the spiritual and physical realms are not closed off from each other, as they tend to be in the European context.’”¹¹⁰ The concept of a river as a being was discussed in Chapter One. According to the Waitangi Tribunal, “the river is seen as a living entity with its own personality and life-force...”¹¹¹ Section 7(d) may be seen as a limited codification of this proposition. In *Friends and Community of Ngawha Inc & Others v Minister of Corrections* [2003] NZRMA 272 it was stated: “in relation to spiritual matters, it is within the scope of the RMA to recognise beliefs as part of the cultural and spiritual environment, whether or not it is possible to make any tangible provision for those beliefs.”

The potential may exist for tangible provision to be made for this belief, however. In *Huakina*, Chilwell J referred to the Privy Council’s decision in *Mullick v Mullick* (1925) LR 51 Ind App 245. In this case “the Court held that a family idol had a personality of its own. Accordingly, in a dispute within the family concerning the custody of the idol, it was directed that the idol should be represented by a disinterested next friend appointed by the Court.”¹¹² The potential may exist for an approach modeled on the Privy Council’s decision to be taken in respect of rivers with particular spiritual significance to Maori. Action that would interfere with the river’s spiritual existence or integrity could be opposed on its behalf by kaitiaki who had been judicially recognised or appointed. Recognition of such a novel form of interest would be one way in which the spiritual beliefs that Maori assert in freshwater could be further recognised.

The analysis of the Ministry for the Environment’s working group was that the term “intrinsic values”, as used in section 7(d), was an adequate expression of the Maori philosophy which sees elements of the environment as having their own life-force.¹¹³ The paper took the view that the term incorporated a spiritual component,

¹⁰⁹ *Watercare Services Ltd v Minbinnick* [1998] 1 NZLR 294, at 305.

¹¹⁰ D.A.R.. Williams (deputy editor), D. Nolan, S. Berry (et al), (2005), *Environment and Resource Management Law in New Zealand*, Butterworths, Wellington, p821.

¹¹¹ *Supra*, n. 26, at 23.

¹¹² *Supra*, n. 70, at 197.

¹¹³ Ministry for the Environment, (1988), *Resource Management Law Reform Paper No. 8*, “The Treaty of Waitangi and its Significance to the Reform of Resource Management Laws”, p16.

which extended the concept of a resource further than that encompassed in western understanding.¹¹⁴ However, according to Durie, “the omission of reference to mauri [in the RMA]... caused some concern... Moreover, its replacement with the phrase ‘intrinsic values of ecosystems’ fails to convey the same sense of interconnectedness or an appreciation of the environment as a network of living entities.”¹¹⁵ Harris writes:

“In theory, the RMA promotes the integrated management of natural and physical resources, but in practice the separation of responsibility between different parts of local and central government for fisheries, water and land management is often a source of frustration for Maori and derogates from holistic or integrated management.”¹¹⁶

Thus, it appears that the concept of mauri is not wholly incorporated into our resource management legislation.

The concept of kaitiakitanga has been at least partially codified by the Act. Section 7(a) requires that decision-makers “have particular regard to” “the exercise of guardianship by tangata whenua in accordance with tikanga Maori...”¹¹⁷ when exercising their functions and powers. Thus in *Haddon v Auckland Regional Council* [1994] NZRMA 77 kaitiaki were given an active role in monitoring the impact of a resource consent. In considering section 6(e), which was also of relevance, the Court held that “where appropriate, iwi should be given some empowering mechanism.”¹¹⁸ Reporting requirements were put in place in *Carter Holt Harvey v Te Runanga o Tuwharetoa Ki Kawerau* [2003] 2 NZLR 349, where the High Court acknowledged that long term discharge consents can alienate Maori from a river and impede or prevent their ability to perform their functions as kaitiaki.¹¹⁹ “The Court held that the Environment Court did not err in law by proposing a consent condition involving consultation with Maori during the period of the consent, and that a condition of parallel reporting to tangata whenua was lawful.”¹²⁰ However, given that kaitiakitanga is inextricably linked to rangatiratanga - kaitiaki exercising a guardianship role because of their status as mana whenua with authority over the natural and physical resources within their rohe - provision for the exercise of kaitiakitanga in isolation from authority and control (or ownership) of the resource is arguably artificial, and limits both the scope and effectiveness of the role Maori can play as guardians of natural resources, including waterways.

¹¹⁴ Ibid.

¹¹⁵ *Supra*, n. 54, at 30.

¹¹⁶ R. Harris (ed), *Handbook of Environmental Law*, Royal Forest and Bird Protection Society of New Zealand Inc, Wellington, 2004, p481.

¹¹⁷ Resource Management Act 1991, section 2.

¹¹⁸ *Haddon v Auckland Regional Council* [1994] NZRMA 77

¹¹⁹ *Carter Holt Harvey v Te Runanga o Tuwharetoa Ki Kawerau* [2003] 2 NZLR 349, at 356.

¹²⁰ *Supra*, n. 110, at 836.

By sections 61(2A), 66(2A) and 74(2A), the RMA requires councils to “have regard to” relevant planning documents recognised by iwi authorities in the preparation of plans and policy statements.¹²¹ These provisions have been heralded as having “great potential as a mechanism for proactive Maori input and affirmation of the rights of the tangata whenua to act on and influence the management of natural resources important to their communities.”¹²² However, “the weakness of the duty on local government cannot ensure the integration of iwi planning objectives.”¹²³ Thus, what at first glance appears to be a powerful statutory recognition of rangatiratanga, whereby Maori are afforded the power to manage and control natural resources in accordance with tribal preferences is in fact uncertain, dependent on the willingness of councils to consider such documents in a meaningful way. According to Durie, “while they provide a basis for consultation and discussion, iwi sometimes feel that their plans have to be more or less consistent with the wider district [or regional] plan to be recognised at all.”¹²⁴ Strengthening the requirement to “have regard to” these plans may therefore be one practicable way to provide for greater recognition of Maori customary rights in freshwater.

Obligations of councils in this area may also be strengthened by the existence of a Treaty Settlement. Office of Treaty Settlements guidelines concerning options for cultural redress state:

“...for rivers, the role of regional councils under the RMA 1991 will be preserved, but additional means may be developed to allow the claimant group to play a greater role in managing the riverbed – for instance, the establishment of a special advisory body.”¹²⁵

The Ngai Tahu settlement makes provision for Lake Ellesmere¹²⁶ to be managed under a Joint Management Plan, developed between Ngai Tahu and the Director-General of Conservation. Sections 36B-E of the RMA also provides for public authorities and iwi to enter into joint management agreements in relation to areas that are not part of the conservation estate.

Section 33 of the Act provides for transfer of a council’s functions to public authorities, which includes tribal authorities. Thus, “in theory, tribal organisations should be able to seek an active role in management through transfer of relevant

¹²¹ One such plan is the Te Runanga o Ngai Tahu Freshwater Policy. Its purpose is described as providing “a foundation for Papatipu Runanga, statutory resource managers, resource users and other interested parties... planning for the management of freshwater resources within the *rohe* of Ngai Tahu. In broad terms, this document sets out Te Runanga o Ngai Tahu policies with respect to freshwater, outlining the environmental outcomes sought and the means by which Ngai Tahu would like to work with interested parties to achieve these outcomes.”

¹²² *Supra*, n. 77, at 351.

¹²³ *Ibid*.

¹²⁴ *Supra*, n. 54, at 30.

¹²⁵ *Supra*, n. 3, at 129.

¹²⁶ The bed of which is vested in Te Runanga o Ngai Tahu by the Ngai Tahu Claims Settlement Act 1998.

local authority functions.”¹²⁷ However, because the criteria for such a transfer include efficiency, adequate representation of a community of interest and the possession of technical or special capability and expertise, the possibility is likely to be heavily dependent on the level of resources available to a tribal organisation.¹²⁸ Since the RMA was enacted there has been no transfer of functions to an iwi authority.

There are also consultative mechanisms put in place by the RMA. Schedule 1, clause 3(1) creates a statutory obligation to consult with tangata whenua in a range of situations. However, while consultation is an important aspect of the partnership envisaged by the Treaty, it is often seen as an empty obligation. At the various consultation hui regarding the Sustainable Water Programme of Action, for instance, Maori participants voiced concerns that “although they may ‘get to have a say’, they do not have any part in decision-making and management.”¹²⁹

The capacity of iwi to object to others’ proposals concerning water and to assert their role as kaitiaki is also of importance in considering the current statutory regime, and the extent to which it transposes customary interests on to a statutory footing. The opportunity to make submissions on an application for resource consent only arises, however, if the application is notified, or served individually on a third party (see sections 96 – 98 of the RMA).¹³⁰ There is provision for limited notification of applications under section 94(1), whereby the consent authority must serve notice on all persons who may be adversely affected.¹³¹ In “forming opinion as to who may be adversely affected,”¹³² the authority must have regard to relevant statutory acknowledgements.¹³³ Provision is also made for this in section

¹²⁷ *Supra*, n. 77, at 351.

¹²⁸ *Ibid*.

¹²⁹ *Supra*, n. 58, at 40. For example, one participant at the Nelson hui stated: “Maori need to have the power to protect their taonga (water) as guaranteed by Article 2. Planners and decision makers must realise that. At some stage those decisions must involve iwi. Iwi must have input. We have no representatives on either of the two councils here. Once decisions are made, we are then told what the decision is.”

Further, problems have arisen regarding what is termed ‘consultation fatigue.’ Many iwi authorities feel that they are inadequately resourced to deal with the large number of consultation requests from regional and other bodies that they must respond to.

¹³⁰ The Resource Management Act 1991, section 93(1) sets out the general rule regarding notification, which will be required unless the application is for a controlled activity or the consent authority is satisfied that the adverse effects on the environment will be minor

¹³¹ Even where the application is not notified under section 93(1) of the Resource Management Act 1991.

¹³² See the Resource Management Act 1991, section 94B(2).

¹³³ Statutory acknowledgements are discussed below. Briefly, they are one aspect of the cultural redress package normally provided in Treaty Settlement legislation which record the special relationship of Maori with areas of particular spiritual, cultural or historical importance to them, including lakes and waterways. The following Acts include statutory acknowledgements:

Ngai Tahu Claims Settlement Act 1998

Ngati Ruanui Claims Settlement Act 2003

Ngati Tama Claims Settlement Act 2003

Pouakani Claims Settlement Act 2000

Te Uri o Hau Claims Settlement Act 2002

(See the Resource Management Act 1991, Schedule 11).

208 of the Ngai Tahu Act 1998.¹³⁴ Further, under clause 10 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003, where a consent authority is required to serve notice of an application under section 93(2) or 94C, it must serve that notice on any iwi authorities that it considers should have notice of the application.¹³⁵ Thus there is a strong indication in favour of serving local iwi with notice of consent applications concerning areas of special significance to them.

Under section 120 of the RMA, any person who made a submission on an application is given the right to appeal to the Environment Court against a decision of the authority to grant the consent.¹³⁶ Thus the right to appeal is dependent on the application either having been notified, or having been individually served on an affected party. However, section 274(1)(c) also provides that “any person who has an interest in the proceeding that is greater than the public generally” may be a party to the proceedings. Under subsection (6), in determining whether a person has such an interest, the Court must have regard to any relevant statutory acknowledgment (see also section 209 of the Ngai Tahu Act).¹³⁷

The opportunities conferred on iwi to object to proposals can be seen as one sense in which their rangatiratanga over the resource in question is recognised. However, while iwi will, in most cases, be afforded the opportunity to object to proposals concerning water by virtue of having been served notice of the application, their objections do not constitute a veto. As discussed above, “[s]uch Maori dimension as arises will be important but not decisive...”¹³⁸ Provisions ensuring that Maori are notified of applications, and are thereby able to make submissions and appeal decisions are, nevertheless, one means by which Maori are able to assert their role as kaitiaki.

These statutory provisions directed to Maori issues and participation in resource management as a whole are therefore significant, but some aspects of the relationships and interests that Maori assert in respect of freshwater are not fully recognised by the Act. Requiring that certain interests be taken into account in decision-making (the main way in which Maori concerns are integrated) is obviously intended to affect the outcome in some cases. Thus, as stated in *Indigenous Peoples and Sustainability – Cases and Action*:

¹³⁴ The Ngai Tahu Claims Settlement Act 1998, section 208 provides that consent authorities must have regard to the statutory acknowledgment relating to a statutory area in forming opinion as to whether Te Runanga o Ngai Tahu is a person who may be adversely affected by the granting of resource consent.

¹³⁵ Resource Management (Forms, Fees, and Procedure) Regulations 2003, Clause 10(2)(d).

¹³⁶ In accordance with the provisions in section 121.

¹³⁷ The Ngai Tahu Claims Settlement Act 1998, section 209 provides that the Environment Court is to have regard to statutory acknowledgments relating to a statutory area in determining whether Te Runanga o Ngai Tahu is a person having an interest in the proceeding that is greater than the public generally in respect of an application for a resource consent for activities within, adjacent to, or impacting directly on the statutory area.

¹³⁸ *Supra*, n. 109, at 305.

“The range of positive obligations in the Act dealing specifically with Maori and Treaty interests give considerable scope for Maori to take an active role... [and] to ensure a distinctive Maori dimension is incorporated into resource management decision-making and practice.”¹³⁹

However, the weighing and balancing approach inherent in the RMA is not well suited to giving priority to any one set of concerns. While such a system of structured compromise may well be considered appropriate, this is less obviously the case where there are unresolved issues regarding underlying ownership of the resources in question. The RMA has, arguably, failed to give Maori any real decision-making power.¹⁴⁰ Nevertheless, the provisions of the Act still provide for some degree of incorporation of Maori interests in freshwater into the existing fabric of our law.

¹³⁹ *Supra*, n. 77, at 345.

¹⁴⁰ Durie is of the view that “Maori are often left as passive respondents in the process of resource management. The Maori preference is for involvement as participants in the planning process or not at all.” (See Mason Durie, (1998), *Te Mana Te Kawanatanga: the Politics of Maori Self-determination*, Oxford University Press, Auckland, p32.

Treaty Settlements

There are many different ways Treaty settlements may interact with customary rights under the common law. Settlements may recognise these rights to a certain extent, or may transpose them on to a statutory foundation. It is also possible that settlement legislation may extinguish the right to bring a further claim based on customary rights. These matters will be considered in turn.

Recognition of Maori interests in freshwater through settlement legislation

Settlements reached with Maori in respect of breaches of the Treaty are a significant means by which recognition of customary rights relating to freshwater, including ownership, may proceed within the legal system. On the basis that the guarantee of tino rangatiratanga, or “full and exclusive ownership” in Article II affirms customary rights, a settlement may be seen as a codification or recognition of these rights at a higher status than the common law. This is significant as statutory recognition reflects recognition of the rights claimed by the legal system as a whole, and because customary rights are particularly vulnerable to extinguishment by statute.¹⁴¹ However, it is unlikely iwi will be granted double compensation in respect of claims made regarding a water resource. Because the guarantees of the Treaty largely overlap with the doctrine of aboriginal title, a claim based on Treaty breaches and associated recommendations for redress may go a long way towards addressing Maori claims to customary title or rights in freshwater. To this end, claimants may be restricted to such ‘residual remedies’ as remain outside the scope of the settlement package.

The question of what forms of redress are available under a Treaty settlement is therefore relevant. Settlements to date have generally included the vesting of natural resources (which may include river and lakebeds) in Maori ownership, but not, however, ownership of an entire river or lake. An Office of Treaty Settlements publication outlines the options available for redress in relation to waterways in the following terms:

“...the Crown acknowledges that Maori have traditionally viewed a river or lake as a single entity, and have not separated it into bed, banks and water... However, while under New Zealand law the banks and bed of a river can be legally owned, the water cannot... For this reason, it is not possible for the Crown to offer claimant groups legal ownership of an entire river or lake – including the water – in a settlement.”¹⁴²

However, to state that “it is not possible” for the Crown to offer such redress is to take account only of what might be seen as the political obstacles to such a proposal. There are no insurmountable legal barriers to vesting ownership of rivers

¹⁴¹ Although the Court of Appeal has affirmed that such extinguishment cannot be by implication (see *Ngati Apa v Attorney General* [2003] 3 NZLR 643, and also Chapter Two, “To what extent have Maori customary interests in running water been extinguished?”).

¹⁴² *Supra*, n. 3, at 111.

or lakes in Maori, recognition of new types of property interest being a historical feature of our legal system.¹⁴³

¹⁴³ Furthermore, such vesting as has occurred has demonstrated that issues relating to public access and other interests can satisfactorily be dealt with by legislation.

The effect of Treaty settlements on customary claims to freshwater

Given that Treaty settlements to date have not wholly incorporated the range of interests Maori assert to freshwater, it is also necessary to consider the effect of such settlements on residual customary claims Maori might make to freshwater resources. There are a range of relevant clauses currently found in settlement legislation that bear on the possibility of further claims under the common law.

When settlement legislation is prepared, the Crown generally insists on a full and final settlement clause. According to Dawson, “In legal terms... this is an important part of what settlement means: preclusion of any further inquiry or litigation concerning these grievances which are now satisfied, releasing the Crown from any further obligation to make redress.”¹⁴⁴ The Ngai Tahu Act, for example, states in section 461(1):

“The Settlement of the Ngai Tahu claims to be effected pursuant to the deed of settlement and this Act is final, and the Crown is released and discharged in respect of those claims...”

Settlement legislation will also include an ouster clause, precluding further jurisdiction over such claims in the Courts or Waitangi Tribunal.¹⁴⁵ The aim of this kind of privative clause is “to oust any continuing jurisdiction of the courts or the Tribunal over the matters raised in the now-settled claim. The clear intention is that there will be no further legal proceedings in the same terrain.”¹⁴⁶ Such provisions do not necessarily prohibit iwi from making other kinds of claims, such as claims under the common law or regarding future breaches of the Treaty, however. Nevertheless, the effect of settlement legislation, which has made provision for water issues, on a subsequent customary claim by affected iwi, is unclear. It is also necessary to consider the implications that might be drawn from the substance of the settlement reached itself.

It is arguable that some Treaty settlement legislation is intended to be exhaustive in respect of water issues, regardless of the legal basis for the claim, and therefore precludes any further remedy relating to the resource in question being granted. This view requires one to accept that Parliament’s consideration of the issue at the time of passing the settlement legislation was comprehensive, intending a full expression of the customary rights to be that found in the provisions of the legislation. However, such an intention would have to be abundantly clear to meet

¹⁴⁴ J. Dawson, “Remedial Powers of the Waitangi Tribunal”, (2001) Public L R 171, at 180.

¹⁴⁵ See for example, the Ngai Tahu Claims Settlement Act 1998, section 461(3)(a) also provides that “[d]espite any other enactment of rule of law, no court or tribunal has jurisdiction to inquire or further inquire into, or to make and finding or recommendation on respect of any or all of the Ngai Tahu claims.”

“Ngai Tahu claims” are defined in section 10 of the Act as “all claims made at any time by any Ngai Tahu claimant” founded on the Treaty of Waitangi, common law, fiduciary duty or other right and arising out of loss of interest in land in the Ngai Tahu claim area. It also includes a number of identified claims lodged with the Waitangi Tribunal.

¹⁴⁶ *Supra*, n. 144, at 180.

the test for extinguishment in *Ngati Apa*.¹⁴⁷ Similarly, in the event that settlement legislation makes no provision for ousting the jurisdiction of the Courts or Tribunal with regards to future claims,¹⁴⁸ it may be argued that customary rights or other claims based on the common law, such as the Crown's fiduciary obligations, are nevertheless extinguished by implication. That is to say, the statute concerned deals with the relevant issues and there is therefore no more room for claims based on aboriginal title to be brought in respect of the same water resource. However, in light of *Ngati Apa*, such an argument does not appear to be sound.

On the other hand, the effect of an exclusionary clause may in fact be to reinforce the importance of customary rights in respect of freshwater, given that Parliament clearly directed itself to the matter of future claims but made no provision for excluding the possibility of customary claims under the common law. The view might be taken that the exclusion of claims based on the Treaty (other than in respect of future breaches) therefore gives more weight to the continued availability of a claim based on aboriginal title. It is however, possible that future Treaty settlements will expressly purport to be "full and final" settlements of *all* water claims in respect of the area or resource concerned, whether based on the Treaty or customary rights. Such an extinguishment of all ancillary rights is indeed probably more likely given their greater prominence in the legal system today.

The effect of settlement legislation on cross-claiming tribes

The question also arises as to whether an exclusionary clause in settlement legislation would operate to extinguish the possibility of other tribes (than those party to the settlement) bringing claims based on customary rights to water resources covered by the legislation. If such a clause was held to have no effect in terms of limiting customary claims, then it is arguably the case that another tribe would be able to pursue a claim in spite of the existence of a settlement in respect of the water resource concerned.¹⁴⁹ The "effect of one tribe's settlement legislation on the subsequent position of a cross-claiming group"¹⁵⁰ was considered by the Court of Appeal in *Ngati Apa Ki Te Waipounamu Trust v The Queen* [2000] 2 NZLR 659. While it was not open to the Court or the Waitangi Tribunal to challenge the deed of settlement and the Settlement Act (in terms of section 461(3) of the Settlement Act and section 6(9) of the Treaty of Waitangi Act), Gault J considered that "the tribunal, and other Courts and tribunals as well, may properly consider and determine, for instance, whether a claim made by another tribe can stand consistently with the Settlement Act."¹⁵¹

¹⁴⁷ See *Ngati Apa v Attorney General* [2003] 3 NZLR 643, at 685 (per Keith J): "The onus of proving extinguishment lies on the Crown and the necessary purpose must be clear and plain" in order that a Court will hold that customary rights have been extinguished.

¹⁴⁸ This is unlikely given the government's aims in reaching a Treaty settlement.

¹⁴⁹ Whether or not such a claim would be successful would no doubt depend on the evidence of past occupation and use of the resource that tribe could assert.

¹⁵⁰ *Supra*, n. 144, at 181.

¹⁵¹ *Ngati Apa Ki Te Waipounamu Trust v The Queen* [2000] 2 NZLR 659, at 684.

In accordance with the general approach taken to construing privative clauses,¹⁵² Elias CJ held:

“the provisions of the enactment are perfectly workable without any assumption that claims by non-Ngai Tahu are precluded. In my view, moreover, any such implication of purpose would have to be irresistible. This case trenches upon basic rights. If the respondents are right, Parliament has legislated to deny Ngati Apa the right of access to the Courts and to the Waitangi Tribunal...”¹⁵³

Her Honour’s decision was based on the structure and language of the Settlement Act, and its specific and carefully limited recognition of Ngai Tahu’s interests. She was of the view that the rights affected¹⁵⁴ “cannot be overridden by general or ambiguous words in a statute.”¹⁵⁵ Some of the remedies granted by Treaty settlements are exclusive in nature, and would therefore be unavailable to later claimants.¹⁵⁶ However, the judgment also identified the possibility of some ‘residual remedies’ being available to Ngati Apa in the event that their claim was held to be well-founded.¹⁵⁷

The range of relationships which may exist between Treaty settlements and the continued existence of customary rights under the common law is therefore complex, and will turn in any particular case on the wording of the settlement legislation and what provision it makes for it being a “full and final” settlement.

¹⁵² It is well settled that privative clauses are generally to be construed narrowly. According to Dawson, “... privative or ouster clauses in legislation usually receive a narrow reading to support the continued access of litigants to the courts or other forms of redress, unless the contrary intention of Parliament is clear.” Further, “there seems no good reason why different principles should apply to the interpretation of final settlement clauses – at least if the aim is the resolution of the claims of *all* tribes” (J. Dawson, “Remedial Powers of the Waitangi Tribunal”, (2001) Public L R 171 at p181.)

¹⁵³ *Supra*, n. 151, at 675 (per Elias CJ).

¹⁵⁴ Namely, Ngati Apa’s rights to natural justice and cultural rights.

¹⁵⁵ *Supra*, n. 151, at 675 (per Elias CJ).

See also *R v Secretary of State for the Home Department, ex parte Simms* [1999] 3 WLR 328 (HL), at 341 (per Lord Hoffmann); *R v Secretary of State for the Home Department, ex parte Pierson* [1998] AC 539, at 575 (per Lord Browne-Wilkinson).

This view is also consistent with the approach to statutory interpretation affirmed by *Ngati Apa v Attorney General*.

¹⁵⁶ Ngai Tahu, for instance, is given a right of first refusal if the Crown wishes to dispose of any land within its takiwa by the Ngai Tahu Claims Settlement Act 1998. According to Tipping J, “both conceptually and practically this provision is inconsistent with Ngati Apa having any outstanding claim to any of that land.” (See *Ngati Apa Ki Te Waipounamu Trust v The Queen* [2000] 2 NZLR 659, at 691 per Tipping J).

¹⁵⁷ For instance, Keith J considered that “[t]he possibility of Ngati Apa having rights or interests arising from its mana relating, for instance, to such local authority matters may well be consistent with the 1998 Act.” (See *Ngati Apa Ki Te Waipounamu Trust v The Queen* [2000] 2 NZLR 659, at 684).

NGAI TAHU CLAIMS SETTLEMENT ACT 1998

The Ngai Tahu Act provides an example of existing recognition of the rights of Maori with regards to freshwater through a number of statutory instruments. The Act integrates Ngai Tahu concerns and representative into joint-decision making regimes¹⁵⁸ in a manner which enables recognition and protection of their interests and relationships regarding freshwater, and the exercise of a degree of authority and control over such resources.

Vesting of lakebeds and wetlands

Ngai Tahu was offered ownership and/or control of various resources and areas of land of tribal significance as part of the settlement, including title to three lakebeds: Te Waihora (Lake Ellesmere), Muriwai (Coopers Lagoon) and Lake Mahinapua.¹⁵⁹ These vestings have restored to the tribe a degree of ownership and control over the water resources, facilitating the exercise of both rangatiratanga and kaitiakitanga. Notably, however, the provisions of the Act explicitly state that title is only to the bed of lakes/wetlands.¹⁶⁰

Statutory acknowledgements

The Act includes statutory acknowledgements, which are intended to “recognise the special relationship of Ngai Tahu with a range of areas in the South Island.”¹⁶¹ As described by the Waitaki Catchment Water Allocation Regional Plan, “the purpose of statutory acknowledgements are to ensure that the particular relationship Ngai Tahu has with these areas is identified and Ngai Tahu are informed when a proposal may affect one of the areas.”¹⁶² Consent authorities must ‘have regard to’ these acknowledgements in their decision-making by section 94B(2), “establish[ing] that Ngai Tahu concerns will be mandatory relevant considerations in the administrative process.”¹⁶³ Thus, these acknowledgments go a considerable way towards giving legal recognition to the spiritual beliefs and relationships that Maori assert in freshwater.

¹⁵⁸ J. Dawson, “A Constitutional Property Settlement Between Ngai Tahu and the New Zealand Crown,” p210 in J. McLean (ed), (1999), *Property and the Constitution*, Hart Publishing, Portland Oregon.

¹⁵⁹ In addition, a range of wahi tapu (sacred sites), wahi taonga (special sites) and mahinga kai (places where food resources are gathered). (See: *Cultural Impact Assessment Report: An assessment of impacts on Ngai Tuahuriri and Ngai Tahu values*, p20.)

Available:

<http://www.waimakariri.govt.nz/publications/pegasus/Appendix%20H%20%20Cultural%20Impact%20Assessment.pdf>,

Accessed: 10/7/06.

¹⁶⁰ For example, the Ngai Tahu Claims Settlement Act 1998, section 193(1)(a) provides that “ownership of the bed of Lake Mahinapua by Te Runanga o Ngai Tahu does not of itself confer any rights or impose any obligations of ownership, management, or control of the waters of Lake Mahinapua”.

¹⁶¹ *Supra*, n. 5.

¹⁶² *Ibid*.

¹⁶³ *Supra*, n. 158.

WAIKATO RIVER SETTLEMENT

In 1989 the Tainui Maori Trust Board lodged a claim with the Waitangi Tribunal regarding the Waikato River seeking the “restoration, management and protection of the River for the benefit of current and future generations.”¹⁶⁴ Waikato-Tainui are currently negotiating a Treaty settlement with the Crown.¹⁶⁵ While details of the settlement are awaited, it is anticipated that it will incorporate a co-management regime over the river, which would enhance the ability of iwi to exercise both rangatiratanga and kaitiakitanga over the resource.

EXHAUSTIVENESS OF THESE MEASURES

In summary, the various forms of incorporation of Maori interests are extensive, but do not cover the full range of interests and relationships that Maori assert in freshwater. The provisions of the RMA focus primarily on creating procedural opportunities for Maori to participate in resource management, affording only limited recognition of the concepts of rangatiratanga and kaitiakitanga. Further, the metaphysical relationships of Maori are only one concern that must be weighed against many.

Treaty settlements which vest ownership of freshwater resources in iwi perform a significant incorporative role in terms of recognising Maori customary interests. Establishment of co-management regimes in conjunction with such vestings further enhances the ability of Maori to manage the resource in accordance with tribal preferences, and to exercise their role as kaitiaki. However, the reluctance of the Crown to vest ownership of water resources in their entirety is inconsistent with the interests Maori assert, and thus a significant limit on their incorporation. It is therefore arguably not sound to assert that such incorporation of Maori interests and relationships as has occurred to date evidences a general intention that these measures should be exhaustive, precluding any further recognition of Maori interests in this area under the common law.

¹⁶⁴ *Supra*, n. 57.

The bed of Lake Taupo and the Waikato River downstream, to and including Huka Falls, has already been acknowledged as ‘Taupo waters’ of Ngati Tuwharetoa in the Native Land Amendment and Native Land Claims Adjustment Act 1924.

Further, as described by R. Harris (ed), (2004), *Handbook of Environmental Law*, Royal Forest and Bird Protection Society of New Zealand Inc, Wellington, p482: “In *Mahuta v Waikato Regional Council* EnvC A91/98, noted [1998] BRM Gazette 121, the Environment Court has also recognised the ancestral relationship of Waikato iwi with the river and all its constituent elements including the banks, beds, waters, streams, tributaries, vegetation, fisheries, flood plains and the metaphysical being, and acknowledged the deep spiritual significance of the resources of the Waikato River.”

¹⁶⁵ As outlined by the Waitangi Tribunal, “claimant groups in this stage have signed Terms of Negotiation and are negotiating... the basic elements of a settlement such as the nature of the historical account and cultural and commercial redress. The culmination of this stage is the signing of a Heads of Agreement or an Agreement in Principle, which will include a proposed financial quantum of the settlement.” (See Office of Treaty Settlements, *Progress of Claims*, Available: <http://www.ots.govt.nz>, Accessed 18/7/06.)

CHAPTER FOUR: Where does space remain for recognition of the various interests Maori assert regarding freshwater?

In light of the extinguishment of some Maori interests in water resources, on the one hand, and the incorporation of other interests into the existing legal framework, on the other, it is necessary to examine what space remains for any further recognition. This discussion will be organised by reference to the various legal forums in which proceedings to vindicate such additional rights might be heard.

Possible avenues for further recognition

High Court declaration

It is possible Maori may bring an application to the High Court to declare that common law aboriginal title in freshwater exists. This might be done by a tribe concurrently seeking redress in the Waitangi Tribunal for breaches of the Treaty, as was the case in *Te Ika Whenua*. While in this case the Court rejected the application for interim relief¹⁶⁶ it appeared to leave open the possibility of a claim based on a customary interest in the flow of the rivers, or breach of fiduciary duty by the Crown in authorising others to interfere with that flow.

The concept of a fiduciary duty owed by the Crown adds scope to the customary claim. Although it may be that customary rights of ownership in respect of running water have been extinguished by legislation, such as section 21 of the Water Act, on this view, it may still be open to Maori to bring a claim based on breach of a fiduciary obligation on the part of the Crown in failing to preserve aboriginal rights. In *Te Ika Whenua* Cooke P held:

“It may be that the requirement of free consent has at times to yield to the necessity of the compulsory acquisition of land or other property for specific public purposes which is recognised in many societies; but there is an assumption that, on any extinguishment of the aboriginal title, proper compensation will be paid.”¹⁶⁷

However, it is also necessary to consider the legal basis of the Crown’s actions in respect of interference with such rights, as statutes can authorise actions that may otherwise constitute a breach of fiduciary duty. The building of dams for hydro-electricity generation, which was the interference complained of in *Te Ika Whenua*, was indeed authorised by ministerial consent. The relevant legislative history is discussed in Chapter One. The Electricity Act 1968, section 25, prohibited the use

¹⁶⁶ The Court was of the view that “however liberally Maori customary title and treaty rights might be construed, they were never conceived as including the right to generate electricity by harnessing water power” (at 24, per Cooke J).

¹⁶⁷ *Supra*, n. 17, at 24.

of water for the generation of electricity except as expressly authorised by or under any other Act or with the consent of the minister. The ministerial consents, under which the two dams in question were authorised for the generation of electricity and the associated water rights, were granted under this Act. Compensation is only provided for under the Public Works Act 1981 for takings of land or for injurious effects on other land, and does not apply to an interference with any customary water rights or interests.¹⁶⁸

It is arguable that the failure to provide for compensation under the Public Works Act may impliedly oust any right to compensation for breach of fiduciary obligations. On the other hand, it may be argued that there can be no breach of fiduciary duty where the actions complained of are authorised by the granting of a statutory consent. While it is arguable that the Crown breached its obligation to preserve customary rights by enacting the empowering legislation in the first place, statutes cannot be challenged in the NZ Courts.

This particular example of a possible breach of fiduciary duty illustrates that where a statute expressly states that consent or authority is required to do something lawfully, it would be hard for Maori to argue successfully that they retain a common law right to deal with a resource in that manner, and further, that any 'breach' of fiduciary duty takes place, for which compensation is available, when the statutory process has been followed. These principles may therefore preclude recognition of additional Maori customary interests in fields covered by statutory consent processes of this kind.

¹⁶⁸ The Public Works Act 1981, section 60.

Waitangi Tribunal claims

The Waitangi Tribunal is another avenue through which Maori customary rights and interests in running water may eventually be recognised on a wider footing. A claim based on Treaty breaches and associated recommendations for redress may go a long way towards addressing Maori claims to customary rights in freshwater.¹⁶⁹

Claims already brought in respect of rivers demonstrate the opportunities for recognising customary interests in freshwater, and for redressing what may be seen as simultaneously a breach of the Treaty of Waitangi, and a failure to protect customary rights. The Mohaka River claim, for example, concerned the rangatiratanga of Ngati Pahauwera over the river. A water conservation order had been recommended by the Planning Tribunal, but was opposed by iwi on the basis that the making of the order without their consent would usurp their rangatiratanga and be a breach of the principles of the Treaty.¹⁷⁰ The Tribunal identified as a principle of the Treaty “[t]he affirmative obligation of the Crown to protect taonga to the fullest extent reasonably practicable.”¹⁷¹ However, it was of the view that:

“Far from actively protecting the interest of Ngati Pahauwera in their property... the Crown has actively undermined that interest through promoting legislation and adopting practices which have given no or quite inadequate recognition to the[i]r position...”

The Tribunal recommended the Crown enter into negotiations with a view to reaching agreement on vesting the bed of the river in the tribe and establishing a co-management regime. It also recommended that a water conservation order should not be made unless and until such a regime had been agreed.¹⁷² Such recommendations give explicit recognition of tribal rangatiratanga over the resource, and allow for iwi to assert their role as kaitiaki. Furthermore, as discussed in Chapter Three, vesting of riverbeds may be seen as symbolic of ownership of the river as a whole.

The recommendations of the Tribunal concerning the Whanganui River are also demonstrative of the opportunities Treaty settlements present for recognition of customary interests in freshwater. The Tribunal recommended affirmation of Atihaunui’s right of ownership of the river “as an entity and as a resource, without reference to the English legal conception of river ownership in terms of riverbeds”¹⁷³ and compensation for the taking of water in respect of the Tongariro

¹⁶⁹ Assuming such recommendations as are made are implemented by the Crown.

¹⁷⁰ Waitangi Tribunal, *The Mohaka River Report 1992*, (Online Version), *Report Summary* Available: <http://www.waitangi-tribunal.govt.nz/reports> Accessed: 12/06/06.

¹⁷¹ Ibid., 6.1 *Principles of the Treaty*.

¹⁷² Ibid., 6.4, *Recommendations*.

¹⁷³ *Supra*, n. 26, at 343.

power scheme.¹⁷⁴ Two options for joint management of the river were also proposed. The first was to vest the river in its entirety in an ancestor representative of the tribe, with the trust board as trustee. Any resource consent application in respect of the river would require the approval of the trust board as owner. Alternatively, the board could be made a consent authority regarding the river, to act severally and jointly with the current consent authority for any particular case. Both would have to consent to an application for consent to be granted.¹⁷⁵

There was however, a dissenting view on remedies. Tribunal member John Kneebone felt unable to support the recommendations of the majority that Atihaunui should own natural water. He stated:

“To suggest that a river as an entity should be alienated and legally transferred to a particular and special descent group is not in my view a viable option. Such an action could not escape the interpretation that naturally occurring, free-flowing water, and access to it, will become subject to private control, which must then lead to the potential for private exploitation of an essential natural resource...”¹⁷⁶

Accordingly, Mr Kneebone recommended a joint body, consisting of three Crown and three Atihaunui appointees, be created and vested with legal ownership of the riverbed.

The Waitangi Tribunal is important in terms of an avenue for eventual recognition of customary rights as it is open for claimants to challenge directly statutes which have the effect of conferring authority for management of the water resource elsewhere, or of authorising the granting of consents in respect of a resource considered to be taonga of a particular iwi, for example. In contrast, customary rights are vulnerable to statutory extinguishment, and a claim based on aboriginal rights or title will not succeed if the rights are held to have been extinguished by legislation.¹⁷⁷ Recommendations made by the Tribunal may also act as a stimulus for law reform, which may in turn reduce the extent to which Maori customary interests are extinguished by law.¹⁷⁸

¹⁷⁴ Including both exemplary damages for the use of a private resource without consent and compensation for the deleterious impact of a large water abstraction. (See Waitangi Tribunal, (1999), *Whanganui River Report* (Wai 167), GP Publications, Wellington p344).

¹⁷⁵ It was recognised that this proposal would “fall short of effective recognition of the authority of Atihaunui” however, since the final decision regarding an application would still rest with the Courts. Thus the Tribunal proposed a review of the position after 5 years, with the view to making Atihaunui the sole consent authority at that time.

In the Whanganui River Report, for instance, the Tribunal recommended that the RMA be amended to provide that all persons exercising functions and powers under it “shall act in a manner that is consistent with, and gives effect to, the principles of the Treaty of Waitangi.” (See p

¹⁷⁶ *Supra*, n. 26, at 346.

¹⁷⁷ Although such legislation must meet the “clear and plain” test in *Ngati Apa*.

¹⁷⁸ In the Whanganui River Report, for instance, the Tribunal recommended that the RMA be amended to provide that all persons exercising functions and powers under it “shall act in a manner that is consistent with, and gives effect to, the principles of the Treaty of Waitangi.” (See Waitangi Tribunal, (1999), *Whanganui River Report* (Wai 167), GP Publications, Wellington, p344).

Direct negotiations with the Crown

Another means by which customary rights could be further recognised would be through direct negotiations with the Crown (in the sense that such negotiations are not preceded by a claim to the Waitangi Tribunal.)¹⁷⁹ A possible catalyst for such negotiations might be proposals for a market-based water allocation framework, which has been proposed as part of the Sustainable Water Programme of Action.¹⁸⁰ In this respect, however, there is also a large overlap with the Treaty settlement process. It is likely that the redress provided by any relevant settlement dealing with freshwater would be considered relevant, thus limiting what an independent negotiated settlement regarding customary rights could achieve.

Redress, in the context of Treaty settlements, will generally be by way of a formal apology and various financial and cultural redress. Financial redress may entail a capital sum, and/or the vesting of commercial properties and assets. The vesting of areas of particular significance to Maori is generally an element of cultural redress, along with statutory instruments such as acknowledgments and deeds of protocol. While future settlements regarding freshwater are likely to follow this general formula, there may be increased emphasis on the establishment of co-management regimes, given that the Crown appears to be unwilling to offer vesting of rivers (or lakes) in their entirety. Such a framework is expected to be the outcome of the negotiations currently in progress regarding the Waikato River.

¹⁷⁹ The direct negotiation process involves, first, the preparing of a claim and the mandating of representatives to deal with the Crown. The object is to ensure that those who will negotiate with the Crown have the requisite authority to do so, and to bind members of the iwi or hapu to any settlement reached. Formal negotiations will comprise of Heads of Agreement, and subsequently, a Formal Crown Offer. Once agreement is reached, the parties will enter into a Deed of Settlement outlining the redress to be provided by the Crown. The terms of the Deed of Settlement may then be embodied in legislation.

Negotiations that follow an inquiry by the Waitangi Tribunal proceed on a slightly different basis. The Tribunal will usually have made general or specific recommendations for redress, although it may make findings only, with negotiations between the parties as to remedies or redress to follow. If negotiations become deadlocked, the claimant group can go back to the Tribunal for a further remedies hearing, as occurred in the Turangi Township claim where the Tribunal used its binding powers to order clawback of certain memorialised lands.

The terms of the Deed of Settlement may then be embodied in legislation.

¹⁸⁰ The programme was established by the Government in 2003 and is coordinated by the Ministries for the Environment and Agriculture and Forestry.

Reform of the RMA

Legislative reforms to the RMA could be an effective way of affording greater recognition to Maori customary rights in freshwater. Section 88(2) of the Fisheries Act 1983, which stated “nothing in this Act shall affect any Maori fishing rights” provided the basis for judicial recognition of Maori customary fishing rights in a commercial context, and the subsequent pan-tribal fisheries settlement. If a similar provision concerning freshwater were to be inserted into the RMA, however, it would be very difficult to integrate this re-recognition of customary rights with the existing use rights that have been granted under the Act. Further, as discussed in Chapter Two, it is arguable that any ownership conception of customary rights in freshwater has in fact been extinguished by section 21 of the Water Act. Therefore, it may also be necessary to repeal the savings provision in section 354 of the RMA for such reform to have effect.

Another possibility would be amendment of section 8 of the Act. As stated in *Indigenous Peoples and Sustainability – Cases and Action*, the Treaty principles are “a powerful vehicle for the introduction of Maori cultural concepts of authority... and value... into statutory resource management.”¹⁸¹ However, according to Durie, “[t]hrough a significant restraint on the way in which the Act is administered, section 8 is less powerful than section 9 of the State Owned Enterprises Act 1986.”¹⁸² To this end, the Waitangi Tribunal has suggested that section 8 should be amended to require that the Act is interpreted so as to “give effect to” the principles of the Treaty.¹⁸³ This would have the flow on effect of more weight being placed on Treaty principles in the Environment Court, and thus of greater recognition and protection being afforded to the interests Maori assert in freshwater.

Strengthening of other provisions, such as the duty to “have regard to” iwi management plans would be a further way to enhance the ability of Maori to exercise rangatiratanga and kaitiakitanga over natural resources.¹⁸⁴ As discussed above, section 33 of the RMA, which provides for transfer of functions, has not

¹⁸¹ *Supra*, n. 77, at 349.

¹⁸² *Supra*, n. 54, at 28.

¹⁸³ See Waitangi Tribunal, (1999), *Whanganui River Report* (Wai 167), GP Publications, Wellington, p344, where the Tribunal recommended that the RMA be amended to provide that all persons exercising functions and powers under it “shall act in a manner that is consistent with, and gives effect to, the principles of the Treaty of Waitangi.” This would be the same as the statutory admonition found in the Conservation Act 1987, section 4.

¹⁸⁴ This would also accord with the view taken in a Report prepared for the Waimakariri Regional Council, that “contemporary and practical expressions of rangatiratanga would include the active involvement of tangata whenua in resource management decision-making processes and/or the implementation of iwi management plans over particular resources or localities.” (See *Cultural Impact Assessment Report: An assessment of impacts on Ngai Tuahuriri and Ngai Tahu values*, p20).

Available: <http://www.waimakariri.govt.nz/publications/pegasus/Appendix%20H%20-%20Cultural%20Impact%20Assessment.pdf>.

Accessed: 10/7/06.

Further, at consultation hui concerning the Sustainable Water Programme of Action many participants were of the view that central government should provide funds for development of iwi management plans and that these plans should be included more in regional planning. (See Ministry for the Environment, (2005), *Wai Ora: Report of the Sustainable Water Programme of Action Consultation Hui*, Wellington, p8).

been used in respect of an iwi authority to date. Transfer of relevant functions would enable Maori to exercise management responsibility over freshwater resources, thus providing recognition of their customary interests. Statutory amendments making such transfers more attractive to regional councils may be therefore be appropriate. Some efforts have been made in this respect - in 2005 the Act was amended to the effect that liability no longer remains with the transferring authority where there is a transfer. Increased resourcing of iwi authorities may be necessary to enable them to meet the statutory prerequisites, however.

It is possible that such reforms may be applied in a piecemeal way, being acted on with respect to specific water resources over which a customary interest is claimed, or incorporated into a Treaty settlement statute.¹⁸⁵

Catchment plans

Recent amendments to the RMA require the preparation of catchment plans by regional councils, or in some cases by water allocation boards. In this respect, a more holistic approach is adopted, which accords with Maori attitudes and perspectives regarding freshwater management. However, the provisions of the RMA govern the preparation of these plans, thus similar outcomes as have been reached in regional plans are likely, whether prepared by councils or another body. The Waitaki Catchment plan¹⁸⁶ was the first of these new plans to be promulgated. However, Ngai Tahu were disappointed in their expectations of a significant allocation being made to them.¹⁸⁷

Thus, there are a number of possible avenues by which greater Maori interests in freshwater may be recognised. The relative likelihood of further vindication of these rights through judicial forums, however, is limited. As discussed below, it appears that the most optimistic prospects lie in legislative reforms, or adoption of Waitangi Tribunal recommendations in respect of water resources by the Crown.

¹⁸⁵ Statutes passed to date, such as the Ngai Tahu Claims Settlement Act 1998, are illustrative of how this type of region-wide reform may work in practise. Section 208, for example, requires consent authorities to have regard to statutory acknowledgments in forming opinion as to whether Te Runanga o Ngai Tahu is a person who may be adversely affected by the granting of resource consent under the RMA.¹⁸⁵ The same requirements do not necessarily apply in other parts of the country.

¹⁸⁶ Prepared by the recently established Waitaki Water Allocation Board.

¹⁸⁷ Te Runanga o Ngai Tahu's submission stated: "The plan fails to provide an allocation to Ngai Tahu as a development right. As the first water allocation plan prepared under the RMA and specifically designed for determining a regime of allocation of water to various existing and potential future users, we see it a serious omission that an allocation to Ngai Tahu has not been provided for." (See Ministry for the Environment, (2005), Available:

<http://www.mfe.govt.nz/issues/water/waitaki/water-allocation-board/hearing/transcripts/waikati-hearing-21jun05.pdf>, Accessed: 10/7/06).

Conclusions

In conclusion, it appears the most valuable opportunities for vindicating the customary rights and interests Maori assert in freshwater, that remain outside our legal system, lie largely in the political arena. There are obstacles to a claim based on customary rights, or breach of the Crown's fiduciary duty to preserve these rights, in the Courts. Maori customary interests in freshwater have been partly extinguished by legislation which meets the "clear and plain" test in *Ngati Apa*. Any claim Maori may have to ownership of freshwater under the common law is, arguably, extinguished by section 21(1) of the Water Act, which vested sole rights of use in the Crown inconsistently with a Maori conception of ownership based on possession and use.¹⁸⁸ While there exists the possibility of a fiduciary claim against the Crown for failing to preserve customary title, since legislation itself cannot be directly challenged in the Courts any such claim would have to be based on other interferences (with water flows, for instance). However, such an argument may be precluded where the interference is authorised by a statutory regime that does not provide for compensation. The existence of a Treaty settlement may also, in some instances, preclude further customary claims from being brought in either the Courts or the Waitangi Tribunal.¹⁸⁹

This does not mean that the full range of interests and relationships Maori assert in freshwater has likewise been rubbed out, however. In some instances these interests have instead been given a statutory basis. While the devolution of control and management responsibilities to regional councils is at odds with tribal rangatiratanga over such resources, provision for iwi planning for resource management and transfer of management functions to Maori is made in the RMA. Likewise, the concept of kaitiakitanga, while arguably having been partly extinguished by placing authority for management of running water outside Maori hands, has also been codified by the Act to some extent.

Further provision for these interests could be made through the legislative reforms discussed. Greater inclusion of and weight placed on iwi plans would provide for enhanced exercise of rangatiratanga over freshwater resources. Similarly, reforms aimed at increasing the frequency of transfer of functions to iwi would give practical recognition to the 'authority' interests Maori claim. Amendments to the statutory admonitions in sections 6(e) and 8 of the RMA would also result in greater value being placed on Maori spiritual relationships with their taonga in resource consent decisions. Thus, law reform, in terms of the options outlined in the previous chapter, represents the most optimistic prospect for greater recognition of Maori interests and relationships in freshwater. The possibility of recognising novel forms of interests through amendments to the RMA should also not be overlooked. Explicit recognition of the mauri of rivers, and the appointment of kaitiaki as spokespersons for the river as a whole, are means by which an aspect

¹⁸⁸ While judicial opinion on the issue is divided, it is arguable that native title to riverbeds has not been validly extinguished, in terms of the "clear and plain" test in *Ngati Apa*, however.

¹⁸⁹ This will be dependent on the specific terms, and the substance, of settlement legislation in any given case.

of the metaphysical relationship of Maori with freshwater resources may be recognised.

Vesting of water resources in Maori ownership (pursuant to future Treaty settlements or direct negotiations with the Crown), in conjunction with the establishment of co-management regimes, is another manner in which Maori customary interests may be further recognised. Vesting of lake or riverbeds in tribal hands may serve a symbolic function, representing ownership of the water resource as a whole. Tribunal recommendations may in fact propose legislative recognition of ownership in these terms¹⁹⁰ but are ultimately dependent on the Crown's willingness to implement such proposals.¹⁹¹

The full range of interests that Maori assert to freshwater, which span property, authority and metaphysical conceptions are, under the common law of customary title, to be recognised on their own terms. While our legal system makes some provision for these interests, many of the relationships of Maori with running water are not freely recognised. Further, some aspects of the claims Maori would make have been extinguished by statute. The potential for future claims thus lies largely in the political arena of law reform and Crown-Maori settlements.

¹⁹⁰ See, for example, Waitangi Tribunal, (1999), *Whanganui River Report* (Wai 167), GP Publications, Wellington, p343.

¹⁹¹ The Crown's current position is that "it is not possible" to offer ownership of a water resource in its entirety. (See Office of Treaty Settlements, (2002), *Ka Tika a Muri, Ka Tika a Mua, Healing the Past, Building a Future*, Wellington, p111).

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Local Waters Service Delivery Model

Submitter Details

Submission Date: 21/03/2025

First name: Roger Last name: Truebridge

Preferred method of contact

Postal address:

Suburb:

City:

Country: NZ

Postcode: Unknown

Email:

Daytime Phone:

Age:

Gender:

New Zealand European

Resident or Ratepayer *

Ratepayer

Which Area is your property in? *

Levin

Do you wish to speak in support of your submission at a Hearing?

☐ Yes

☒ I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Feedback

Which of these is your preferred option for the delivery of water services in Horowhenua?

You can check the Consultation Document [here](#)

Option 3: Status quo – Council continues to manage and deliver the District's water services (financially constrained).

Please tell us what you like about your preferred option

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

Good morning Mr Mayor, Councilors and CEO, I hope all is well with you all. Yesterday I attending one of the three water meetings at council. It was very informative and helped me better understand the actual position of the council and the issues it is facing concerning three waters. It is fair to say that I am saddened at the financial position the Horowhenua District Council is in. It was also quite enlightening as to what local residents think about the level of rates they are paying. This was of considerable interest to me as obviously the rates revenue is one of the major sources of council's income. With the current level of debt and the required level of expenditure into the future I was also amazed to see

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the attitude of the more senior members of the public toward how to address the debt. It was fair to say most of them have their heads in the sand, probably on purpose, when it came to the idea of how to resolve the financial problems we as a district are facing. It was also very interesting to see that a good number of the people present had come to Levin to retire and take advantage of cheap living here. The Mayor rightly said that the Horowhenua is a great place to live, but it seems strange that we are giving that away in the form of very cheap living(rates). It seems to me that the issue of council income needs to be urgently addressed. Ie rates. I have enquired as to the level of rates being paid elsewhere in the country and it is fair to say the rates in Horowhenua are low and do not meet the cost of running the district. When I returned to the office I looked at some of the rates being paid by households in the district. The range is staggering and some are as low as \$560 per dwelling per year, while they all have the same degree of interest opportunity and participation in the district. After considering everything I have been presented with in the last few weeks concerning three waters I am of the opinion that the status quo is the only real opinion open to council. I cannot see any economies in combining with other authorities to solve our problems. If this happens I only see the issue being off loaded and pushed out of sight, which I am sure will incur higher levels of contributions through a new and additional rating process for those waters with little to not improvement to the financial position of the councils and the new entities established to deal with three waters. One example is that it will also mean the employees that council have engaged for local waters will become redundant and thus no longer need by council. This is a social issue which will also impact the district. To me we need to take ownership of the problem and solve it ourselves, rather than pushing it down the road for our grand children to have a go at. A quick and rough calculation tells me that the 66million Poads pond and other works could be paid for with an increase of \$25 per week, (or 4 coffees) for each rate payer in the Horowhenua for 10 years based on about 20,000 rate payers. This would be further relieved if the people paying only \$560 per dwelling per year were paying the correct averaged amount. Some 3,500,000.00 per year. (\$35,000,000.00 over 10 years). To me it is obvious that the problem is not cost it is income and unless that subject is properly addressed then the issues will only get bigger. As a long terms rate payer of the Horowhenua I strongly prefer the status quo and look forward to proper rates being paid and a careful plan of debt reduction and new infrastructure so the Horowhenua is an even better place to live and the envy of other Districts. If you would like to discuss the subject further I would be happy to do so.

Please share any other feedback you have about water service delivery in the future

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

The ratepayers of the Horowhenua need to continue to own their assets and be responsible for them so our future generations have certainty into the future for services in their district

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Local Waters Service Delivery Model

Submitter Details

Submission Date: 21/03/2025

First name: Melissa Last name: White

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Email: [REDACTED]

Daytime Phone:

Age: [REDACTED]

Gender: Female

New Zealand European

Resident or Ratepayer *

Ratepayer

Which Area is your property in? *

Levin

Do you wish to speak in support of your submission at a Hearing?

☐ Yes

☒ I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Feedback

Which of these is your preferred option for the delivery of water services in Horowhenua?

You can check the Consultation Document [here](#)

Option 1: Water Services Organisation jointly owned by Horowhenua District Council, Palmerston North City Council, Manawātū District Council, and Kāpiti Coast District Council.

Please tell us what you like about your preferred option

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

reduced costs in long term

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Local Waters Service Delivery Model

Submitter Details

Submission Date: 21/03/2025

First name: Clive Last name: Smith

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Suburb:

City: Foxton

Country: NZ

Postcode: 4814

Email:

Daytime Phone:

Age:

Gender: Male

Other ethnicity (Please specify.....)

Resident or Ratepayer *

Which Area is your property in? *

Foxton

Do you wish to speak in support of your submission at a Hearing?

☐ Yes

☒ I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Feedback

Which of these is your preferred option for the delivery of water services in Horowhenua?

You can check the Consultation Document [here](#)

Option 3: Status quo – Council continues to manage and deliver the District's water services (financially constrained).

Please tell us what you like about your preferred option

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

You have miss managed water all these years Now you want to go with other councils in joint ventures and borrow more money You can't look after what you have now so why should we agree to yiu doibg something new that will cost a heap more i. Rates I SAY NO

Please share any other feedback you have about water service delivery in the future

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Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

I live in Foxton I cannot drink the water because it is full of calcuim and it has been for years

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Local Waters Service Delivery Model

Submitter Details

Submission Date: 22/03/2025

First name: Dave Last name: Sutich

Preferred method of contact Email

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Country: NZ

Postcode: 5573

Email:

Daytime Phone:

Age:

Gender: Male

New Zealand European

Resident or Ratepayer *

Ratepayer

Which Area is your property in? *

Waikawa Beach

Do you wish to speak in support of your submission at a Hearing?

☐ Yes

☒ I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Feedback

Which of these is your preferred option for the delivery of water services in Horowhenua?

You can check the Consultation Document [here](#)

Option 1: Water Services Organisation jointly owned by Horowhenua District Council, Palmerston North City Council, Manawātū District Council, and Kāpiti Coast District Council.

Please tell us what you like about your preferred option

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

Clean pipes water to Waikawa Beach

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Please share any other feedback you have about *water service delivery in the future*

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

Water to Waikawa Beach

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Local Waters Service Delivery Model

Submitter Details

Submission Date: 22/03/2025

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Country: NZ

Postcode: 4891

Email:

Daytime Phone:

Age:

Gender: Female

New Zealand European Māori

Resident or Ratepayer *

Ratepayer

Which Area is your property in? *

Manawātū District

Do you wish to speak in support of your submission at a Hearing?

☐ Yes

☒ I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Feedback

Which of these is your preferred option for the delivery of water services in Horowhenua?

You can check the Consultation Document [here](#)

Option 1: Water Services Organisation jointly owned by Horowhenua District Council, Palmerston North City Council, Manawātū District Council, and Kāpiti Coast District Council.

Please tell us what you like about your preferred option

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

It makes sense for us to combine with local councils that are experiencing the same growth and similar climates. As we all need improved infrastructure to support the growth and can hopefully combine resources to make it happen in a more timely fashion.

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Please share any other feedback you have about water service delivery in the future

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

It would be great if the water quality could be increased and the amount of chlorine used could be reduced as currently our water smells so strong its like we've been swimming in a public pool after showering.

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logo

Local Waters Service Delivery Model

Submitter Details

Submission Date: 23/03/2025

First name: Audrey Last name: Shepherd

Preferred method of contact Email

Postal address: [REDACTED]

Suburb:

City:

Country: NZ

Postcode: Unknown

Email: [REDACTED]

Daytime Phone: [REDACTED]

Age: [REDACTED]

Gender: Female

New Zealand European

Resident or Ratepayer *

Ratepayer

Which Area is your property in? *

Foxton Beach

Do you wish to speak in support of your submission at a Hearing?

☐ Yes

☒ I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Feedback

Which of these is your preferred option for the delivery of water services in Horowhenua?

You can check the Consultation Document [here](#)

Option 1: Water Services Organisation jointly owned by Horowhenua District Council, Palmerston North City Council, Manawātū District Council, and Kāpiti Coast District Council.

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logo

Local Waters Service Delivery Model

Submitter Details

Submission Date: 24/03/2025

First name: Sharon **Last name:** Freebairn

Preferred method of contact Email

Postal address: [REDACTED]

Suburb: Waitāre Beach

City: Levin

Country: NZ

Postcode: 5510

Email: [REDACTED]

Daytime Phone: [REDACTED]

Age: [REDACTED]

Gender: Female

New Zealand European

Resident or Ratepayer *

Ratepayer

Which Area is your property in? *

Waitāre Beach

Do you wish to speak in support of your submission at a Hearing?

☐ Yes

☒ I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Feedback

Which of these is your preferred option for the delivery of water services in Horowhenua?

You can check the Consultation Document [here](#)

Option 1: Water Services Organisation jointly owned by Horowhenua District Council, Palmerston North City Council, Manawātū District Council, and Kāpiti Coast District Council.

Please tell us what you like about your preferred option

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

While understanding the benefit of a greater number of total connections I am concerned about the capital expenditure necessary if combining with the PNCC. It is hard to see the cost savings for other Councils residents against this massive infrastructure upgrade in PN

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T24Consult Page 1 of 2

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Please share any other feedback you have about water service delivery in the future

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

Without massive infrastructure it seems nigh impossible to provide safe drinking water to Waitārere Beach in the foreseeable future i.e. 20 years. Investment should be prioritised in replacing the stormwater outlet system which is currently discharging below the level of the beach!

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logo

Local Waters Service Delivery Model

Submitter Details

Submission Date: 24/03/2025

First name: Carol Last name: Blair

Preferred method of contact Email

Postal address: [REDACTED]

Suburb:

City: Levin

Country: NZ

Postcode: 5572

Email: [REDACTED]

Daytime Phone: [REDACTED]

Age: [REDACTED]

Gender: Other

Other ethnicity (Please specify.....)

Resident or Ratepayer *

Ratepayer

Which Area is your property in? *

Levin

Do you wish to speak in support of your submission at a Hearing?

☐ Yes

☒ I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Feedback

Which of these is your preferred option for the delivery of water services in Horowhenua?

You can check the Consultation Document [here](#)

Option 1: Water Services Organisation jointly owned by Horowhenua District Council, Palmerston North City Council, Manawātū District Council, and Kāpiti Coast District Council.

Please tell us what you like about your preferred option

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A larger population covered will allow more savings on individual costs for the water svc entity. Knowledge about best practices is likely to be more accessible.

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T24Consult Page 1 of 2

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Please share any other feedback you have about water service delivery in the future

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

Iwi and hapu definitely need to be specifically included in decision making. That might be deal-breaker for me if it is not. I live rurally, and am responsible for my own water and wastewater, but I want this to be done rationally and efficiently, with attention to environmental and climate change issues.

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logo

Local Waters Service Delivery Model

Submitter Details

Submission Date: 25/03/2025

First name: Georgina **Last name:** Workman

Preferred method of contact Email

Postal address: [REDACTED]

Suburb: [REDACTED]

City: Wellington

Country: NZ

Postcode: 6022

Email: [REDACTED]

Daytime Phone:

Age: [REDACTED]

Gender: Female

Other ethnicity (Please specify.....)

Resident or Ratepayer *

Ratepayer

Which Area is your property in? *

Levin

Do you wish to speak in support of your submission at a Hearing?

☐ Yes

☒ I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Feedback

Which of these is your preferred option for the delivery of water services in Horowhenua?

You can check the Consultation Document [here](#)

Option 1: Water Services Organisation jointly owned by Horowhenua District Council, Palmerston North City Council, Manawātū District Council, and Kāpiti Coast District Council.

Please tell us what you like about your preferred option

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

best value and flexibility into the future However, risk that this option goes off the table if another council decides not to join OR if they leave at some point. I assume that if that was to occur option 2 would be the default (rather than option 3)

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Please share any other feedback you have about water service delivery in the future

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

Whichever option is the result we need to progress with it rapidly and continue to improve water services

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logo

Local Waters Service Delivery Model

Submitter Details

Submission Date: 25/03/2025

First name: Maureen Last name: Dunn

Preferred method of contact Email

Postal address:

Suburb:

City: Levin

Country: NZ

Postcode: 5510

Email:

Daytime Phone:

Age:

Gender: Female

New Zealand European

Resident or Ratepayer *

Ratepayer

Which Area is your property in? *

Levin

Do you wish to speak in support of your submission at a Hearing?

☐ Yes

☒ I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Feedback

Which of these is your preferred option for the delivery of water services in Horowhenua?

You can check the Consultation Document [here](#)

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Please tell us what you like about your preferred option

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

Sharing the burden of supply, quality of water and funding etc. with other councils. (And it looks like the Otaki Electorate is going to be combined with Kapiti next year as well)

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Please share any other feedback you have about water service delivery in the future

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Resilience in the face of climate change; variability in precipitation; drought as well as extremely heavy rain, not to mention storms. Planning of infrastructure and strategies be put in place for these events, must be prioritised, in my view.

Local Waters Service Delivery Model

logo

Submitter Details

Submission Date: 25/03/2025

First name: Sophia **Last name:** Forlong

Preferred method of contact

Postal address: 5510

Suburb:

City:

Country: NZ

Postcode: Unknown

Email: [REDACTED]

Daytime Phone: [REDACTED]

Age: [REDACTED]

Gender: Female

New Zealand European

Resident or Ratepayer *

Ratepayer

Which Area is your property in? *

Levin

Do you wish to speak in support of your submission at a Hearing?

☐ Yes

☒ I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Feedback

Which of these is your preferred option for the delivery of water services in Horowhenua?

You can check the Consultation Document [here](#)

Option 3: Status quo – Council continues to manage and deliver the District's water services (financially constrained).

Please tell us what you like about your preferred option

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

Other councils charge monthly water bills.

Please share any other feedback you have about water service delivery in the future

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Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

Charge developers make them pay to install infrastructure on all water services attached to their new development projects.

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logo

Local Waters Service Delivery Model

Submitter Details

Submission Date: 27/03/2025

First name: James Last name: Dorne-MacDonald

Preferred method of contact Email

Postal address:

Suburb:

City: Levin

Country: NZ

Postcode: 5510

Email:

Daytime Phone:

Age:

Gender: Male

New Zealand European Other ethnicity (Please specify.....)

Resident or Ratepayer *

Ratepayer

Which Area is your property in? *

Levin

Do you wish to speak in support of your submission at a Hearing?

☐ Yes

☒ I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Feedback

Which of these is your preferred option for the delivery of water services in Horowhenua?

You can check the Consultation Document [here](#)

Option 3: Status quo – Council continues to manage and deliver the District's water services (financially constrained).

Please tell us what you like about your preferred option

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

There no other options Please add more options

Please share any other feedback you have about water service delivery in the future

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Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

Submission: Local Water Done Well Consultation** To the Chief Executive Officer of the Horowhenua Council and Horowhenua District Mayor, As someone who has grown up in this area, with generations of family behind me who have done the same, I felt I needed to document my concerns and send them to you. I am writing to formally submit my feedback regarding the proposed changes to our water services under the Local Water Done Well programme. While I appreciate the need to address our aging water infrastructure, I have significant concerns that require clarification before any decisions are made. **1. Transparency Around Costs and Rates** The Horowhenua District Council documentation mentions potential savings to their rates, but fails to explain: - Exactly what water rates will replace the projected council rates savings - Will payment for the new water rates will be through metered utilities bills or fixed rates - How churches, marae, charities and other community facilities will be charged **2. Accountability for Water Assets** With Horowhenua District Council having over \$1 billion in water assets, I require full disclosure: - A complete list of what's classified as a "water asset" (including spillways, unused bores, etc.) - Why essential maintenance has been deferred for decades on various water assets that the Council own/operate - Detailed plans showing which assets need urgent upgrades, why and on what timeline **3. Governance Concerns** The proposal for the new water entity lacks clarity: - Where will the new water entity to be situated - What is the personnel structure of the new water entity, who will be in charge - How will each council and iwi/hapu group be represented (voting v employed) - Will number of representatives for the new water entity be proportioned by population number or land mass of each respective local council - Will iwi/hapu groups have their own representation separate to the local councils representatives - How much real decision-making power will the councils and iwi/hapū groups retain - What happens when different iwi groups and councils have conflicting priorities - Who will be accountable for service failures **4. Unanswered Questions** I require explanations regarding: - The scientific justification for fluoridation of our drinking water given the health concerns and the fact that it only benefits certain peoples - Why the consultation period isn't the standard 90 days - Horizons Regional Council's exclusion from this process - Why these four local councils working together is so critical for the new water entity to work - Have other local council partnerships been assessed for future partnership, i.e. Wanganui, Taranaki, Masterton or Rangitikei councils - How flood protection prevention will be funded under the new system Until these fundamental questions are properly addressed through: ✓ Detailed financial modeling ✓ Asset condition reports ✓ Genuine partnership frameworks I cannot support any of the proposed options. The current consultation process feels rushed and lacks the necessary detail for our community to make informed decisions. I request that: 1. The consultation period be extended to 90 days 2. All background documents be made publicly available online 3. Public hearings be held where officials answer questions directly to the public, both online and in person i.e. public meetings at reasonable times, and posting of videos and documents where there is greater numbers of views, like facebook Please confirm receipt of this submission and advise when and how responses to the issues contained in this and others' submissions will be provided. I expect my questions to be addressed in full before any council decisions are made.

This is the most important decision
we'll make for our District in decades.
Have your say before Thursday 10 April



SUBMISSION FORM

Have your say on who delivers Local Water Services

Your details	
Full Name:	JENNIFER BOYD
Name of organisation (if applicable):	
Postal Address:	Phone No:
[REDACTED]	
Foxton	Mobile No:
	Email: [REDACTED]
Please tick this box if you want to keep your contact details private. <input checked="" type="checkbox"/>	
Are you	
A ratepayer <input checked="" type="radio"/>	A resident <input type="radio"/> A non-resident ratepayer <input type="radio"/> Other <input type="radio"/>
If you ticked 'Other', please specify:	
Where do you live?	
Manakau <input type="radio"/>	Ōhau <input type="radio"/> Levin <input type="radio"/> Shannon <input type="radio"/> Foxton Beach <input type="radio"/> Foxton <input checked="" type="radio"/> Tokomaru <input type="radio"/>
Kapiti Coast District <input type="radio"/>	Manawatu District <input type="radio"/> Palmerston North <input type="radio"/> Waitārere <input type="radio"/>
Other <input type="radio"/>	If you ticked 'Other', please specify:
Communication	
Preferred method of communication: Email <input checked="" type="radio"/> Phone/Mobile <input type="radio"/>	

Submission Form - Have your say on who delivers Local Water Services? 1

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Hearing of Submissions	
Submissions will be heard by Council on 30 April 2025	
Do you wish to present your submission to Council at the hearing? Yes <input type="radio"/> No <input checked="" type="radio"/>	
If yes, do you require a (please tick):	
Sign language interpreter <input type="radio"/>	Translator <input type="radio"/>
Please tell us a bit about yourself...	
We are asking for some specific information about you to see if there is a difference in opinion between different groups of people. This helps us to understand the rich diversity of our district. It is optional, however we really appreciate you completing this section. All answers are used for demographic analysis and will remain confidential.	
What age group are you in?	
0-17 <input type="radio"/>	18-24 <input type="radio"/>
25-34 <input type="radio"/>	35-49 <input type="radio"/>
50-64 <input type="radio"/>	65+ <input type="radio"/>
Ethnicity	
NZ European <input type="radio"/>	Māori <input type="radio"/>
Asian (please specify) <input type="radio"/>	Pacific Peoples (please specify) <input type="radio"/>
Middle Eastern <input type="radio"/>	Latin American <input type="radio"/>
African <input type="radio"/>	Other ethnicity (please specify) <input type="radio"/>
How did you hear about this Consultation?	
Radio <input type="radio"/>	Social Media <input type="radio"/>
Word of Mouth <input type="radio"/>	Website <input type="radio"/>
Other (please specify) <input checked="" type="radio"/>	DISPLAY AT THE LIBRARY
No thanks, I don't want to share this information <input type="radio"/>	
Submissions can be:	
<ul style="list-style-type: none">• Delivered to: Local Water Services consultation, Horowhenua District Council, 126 Oxford Street, Levin.• Posted to: Local Water Services consultation, Horowhenua District Council, Private Bag 4002, Levin 5440.• Emailed to: submissions@horowhenua.govt.nz• Completed online: letskorero.horowhenua.govt.nz/LWDW	
Submissions must be provided to Council by no later than 4pm on Thursday 10 April 2025.	
Copies of the consultation document Have your say on Who Delivers Local Water Services are available online at letskorero.horowhenua.govt.nz/LWDW , Council's Main Office (126 Oxford Street, Levin), Te Takeretanga o Kura-hau-pō (10 Bath Street, Levin), Te Awahou Nieuwe Stroom (92 Main Street, Foxton) or Shannon Library (Plimmer Terrace).	
For any queries, please contact Horowhenua District Council on (06) 366 0999.	
PRIVACY STATEMENT	
All submissions made are publicly available on our website and at Council service centres. Your personal details (including name and contact details) will be provided in their entirety to Elected Members and made available to the public at our office and on our website, unless submitters request that this information be kept private . We collect your contact information so we can keep you up to date with the proposal.	
For more information, see our privacy statement on www.horowhenua.govt.nz/PrivacyStatement	

Let's find out what you think about the options

Which of these is your preferred option for the delivery of water services in Horowhenua?

<input checked="" type="checkbox"/>	Option 1: (Council's preferred option) a Water Services Organisation jointly owned by Horowhenua District Council, Palmerston North City Council, Manawātū District Council, and Kāpiti Coast District Council
<input type="checkbox"/>	Option 2: A Water Services Organisation jointly owned by all willing Councils from the Manawātū, Whanganui and Kāpiti regions.
<input type="checkbox"/>	Option 3: Status quo – Council continues to manage and deliver our district's water services (financially constrained)

Please tell us a bit more

Any additional comments can be attached and submitted with this form.

Please tell us what you like about your preferred option

DON'T FEEL TOTALLY COMFORTABLE WITH THIS
OPTION TAKING AWAY THE DECISION MAKING
FROM COMMUNITY, BUT NEED A COST EFFECTIVE
OPTION.

Please share any other feedback you have about water service delivery in the future

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Local Waters Service Delivery Model

logo

Submitter Details

Submission Date: 27/03/2025

First name: adam **Last name:** jamieson

Preferred method of contact Email

Postal address: [REDACTED]

Suburb:

City: Levin

Country: NZ

Postcode: 5510

Email: [REDACTED]

Daytime Phone: [REDACTED]

Age: [REDACTED]

Gender: Male

New Zealand European

Resident or Ratepayer *

Ratepayer

Which Area is your property in? *

Levin

Do you wish to speak in support of your submission at a Hearing?

☐ Yes

☒ I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Feedback

Which of these is your preferred option for the delivery of water services in Horowhenua?

You can check the Consultation Document [here](#)

Option 3: Status quo – Council continues to manage and deliver the District's water services (financially constrained).

Please tell us what you like about your preferred option

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

ratepayers have a say, HDC will be well down the list for infrastructure improvements if it doesnt stay as Status Quo.

Please share any other feedback you have about water service delivery in the future

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Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

There is need to increase rates within HD, this will allow for future growth and to carry out critical renewals.

This is the most important decision
we'll make for our District in decades.
Have your say before Thursday 10 April

SUBMISSION FORM

Have your say on who delivers Local Water Services

Your details	
Full Name:	Yvonne Simons
Name of organisation (if applicable):	
Postal Address:	Phone No:
Levin 5510	Mobile No:
	Email:
Please tick this box if you want to keep your contact details private. <input checked="" type="checkbox"/>	
Are you	
A ratepayer <input checked="" type="checkbox"/>	A resident <input type="checkbox"/>
A non-resident ratepayer <input type="checkbox"/>	Other <input type="checkbox"/>
If you ticked 'Other', please specify:	
Where do you live?	
Manakau <input type="checkbox"/>	Ōhau <input type="checkbox"/>
Levin <input checked="" type="checkbox"/>	Shannon <input type="checkbox"/>
Foxton Beach <input type="checkbox"/>	Foxton <input type="checkbox"/>
Tokomaru <input type="checkbox"/>	
Kapiti Coast District <input type="checkbox"/>	Manawatu District <input type="checkbox"/>
Palmerston North <input type="checkbox"/>	Waitāre <input type="checkbox"/>
Other <input type="checkbox"/>	If you ticked 'Other', please specify:
Communication	
Preferred method of communication:	Email <input checked="" type="checkbox"/>
	Phone/Mobile <input checked="" type="checkbox"/>

Hearing of Submissions

Submissions will be heard by Council on 30 April 2025

Do you wish to present your submission to Council at the hearing? Yes ☐ No ☒

If yes, do you require a (please tick):

Sign language interpreter ☐ Translator ☐

Please tell us a bit about yourself...

We are asking for some specific information about you to see if there is a difference in opinion between different groups of people. This helps us to understand the rich diversity of our district. It is optional, however we really appreciate you completing this section. All answers are used for demographic analysis and will remain confidential.

What age group are you in?

0-17 ☐ 18-24 ☐ 25-34 ☐ 35-49 ☐ 50-64 ☐ 65+ ☒

Ethnicity

NZ European <input checked="" type="radio"/>	Māori <input type="radio"/>
Asian (please specify) <input type="radio"/>	Pacific Peoples (please specify) <input type="radio"/>
Middle Eastern <input type="radio"/>	Latin American <input type="radio"/>
African <input type="radio"/>	Other ethnicity (please specify) <input type="radio"/>

How did you hear about this Consultation?

Radio <input type="radio"/>	Social Media <input checked="" type="radio"/>	Word of Mouth <input checked="" type="radio"/>	Website <input type="radio"/>
Other (please specify) <input type="radio"/>			

No thanks, I don't want to share this information ☒

Submissions can be:

- Delivered to: Local Water Services consultation, Horowhenua District Council, 126 Oxford Street, Levin.
- Posted to: Local Water Services consultation, Horowhenua District Council, Private Bag 4002, Levin 5440.
- Emailed to: submissions@horowhenua.govt.nz
- Completed online: [Letskoroero.horowhenua.govt.nz/LWDW](https://letskorero.horowhenua.govt.nz/LWDW)

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PRIVACY STATEMENT

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Let's find out what you think about the options

Which of these is your preferred option for the delivery of water services in Horowhenua?



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Option 2: A Water Services Organisation jointly owned by all willing Councils from the Manawātū, Whanganui and Kāpiti regions.

Option 3: Status quo – Council continues to manage and deliver our district's water services (financially constrained)

Please tell us a bit more

Any additional comments can be attached and submitted with this form.

Please tell us what you like about your preferred option

option one because the Council prefer it. They have knowledge about the best outcome and I trust their judgement

Please share any other feedback you have about water service delivery in the future

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This is the most important decision
we'll make for our District in decades.
Have your say before Thursday 10 April



SUBMISSION FORM

Have your say on who delivers Local Water Services

Your details	
Full Name:	Junette Haronga
Name of organisation (if applicable):	Shannon Community
Postal Address:	Phone No: [REDACTED]
	Mobile No: [REDACTED]
	Email: [REDACTED]
Please tick this box if you want to keep your contact details private. <input checked="" type="checkbox"/>	
Are you	
A ratepayer <input checked="" type="checkbox"/>	A resident <input type="checkbox"/>
A non-resident ratepayer <input type="checkbox"/>	Other <input type="checkbox"/>
If you ticked 'Other', please specify:	
Where do you live?	
Manakau <input type="checkbox"/>	Ōhau <input type="checkbox"/>
Levin <input type="checkbox"/>	Shannon <input checked="" type="checkbox"/>
Foxton Beach <input type="checkbox"/>	Foxton <input type="checkbox"/>
Tokomaru <input type="checkbox"/>	
Kapiti Coast District <input type="checkbox"/>	Manawatu District <input type="checkbox"/>
Palmerston North <input type="checkbox"/>	Waitārere <input type="checkbox"/>
Other <input type="checkbox"/>	If you ticked 'Other', please specify:
Communication	
Preferred method of communication:	Email <input checked="" type="checkbox"/> Phone/Mobile <input type="checkbox"/>

Submission Form - Have your say on who delivers Local Water Services? 1

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Hearing of Submissions

Submissions will be heard by Council on 30 April 2025

Do you wish to present your submission to Council at the hearing? Yes ☐ No ☒

If yes, do you require a (please tick):

Sign language interpreter ☐ Translator ☐

Please tell us a bit about yourself...

We are asking for some specific information about you to see if there is a difference in opinion between different groups of people. This helps us to understand the rich diversity of our district. It is optional, however we really appreciate you completing this section. All answers are used for demographic analysis and will remain confidential.

What age group are you in?

0-17 ☐ 18-24 ☐ 25-34 ☐ 35-49 ☐ 50-64 ☐ 65+ ☒

Ethnicity

NZ European <input type="radio"/>	Māori <input checked="" type="radio"/>
Asian (please specify) <input type="radio"/>	Pacific Peoples (please specify) <input type="radio"/>
Middle Eastern <input type="radio"/>	Latin American <input type="radio"/>
African <input type="radio"/>	Other ethnicity (please specify) <input type="radio"/>

How did you hear about this Consultation?

Radio ☐ Social Media ☐ Word of Mouth ☐ Website ☒

Other (please specify) ☐

No thanks, I don't want to share this information ☐

Submissions can be:

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- Emailed to: submissions@horowhenua.govt.nz
- Completed online: letskorero.horowhenua.govt.nz/LWDW

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For any queries, please contact Horowhenua District Council on (06) 366 0999.

PRIVACY STATEMENT

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For more information, see our privacy statement on www.horowhenua.govt.nz/PrivacyStatement

Let's find out what you think about the options

Which of these is your preferred option for the delivery of water services in Horowhenua?

<input checked="" type="checkbox"/>	Option 1: (Council's preferred option) a Water Services Organisation jointly owned by Horowhenua District Council, Palmerston North City Council, Manawātū District Council, and Kāpiti Coast District Council
<input type="checkbox"/>	Option 2: A Water Services Organisation jointly owned by all willing Councils from the Manawātū, Whanganui and Kāpiti regions.
<input type="checkbox"/>	Option 3: Status quo – Council continues to manage and deliver our district's water services (financially constrained)

Please tell us a bit more

Any additional comments can be attached and submitted with this form.

Please tell us what you like about your preferred option

Overall hopefully we can all come to a consensus, work together, support each other sustainably, financially and affordably. Work in partnership hopefully as Ratepayers it will REDUCE RATES!?!?

Please share any other feedback you have about water service delivery in the future

Hopefully we would provide a better ability to prepare for & manage future Growth needs.
Option is most affordable.
We will meet legal requirement with option ①

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logo

Local Waters Service Delivery Model

Submitter Details

Submission Date: 28/03/2025

First name: Mostafa Last name: Alwash

Preferred method of contact Email

Postal address: [REDACTED]

Suburb:

City: Levin

Country: New Zealand

Postcode: 5510

Email: [REDACTED]

Daytime Phone:

Age: [REDACTED]

Gender:

Middle Eastern

Resident or Ratepayer *

Ratepayer

Which Area is your property in? *

Levin

Do you wish to speak in support of your submission at a Hearing?

☐ Yes

☒ I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Feedback

Which of these is your preferred option for the delivery of water services in Horowhenua?

You can check the Consultation Document [here](#)

Option 1: Water Services Organisation jointly owned by Horowhenua District Council, Palmerston North City Council, Manawātū District Council, and Kāpiti Coast District Council.

Please tell us what you like about your preferred option

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

Investment and resilience from future unforeseen disasters

Attached Documents

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T24Consult Page 1 of 2

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Name
LWDW Submission - Mostafa Alwash - 28 March 2025

This is the most important decision
we'll make for our District in decades.
Have your say before Thursday 10 April



SUBMISSION FORM

Have your say on who delivers Local Water Services

Your details	
Full Name: Mostafa Alwash	
Name of organisation (if applicable):	
Postal Address:	Phone No:
[Redacted]	Mobile No:
Levin	Email: [Redacted]
Please tick this box if you want to keep your contact details private. <input checked="" type="checkbox"/>	
Are you	
A ratepayer <input checked="" type="radio"/>	A resident <input type="radio"/> A non-resident ratepayer <input type="radio"/> Other <input type="radio"/>
If you ticked 'Other', please specify:	
Where do you live?	
Manakau <input type="radio"/>	Ōhau <input type="radio"/> Levin <input checked="" type="radio"/> Shannon <input type="radio"/> Foxton Beach <input type="radio"/> Foxton <input type="radio"/> Tokomaru <input type="radio"/>
Kapiti Coast District <input type="radio"/>	Manawatu District <input type="radio"/> Palmerston North <input type="radio"/> Waitāreare <input type="radio"/>
Other <input type="radio"/>	If you ticked 'Other', please specify:
Communication	
Preferred method of communication:	Email <input checked="" type="radio"/> Phone/Mobile <input type="radio"/>

Submission Form - Have your say on who delivers Local Water Services? 1

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Hearing of Submissions

Submissions will be heard by Council on 30 April 2025

Do you wish to present your submission to Council at the hearing? Yes ☐ No ☒

If yes, do you require a (please tick):

Sign language interpreter ☐ Translator ☐

Please tell us a bit about yourself...

We are asking for some specific information about you to see if there is a difference in opinion between different groups of people. This helps us to understand the rich diversity of our district. It is optional, however we really appreciate you completing this section. All answers are used for demographic analysis and will remain confidential.

What age group are you in?

0-17	<input type="radio"/>	18-24	<input type="radio"/>	25-34	<input checked="" type="radio"/>	35-49	<input type="radio"/>	50-64	<input type="radio"/>	65+	<input type="radio"/>
------	-----------------------	-------	-----------------------	-------	----------------------------------	-------	-----------------------	-------	-----------------------	-----	-----------------------

Ethnicity

NZ European	<input type="radio"/>	Māori	<input type="radio"/>
Asian (please specify)	<input type="radio"/>	Pacific Peoples (please specify)	<input type="radio"/>
Middle Eastern	<input checked="" type="radio"/>	Latin American	<input type="radio"/>
African	<input type="radio"/>	Other ethnicity (please specify)	<input type="radio"/>

How did you hear about this Consultation?

Radio	<input type="radio"/>	Social Media	<input checked="" type="radio"/>	Word of Mouth	<input type="radio"/>	Website	<input type="radio"/>
Other (please specify)	<input type="radio"/>						

No thanks, I don't want to share this information ☐

Submissions can be:

- Delivered to: Local Water Services consultation, Horowhenua District Council, 126 Oxford Street, Levin.
- Posted to: Local Water Services consultation, Horowhenua District Council, Private Bag 4002, Levin 5440.
- Emailed to: submissions@horowhenua.govt.nz
- Completed online: letskorero.horowhenua.govt.nz/LWDW

Submissions must be provided to Council by no later than 4pm on Thursday 10 April 2025.

Copies of the consultation document Have your say on Who Delivers Local Water Services are available online at letskorero.horowhenua.govt.nz/LWDW, Council's Main Office (126 Oxford Street, Levin), Te Takeretanga o Kura-hau-pō (10 Bath Street, Levin), Te Awahou Nieuwe Stroom (92 Main Street, Foxton) or Shannon Library (Plimmer Terrace).

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Let's find out what you think about the options

Which of these is your preferred option for the delivery of water services in Horowhenua?

<input checked="" type="checkbox"/>	Option 1: (Council's preferred option) a Water Services Organisation jointly owned by Horowhenua District Council, Palmerston North City Council, Manawātū District Council, and Kāpiti Coast District Council
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<input type="checkbox"/>	Option 3: Status quo – Council continues to manage and deliver our district's water services (financially constrained)

Please tell us a bit more

Any additional comments can be attached and submitted with this form.

Please tell us what you like about your preferred option

Investment and resilience from future unforeseen disasters

Please share any other feedback you have about water service delivery in the future

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logo

Local Waters Service Delivery Model

Submitter Details

Submission Date: 28/03/2025

First name: Anthony (Tony) **Last name:** Strawbridge

Preferred method of contact Email

Postal address: Unknown

Suburb:

City:

Country: New Zealand

Postcode: 5510

Email: [REDACTED]

Daytime Phone: [REDACTED]

Age: [REDACTED]

Gender:

New Zealand European

Resident or Ratepayer *

Ratepayer

Which Area is your property in? *

Levin

Do you wish to speak in support of your submission at a Hearing?

☐ Yes

☒ I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Feedback

Which of these is your preferred option for the delivery of water services in Horowhenua?

You can check the Consultation Document [here](#)

Option 3: Status quo – Council continues to manage and deliver the District's water services (financially constrained).

Please tell us what you like about your preferred option

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

I believe we are frugal along with growth and steady as it goes.

Please share any other feedback you have about water service delivery in the future

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T24Consult Page 1 of 2

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Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

I believe HDC is doing very well with infill housing and the new Tararka if we can stay within our budgets in time we may be able to borrow more as we add to ratepayer base.

Attached Documents

Name
LWDW Submission - Anthony Strawbridge - 28 March 2025

This is the most important decision
we'll make for our District in decades.
Have your say before Thursday 10 April

Horowhenua
DISTRICT COUNCIL

SUBMISSION FORM

Have your say on who delivers Local Water Services

Your details	
Full Name: <i>Anthony (Tony) WILLIAM Strawbridge</i>	
Name of organisation (if applicable):	
Postal Address:	Phone No: [REDACTED]
	Mobile No: [REDACTED]
	Email: [REDACTED]
Please tick this box if you want to keep your contact details private. <input type="radio"/>	
Are you	
A ratepayer <input checked="" type="checkbox"/>	A resident <input checked="" type="checkbox"/> A non-resident ratepayer <input type="checkbox"/> Other <input type="checkbox"/>
If you ticked 'Other', please specify:	
Where do you live?	
Manakau <input type="radio"/>	Ōhau <input type="radio"/> Levin <input checked="" type="radio"/> Shannon <input type="radio"/> Foxton Beach <input type="radio"/> Foxton <input type="radio"/> Tokomaru <input type="radio"/>
Kapiti Coast District <input type="radio"/>	Manawatu District <input type="radio"/> Palmerston North <input type="radio"/> Waitāreare <input type="radio"/>
Other <input type="radio"/>	If you ticked 'Other', please specify:
Communication	
Preferred method of communication: Email <input checked="" type="checkbox"/> Phone/Mobile <input type="radio"/>	

Submission Form - Have your say on who delivers Local Water Services? 1
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Hearing of Submissions

Submissions will be heard by Council on 30 April 2025

Do you wish to present your submission to Council at the hearing? Yes ☐ No ☒

If yes, do you require a (please tick):

Sign language interpreter ☐ Translator ☐

Please tell us a bit about yourself...

We are asking for some specific information about you to see if there is a difference in opinion between different groups of people. This helps us to understand the rich diversity of our district. It is optional, however we really appreciate you completing this section. All answers are used for demographic analysis and will remain confidential.

What age group are you in?

0-17 ☐ 18-24 ☐ 25-34 ☐ 35-49 ☐ 50-64 ☐ 65+ ☒

Ethnicity

NZ European <input checked="" type="radio"/>	Māori <input type="radio"/>
Asian (please specify) <input type="radio"/>	Pacific Peoples (please specify) <input type="radio"/>
Middle Eastern <input type="radio"/>	Latin American <input type="radio"/>
African <input type="radio"/>	Other ethnicity (please specify) <input type="radio"/>

How did you hear about this Consultation?

Radio ☐ Social Media ☐ Word of Mouth ☒ Website ☒

Other (please specify) ☐

No thanks, I don't want to share this information ☐

Submissions can be:

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Let's find out what you think about the options

Which of these is your preferred option for the delivery of water services in Horowhenua?

<input type="checkbox"/>	Option 1: (Council's preferred option) a Water Services Organisation jointly owned by Horowhenua District Council, Palmerston North City Council, Manawātū District Council, and Kāpiti Coast District Council
<input type="checkbox"/>	Option 2: A Water Services Organisation jointly owned by all willing Councils from the Manawātū, Whanganui and Kāpiti regions.
<input checked="" type="checkbox"/>	Option 3: Status quo – Council continues to manage and deliver our district's water services (financially constrained)

Please tell us a bit more

Any additional comments can be attached and submitted with this form.

Please tell us what you like about your preferred option

I believe we are frugal along with growth and steady as it goes.

Please share any other feedback you have about water service delivery in the future

I believe HDC is doing very well with infill housing & the new Tara Ika if we can stay within our budgets in time we may be able to borrow more as we add to rate payer base.

44

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logo

Local Waters Service Delivery Model

Submitter Details

Submission Date: 28/03/2025

First name: John James **Last name:** Baird

Preferred method of contact Postal

Postal address: [REDACTED]

Suburb:

City: Foxton

Country: New Zealand

Postcode: 4814

Email:

Daytime Phone: [REDACTED]

Age: [REDACTED]

Gender:

New Zealand European

Resident or Ratepayer *

Ratepayer

Which Area is your property in? *

Foxton

Do you wish to speak in support of your submission at a Hearing?

☐ Yes

☒ I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Feedback

Which of these is your preferred option for the delivery of water services in Horowhenua?

You can check the Consultation Document [here](#)

Option 3: Status quo – Council continues to manage and deliver the District's water services (financially constrained).

Please tell us what you like about your preferred option

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

I was of the opinion that HDC water services was of a good standard?

Please share any other feedback you have about water service delivery in the future

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T24Consult Page 1 of 2

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Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

If we do adopt Option 1 some consideration should be given to a proposal that was discussed with the Manawatu Palm Nth City Council that highly treated wastewater be discharged into the Motua Spillway 800 hectares. At least the science should be able to speak for itself. The cost of purchasing land elsewhere comes at considerable expense, lumbering ratepayers with substantial increases. The East Drainage water should not be directed into Foxton. Take it east to the river.

Attached Documents

Name
LWDW Submission - John Baird - 28 March 2025

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T24Consult Page 2 of 2

This is the most important decision
we'll make for our District in decades.
Have your say before Thursday 10 April



SUBMISSION FORM

Have your say on who delivers Local Water Services

Your details	
Full Name:	JOHN JAMES BAIRD
Name of organisation (if applicable):	
Postal Address:	Phone No:
	Mobile No:
Foxton	Email:
Please tick this box if you want to keep your contact details private. <input checked="" type="checkbox"/>	
Are you	
A ratepayer <input checked="" type="checkbox"/>	A resident <input type="checkbox"/>
A non-resident ratepayer <input type="checkbox"/>	Other <input type="checkbox"/>
If you ticked 'Other', please specify:	
Where do you live?	
Manakau <input type="checkbox"/>	Ōhau <input type="checkbox"/>
Levin <input type="checkbox"/>	Shannon <input type="checkbox"/>
Foxton Beach <input type="checkbox"/>	Foxton <input checked="" type="checkbox"/>
Tokomaru <input type="checkbox"/>	
Kapiti Coast District <input type="checkbox"/>	Manawatu District <input type="checkbox"/>
Palmerston North <input type="checkbox"/>	Waitāreare <input type="checkbox"/>
Other <input type="checkbox"/>	If you ticked 'Other', please specify:
Communication	
Preferred method of communication:	Email <input type="checkbox"/>
	Phone/Mobile <input checked="" type="checkbox"/>

Submission Form - Have your say on who delivers Local Water Services? 1

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Hearing of Submissions

Submissions will be heard by Council on 30 April 2025

Do you wish to present your submission to Council at the hearing? Yes ☐ No ☒

If yes, do you require a (please tick):

Sign language interpreter ☐ Translator ☐

Please tell us a bit about yourself...

We are asking for some specific information about you to see if there is a difference in opinion between different groups of people. This helps us to understand the rich diversity of our district. It is optional, however we really appreciate you completing this section. All answers are used for demographic analysis and will remain confidential.

What age group are you in?

0-17	<input type="radio"/>	18-24	<input type="radio"/>	25-34	<input type="radio"/>	35-49	<input type="radio"/>	50-64	<input type="radio"/>	65+	<input checked="" type="radio"/>
------	-----------------------	-------	-----------------------	-------	-----------------------	-------	-----------------------	-------	-----------------------	-----	----------------------------------

Ethnicity

NZ European	<input checked="" type="radio"/>	Māori	<input checked="" type="radio"/>
Asian (please specify)	<input type="radio"/>	Pacific Peoples (please specify)	<input type="radio"/>
Middle Eastern	<input type="radio"/>	Latin American	<input type="radio"/>
African	<input type="radio"/>	Other ethnicity (please specify)	<input type="radio"/>

How did you hear about this Consultation?

Radio	<input type="radio"/>	Social Media	<input checked="" type="radio"/>	Word of Mouth	<input type="radio"/>	Website	<input type="radio"/>
Other (please specify)		<input type="radio"/>					
No thanks, I don't want to share this information <input type="radio"/>							

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- Emailed to: submissions@horowhenua.govt.nz
- Completed online: [Letskoro.horowhenua.govt.nz/LWDW](https://letskorero.horowhenua.govt.nz/LWDW)

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For any queries, please contact Horowhenua District Council on (06) 366 0999.

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Let's find out what you think about the options

Which of these is your preferred option for the delivery of water services in Horowhenua?

<input type="checkbox"/>	Option 1: (Council's preferred option) a Water Services Organisation jointly owned by Horowhenua District Council, Palmerston North City Council, Manawātū District Council, and Kāpiti Coast District Council
<input type="checkbox"/>	Option 2: A Water Services Organisation jointly owned by all willing Councils from the Manawātū, Whanganui and Kāpiti regions.
<input checked="" type="checkbox"/>	Option 3: Status quo – Council continues to manage and deliver our district's water services (financially constrained)

Please tell us a bit more

Any additional comments can be attached and submitted with this form.

Please tell us what you like about your preferred option

I WAS OF THE OPINION THAT
H.D.C. WATER SERVICES WERE OF
A GOOD STANDARD?

Please share any other feedback you have about water service delivery in the future

IF WE DO ADOPT Option 1 Some Consideration
should be given to a proposal that was
discussed with the MANAWATU Town Nth
City Council that highly TREATED Wastewater
be discharged into the Motuea Spillway
800 HECTARES. ^{least} the science should
be able to speak for itself.
The cost of purchasing land ELSEWHERE
comes at CONSIDERABLE EXPENSE -
LUMBERING Rate payers with SUBSTANTIAL
INCREASES.
THE EAST DRAINAGE WATER SHOULD NOT BE
DIRECTED INTO FOXTON: TAKE IT EAST TO THE RIVER

Submission Form - Have your say on who delivers Local Water Services? 3

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logo

Local Waters Service Delivery Model

Submitter Details

Submission Date: 28/03/2025

First name: Bryan Last name: Bishop

Preferred method of contact Email

Postal address:

Suburb:

City: Levin

Country: New Zealand

Postcode: 5575

Email:

Daytime Phone:

Age:

Gender:

Resident or Ratepayer *

Ratepayer

Which Area is your property in? *

Other

Do you wish to speak in support of your submission at a Hearing?

☐ Yes

☒ I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Feedback

Which of these is your preferred option for the delivery of water services in Horowhenua?

You can check the Consultation Document [here](#)

Option 1: Water Services Organisation jointly owned by Horowhenua District Council, Palmerston North City Council, Manawātū District Council, and Kāpiti Coast District Council. Option 2: A Water Services Organisation jointly owned by all willing Council's from Manawātū, Whanganui and Kāpiti regions

Please tell us what you like about your preferred option

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

Option 1 would be the best option but I believe that this is not available.

Option 2 probably the next best option but would not be as good as 1 above. It is also more likely to be less popular with

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T24Consult Page 1 of 2

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the other Councils north of us. We would not really be an attractive option for them as it is HDC that needs capital expense on the renewal/expansion of our assets. That is we have little to offer any potential partners.

This leaves us with Option 3 which is the least attractive option for HDC but it looks like it will be the only option for us at this time unless Central Government changes the rules or directs the various Local Authorities to amalgamate the water supplies in the region. I see no willingness for other groups to do this on a voluntary basis.

Please share any other feedback you have about *water service delivery in the future*

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

If option 3 is pursued then HDC may have to investigate alternatives e.g. borrow to develop new developments, charge directly for supply/disposal, institute more radical conservation measures. All of these will be unpopular with ratepayers.

Attached Documents

Name
LWDW Submission - Bryan Bishop - 28 March 2025

This is the most important decision
we'll make for our District in decades.
Have your say before Thursday 10 April



SUBMISSION FORM

Have your say on who delivers Local Water Services

Your details	
Full Name:	Bryan Bishop
Name of organisation (if applicable):	
Postal Address:	Phone No:
	Mobile No:
Levin 5574	Email:
Please tick this box if you want to keep your contact details private. <input type="radio"/>	
Are you	
A ratepayer <input checked="" type="checkbox"/>	A resident <input type="checkbox"/> A non-resident ratepayer <input type="checkbox"/> Other <input type="checkbox"/>
If you ticked 'Other', please specify:	
Where do you live?	
Manakau <input type="checkbox"/>	Ōhau <input type="checkbox"/> Levin <input checked="" type="checkbox"/> Shannon <input type="checkbox"/> Foxton Beach <input type="checkbox"/> Foxton <input type="checkbox"/> Tokomaru <input type="checkbox"/>
Kapiti Coast District <input type="checkbox"/>	Manawatu District <input type="checkbox"/> Palmerston North <input type="checkbox"/> Waitāreke <input type="checkbox"/>
Other <input checked="" type="checkbox"/>	If you ticked 'Other', please specify: Koputarua
Communication	
Preferred method of communication: Email <input checked="" type="checkbox"/> Phone/Mobile <input type="checkbox"/>	

Submission Form - Have your say on who delivers Local Water Services? 1

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Hearing of Submissions

Submissions will be heard by Council on 30 April 2025

Do you wish to present your submission to Council at the hearing? Yes ☐ No ☒

If yes, do you require a (please tick):

Sign language interpreter ☐ Translator ☐

Please tell us a bit about yourself...

We are asking for some specific information about you to see if there is a difference in opinion between different groups of people. This helps us to understand the rich diversity of our district. It is optional, however we really appreciate you completing this section. All answers are used for demographic analysis and will remain confidential.

What age group are you in?

0-17	<input type="radio"/>	18-24	<input type="radio"/>	25-34	<input type="radio"/>	35-49	<input type="radio"/>	50-64	<input type="radio"/>	65+	<input checked="" type="radio"/>
------	-----------------------	-------	-----------------------	-------	-----------------------	-------	-----------------------	-------	-----------------------	-----	----------------------------------

Ethnicity

NZ European	<input type="radio"/>	Māori	<input type="radio"/>
Asian (please specify) <i>N/A</i>	<input type="radio"/>	Pacific Peoples (please specify)	<input type="radio"/>
Middle Eastern	<input type="radio"/>	Latin American	<input type="radio"/>
African	<input type="radio"/>	Other ethnicity (please specify)	<input type="radio"/>

How did you hear about this Consultation?

Radio	<input type="radio"/>	Social Media	<input type="radio"/>	Word of Mouth	<input type="radio"/>	Website	<input checked="" type="radio"/>
Other (please specify)	<input type="radio"/>						

No thanks, I don't want to share this information ☐

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Let's find out what you think about the options

Which of these is your preferred option for the delivery of water services in Horowhenua?

① ✓	Option 1: (Council's preferred option) a Water Services Organisation jointly owned by Horowhenua District Council, Palmerston North City Council, Manawātū District Council, and Kāpiti Coast District Council
② ✓	Option 2: A Water Services Organisation jointly owned by all willing Councils from the Manawātū, Whanganui and Kāpiti regions.
	Option 3: Status quo – Council continues to manage and deliver our district's water services (financially constrained)

Please tell us a bit more

Any additional comments can be attached and submitted with this form.

Please tell us what you like about your preferred option

Option 1 would be the best option but I believe that this is not available
Option 2 Probably the next best option but would not be as good as 1 above. It is also more likely to be less popular with the P.T.O.

Please share any other feedback you have about water service delivery in the future

If option 3 is pursued then H.D.C. may have to investigate alternatives e.g. borrow to develop new developments, charge directly for supply/disposal, institute more radical conservation measures. All of these will be unpopular with ratepayers.

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the other Councils to the north of us. We would not really be an attractive option for them as it is H.D.C. that needs capital expense on the re-nova/ expansion of our assets. That is, we have little to offer any potential partners.

This leaves us with Option 3 which is the least attractive option for H.D.C. but it looks like it will be only option for us at this time unless Central Government changes the rules or directs the various Local Authorities to amalgamate the water Supplies in the region.

I see no willingness for other groups to do this on a Voluntary basis.

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logo

Local Waters Service Delivery Model

Submitter Details

Submission Date: 28/03/2025

First name: Mike Last name: Fletcher

Preferred method of contact Email

Postal address: [REDACTED]

Suburb:

City: Foxton

Country: NZ

Postcode: 4891

Email: [REDACTED]

Daytime Phone: [REDACTED]

Age: [REDACTED]

Gender: Male

New Zealand European

Resident or Ratepayer *

Ratepayer

Which Area is your property in? *

Foxton Beach

Do you wish to speak in support of your submission at a Hearing?

☐ Yes

☒ I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Feedback

Which of these is your preferred option for the delivery of water services in Horowhenua?

You can check the Consultation Document [here](#)

Option 2: A Water Services Organisation jointly owned by all willing Council's from Manawatū, Whanganui and Kāpiti regions

Please tell us what you like about your preferred option

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

For LWDW to succeed the WSOs need to be of a sufficient size to produce the economies of scale necessary to deliver the required investment effectively and efficiently. In my experience of working in the UK and NZ water industries for over 30 years in both the private and public sector this will only happen by having dedicated water entities staffed by full-time professional decision makers and engineers like other utilities with appropriate regulation. Option 2 is the only option which has the capability to achieve the required scale and which is closest to achieving the both the current and previous government's preference in terms of the number of WSOs nationally. This is supported

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T24Consult Page 1 of 2

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by the financial modelling done by Morrison Low for a Manawatu Whanganui option. Notwithstanding the above I understand that it makes more sense on a geographical basis for the Tararua district to be part of a Wairarapa WSO. Option 1 is unlikely to be acceptable to the government given that it is only preferred by 2 of the 4 which make up the Group of Four and therefore lacks the required scale. Option 3 should not be considered further as Horowhenua DC do not have the financial resources or capability to deliver the required level of investment.

Please share any other feedback you have about *water service delivery in the future*

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

The management and delivery of storm water infrastructure should not be part of the WSO's responsibilities. It should remain in the hands of local councils as at present because it requires local solutions to local problems involving local land owners and planners.

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logo

Local Waters Service Delivery Model

Submitter Details

Submission Date: 29/03/2025

First name: Sue **Last name:** Howarth

Preferred method of contact Email

Postal address: [REDACTED]

Suburb:

City: Ōhau

Country: NZ

Postcode: 5570

Email: [REDACTED]

Daytime Phone: [REDACTED]

Age: [REDACTED]

Gender: Female

New Zealand European

Resident or Ratepayer *

Which Area is your property in? *

Ohau

Do you wish to speak in support of your submission at a Hearing?

☐ Yes

☒ I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Feedback

Which of these is your preferred option for the delivery of water services in Horowhenua?

You can check the Consultation Document [here](#)

Option 1: Water Services Organisation jointly owned by Horowhenua District Council, Palmerston North City Council, Manawatu District Council, and Kāpiti Coast District Council.

Please tell us what you like about your preferred option

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

Biggest economy of scale and a logical geographic grouping. Acknowledge Kāpiti is ahead on water metering and managing their infrastructure. Also Horowhenua's priorities may be viewed as less imperative than the more populated Palmerston North area.

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T24Consult Page 1 of 1

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Local Waters Service Delivery Model

logo

Submitter Details

Submission Date: 28/03/2025

First name: Terangi Last name: Miriau

Preferred method of contact Postal

Postal address: [REDACTED]

Suburb:

City: Levin

Country: NZ

Postcode: 5510

Email: [REDACTED]

Daytime Phone: [REDACTED]

Age: [REDACTED]

Gender: Female

New Zealand European Pacific Peoples (Please specify.....)

Resident or Ratepayer *

Ratepayer

Which Area is your property in? *

Levin

Do you wish to speak in support of your submission at a Hearing?

☐ Yes

☒ I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Feedback

Which of these is your preferred option for the delivery of water services in Horowhenua?

You can check the Consultation Document [here](#)

Option 2: A Water Services Organisation jointly owned by all willing Council's from Manawatū, Whanganui and Kāpiti regions

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logo

Local Waters Service Delivery Model

Submitter Details

Submission Date: 31/03/2025

First name: John **Last name:** Martin

Preferred method of contact

Postal address: Unknown

Suburb:

City:

Country: New Zealand

Postcode: 5540

Email:

Daytime Phone:

Age:

Gender:

Resident or Ratepayer *

Other

Which Area is your property in? *

Other

Do you wish to speak in support of your submission at a Hearing?

☐ Yes

☒ I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Feedback

Please share any other feedback you have about *water service delivery in the future*

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

Thoughts re: Water Supply/Management for Horowhenua District Council

There are only 3 water sources:

Below Ground

Above Ground

Falling from the sky

Falling from the sky is for the Council's delivery perspective simply not practical and should be discounted.

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T24Consult Page 1 of 3

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I have heard the comment, "There's plenty of water down there." To an extent that may be so but the extraction from 'down there' does have an effect on what's 'up here' and it's not until the effect of the lower extraction is visible that the full consequences of the action are fully realised.

I read an article a few years ago about a 'large' extraction permit being granted in Opiki and suddenly artesian wells which had been operative throughout 'living memory' were suddenly no longer operative.

A few years ago I was in a car driving across a bridge (somewhere) in Canterbury and looked over at the boulders. It was a several piered bridge, so obviously a significant river, and there was not a drop of water to be seen anywhere. To my mind this added credence to the prevailing belief at the time that Canterbury's available water had been over allocated.

I have always remembered the crossing of that Canterbury bridge so that is why I am promoting the belief therefore that such obtaining of water for the District's population should all be from above ground.

The consequence of that action is that the people will see what is actually happening and will be forced to see the justification for decisions that Council takes to promote 'non wasteful usage.'

Water meters and consequent usage charging;

Fixing leaks;

Considering individual houses having water tanks for roof water collection.

Questions then become:

What are these available above ground sources?

What if the necessary required volume source is located beyond HDC's immediate boundary and HDC itself doesn't have enough water availability for its own needs. (It is simply not realistic - for example - to expect Wellington city to provide all its water requirements from within its city boundaries.)

The infrastructure to manage the demands of an expanding population. I keep thinking about pipes, water and friction loss. It is not wise to expect that water should be delivered in adequate volume over an extended distance by merely 'cranking up the pressure,'

A suggested operating system (which - I do concede - merely encompasses criteria which already {probably} substantially already exists.)

Define a geographical area.

Determine all above ground water sources within that area.

Pro rata available water volumes according to population. (The efficiency of usage of the allocated water remains the responsibility of the relevant Council and there should not be favouritism for Councils which are inefficient users.)

Conclusion

Throughout this spiel I have tried to follow a general premise: gather data, then define an aim, and then make the aim work. There will - of course - be a lot of data collection in the early stages but that is merely a precursor to enabling defining of the aim.

The general aim needs to be defined and the you **make it work!** Unfortunately if the aim and approach thereto is not defined there will merely be talk ad infinitum.

My general aim - as alluded to here of course - **is stay above ground!**

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T24Consult Page 2 of 3

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John Martin

March 2025

Attached Documents

Name
LWDW Submission - John Martin - 31 March 2025

Thoughts re. Water Supply/Management for Horowhenua District Council

There are only 3 water sources:

Below ground;

Above ground;

Falling from the sky.

Falling from the sky is for the Council's delivery perspective simply not practical and should be discounted.

I have heard the comment, "There's plenty of water down there." To an extent that may be so but the extraction from 'down there' does have an effect on what's 'up here' and it's not until the effect of the lower extraction is visible that the full consequences of the action are fully realised.

I read an article a few years ago about a 'large' extraction permit being granted in Opiki and suddenly artesian wells which had been operative throughout 'living memory' were suddenly no longer operative.

A few years ago I was in a car driving across a bridge (somewhere) in Canterbury and looked over at the boulders. It was a several piered bridge, so obviously a significant river, and there was not a drop of water to be seen anywhere. To my mind this added credence to the prevailing belief at the time that Canterbury's available water had been over allocated.

I have always remembered the crossing of that Canterbury bridge so that is why I am promoting the belief therefore that such obtaining

of water for the District's population should all be from above ground.

The consequence of that action is that the people will see what is actually happening and will be forced to see the justification for decisions that Council takes to promote 'non wasteful usage.'

Water meters and consequent usage charging;

Fixing leaks;

Considering Individual houses having water tanks for roof water collection.

Questions then become:

Where are these available above ground sources?

What if the necessary required volume source is located beyond HDC's immediate boundary and HDC itself doesn't have enough water availability for its own needs. (It is simply not realistic – for example – to expect Wellington city to provide all its water requirements from within its city boundaries.)

The infrastructure to manage the demands of an expanding population. I keep thinking about pipes, water and friction loss. it is not wise to expect that water should be delivered in adequate volume over an extended distance by merely 'cranking up the pressure,'

A suggested operating system (which – I do concede – merely encompasses criteria which already {probably} substantially already exists.)

Define a geographical area.

Determine all above ground water sources within that area.

Pro rata available water volumes according to population. (The efficiency of usage of the allocated water remains the responsibility of the relevant Council and there should not be favouritism for Councils which are inefficient users.)

Conclusion.

Throughout this spiel I have tried to follow a general premise: gather data, then define an aim, and then make the aim work. There will – of course – be a lot of data collection in the early stages but that is merely a precursor to enabling defining of the aim.

The general aim needs to be defined and then you **make it work!** Unfortunately if the aim and approach thereto is not defined there will merely be talk ad infinitum.

My general aim – as alluded to here of course – **is stay above ground!**

John Martin

March 2025



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Local Waters Service Delivery Model

Submitter Details

Submission Date: 31/03/2025

First name: Peter **Last name:** Smaling

Preferred method of contact Email

Postal address: [REDACTED]

Suburb:

City: Levin

Country: New Zealand

Postcode: 5510

Email: [REDACTED]

Daytime Phone: [REDACTED]

Age: [REDACTED]

Gender:

New Zealand European

Resident or Ratepayer *

Ratepayer

Which Area is your property in? *

Levin

Do you wish to speak in support of your submission at a Hearing?

☐ Yes

☒ I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Feedback

Which of these is your preferred option for the delivery of water services in Horowhenua?

You can check the Consultation Document [here](#)

Option 1: Water Services Organisation jointly owned by Horowhenua District Council, Palmerston North City Council, Manawātū District Council, and Kāpiti Coast District Council.

Please tell us what you like about your preferred option

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

Affordability, economies of scale, opportunities for HDC, future growth needs.

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T24Consult Page 1 of 2

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Please share any other feedback you have about *water service delivery in the future*

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

It seems to me that options are restrictive and we are between a rock and a hard place. How do our options stack up against the now defunct 3 waters proposal?

I also understand that PNCC has infrastructure problems and major issues with land acquisition and wastewater disposal. How will this impact on Option 1 and will option 1 be expected to absorb issues that are outstanding at present?

I am ok with this being published.

Attached Documents

Name
LWDW Submission - Peter Smaling - 31 March 2025

This is the most important decision
we'll make for our District in decades.
Have your say before Thursday 10 April



SUBMISSION FORM

Have your say on who delivers Local Water Services

Your details	
Full Name:	PETER SMALING
Name of organisation (if applicable):	
Postal Address:	Phone No:
LEVIN	0
	Mobile No:
	Email:
Please tick this box if you want to keep your contact details private. <input checked="" type="checkbox"/>	
Are you	
A ratepayer <input checked="" type="checkbox"/>	A resident <input checked="" type="checkbox"/>
A non-resident ratepayer <input type="checkbox"/>	Other <input type="checkbox"/>
If you ticked 'Other', please specify:	
Where do you live?	
Manakau <input type="checkbox"/>	Ōhau <input type="checkbox"/>
Levin <input checked="" type="checkbox"/>	Shannon <input type="checkbox"/>
Foxton Beach <input type="checkbox"/>	Foxton <input type="checkbox"/>
Tokomaru <input type="checkbox"/>	
Kapiti Coast District <input type="checkbox"/>	Manawatu District <input type="checkbox"/>
Palmerston North <input type="checkbox"/>	Waitāreare <input type="checkbox"/>
Other <input type="checkbox"/>	If you ticked 'Other', please specify:
Communication	
Preferred method of communication:	Email <input checked="" type="checkbox"/>
	Phone/Mobile <input type="checkbox"/>

Submission Form - Have your say on who delivers Local Water Services? 1

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Hearing of Submissions

Submissions will be heard by Council on 30 April 2025

Do you wish to present your submission to Council at the hearing? Yes ☐ No ☒

If yes, do you require a (please tick):

Sign language interpreter ☐ Translator ☐

*BUT I WOULD LIKE ANSWERS
TO MY QUESTIONS
PLEASE*

Please tell us a bit about yourself...

We are asking for some specific information about you to see if there is a difference in opinion between different groups of people. This helps us to understand the rich diversity of our district. It is optional, however we really appreciate you completing this section. All answers are used for demographic analysis and will remain confidential.

What age group are you in?

0-17 <input type="radio"/>	18-24 <input type="radio"/>	25-34 <input type="radio"/>	35-49 <input type="radio"/>	50-64 <input type="radio"/>	65+ <input checked="" type="radio"/>
----------------------------	-----------------------------	-----------------------------	-----------------------------	-----------------------------	--------------------------------------

Ethnicity

NZ European <input checked="" type="radio"/>	Māori <input type="radio"/>
Asian (please specify) <input type="radio"/>	Pacific Peoples (please specify) <input type="radio"/>
Middle Eastern <input type="radio"/>	Latin American <input type="radio"/>
African <input type="radio"/>	Other ethnicity (please specify) <input type="radio"/>

How did you hear about this Consultation?

Radio <input type="radio"/>	Social Media <input type="radio"/>	Word of Mouth <input type="radio"/>	Website <input type="radio"/>
Other (please specify) <input checked="" type="radio"/> <i>VISIT TO HDC</i>			

No thanks, I don't want to share this information ☐

Submissions can be:

- Delivered to: Local Water Services consultation, Horowhenua District Council, 126 Oxford Street, Levin.
- Posted to: Local Water Services consultation, Horowhenua District Council, Private Bag 4002, Levin 5440.
- Emailed to: submissions@horowhenua.govt.nz
- Completed online: letskorero.horowhenua.govt.nz/LWDW

Submissions must be provided to Council by no later than 4pm on Thursday 10 April 2025.

Copies of the consultation document Have your say on Who Delivers Local Water Services are available online at letskorero.horowhenua.govt.nz/LWDW, Council's Main Office (126 Oxford Street, Levin), Te Takeretanga o Kura-hau-pō (10 Bath Street, Levin), Te Awahou Nieuwe Stroom (92 Main Street, Foxton) or Shannon Library (Plimmer Terrace).

For any queries, please contact Horowhenua District Council on (06) 366 0999.

PRIVACY STATEMENT

All submissions made are publicly available on our website and at Council service centres. Your personal details (including name and contact details) will be provided in their entirety to Elected Members and made available to the public at our office and on our website, **unless submitters request that this information be kept private**. We collect your contact information so we can keep you up to date with the proposal.

For more information, see our privacy statement on www.horowhenua.govt.nz/PrivacyStatement

Let's find out what you think about the options

Which of these is your preferred option for the delivery of water services in Horowhenua?

<input checked="" type="checkbox"/>	Option 1: (Council's preferred option) a Water Services Organisation jointly owned by Horowhenua District Council, Palmerston North City Council, Manawātū District Council, and Kāpiti Coast District Council
<input type="checkbox"/>	Option 2: A Water Services Organisation jointly owned by all willing Councils from the Manawātū, Whanganui and Kāpiti regions.
<input type="checkbox"/>	Option 3: Status quo – Council continues to manage and deliver our district's water services (financially constrained)

Please tell us a bit more

Any additional comments can be attached and submitted with this form.

Please tell us what you like about your preferred option

AFFORDABILITY, ECONOMIES OF SCALE, OPPORTUNITIES FOR HDC, FUTURE GROWTH NEEDS

Please share any other feedback you have about water service delivery in the future

IT SEEMS TO ME THAT OPTIONS ARE RESTRICTIVE & WE ARE BETWEEN A ROCK & A HARD PLACE. HOW DO OUR OPTIONS STACK UP AGAINST THE NOW DEFUNCT 3 WATERS PROPOSAL?

I ALSO UNDERSTAND THAT PNCC HAS INFRASTRUCTURE PROBLEMS & MAJOR ISSUES WITH LAND ACQUISITION & WASTEWATER DISPOSAL. HOW WILL THIS IMPACT ON OPTION 1 & WILL OPTION 1 BE EXPECTED TO ABSORB ISSUES THAT ARE OUTSTANDING AT PRESENT?

Submission Form - Have your say on who delivers Local Water Services?

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I AM O.K. WITH THIS TO BE PUBLISHED

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logo

Local Waters Service Delivery Model

Submitter Details

Submission Date: 31/03/2025

First name: Janine **Last name:** Hawthorn

Preferred method of contact Email

Postal address: [REDACTED]

Suburb: Foxton Beach

City: Foxton

Country: NZ

Postcode: 4815

Email: [REDACTED]

Daytime Phone: [REDACTED]

Age: [REDACTED]

Gender: Female

New Zealand European

Resident or Ratepayer *

Ratepayer

Which Area is your property in? *

Foxton Beach

Do you wish to speak in support of your submission at a Hearing?

☐ Yes

☒ I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Feedback

Which of these is your preferred option for the delivery of water services in Horowhenua?

You can check the Consultation Document [here](#)

Option 1: Water Services Organisation jointly owned by Horowhenua District Council, Palmerston North City Council, Manawātū District Council, and Kāpiti Coast District Council.

Please tell us what you like about your preferred option

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

Out of the three options Option 1 offered more benefit to the ratepayers of Horowhenua District than the remaining two options. Particularly when we look 30 years or so ahead. I appreciate that Palmerston North has some urgent work required on their Waste Water Treatment and Disposal System and whilst not keen on Horowhenua District ratepayers subsidising this major expenditure, if we do look out 30 years, then every district will get their fair share.

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T24Consult Page 1 of 2

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Please share any other feedback you have about *water service delivery in the future*

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

As a Foxton Beach resident and ratepayer, it would be great to see a reticulated stormwater system at the beach and an improved water source and supply to avoid having to go under water restrictions through the duration of summer.

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logo

Local Waters Service Delivery Model

Submitter Details

Submission Date: 02/04/2025

First name: Ann Last name: Matthews

Preferred method of contact Email

Postal address:

Suburb:

City: Levin

Country: NZ

Postcode: 5571

Email:

Daytime Phone:

Age:

Gender: Female

New Zealand European

Resident or Ratepayer *

Ratepayer

Which Area is your property in? *

Koputaroa

Do you wish to speak in support of your submission at a Hearing?

☐ Yes

☒ I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Feedback

Which of these is your preferred option for the delivery of water services in Horowhenua?

You can check the Consultation Document [here](#)

Option 1: Water Services Organisation jointly owned by Horowhenua District Council, Palmerston North City Council, Manawātū District Council, and Kāpiti Coast District Council.

Please tell us what you like about your preferred option

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

I agree with council thinking. The cost needs to be spread over a wider number of rate payers. Obviously it will still depend on agreement with other council bodies. If option 1 does not succeed then Option 2 is next best option

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T24Consult Page 1 of 1

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logo

Local Waters Service Delivery Model

Submitter Details

Submission Date: 03/04/2025

First name: Charles **Last name:** Rudd

Organisation: He Mokai o Papatuanuku

Preferred method of contact Postal

Postal address: [REDACTED]

Suburb:

City: Levin

Country: New Zealand

Postcode: 5571

Email:

Daytime Phone: [REDACTED]

Resident or Ratepayer *

Ratepayer

Which Area is your property in? *

Levin Other

Do you wish to speak in support of your submission at a Hearing?

☒ Yes

☐ I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Do you require a sign language interpreter or translator?

Feedback

Which of these is your preferred option for the delivery of water services in Horowhenua?

You can check the Consultation Document [here](#)

Option 3: Status quo – Council continues to manage and deliver the District's water services (financially constrained).

Please tell us what you like about your preferred option

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

There is Democracy, Democratic systems, then there is Tikanga Maori; The Natural Environment, Rates, rate increases, rate mates, earthquakes and Climate Change.

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T24Consult Page 1 of 2

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Please share any other feedback you have about *water service delivery in the future*

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

HDC: Do what we say, but do not do what we do or say!

The submission document with its attachment, do not provide a hearing date.

Attached Documents

Name	
1790_001	

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This is the most important decision
we'll make for our District in decades.
Have your say before Thursday 10 April

Horowhenua
DISTRICT COUNCIL

SUBMISSION FORM

Have your say on who delivers Local Water Services



Your details	
Full Name:	Charles Ruddi
Name of organisation (if applicable):	He Mokai o Papatuanuku
Postal Address:	Phone No:
	Mobile No:
LEVIN 5571	Email: N/A
Please tick this box if you want to keep your contact details private. <input type="radio"/>	
Are you	
A ratepayer <input checked="" type="checkbox"/>	A resident <input checked="" type="checkbox"/> A non-resident ratepayer <input type="checkbox"/> Other <input type="checkbox"/>
If you ticked 'Other', please specify:	
Where do you live?	
Manakau <input type="checkbox"/>	Ōhau <input type="checkbox"/> Levin <input checked="" type="checkbox"/> Shannon <input type="checkbox"/> Foxton Beach <input type="checkbox"/> Foxton <input type="checkbox"/> Tokomaru <input type="checkbox"/>
Kapiti Coast District <input type="checkbox"/>	Manawatu District <input type="checkbox"/> Palmerston North <input type="checkbox"/> Waitāre <input type="checkbox"/>
Other <input checked="" type="checkbox"/>	If you ticked 'Other', please specify: RURAL
Communication	
Preferred method of communication:	Email <input type="checkbox"/> Phone/Mobile <input checked="" type="checkbox"/>

Submission Form - Have your say on who delivers Local Water Services? 1

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Hearing of Submissions

Submissions will be heard by Council on 30 April 2025

Do you wish to present your submission to Council at the hearing? Yes ☒ No ☐

If yes, do you require a (please tick):

Sign language interpreter ☐ Translator ☐

Please tell us a bit about yourself...

We are asking for some specific information about you to see if there is a difference in opinion between different groups of people. This helps us to understand the rich diversity of our district. It is optional, however we really appreciate you completing this section. All answers are used for demographic analysis and will remain confidential.

What age group are you in?

0-17	<input type="checkbox"/>	18-24	<input type="checkbox"/>	25-34	<input type="checkbox"/>	35-49	<input type="checkbox"/>	50-64	<input type="checkbox"/>	65+	<input type="checkbox"/>
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Ethnicity

NZ European	<input type="checkbox"/>	Māori	<input checked="" type="checkbox"/>
Asian (please specify)	<input type="checkbox"/>	Pacific Peoples (please specify)	<input type="checkbox"/>
Middle Eastern	<input type="checkbox"/>	Latin American	<input type="checkbox"/>
African	<input type="checkbox"/>	Other ethnicity (please specify)	<input type="checkbox"/>

How did you hear about this Consultation?

Radio	<input type="checkbox"/>	Social Media	<input checked="" type="checkbox"/>	Word of Mouth	<input checked="" type="checkbox"/>	Website	<input type="checkbox"/>
Other (please specify)	<input type="checkbox"/>						
No thanks, I don't want to share this information <input type="checkbox"/>							

Submissions can be:

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- Posted to: Local Water Services consultation, Horowhenua District Council, Private Bag 4002, Levin 5440.
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For more information, see our privacy statement on www.horowhenua.govt.nz/PrivacyStatement

Let's find out what you think about the options

Which of these is your preferred option for the delivery of water services in Horowhenua?

<input type="checkbox"/>	Option 1: (Council's preferred option) a Water Services Organisation jointly owned by Horowhenua District Council, Palmerston North City Council, Manawātū District Council, and Kāpiti Coast District Council
<input type="checkbox"/>	Option 2: A Water Services Organisation jointly owned by all willing Councils from the Manawātū, Whanganui and Kāpiti regions.
<input checked="" type="checkbox"/>	Option 3: Status quo – Council continues to manage and deliver our district's water services (financially constrained)

Please tell us a bit more

Any additional comments can be attached and submitted with this form.

Please tell us what you like about your preferred option

There is Democracy, Democratic Systems, then there is Tikanga Maori, The Natural Environment, Rates, rate increases, rate mates, earthquakes and Climate change

Please share any other feedback you have about water service delivery in the future

HDC: Do what we say, but do not do what we do ~~or~~ or say!

The submission document with its attachment, do not provide a hearing date.

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logo

Local Waters Service Delivery Model

Submitter Details

Submission Date: 04/04/2025

First name: Daniel Last name: Okano

Preferred method of contact Email

Postal address:

Suburb:

City: Levin

Country: NZ

Postcode: 5571

Email:

Daytime Phone:

Age:

Gender: Male

New Zealand European Asian (Please specify.....) Other ethnicity (Please specify.....)

Resident or Ratepayer *

Ratepayer

Which Area is your property in? *

Levin

Do you wish to speak in support of your submission at a Hearing?

☒ Yes

☐ I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Do you require a sign language interpreter or translator?

no

Feedback

Which of these is your preferred option for the delivery of water services in Horowhenua?

You can check the Consultation Document [here](#)

Option 3: Status quo – Council continues to manage and deliver the District's water services (financially constrained).

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Please tell us what you like about your preferred option

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

I would like ratepayers to retain ownership and decision making of our district infrastructure. Joining a larger body gives us less of a say over what happens in our district.

Please share any other feedback you have about water service delivery in the future

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

My concern is the existing options have been created by consultants who have a predetermined outcome in mind and now rate payers are being steered in a particular direction. The three options presented are not the only options for example, and the granular detail on proposed delivery systems has not been communicated to rate payers either. For example what sort of upgrade does the district require for sewage for example? Are we just building a bigger version of the same thing? If so then the district should have a say if that is what they want? Why do we want a bigger version of the same sewage treatment when the existing environmental outcomes have been horrible? There are other options used globally that meet or exceed national water quality standards that should be looked at and presented to rate payers for example. Before we grow we need to pause and reassess our current processes and how we can do better before we put our foot on the gas and accelerate growth in the district. I left Wellington because my rates rises were massive and the services delivered became poorer. I don't want the same thing to happen to this district but it appears we are headed in that direction all in the name of "district growth" by increasing the number of rate payers to the district. District lending is secured against the future rates of rate payers. So the decisions we make now will affect not only us but our children and grand children. If the only way to continue to operate and deliver outcomes requires us to take on larger debt then maybe the way we operate as a whole needs to be reexamined by council in partnership with ratepayers? To put it bluntly enslaving future rate payers with debt and rates increases because we choose not to address the fundamental flaws in our current method of operation is unethical in my opinion.

Attached Documents

Name
COUNCIL SUBMISSION

✉ **Submission: Re: Water Services Delivery Decision Timing**

To: Horowhenua District Council
Re: Submission on Proposed Water Services Delivery Plan
From: Daniel Okano
Date: April 8, 2025

Dear Councillors,

I am writing to express my concern regarding the timeline the Council has adopted for deciding on the future model of water service delivery under the “Local Water Done Well” reform process.

While I understand that the Council is working toward meeting the Government’s 3 September 2025 deadline for submitting a Water Services Delivery Plan, I believe that **requiring this decision to be made before the October 2025 local body elections significantly undermines public accountability and democratic choice.**

Key concerns:

1. **Voters cannot influence the decision via the ballot box.**
By requiring this decision before the election, the public is **denied the opportunity to vote for candidates based on their stance on this critical issue.** The current Council was elected before this policy emerged and therefore **never campaigned on it.**
2. **Long-term consequences without fresh mandate.**
The decision on water service delivery will affect **infrastructure, rates, governance, and community autonomy for generations.** Such a foundational choice should not be made by a Council that **may not reflect current public will.**
3. **Perception of rushed compliance.**
Although framed as a timeline for orderly planning, the Government’s deadline functionally forces a decision before elections — creating the impression that **local democracy is being sidelined** in favour of compliance.

My request:

I urge the Council to formally raise this issue with the Department of Internal Affairs and the Minister of Local Government. There must be a way for communities like ours to **have a say in this matter through the electoral process**— whether that means a timeline extension, a deferral of the final decision to a post-election council, or a binding community referendum.

I also ask that this concern be acknowledged and publicly addressed as part of the Council’s decision-making process.

Thank you for the opportunity to make a submission. I trust that Horowhenua's elected representatives will stand up for transparent and accountable local governance.

Sincerely,
Daniel Okano
Ratepayer of Levin

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logo

Local Waters Service Delivery Model

Submitter Details

Submission Date: 05/04/2025

First name: Jourmet **Last name:** Wallace

Preferred method of contact Email

Postal address: [REDACTED]

Suburb:

City: Levin

Country: NZ

Postcode: 5571

Email: [REDACTED]

Daytime Phone:

Age: [REDACTED]

Gender: Female

New Zealand European

Resident or Ratepayer *

Resident

Which Area is your property in? *

Levin

Do you wish to speak in support of your submission at a Hearing?

☐ Yes

☒ I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Feedback

Which of these is your preferred option for the delivery of water services in Horowhenua?

You can check the Consultation Document [here](#)

Option 1: Water Services Organisation jointly owned by Horowhenua District Council, Palmerston North City Council, Manawātū District Council, and Kāpiti Coast District Council.

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logo

Local Waters Service Delivery Model

Submitter Details

Submission Date: 05/04/2025

First name: Greer **Last name:** Pivac

Preferred method of contact Email

Postal address: [REDACTED]

Suburb: Hokio Beach

City: Levin

Country: NZ

Postcode: 5571

Email: [REDACTED]

Daytime Phone: [REDACTED]

Age: [REDACTED]

Gender:

Resident or Ratepayer *

Ratepayer

Which Area is your property in? *

Levin

Do you wish to speak in support of your submission at a Hearing?

☐ Yes

☒ I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Feedback

Which of these is your preferred option for the delivery of water services in Horowhenua?

You can check the Consultation Document [here](#)

Option 3: Status quo – Council continues to manage and deliver the District's water services (financially constrained).

Please tell us what you like about your preferred option

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

Rural should be different to urban. Rural has stock water to consider, use their own septic tanks and grey water not the council owned so should not be charged this in our rates or should have a much much greater allowance of water before having to pay for it vs urban households

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T24Consult Page 1 of 2

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Please share any other feedback you have about *water service delivery in the future*

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

Rural and urban should not be treated the same

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logo

Local Waters Service Delivery Model

Submitter Details

Submission Date: 07/04/2025

First name: Lone Morris **Last name:** Jorgensen

Preferred method of contact Email

Postal address: Unknown

Suburb:

City:

Country: New Zealand

Postcode: 5540

Email: [REDACTED]

Daytime Phone:

Age: [REDACTED]

Gender:

New Zealand European

Resident or Ratepayer *

Ratepayer

Which Area is your property in? *

Tokomaru

Do you wish to speak in support of your submission at a Hearing?

☐ Yes

☒ I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Feedback

Which of these is your preferred option for the delivery of water services in Horowhenua?

You can check the Consultation Document [here](#)

Option 1: Water Services Organisation jointly owned by Horowhenua District Council, Palmerston North City Council, Manawātū District Council, and Kāpiti Coast District Council.

Please tell us what you like about your preferred option

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

Although I prefer option 1 I am aware the other Councils named may refuse participation thus Council may not have Option 1 available. In that case I support Option 2. Option 3 is the least desirable.

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Please share any other feedback you have about *water service delivery in the future*

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

To ensure safe water in the future reticulation and treatment is paramount. To reduce wastage of this precious water meters should be introduced with a charge for useage above a certain level.

NB! Most importantly: Any agreement pertaining to a new water service delivery method must include strict language that precludes any possible privatisation of the system.

Attached Documents

Name	
Submission 1	
Submission 2	
Submission 3	

This is the most important decision
we'll make for our District in decades.
Have your say before Thursday 10 April

Horowhenua
DISTRICT COUNCIL

SUBMISSION FORM

Have your say on who delivers Local Water Services

Your details	
Full Name: <u>LONE MORRIS JORGENSEN</u>	
Name of organisation (if applicable):	
Postal Address:	Phone No: [REDACTED]
	Mobile No: [REDACTED]
	Email: [REDACTED]
Please tick this box if you want to keep your contact details private. <input type="radio"/>	
Are you	
A ratepayer <input checked="" type="checkbox"/>	A resident <input checked="" type="checkbox"/> A non-resident ratepayer <input type="checkbox"/> Other <input type="checkbox"/>
If you ticked 'Other', please specify:	
Where do you live?	
Manakau <input type="checkbox"/>	Ōhau <input type="checkbox"/> Levin <input type="checkbox"/> Shannon <input type="checkbox"/> Foxton Beach <input type="checkbox"/> Foxton <input type="checkbox"/> Tokomaru <input checked="" type="checkbox"/>
Kapiti Coast District <input type="checkbox"/>	Manawatu District <input type="checkbox"/> Palmerston North <input type="checkbox"/> Waitāre <input type="checkbox"/>
Other <input type="checkbox"/>	If you ticked 'Other', please specify:
Communication	
Preferred method of communication: Email <input checked="" type="checkbox"/> Phone/Mobile <input type="checkbox"/>	

Submission Form - Have your say on who delivers Local Water Services? 1

Hearing of Submissions

Submissions will be heard by Council on 30 April 2025

Do you wish to present your submission to Council at the hearing? Yes ☐ No ☒

If yes, do you require a (please tick):

Sign language interpreter ☐ Translator ☐

Please tell us a bit about yourself...

We are asking for some specific information about you to see if there is a difference in opinion between different groups of people. This helps us to understand the rich diversity of our district. It is optional, however we really appreciate you completing this section. All answers are used for demographic analysis and will remain confidential.

What age group are you in?

0-17 ☐ 18-24 ☐ 25-34 ☐ 35-49 ☐ 50-64 ☐ 65+ ☒

Ethnicity

NZ European ☒ Māori ☐

Asian (please specify) ☐ Pacific Peoples (please specify) ☐

Middle Eastern ☐ Latin American ☐

African ☐ Other ethnicity (please specify) ☐

How did you hear about this Consultation?

Radio ☐ Social Media ☐ Word of Mouth ☐ Website ☐

Other (please specify) ☒ AT A COUNCIL/COMMUNITY MEET

No thanks, I don't want to share this information ☐

Submissions can be:

- Delivered to: Local Water Services consultation, Horowhenua District Council, 126 Oxford Street, Levin.
- Posted to: Local Water Services consultation, Horowhenua District Council, Private Bag 4002, Levin 5440.
- Emailed to: submissions@horowhenua.govt.nz
- Completed online: letskorero.horowhenua.govt.nz/LWDW

Submissions must be provided to Council by no later than 4pm on Thursday 10 April 2025.

Copies of the consultation document Have your say on Who Delivers Local Water Services are available online at letskorero.horowhenua.govt.nz/LWDW, Council's Main Office (126 Oxford Street, Levin), Te Takeretanga o Kura-hau-pō (10 Bath Street, Levin), Te Awahou Nieuwe Stroom (92 Main Street, Foxton) or Shannon Library (Plimmer Terrace).

For any queries, please contact Horowhenua District Council on (06) 366 0999.

PRIVACY STATEMENT

All submissions made are publicly available on our website and at Council service centres. Your personal details (including name and contact details) will be provided in their entirety to Elected Members and made available to the public at our office and on our website, **unless submitters request that this information be kept private**. We collect your contact information so we can keep you up to date with the proposal.

For more information, see our privacy statement on www.horowhenua.govt.nz/PrivacyStatement

Let's find out what you think about the options

Which of these is your preferred option for the delivery of water services in Horowhenua?

<input checked="" type="checkbox"/>	Option 1: (Council's preferred option) a Water Services Organisation jointly owned by Horowhenua District Council, Palmerston North City Council, Manawātū District Council, and Kāpiti Coast District Council
<input type="checkbox"/>	Option 2: A Water Services Organisation jointly owned by all willing Councils from the Manawātū, Whanganui and Kāpiti regions.
<input type="checkbox"/>	Option 3: Status quo – Council continues to manage and deliver our district's water services (financially constrained)

Please tell us a bit more

Any additional comments can be attached and submitted with this form.

Please tell us what you like about your preferred option

ALTHOUGH I PREFER OPTION 1 I AM AWARE THE OTHER COUNCILS NAMED MAY REFUSE PARTICIPATION THUS COUNCIL MAY NOT HAVE OPTION 1 AVAILABLE. IN THAT CASE I SUPPORT OPTION 2. OPTION 3 IS THE LEAST DESIRABLE

Please share any other feedback you have about water service delivery in the future

TO ENSURE SAFE WATER IN THE FUTURE RETICULATION + TREATMENT IS PARAMOUNT. TO REDUCE WASTAGE OF THIS PRECIOUS WATER METERS SHOULD BE INTRODUCED WITH A CHARGE FOR USAGE ABOVE A CERTAIN LEVEL.

NB: MOST IMPORTANTLY: ANY AGREEMENT PERTAINING TO A NEW WATER SERVICE DELIVERY METHOD MUST INCLUDE STRICT LANGUAGE THAT PRECLUDES ANY POSSIBLE PRIVATISATION OF THE SYSTEM.

Submission Form - Have your say on who delivers Local Water Services? 3

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logo

Local Waters Service Delivery Model

Submitter Details

Submission Date: 07/04/2025

First name: Susan Last name: Walker

Preferred method of contact Email

Postal address:

Suburb:

City: Levin

Country: NZ

Postcode: 5510

Email:

Daytime Phone:

Age:

Gender: Female

Other ethnicity (Please specify.....)

Resident or Ratepayer *

Ratepayer

Which Area is your property in? *

Levin

Do you wish to speak in support of your submission at a Hearing?

☐ Yes

☒ I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Feedback

Which of these is your preferred option for the delivery of water services in Horowhenua?

You can check the Consultation Document [here](#)

Option 1: Water Services Organisation jointly owned by Horowhenua District Council, Palmerston North City Council, Manawātū District Council, and Kāpiti Coast District Council.

Please tell us what you like about your preferred option

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

Potential for better and more efficient management and development of the three waters. Potential for reduced costs to ratepayers. Potential for greater consideration of climate change. Greater expertise available to councils.

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T24Consult Page 1 of 2

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Please share any other feedback you have about water service delivery in the future

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

The four councils option is the best one. Have some concerns if there were fewer councils, particularly just Horowhenua and Palmerston North - would Horowhenua's priorities be given equal consideration. What happens if there is a change of government that chooses a different approach? How will the succes of the new arrangements be evaluated - what happens if these don't work? How much say will central goverment have in the new arrangements?

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logo

Local Waters Service Delivery Model

Submitter Details

Submission Date: 07/04/2025

First name: Christine **Last name:** Avery

Preferred method of contact Email

Postal address: [REDACTED]

Suburb: Foxton Beach

City: Foxton

Country: NZ

Postcode: 4815

Email: [REDACTED]

Daytime Phone: [REDACTED]

Age: [REDACTED]

Gender: Female

New Zealand European

Resident or Ratepayer *

Ratepayer

Which Area is your property in? *

Foxton Beach

Do you wish to speak in support of your submission at a Hearing?

☐ Yes

☒ I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Feedback

Which of these is your preferred option for the delivery of water services in Horowhenua?

You can check the Consultation Document [here](#)

Option 1: Water Services Organisation jointly owned by Horowhenua District Council, Palmerston North City Council, Manawatu District Council, and Kāpiti Coast District Council.

Please tell us what you like about your preferred option

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

It makes sense to have a waterboard which governs the four Council areas but are Horowhenua ratepayers likely to pay more or less for their rates under this option? Horowhenua does not want to inherit debt from other Councils. The Manawatu River runs through parts of Horowhenua and, therefore, it would be good to have a greater say in what goes into the river further upstream. The model adopted must be capable of, and have the capacity to, deliver quality sustainable planning, management and operation of these water services now and into

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future generations. This waterboard must be run like a business - it is prudent to have money in reserve to replace the water infrastructure when they wear out. I'm not sure that this has happened at Council level in the past.

Please share any other feedback you have about *water service delivery in the future*

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

I do not agree with a co-governance model - a new water board must have people who know what they are doing to do the job as efficiently as possible. I do not agree with paying the local iwi to have their say on water issues - they should be asked/consulted on the same as all ratepayers. We need to get away from taniwhas in the rivers and playing whale music to kauri trees - a totally unnecessary cost to ratepayers.

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Local Waters Service Delivery Model

Submitter Details

Submission Date: 07/04/2025

First name: Barbara Last name: Whitton

Preferred method of contact Email

Postal address: [REDACTED]

Suburb:

City: Levin

Country: NZ

Postcode: 5571

Email: [REDACTED]

Daytime Phone: [REDACTED]

Age: [REDACTED]

Gender: Female

New Zealand European

Resident or Ratepayer *

Ratepayer

Which Area is your property in? *

Levin

Do you wish to speak in support of your submission at a Hearing?

☐ Yes

☒ I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Feedback

Which of these is your preferred option for the delivery of water services in Horowhenua?

You can check the Consultation Document [here](#)

Option 1: Water Services Organisation jointly owned by Horowhenua District Council, Palmerston North City Council, Manawātū District Council, and Kāpiti Coast District Council.

Please tell us what you like about your preferred option

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

Meets legislative requirements, considers long term costs to ratepayers, logical partners for new entity

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Please share any other feedback you have about *water service delivery in the future*

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

The make-up of the governance group will be integral to success as will the level of input and joint decision making by local iwi

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Local Waters Service Delivery Model

logo

Submitter Details

Submission Date: 07/04/2025

First name: Dean **Last name:** Blackburn

Preferred method of contact Email

Postal address: [REDACTED]

Suburb:

City: Ōhau

Country: NZ

Postcode: 5570

Email: [REDACTED]

Daytime Phone:

Age: [REDACTED]

Gender: Male

New Zealand European

Resident or Ratepayer *

Ratepayer

Which Area is your property in? *

Ohau

Do you wish to speak in support of your submission at a Hearing?

☐ Yes

☒ I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Feedback

Which of these is your preferred option for the delivery of water services in Horowhenua?

You can check the Consultation Document [here](#)

Option 3: Status quo – Council continues to manage and deliver the District's water services (financially constrained).

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Local Waters Service Delivery Model

Submitter Details

Submission Date: 07/04/2025

First name: Morgan **Last name:** Braddick

Preferred method of contact Email

Postal address: 5571

Suburb:

City:

Country: NZ

Postcode: Unknown

Email: [REDACTED]

Daytime Phone: [REDACTED]

Age: [REDACTED]

Gender: Female

New Zealand European Māori

Resident or Ratepayer *

Ratepayer

Which Area is your property in? *

Levin

Do you wish to speak in support of your submission at a Hearing?

☐ Yes

☒ I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Feedback

Which of these is your preferred option for the delivery of water services in Horowhenua?

You can check the Consultation Document [here](#)

Option 3: Status quo – Council continues to manage and deliver the District's water services (financially constrained).

Please tell us what you like about your preferred option

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

Once you give up your assets should the situation not work you are left with no where to go

Please share any other feedback you have about water service delivery in the future

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T24Consult Page 1 of 2

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Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

I believe iwi support should have been seeked before anything brought to the public table, This requires further discussion with the iwi and how to best take care of our awas

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logo

Local Waters Service Delivery Model

Submitter Details

Submission Date: 07/04/2025

First name: Janice Last name: Swanwick

Preferred method of contact Email

Postal address:

Suburb:

City: Wellington

Country: NZ

Postcode: 6021

Email:

Daytime Phone:

Age:

Gender: Female

New Zealand European

Resident or Ratepayer *

Non-resident ratepayer

Which Area is your property in? *

Levin

Do you wish to speak in support of your submission at a Hearing?

☐ Yes

☒ I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Feedback

Which of these is your preferred option for the delivery of water services in Horowhenua?

You can check the Consultation Document [here](#)

Option 1: Water Services Organisation jointly owned by Horowhenua District Council, Palmerston North City Council, Manawātū District Council, and Kāpiti Coast District Council.

Please tell us what you like about your preferred option

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

Likely to be cheapest and most efficient with economy of scale. Access to cheaper borrowing than now.

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T24Consult Page 1 of 2

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Please share any other feedback you have about water service delivery in the future

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

Water conservation/retention: I would like to see rain water tanks encouraged for existing builds/made compulsory for all new builds for garden use. I would also like to see absorbent surfaces such as hardy groundcover plants and/or gravel required given the amount of impermeable surfaces with intensification, to mitigate increased stormwater run off. I would also like to see swales and ponding areas where possible on reserve land to capture stormwater and surface flooding. The health of the awa that supply each of our Horowhenua communities needs to be paramount, along with iwi involvement.

logo

Local Waters Service Delivery Model

Submitter Details

Submission Date: 08/04/2025

First name: John **Last name:** Girling

Organisation: Te Awahou Foxton Community

Board

Preferred method of contact Email

Postal address:

Suburb:

City: Foxton

Country: NZ

Postcode: 4814

Email:

Daytime Phone:

Resident or Ratepayer *

Other

Which Area is your property in? *

Foxton

Do you wish to speak in support of your submission at a Hearing?

☒ Yes

☐ I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Do you require a sign language interpreter or translator?

Feedback

Which of these is your preferred option for the delivery of water services in Horowhenua?

You can check the Consultation Document [here](#)

Option 1: Water Services Organisation jointly owned by Horowhenua District Council, Palmerston North City Council, Manawatu District Council, and Kāpiti Coast District Council.

Please tell us what you like about your preferred option

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

Spreading the cost fairly across a larger population over the longer term, and the access to increased debt ceilings, which will allow the four

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councils to do more in a better time frame.

Please share any other feedback you have about *water service delivery in the future*

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

However we have the following concerns: 1) There will be a reduction in local input into decision making as the make up of the Board/Governance and how its going to be established is unclear. Sitting at the mouth of the Manawatu River, the voice of the people of Foxton and the Beach needs to be involved and clearly heard in decision making. 2) Despite the expectation of potential lower costs, we are concerned about fixed income residents should the planned savings not eventuate. 3) The community, including the Board, must be involved in the development of the letter of intent, including how to ensure the letter of intent is complied with and what mechanisms the Council's and community have in terms of redress if the letter of intent is not complied with. 4) Local solutions, such as discharging to land as opposed to discharge to water, need to be protected and allowable. Whilst discharge to land may not be required (as stated in Morrison Low report p.36, para 2 of the Assumptions), it should be an option available, along with other locally improved treatment and discharge options. Ensuring local knowledge is incorporated in developing solutions. 5) Harmonize costs earlier rather later - from year 3. 6) We express concern about the high costs of the governance and the executive team; letter of intent should ensure tight financial controls. The costs for setting up the Water Service Organisation need to be scrutinised and significantly decreased. 7) Lack of clarity on how the split of development contributions will be managed going forward, If the WSO decides there needs to be significant increases in Development Contributions, how is this managed through the rate setting process and Long Term Plan. Will development contributions be applied equitably across the WSO area. 8) Appreciate resource consents will need to be issued, but are concerns on how these will be consulted on and policed if granted. What obligation is there on the WSO to publicly consult on resource consent applications.

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Local Waters Service Delivery Model

Submitter Details

Submission Date: 09/04/2025

First name: Sarah **Last name:** Martin

Preferred method of contact Email

Postal address: [REDACTED]

Suburb:

City:

Country: NZ

Postcode: Unknown

Email: [REDACTED]

Daytime Phone: [REDACTED]

Age: [REDACTED]

Gender: Female

New Zealand European

Resident or Ratepayer *

Ratepayer

Which Area is your property in? *

Levin

Do you wish to speak in support of your submission at a Hearing?

☐ Yes

☒ I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Feedback

Which of these is your preferred option for the delivery of water services in Horowhenua?

You can check the Consultation Document [here](#)

Option 1: Water Services Organisation jointly owned by Horowhenua District Council, Palmerston North City Council, Manawātū District Council, and Kāpiti Coast District Council.

Please tell us what you like about your preferred option

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

Greater efficiencies of scale will help to keep prices down and combine knowledge and resources.

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Local Waters Service Delivery Model

Submitter Details

Submission Date: 09/04/2025

First name: Simon **Last name:** Fraser

Preferred method of contact Email

Postal address: [REDACTED]

Suburb:

City: Levin

Country: NZ

Postcode: 5510

Email: [REDACTED]

Daytime Phone: [REDACTED]

Age: [REDACTED]

Gender: Male

New Zealand European

Resident or Ratepayer *

Ratepayer

Which Area is your property in? *

Levin

Do you wish to speak in support of your submission at a Hearing?

☐ Yes

☒ I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Feedback

Which of these is your preferred option for the delivery of water services in Horowhenua?

You can check the Consultation Document [here](#)

Option 2: A Water Services Organisation jointly owned by all willing Council's from Manawatū, Whanganui and Kāpiti regions

Please tell us what you like about your preferred option

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

I would like to first establish that it is a given that the cost of water and wastewater for each ratepayer will increase significantly over the next number of years partially due to parameters such as new water treatment requirements, lack of spending on infrastructure and climate changes to mention a few. This is in addition to the balance of costs due to amalgamation with another body. It is my opinion that in short term it would be financially beneficial to go it alone. However long term, a larger user base may mitigate the large increases we know will happen in years to come. This was always demonstrated to some degree by the water model that NZ was basing its three waters change on,

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that is the Scottish water model. The facts and figures from Taumata Arowai nearly two years ago established a baseline of increasing costs over the next number of years and by spreading these over a larger population was shown to have long term financial benefits. Other developments were being organised such as establishing a national water treatment plant design criteria with a framework called NEDS (National Engineering Design standard). This is also proven to give financial benefits within design of water treatment plants. Horowhenua is experiencing a growth in its population. The current water treatment plant will need significant money spent to keep up with demand. Other water sources may need to be engineered to ensure a good supply of source water. This all requires financial input which will mean borrowing and it is advantageous to spread the cost over a larger user base. This will assist keeping costs to a minimum. I think an additional advantage would be for the water utility to combine with a geographically adjacent water utility so that other efficiencies can take place which might include providing additional source water and water treatment expertise. Currently expertise in the water industry is varied and scarce. Obtaining this expertise on a per utility scheme is costly. Each utility is duplicating these efforts and costs. So sharing with another utility should provide some cost savings long term. So to summarise, I believe that an amalgamation with another local water utility is the way to go in the long term.

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logo

Local Waters Service Delivery Model

Submitter Details

Submission Date: 07/04/2025

First name: Jeremy **Last name:** Manks

Preferred method of contact Email

Postal address: [REDACTED]

Suburb: Waitārere Beach

City: Levin

Country: NZ

Postcode: 5510

Email: [REDACTED]

Daytime Phone: [REDACTED]

Age: [REDACTED]

Gender: Male

Resident or Ratepayer *

Ratepayer

Which Area is your property in? *

Waitārere Beach

Do you wish to speak in support of your submission at a Hearing?

☐ Yes

☒ I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Feedback

Which of these is your preferred option for the delivery of water services in Horowhenua?

You can check the Consultation Document [here](#)

Option 1: Water Services Organisation jointly owned by Horowhenua District Council, Palmerston North City Council, Manawatu District Council, and Kāpiti Coast District Council.

Please tell us what you like about your preferred option

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

"Preferred option" is not the description I would use. You seem to have decided that Option 3 is not sustainable. For that reason, option 1 warrants more investigation. WSO's have a very poor performance history. We need much more detail on financing, staffing quality and responsibilities, what happens to the HDC ownership of its assets, shareholding entities, shareholding percentages, shareholding compatibility. I would think that HDC is more compatible with MDC than PNCC. We need to see a conceptual plan rather than hypothetical ideas.

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Please share any other feedback you have about *water service delivery in the future*

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

I don't want to delegate responsibility to a WSO which has no direct responsibility to ratepayers. If you think that a WSO will be more efficient come up with a business plan and a budget that it will HAVE to comply with. Failure should mean penalties and sackings. Otherwise Option 1 would be better and we learn to live within our means. Borrowings of 280% our income is not bad! It's how you spend it.

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Local Waters Service Delivery Model

Submitter Details

Submission Date: 09/04/2025

First name: Allan **Last name:** Mitchell

Preferred method of contact Email

Postal address: [REDACTED]

Suburb:

City: Levin

Country: NZ

Postcode: 5510

Email: [REDACTED]

Daytime Phone:

Age: [REDACTED]

Gender: Male

New Zealand European

Resident or Ratepayer *

Ratepayer

Which Area is your property in? *

Levin

Do you wish to speak in support of your submission at a Hearing?

☐ Yes

☒ I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Feedback

Which of these is your preferred option for the delivery of water services in Horowhenua?

You can check the Consultation Document [here](#)

Option 2: A Water Services Organisation jointly owned by all willing Council's from Manawātū, Whanganui and Kāpiti regions

Please tell us what you like about your preferred option

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

While option 1 may seem the most preferred, it is uncertain whether those particular councils want to be involved (KCDC has said they want to go alone). Option 2 is more flexible in that we will be able to see what councils are left that we could work with.

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Please share any other feedback you have about *water service delivery in the future*

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

The only advantage I can see in being part of a group is the ability to borrow more widely to keep up the 3 waters infrastructure & possibly better buying for materials. However, one big disadvantage of the group model is the creation of another layer of the bureaucracy which will suck up more money. Another is the possible future sale of the created entity. So, maybe going alone is best after all? Confusing isn't it. As an aside, you could well scale back spending on 'climate change' mitigation as this is probably the biggest scam the world has ever faced ((maybe Covid is as big?).

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Local Waters Service Delivery Model

Submitter Details

Submission Date: 09/04/2025

First name: Andre **Last name:** Thompson

Preferred method of contact Email

Postal address: [REDACTED]

Suburb:

City: Levin

Country: NZ

Postcode: 5510

Email: [REDACTED]

Daytime Phone: [REDACTED]

Age: [REDACTED]

Gender: Male

New Zealand European

Resident or Ratepayer *

Which Area is your property in? *

Levin

Do you wish to speak in support of your submission at a Hearing?

☐ Yes

☒ I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Feedback

Which of these is your preferred option for the delivery of water services in Horowhenua?

You can check the Consultation Document [here](#)

Option 1: Water Services Organisation jointly owned by Horowhenua District Council, Palmerston North City Council, Manawatu District Council, and Kāpiti Coast District Council.

Please tell us what you like about your preferred option

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

A significant other like Palmy is a secure buffer for Levin. The risks for council is if they amalgamate with problematic water related regions then will our funds divert to solving all their issues. Even if we don't secure the other 3 partners our region has future options to increase our systems, invent new enterprised operations to enable us to not engage heavily on borrowing. I also like that HDC will be freed up to focus on delivering other township services while the water services entity manages this specialist area with government oversighting all respective operations.

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Please share any other feedback you have about *water service delivery in the future*

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

Which ever way the cards fall Horowhenua has the entrepreneurial tenacity to enhance and build additional supporting infrastructure of water delivery programmes for decades to come.

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Local Waters Service Delivery Model

Submitter Details

Submission Date: 09/04/2025

First name: Debbie Last name: Schoonbeek

Preferred method of contact Email

Postal address:

Suburb:

City: Levin

Country: NZ

Postcode: 5510

Email:

Daytime Phone:

Age:

Gender: Female

New Zealand European Māori Other ethnicity (Please specify.....)

Resident or Ratepayer *

Ratepayer

Which Area is your property in? *

Levin

Do you wish to speak in support of your submission at a Hearing?

☐ Yes

☒ I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Feedback

Which of these is your preferred option for the delivery of water services in Horowhenua?

You can check the Consultation Document [here](#)

Option 3: Status quo – Council continues to manage and deliver the District's water services (financially constrained).

Please tell us what you like about your preferred option

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

I don't believe that our interests would be respected by a larger group and we would fall well down the list of priorities.

Please share any other feedback you have about water service delivery in the future

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Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

I would appreciate Council revisiting the decision to include fluoride in our water, inflicted on us by central government. Council was recently presented with a report regarding the impact of dangerous aspects of this and agreed to consider it further. Plus, the level of chlorine has been dosed to extreme levels causing irritation to skin and eyes at the very least. It is important that ratepayers and residents are involved in all decisions made by Council, particularly where health is concerned. We elect members to represent us; not to dictate what will happen in the future and/or to try justifying what has already been decided upon in-house. If there is a need for financial loans to be secured for any 'upgrade' work, our views MUST be taken into consideration prior to final decisions being made. I am appalled at the level of increase in rates in recent years given that services are still poor. Drainage of wastewater is in dire need of renovation and is of a far greater priority than adding a toxic substance to drinking, bathing and gardening water.

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Local Waters Service Delivery Model

Submitter Details

Submission Date: 09/04/2025

First name: Stephen **Last name:** Jones

Preferred method of contact Email

Postal address: [REDACTED]

Suburb: Foxton Beach

City: Foxton

Country: NZ

Postcode: 4815

Email: [REDACTED]

Daytime Phone: [REDACTED]

Age: [REDACTED]

Gender: Male

New Zealand European

Resident or Ratepayer *

Ratepayer

Which Area is your property in? *

Foxton Beach

Do you wish to speak in support of your submission at a Hearing?

☐ Yes

☒ I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Feedback

Which of these is your preferred option for the delivery of water services in Horowhenua?

You can check the Consultation Document [here](#)

Option 3: Status quo – Council continues to manage and deliver the District's water services (financially constrained).

Please tell us what you like about your preferred option

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

The main driver for change seems to be the increased ability to borrow more capital with a changed structure; however, there is no evidence that such a structure would be more fiscally efficient long-term than the current model. Indeed the performance of Wellington water, for example, would indicate precisely the opposite. Pressure for increased capital spend seems to come from 2 primary drivers - growth and, at least in the relative short term, Palmerston North upgrading existing infrastructure. Much is also made about growth this however would be better solved by increasing the developer's contribution in the first place. Also, I strongly suspect that 10 years down the track the new body

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would have mitigated Palmerston North problems, invested in new developments, duplicated organisational costs but be hamstrung by facing rising interest costs.

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Local Waters Service Delivery Model

Submitter Details

Submission Date: 09/04/2025

First name: charmaine **Last name:** fluker

Preferred method of contact Email

Postal address: [REDACTED]

Suburb:

City: Levin

Country: NZ

Postcode: 5510

Email: [REDACTED]

Daytime Phone: [REDACTED]

Age: [REDACTED]

Gender: Female

Other ethnicity (Please specify.....)

Resident or Ratepayer *

Ratepayer

Which Area is your property in? *

Levin

Do you wish to speak in support of your submission at a Hearing?

☐ Yes

☒ I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Feedback

Which of these is your preferred option for the delivery of water services in Horowhenua?

You can check the Consultation Document [here](#)

Option 3: Status quo – Council continues to manage and deliver the District's water services (financially constrained).

Please tell us what you like about your preferred option

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

I believe that it is in the horowhenua district to keep their water services inhouse , so to speak. i do not believe going north to Pamerston and area is of any help to us and i understand kapiti want to go alone as they have already paid for their system which includes watr meters and i think that we should also install them. it has been really good for kapiti water saving and also no water restrictions.

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Please share any other feedback you have about water service delivery in the future

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

i think that developers should pay more to connect extra houses to the system and that all new houses should have meters and they pay for the water. it should not be on the rate payers to have to fund developers who are making profits and with all the infill housing this is becoming a problem. i do not think going north will be of any benefit to HDC as we being absorbed into them and have no say in what might happen in the future. And will end up paying for them. If there was less wastage in the council and more need to have ie water and less nice to haves we can do this. i think people are fed up with the raate money being spent on things that people think are of real value. back to basics i should be.

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Local Waters Service Delivery Model

Submitter Details

Submission Date: 09/04/2025

First name: Remana Last name: Rudd

Preferred method of contact Email

Postal address: [REDACTED]

Suburb:

City: Levin

Country: NZ

Postcode: 5510

Email: [REDACTED]

Daytime Phone: [REDACTED]

Age: [REDACTED]

Gender: Male

Māori Other ethnicity (Please specify.....)

Resident or Ratepayer *

Resident

Which Area is your property in? *

Levin

Do you wish to speak in support of your submission at a Hearing?

☐ Yes

☒ I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Feedback

Which of these is your preferred option for the delivery of water services in Horowhenua?

You can check the Consultation Document [here](#)

Option 3: Status quo – Council continues to manage and deliver the District's water services (financially constrained).

Please tell us what you like about your preferred option

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

You guys dont understand water you want clean drinking water? Stop polluting streams and cutting down native trees and destroying Wetlands, the more Wetlands and native forest there is the better the water quality will be, Stop considering building thosands of more homes for outsiders of our region cause only a select few withing the region will be anle to afford them the rest will be from outside the region which isnt in the best interest if the Horowhenua region resident's also more buildings require better infrastructure of Stormwater and Sewage which you wont need to spend as much money on if you dont have THOSANDS of new buildings placing greater pressures on the existing system

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and maybe just maybe i know its a long shit with some of you councilors listen to the ideas of Tangata Whenua, cause its due to the Council themselves the reason why all of the water services as shit so maybe instead of partnering with other councils who have also ruined there three waters think about talking to tangata whenua whi have been telling you dumb buggers what youve been doing wrong all along.

Please share any other feedback you have about *water service delivery in the future*

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

Fix the infrastructure first before even thinking about having new houses built, the more damage to whenua the worse the water quality will be but if your just on the council to line your own pocket keep thinking a partnership with other councils is the best idea

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Local Waters Service Delivery Model

Submitter Details

Submission Date: 10/04/2025

First name: Ann **Last name:** Thomas

Preferred method of contact Email

Postal address: [REDACTED]

Suburb:

City: Levin

Country: NZ

Postcode: 5571

Email: [REDACTED]

Daytime Phone: [REDACTED]

Age:

Gender: Female

Other ethnicity (Please specify.....)

Resident or Ratepayer *

Ratepayer

Which Area is your property in? *

Levin

Do you wish to speak in support of your submission at a Hearing?

☐ Yes

☒ I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Feedback

Which of these is your preferred option for the delivery of water services in Horowhenua?

You can check the Consultation Document [here](#)

Option 1: Water Services Organisation jointly owned by Horowhenua District Council, Palmerston North City Council, Manawātū District Council, and Kāpiti Coast District Council.

Please tell us what you like about your preferred option

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

The economy of scale is the positive - the negative is that we will be a small fish in a big pond and therefore there is the concern that the larger councils will take preference and HDC will be the last to be serviced. It is also noted that KCDC & MDC do not want to be part of the entity - leaving only HDC and PNCC. The MDC web site discussion shows that the cost (their calculations) for being part of the the 4 will cost their rate payers more and that going forward PNCC will have the greatest cost per household and that HDC is the next. It would be good to

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have seen an analysis of just HDC & PNCC and the financial effect on ratepayers that that combination could have.

Please share any other feedback you have about *water service delivery in the future*

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

The other concern noted from the Citizens Panel was the comment that once the water infrastructure and associated debt is removed to the new entity (which under government proposals would be able to borrow more to complete infrastructure development and renewals) that Council could then borrow more funds for Council projects. This comment is a major concern as the Council already has debt of almost 250% of income - just because the 3 waters have been removed to the new entity, the rate payer is still indirectly responsible for that debt (repayment etc via a new water rates). To then suggest that Council will eagerly borrow more money for projects would only increase again the debt burden that the rate payer is responsible for.

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logo

Local Waters Service Delivery Model

Submitter Details

Submission Date: 10/04/2025

First name: Peter Last name: Rosewarne

Preferred method of contact Email

Postal address: Unknown

Suburb:

City:

Country: New Zealand

Postcode: 5510

Email:

Daytime Phone:

Age:

Gender:

New Zealand European

Resident or Ratepayer *

Ratepayer

Which Area is your property in? *

Waitāre Beach

Do you wish to speak in support of your submission at a Hearing?

☐ Yes

☒ I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Feedback

Which of these is your preferred option for the delivery of water services in Horowhenua?

You can check the Consultation Document [here](#)

Option 1: Water Services Organisation jointly owned by Horowhenua District Council, Palmerston North City Council, Manawātū District Council, and Kāpiti Coast District Council.

Please tell us what you like about your preferred option

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

Appears financially viable.

Has less risk.

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Please share any other feedback you have about water service delivery in the future

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

Uncertain as to what government may finally do. Governance unknown.

Attached Documents

Name	
1922_001	

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This is the most important decision
we'll make for our District in decades.
Have your say before Thursday 10 April

Horowhenua
DISTRICT COUNCIL

SUBMISSION FORM

Have your say on who delivers Local Water Services

Your details	
Full Name: PETER GEORGE ROSEWARNE	
Name of organisation (if applicable):	
Postal Address:	Phone No:
	Mobile No: [REDACTED]
	Email: [REDACTED]
Please tick this box if you want to keep your contact details private. <input type="checkbox"/>	
Are you	
A ratepayer <input checked="" type="checkbox"/>	A resident <input checked="" type="checkbox"/> A non-resident ratepayer <input type="checkbox"/> Other <input type="checkbox"/>
If you ticked 'Other', please specify:	
Where do you live?	
Manakau <input type="checkbox"/>	Ōhau <input type="checkbox"/> Levin <input type="checkbox"/> Shannon <input type="checkbox"/> Foxton Beach <input type="checkbox"/> Foxton <input type="checkbox"/> Tokomaru <input type="checkbox"/>
Kapiti Coast District <input type="checkbox"/>	Manawatu District <input type="checkbox"/> Palmerston North <input type="checkbox"/> Waitārere <input checked="" type="checkbox"/>
Other <input type="checkbox"/>	If you ticked 'Other', please specify:
Communication	
Preferred method of communication: Email <input checked="" type="checkbox"/> Phone/Mobile <input type="checkbox"/>	

Submission Form - Have your say on who delivers Local Water Services? 1
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Hearing of Submissions

Submissions will be heard by Council on 30 April 2025

Do you wish to present your submission to Council at the hearing? Yes ☐ No ☒

If yes, do you require a (please tick):

Sign language interpreter ☐ Translator ☐

Please tell us a bit about yourself...

We are asking for some specific information about you to see if there is a difference in opinion between different groups of people. This helps us to understand the rich diversity of our district. It is optional, however we really appreciate you completing this section. All answers are used for demographic analysis and will remain confidential.

What age group are you in?

0-17 ☐ 18-24 ☐ 25-34 ☐ 35-49 ☐ 50-64 ☐ 65+ ☒

Ethnicity

NZ European <input checked="" type="radio"/>	Māori <input type="radio"/>
Asian (please specify) <input type="radio"/>	Pacific Peoples (please specify) <input type="radio"/>
Middle Eastern <input type="radio"/>	Latin American <input type="radio"/>
African <input type="radio"/>	Other ethnicity (please specify) <input type="radio"/>

How did you hear about this Consultation?

Radio <input type="radio"/>	Social Media <input type="radio"/>	Word of Mouth <input checked="" type="radio"/>	Website <input checked="" type="radio"/>
Other (please specify) <input type="radio"/>			

No thanks, I don't want to share this information ☐

Submissions can be:

- Delivered to: Local Water Services consultation, Horowhenua District Council, 126 Oxford Street, Levin.
- Posted to: Local Water Services consultation, Horowhenua District Council, Private Bag 4002, Levin 5440.
- Emailed to: submissions@horowhenua.govt.nz
- Completed online: [Letskorero.horowhenua.govt.nz/LWDW](https://letskorero.horowhenua.govt.nz/LWDW)

Submissions must be provided to Council by no later than 4pm on Thursday 10 April 2025.

Copies of the consultation document Have your say on Who Delivers Local Water Services are available online at [Letskorero.horowhenua.govt.nz/LWDW](https://letskorero.horowhenua.govt.nz/LWDW), Council's Main Office (126 Oxford Street, Levin), Te Takeretanga o Kura-hau-pō (10 Bath Street, Levin), Te Awahou Nieuwe Stroom (92 Main Street, Foxton) or Shannon Library (Plimmer Terrace).

For any queries, please contact Horowhenua District Council on (06) 366 0999.

PRIVACY STATEMENT

All submissions made are publicly available on our website and at Council service centres. Your personal details (including name and contact details) will be provided in their entirety to Elected Members and made available to the public at our office and on our website, **unless submitters request that this information be kept private**. We collect your contact information so we can keep you up to date with the proposal.

For more information, see our privacy statement on www.horowhenua.govt.nz/PrivacyStatement

Let's find out what you think about the options

Which of these is your preferred option for the delivery of water services in Horowhenua?

<input checked="" type="checkbox"/>	Option 1: (Council's preferred option) a Water Services Organisation jointly owned by Horowhenua District Council, Palmerston North City Council, Manawātū District Council, and Kāpiti Coast District Council
<input type="checkbox"/>	Option 2: A Water Services Organisation jointly owned by all willing Councils from the Manawātū, Whanganui and Kāpiti regions.
<input type="checkbox"/>	Option 3: Status quo – Council continues to manage and deliver our district's water services (financially constrained)

Please tell us a bit more

Any additional comments can be attached and submitted with this form.

Please tell us what you like about your preferred option

Appears financially viable,
Has less risk.

Please share any other feedback you have about water service delivery in the future

Uncertain as to what government may finally do.
Governance unknown.

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logo

Local Waters Service Delivery Model

Submitter Details

Submission Date: 10/04/2025

First name: Christine **Last name:** Moriarty

Organisation: Hokio Beach Progressive

Association

Preferred method of contact

Postal address: Unknown

Suburb:

City:

Country: New Zealand

Postcode: 5571

Email:

Daytime Phone:

Resident or Ratepayer *

Other

Which Area is your property in? *

Other

Do you wish to speak in support of your submission at a Hearing?

☐ Yes

☒ I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Feedback

Which of these is your preferred option for the delivery of water services in Horowhenua?

You can check the Consultation Document [here](#)

Option 1: Water Services Organisation jointly owned by Horowhenua District Council, Palmerston North City Council, Manawatu District Council, and Kāpiti Coast District Council. Option 2: A Water Services Organisation jointly owned by all willing Council's from Manawatu, Whanganui and Kāpiti regions

Please share any other feedback you have about water service delivery in the future

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

Let's Advocate for Delivery of local Water Services

HPA Association

We represent the local community of Hokio Beach

We support either option 1 which is the council's preferred option a Water Services Organisation jointly owned by HDC, Palmerston North City Council, Manawatu District Council and Kapiti District Coast District Council.

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Similarly, we could support option 2, a Water Services Organisation jointly owned by willing Councils from the Manawatu, Whanganui, and Kapiti regions.

But we do not opt for option 3 status quo.

HPA believes that the amalgamation of the water services will be the best option for the environment and for the majority of Horowhenua District residents.

The Horowhenua District have not been proactive in controlling the contamination going into our waterways.

We have 3 of the 4 most polluted rivers and streams in the country and our local authorities have allowed this to happen.

We look forward to a better outcome for our environment, as we are at the bottom of the chain as pollution from the lake ends on our doorstep.

Rita King -Chair

Christine Moriarty – Secretary

Hokio Progressive Asn

Attached Documents

Name
submission to Local waters 2025 (1)

Let's Advocate for Delivery of local Water Services

HPA Association

We represent the local community of Hokio Beach

We support either option 1 which is the council's preferred option a Water Services Organisation jointly owned by HDC, Palmerston North City Council, Manawatu District Council and Kapiti District Coast District Council.

Similarly, we could support option 2, a Water Services Organisation jointly owned by willing Councils from the Manawatu, Whanganui, and Kapiti regions.

But we do not opt for option 3 status quo.

HPA believes that the amalgamation of the water services will be the best option for the environment and for the majority of Horowhenua District residents.

The Horowhenua District have not been proactive in controlling the contamination going into our waterways.

We have 3 of the 4 most polluted rivers and streams in the country and our local authorities have allowed this to happen.

We look forward to a better outcome for our environment, as we are at the bottom of the chain as pollution from the lake ends on our doorstep.

Rita King -Chair

Christine Moriarty – Secretary

Hokio Progressive Asn

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Local Waters Service Delivery Model

Submitter Details

Submission Date: 10/04/2025

First name: Gary Last name: Good

Preferred method of contact Email

Postal address: [REDACTED]

Suburb:

City: Levin

Country: NZ

Postcode: 5510

Email: [REDACTED]

Daytime Phone: [REDACTED]

Age: [REDACTED]

Gender: Male

New Zealand European

Resident or Ratepayer *

Ratepayer

Which Area is your property in? *

Levin

Do you wish to speak in support of your submission at a Hearing?

☐ Yes

☒ I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Feedback

Which of these is your preferred option for the delivery of water services in Horowhenua?

You can check the Consultation Document [here](#)

Option 1: Water Services Organisation jointly owned by Horowhenua District Council, Palmerston North City Council, Manawātū District Council, and Kāpiti Coast District Council.

Please tell us what you like about your preferred option

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

Financial savings for the ratepayers would seem to be more likely with this proposal through economies of scale as reported. Being able to transfer current debt related to water schemes is definitely an advantage moving to a larger ratepayer base. A broader base of expertise and work teams with this option is positive

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T24Consult Page 1 of 2

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Please share any other feedback you have about *water service delivery in the future*

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

I acknowledge the comprehensive booklet that provides information along with the presentation I attended on 20th March at the Council Chambers was also very worthwhile. However the proof of the likely improvements for Horowhenua ratepayers will still depend on the responses from neighbouring councils. So I wish our Council every success in achieving the goals they outline in the documentation.

80

logo

Local Waters Service Delivery Model

Submitter Details

Submission Date: 10/04/2025

First name: Kelvin **Last name:** Lane

Preferred method of contact Email

Postal address: [REDACTED]

Suburb:

City: Palmerston North

Country: New Zealand

Postcode: 4474

Email: [REDACTED]

Daytime Phone: [REDACTED]

Age: [REDACTED]

Gender:

New Zealand European Māori

Resident or Ratepayer *

Ratepayer

Which Area is your property in? *

Other

Do you wish to speak in support of your submission at a Hearing?

☒ Yes

☐ I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Do you require a sign language interpreter or translator?

Feedback

Which of these is your preferred option for the delivery of water services in Horowhenua?

You can check the Consultation Document [here](#)

Option 3: Status quo – Council continues to manage and deliver the District's water services (financially constrained).

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T24Consult Page 1 of 2

80

Please tell us what you like about your preferred option

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

Option 3 Status quo

We have experienced historically when regional council rates were separated from District Council rates, of necessity the administration structure had to be duplicated.

It is proposed that a separate water body be bought into being as an authority to rate, charged with the responsibility of provision of water supply, agricultural usage re irrigation, stormwater shedding and wastewater removal all culminating in river flow.

This brings about huge administration costs, supposedly outside regional and district council.

The ownership of water supply and stormwater has yet to be reasoned out with provision and maintenance thereof to be charged back to the user or ratepayer.

In haste to bring about the changes before new consents come into operation for the next 30 years, there is no clarification or redress as to operational boundaries.

Attached Documents

Name
Local waters done well 9.4.25 Kelvin Lane

Submission Local waters done well 19 April 2025

Individual

First name Kelvin Last name Lane
Address [REDACTED] Palmerston North. 4474
Email [REDACTED]
Daytime phone [REDACTED]
Age [REDACTED]
Gender Male
Ethnicity NZ European and Maori
Resident and Ratepayer in Horowhenua
Area Makerua
Yes, we wish to speak in support of our submission

Option 3 Status quo

We have experienced historically when regional council rates were separated from District Council rates, of necessity the administration structure had to be duplicated.

It is proposed that a separate water body be bought into being as an authority to rate, charged with the responsibility of provision of water supply, agricultural usage re irrigation, stormwater shedding and wastewater removal all culminating in river flow.

This brings about huge administration costs, supposedly outside regional and district council.

The ownership of water supply and stormwater has yet to be reasoned out with provision and maintenance thereof to be charged back to the user or ratepayer.

In haste to bring about the changes before new consents come into operation for the next 30 years, there is no clarification or redress as to operational boundaries.

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logo

Local Waters Service Delivery Model

Submitter Details

Submission Date: 10/04/2025

First name: Kathryn **Last name:** Lane

Organisation: Manawatu Estuary Trust

Preferred method of contact

Postal address: [REDACTED]

Suburb: Foxton Beach

City: Palmerston North

Country: New Zealand

Postcode: 4474

Email: [REDACTED]

Daytime Phone: [REDACTED]

Resident or Ratepayer *

Other

Which Area is your property in? *

Foxton Beach

Do you wish to speak in support of your submission at a Hearing?

☒ Yes

☐ I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Do you require a sign language interpreter or translator?

Feedback

Please share any other feedback you have about *water service delivery in the future*

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

We chose Option 3 Status quo

The Manawatu River has common and customary rights of usage. It affords common rights of food gathering and is geographic habitat of all native and indigenous species coming under the Wildlife Act 1953 and Conservation Act

Public insistence should always set the bar, rather than imposition by a water body acting on an independent, corporate behalf.

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81

Redress for responsibility of operations on any decision needs to be set within the parameters of national legislation.

Attached Documents

Name
MET Local waters done well 9.4.25

Submission Local Waters Done Well 9th April 2025

Organisation Manawatu Estuary Trust

First name Kathryn Last name Lane

Address [REDACTED] Palmerston North. 4474

Email [REDACTED]

Daytime phone [REDACTED]

Age [REDACTED]

Gender Male and Female

Ethnicity NZ European and Maori

We are both Residents and Ratepayers in Horowhenua

Area Foxton Beach

Yes, we wish to speak in support of our submission

We chose Option 3 Status quo

The Manawatu River has common and customary rights of usage. It affords common rights of food gathering and is geographic habitat of all native and indigenous species coming under the Wildlife Act 1953 and Conservation Act

Public insistence should always set the bar, rather than imposition by a water body acting on an independent, corporate behalf.

Redress for responsibility of operations on any decision needs to be set within the parameters of national legislation.

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logo

Local Waters Service Delivery Model

Submitter Details

Submission Date: 10/04/2025

First name: Danielle **Last name:** Harris

Organisation: Tānenuiārangi Manawatū Charitable

Trust Rōpu

Preferred method of contact Email

Postal address: Unknown

Suburb:

City:

Country: New Zealand

Postcode: 5510

Email: [REDACTED]

Daytime Phone:

Resident or Ratepayer *

Other

Which Area is your property in? *

Other

Do you wish to speak in support of your submission at a Hearing?

☐ Yes

☒ I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Feedback

Please share any other feedback you have about *water service delivery in the future*

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

Please see the attached document.

Attached Documents

Name

Letter to Horowhenua District Council LWDW 08 04 25

1

8 April 2025

Horowhenua District Council
126/148 Oxford Street
LEVIN

Attention: Monique Davidson & Bernie Wanden
Chief Executive Officer His Worship The Mayor

Tēnā korua

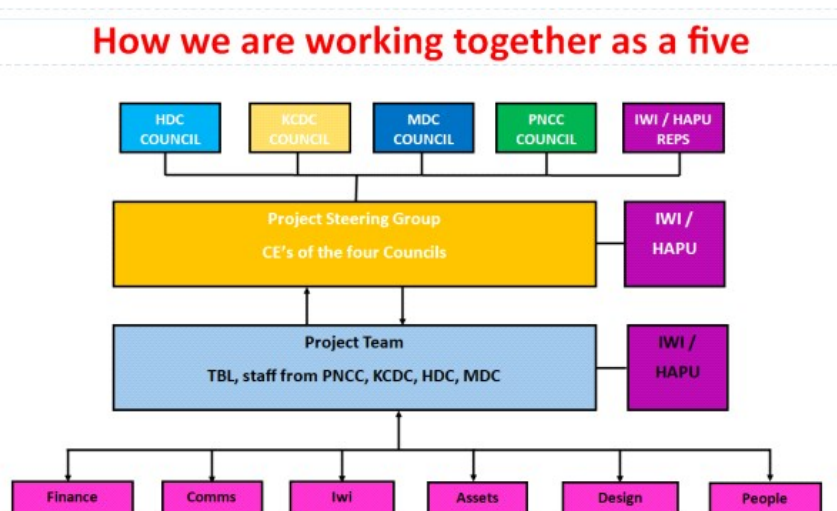
RE: LOCAL WATER DONE WELL

1. On behalf of the iwi representatives who attended the hui at Rangimarie Marae, and who have responded to sending this letter we would like to mihi to you all for making the time to meet kanohe ki te kanohe and share your thinking on the proposal to form a joint water organisation between your councils.
2. We appreciated the opportunity to hear directly from you about the drivers behind this proposal and your desire to ensure that future water service delivery is sustainable, efficient, and serves the needs of our communities. Engaging with us about this kaupapa reflects a commitment to the relationship we continue to build together.
3. As iwi/hapū, our aspirations for wai are strongly connected to our responsibilities as kaitiaki and in our enduring connection to the rivers, streams, aquifers, wetlands, and coastal waters that sustain our people and our places. For us, water is not simply a service or commodity – it is a taonga, essential to the wellbeing of the environment, our whānau, and our future generations.
4. In the context of the Local Government (Water Services) Bill, we see this as a critical moment to embed those aspirations and ensure that the new water service arrangements give effect to Te Mana o te Wai, uphold Te Tiriti o Waitangi, and recognise our rights and responsibilities as mana whenua across the rohe.
5. We believe the best way to achieve this is by continuing to work together as partners in this process. The proposal to create a new water organisation presents an opportunity – but it also requires clear and meaningful mechanisms for iwi/hapū involvement at all levels of governance, management, and operations.
6. Please see below how we can continue to work together under the proposal.

2

7. Presentation Slide - How we are working together as a five:

7.1



7.2 As shown in the diagram above, we have added Iwi/Hapū representation at all levels. This reflects our commitment to honouring Te Tiriti o Waitangi - for us, nothing less is acceptable. Our Iwi/hapū collectives will be meeting again soon and following that we shall advise our representatives. It is our intention to put forward one representative for each level of the structure, specifically:

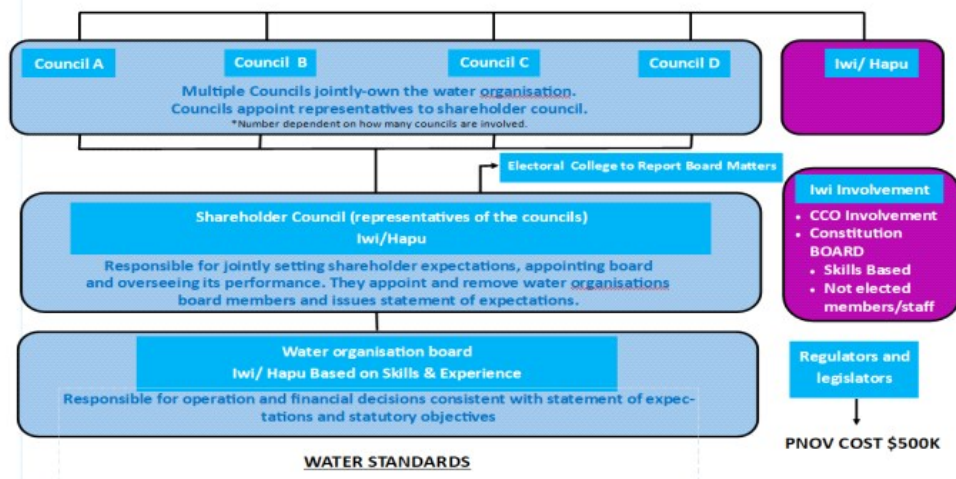
- Iwi/hapū, alongside Council Level;
- Project Steering Group Level; and
- Project Team Level.

3

8. High Level Likely Governance Structure

8.1

High Level Likely Governance Structure



- 8.2 As shown in the above diagram, we also see Iwi/Hapū level representation at all levels of the proposed structure .
- 8.3 In particular we see opportunities where Iwi/Hapū can also be owners of the Water Organisation and of course this would need to be worked through logically.
- 8.4 In terms of the Shareholder Council, we also see ourselves in that space in partnership, setting shareholder expectations, appointing the Board and overseeing its performance.
- 8.5 Finally, we believe there are individuals within our iwi/hapū who have the skills, expertise, and experience required to contribute at the governance level, including serving on the Board.

9 Other Matters

4

9.1 In terms of other involvement, we also, as a minimum, see ourselves having input into:

- The Constitution to be developed;
- The Shareholder Agreement to be developed;
- Input into the Water Services Plans our respective Councils have to develop, to ensure our values and expectations are included;
- Having representation on the Interview Panel for the Water Organisation Board Chief Executive role; and
- Of course some Iwi/Hapū may want to invest as well.

10. Final Council make Up

10.1 We acknowledge the ongoing consultation process being undertaken by the four Councils which will ultimately determine which Council/s will choose to work together and which may seek to go alone. We acknowledge this will have an impact on which Iwi/Hapū will be involved and working together. Therefore, it is imperative that a mechanism is established to keep us informed and updated during this process.

10.2 We look forward to further discussions on how our shared aspirations can be realised as the proposal develops. We are committed to continuing this kōrero and working together to ensure that whatever entity is created, it serves our people, our environment, and our mokopuna.

11. Point of Contact

11.1 We ask that you confirm the key point of contact we should work with to progress these matters as soon as possible. Our point of contact for now is Danielle Harris, danielle@rangitaane.iwi.nz.

5

Nā mātou noa, nā



Danielle Harris
Tānenuiārangi Manawatū Charitable Trust Rōpu

Helmut Modlik
Te Rūnanga o Ngāti Toa

Hayden Turoa
Te Tūmatakahuki

Trevor Shailer
Ngāti Kauwhata

Di Rump
Muaūpoko Tribal Authority

CC:

Palmerston North City Council
Attn: Waid Crockett , CEO

& *His Worship the Mayor, Grant Smith*

Manawatu District Council
Attn: Shayne Harris , CEO

& *Her Worship the Mayor, Helen Worboys*

Kapiti Coast District Council
Attn: Darren Edwards , CEO

& *Her Worship the Mayor, Janet Holborow*

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logo

Local Waters Service Delivery Model

Submitter Details

Submission Date: 10/04/2025

First name: David **Last name:** Roache

Preferred method of contact Email

Postal address: [REDACTED]

Suburb:

City: Foxton

Country: New Zealand

Postcode: 4848

Email: [REDACTED]

Daytime Phone: [REDACTED]

Age: [REDACTED]

Gender:

New Zealand European

Resident or Ratepayer *

Ratepayer

Which Area is your property in? *

Foxton

Do you wish to speak in support of your submission at a Hearing?

☒ Yes

☐ I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Do you require a sign language interpreter or translator?

Feedback

Which of these is your preferred option for the delivery of water services in Horowhenua?

You can check the Consultation Document [here](#)

Option 3: Status quo – Council continues to manage and deliver the District's water services (financially constrained).

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T24Consult Page 1 of 2

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Please tell us what you like about your preferred option

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

1. There is no guarantee on savings on option1. Option 3 means we will be incontrol of our own assets and our own decision making.

Council have shown that there is significant savings to be made. With prudent management savings could be greater.

Please share any other feedback you have about water service delivery in the future

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

I would support council lobbying central government to remove the compulsory setting up of a water services organisation on Councils that decide to go alone. Would also support Council lobbying NZLG for an approach to Central Government for the GST portion of rates on 2 waters. Should be made available to local councils. Can be used as a subsidy.

I wish to speak to this submission.

Attached Documents

Name
Submission LWDW

This is the most important decision
we'll make for our District in decades.
Have your say before Thursday 10 April

SUBMISSION FORM

Have your say on who delivers Local Water Services

Your details	
Full Name:	David John Roache
Name of organisation (if applicable):	N/A
Postal Address:	Phone No:
Mobile No:	
Email:	
Please tick this box if you want to keep your contact details private. <input checked="" type="checkbox"/>	
Are you	
A ratepayer <input checked="" type="checkbox"/>	A resident <input checked="" type="checkbox"/>
A non-resident ratepayer <input type="checkbox"/>	Other <input type="checkbox"/>
If you ticked 'Other', please specify:	
Where do you live?	
Manakau <input type="checkbox"/>	Ōhau <input type="checkbox"/>
Levin <input type="checkbox"/>	Shannon <input type="checkbox"/>
Foxton Beach <input type="checkbox"/>	Foxton <input checked="" type="checkbox"/>
Tokomaru <input type="checkbox"/>	
Kapiti Coast District <input type="checkbox"/>	Manawatu District <input type="checkbox"/>
Palmerston North <input type="checkbox"/>	Waitāre <input type="checkbox"/>
Other <input type="checkbox"/>	If you ticked 'Other', please specify:
Communication	
Preferred method of communication:	Email <input checked="" type="checkbox"/>
	Phone/Mobile <input type="checkbox"/>

Submission Form - Have your say on who delivers Local Water Services? 1

Hearing of Submissions

Submissions will be heard by Council on 30 April 2025

Do you wish to present your submission to Council at the hearing? Yes ☒ No

If yes, do you require a (please tick):

Sign language interpreter ☐ Translator ☐ No ☒

Please tell us a bit about yourself...

We are asking for some specific information about you to see if there is a difference in opinion between different groups of people. This helps us to understand the rich diversity of our district. It is optional, however we really appreciate you completing this section. All answers are used for demographic analysis and will remain confidential.

What age group are you in?

0-17 ☐ 18-24 ☐ 25-34 ☐ 35-49 ☐ 50-64 ☐ 65+ ☒

Ethnicity

NZ European <input type="radio"/>	Māori <input checked="" type="radio"/>
Asian (please specify) <input type="radio"/>	Pacific Peoples (please specify) <input type="radio"/>
Middle Eastern <input type="radio"/>	Latin American <input type="radio"/>
African <input type="radio"/>	Other ethnicity (please specify) <input type="radio"/>

How did you hear about this Consultation?

Radio ☐ Social Media ☐ Word of Mouth ☐ Website ☒

Other (please specify) ☒ Council handout.

No thanks, I don't want to share this information ☐

Submissions can be:

- Delivered to: Local Water Services consultation, Horowhenua District Council, 126 Oxford Street, Levin
- Posted to: Local Water Services consultation, Horowhenua District Council, Private Bag 4002, Levin 5440
- Emailed to: submissions@horowhenua.govt.nz
- Completed online: letskorero.horowhenua.govt.nz/LWDW

Submissions must be provided to Council by no later than 4pm on Thursday 10 April 2025.

Copies of the consultation document Have your say on Who Delivers Local Water Services are available online at letskorero.horowhenua.govt.nz/LWDW, Council's Main Office (126 Oxford Street, Levin), Te Takeretanga o Kura hau-pō (10 Bath Street, Levin), Te Awahou Nieuwe Stroom (92 Main Street, Foxton) or Shannon Library (Plimmer Terrace).

For any queries, please contact Horowhenua District Council on (06) 366 0999.

PRIVACY STATEMENT

All submissions made are publicly available on our website and at Council service centres. Your personal details (including name and contact details) will be provided in their entirety to Elected Members and made available to the public at our office and on our website, **unless submitters request that this information be kept private**. We collect your contact information so we can keep you up to date with the proposal.

For more information, see our privacy statement on www.horowhenua.govt.nz/PrivacyStatement.

Let's find out what you think about the options

Which of these is your preferred option for the delivery of water services in Horowhenua?

<input type="checkbox"/>	Option 1: (Council's preferred option) a Water Services Organisation jointly owned by Horowhenua District Council, Palmerston North City Council, Manawatu District Council, and Kapiti Coast District Council
<input type="checkbox"/>	Option 2: A Water Services Organisation jointly owned by all willing Councils from the Manawatu, Whanganui and Kapiti regions.
<input checked="" type="checkbox"/>	Option 3: Status quo – Council continues to manage and deliver our district's water services (financially constrained)

Please tell us a bit more

Any additional comments can be attached and submitted with this form.

Please tell us what you like about your preferred option

1. There is no guarantee on savings on option 1.
Option 3 means we will be in control of our own assets & our own decision making.
Council have shown that there is significant savings to be made. With prudent management savings could be greater.

Please share any other feedback you have about water service delivery in the future

I would support Council Lobbying Central Government to remove the compulsory setting up of a Water Services Organisation on Councils ^{that} decide to go alone. Would also support Council lobbying NZLG for an approach to Central Government for the GST portion of rates on 3 Waters. Should be made available to local councils. Can be used as a subsidy. I wish to speak to this submission.

AS Roache

Submission Form - Have your say on who delivers Local Water Services?

3

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logo

Local Waters Service Delivery Model

Submitter Details

Submission Date: 10/04/2025

First name: Janis **Last name:** Kieninger

Preferred method of contact Email

Postal address: [REDACTED]

Suburb:

City: Levin

Country: NZ

Postcode: 5510

Email: [REDACTED]

Daytime Phone: [REDACTED]

Age: [REDACTED]

Gender: Female

New Zealand European

Resident or Ratepayer *

Ratepayer

Which Area is your property in? *

Levin

Do you wish to speak in support of your submission at a Hearing?

☐ Yes

☒ I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Feedback

Which of these is your preferred option for the delivery of water services in Horowhenua?

You can check the Consultation Document [here](#)

Option 3: Status quo – Council continues to manage and deliver the District's water services (financially constrained).

Please tell us what you like about your preferred option

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

Difficult times require difficult decisions. We can not keep borrowing money. Options 1 and 2 are just another way to increase debt for our council and in the long run to increase the cost of repayments to the ratepayers. Reduce the cost of council owned facilities instead - tough one yes but consider combining the libraries and pools instead and use the money saved to improve our infrastructure.

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T24Consult Page 1 of 2

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Please share any other feedback you have about water service delivery in the future

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

Water is so important and the upkeep and improvement is much more important than beautifying the town, improving playgrounds and having several Council owned community facilities. Back to basics!

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logo

Local Waters Service Delivery Model

Submitter Details

Submission Date: 10/04/2025

First name: Graham **Last name:** Purvis

Organisation: Tokomaru Opiki Community Support
and Civil Defence

Preferred method of contact Email

Postal address: [REDACTED]

Suburb:

City:

Country: NZ

Postcode: Unknown

Email: [REDACTED]

Daytime Phone: [REDACTED]

Resident or Ratepayer *

Other

Which Area is your property in? *

Tokomaru

Do you wish to speak in support of your submission at a Hearing?

☐ Yes

☒ I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Feedback

Which of these is your preferred option for the delivery of water services in Horowhenua?

You can check the Consultation Document [here](#)

Option 1: Water Services Organisation jointly owned by Horowhenua District Council, Palmerston North City Council, Manawātū District Council, and Kāpiti Coast District Council.

Please tell us what you like about your preferred option

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

Costs are spread, and this reduces the extra expense to the Ratepayer. A united group involving more than one Authority. Less cost more experience makes ratepayer happy

Please share any other feedback you have about water service delivery in the future

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

Councils and departments keep ratepayers up-to-date

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logo

Local Waters Service Delivery Model

Submitter Details

Submission Date: 10/04/2025

First name: Pam Last name: Good

Preferred method of contact Email

Postal address:

Suburb:

City: Levin

Country: NZ

Postcode: 5510

Email:

Daytime Phone:

Age:

Gender: Female

New Zealand European

Resident or Ratepayer *

Ratepayer

Which Area is your property in? *

Levin

Do you wish to speak in support of your submission at a Hearing?

☐ Yes

☒ I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Feedback

Which of these is your preferred option for the delivery of water services in Horowhenua?

You can check the Consultation Document [here](#)

Option 1: Water Services Organisation jointly owned by Horowhenua District Council, Palmerston North City Council, Manawātū District Council, and Kāpiti Coast District Council.

Please tell us what you like about your preferred option

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

A jointly owned Water Services Organisation would enable growth and provide an economic approach to new legislation requirements. Maintenance of existing and prospective infrastructure would be more viable as this option allows for the ability to borrow more money for services. I believe consultation is crucial and this option will enable this.

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T24Consult Page 1 of 2

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Please share any other feedback you have about water service delivery in the future

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

The increased population and planned housing developments would work better with this option. HDC could not fund future development from taxes Option 1 enables economies of scale approach.

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Local Waters Service Delivery Model

Submitter Details

Submission Date: 10/04/2025

First name: Briar Last name: Moffatt

Preferred method of contact Email

Postal address: [REDACTED]

Suburb:

City: Ōhau

Country: NZ

Postcode: 5570

Email: [REDACTED]

Daytime Phone: [REDACTED]

Age: [REDACTED]

Gender: Female

New Zealand European Māori

Resident or Ratepayer *

Ratepayer

Which Area is your property in? *

Ohau

Do you wish to speak in support of your submission at a Hearing?

☐ Yes

☒ I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Feedback

Which of these is your preferred option for the delivery of water services in Horowhenua?

You can check the Consultation Document [here](#)

Option 3: Status quo – Council continues to manage and deliver the District's water services (financially constrained).

Please tell us what you like about your preferred option

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

Keep the management of our water assets local. I don't like the idea of the creation of an external body across the top managing the water in our region. Keeping the management local had guaranteed Iwi engagement, the other options were showing this as an unknown.

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T24Consult Page 1 of 2

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Please share any other feedback you have about *water service delivery in the future*

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

I'd like to see the actual health of our river & water put in the middle of the conversation. It's such a finite resource, we can't just maintain growth without a change in expectation of use, so I'd love to see more teachings / accountability / understanding inside Council and Residents for how to respect this precious resource.

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logo

Local Waters Service Delivery Model

Submitter Details

Submission Date: 11/04/2025

First name: [REDACTED] Last name: [REDACTED]

Preferred method of contact

Postal address: [REDACTED]

Suburb:

City: Levin

Country: New Zealand

Postcode: 5510

Email:

Daytime Phone:

Age:

Gender:

Resident or Ratepayer *

Other

Which Area is your property in? *

Levin

Do you wish to speak in support of your submission at a Hearing?

☐ Yes

☒ I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Feedback

Which of these is your preferred option for the delivery of water services in Horowhenua?

You can check the Consultation Document [here](#)

Option 3: Status quo – Council continues to manage and deliver the District's water services (financially constrained).

Please tell us what you like about your preferred option

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

See attached document.

Please share any other feedback you have about water service delivery in the future

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T24Consult Page 1 of 2

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Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

See attached document.

Attached Documents

Name	
1989_001	

88



Submission on Four Waters

[REDACTED]

Levin

I do not wish my name to be published with my feedback

Yes I would like to attend to a hearing and speak about my submission

When there was discussion about the subdivision on Queen Street East – and other subdivisions, the response from the Horowhenua District Council was that there was ‘plenty’ of water and the water system was being upgraded with the new connections. At the time it was also pointed out that in dry summers we currently had water restrictions, and would there be water restrictions in the future – no, we would have plenty of water.

When reading the Community Connection information Issue 210 February 2025 published in the Horowhenua

Relax, you already pay for 91,000 litres of treated drinking water every three months through your rates in Levin, Foxton, Tokomaru (Foxton Beach has a different charging system) That’s a lot of water – about 1,000 litres per day.

Do you know that in Melbourne, Australia the average residential water usage per person is around 161-166 litres per day. The target for water usage is 150 litres per person per day.

So I send an email to HDC – 3 March – (and the Mayor and Councillors know this because you got a copy of it because after two weeks I still had not had a reply!)

asking for information including

So that is roughly 1,000 litres of water per day.

When level 1, 2, or 3 goes into play – how much are you asking that the daily usage for each connection should be?

Reply from Jeremy Simons – 17 March Local Waters Business and Operations Manager | Kaiwhakahaere o ngā

Yes you are correct we allocate 1000 litres per day per household. If we go into any water conservation or restrictions (Level 1, 2 or 3) you are still allocated the 1000 litres per day.

As a rough guideline a household would generally use around 500 litres per day (dependent on the number of people in the household). And then further on in the email.

*As for the water usage by area this can be discussed and information can be provided. **We do ask what this information is to be used for prior.***

Once we rollout the new digital meters within the district we are exploring the ability to self manage your usage through the development of an “APP”.

This is under development and would not be available until after July 2026.

In the booklet page 5

We supply 5 billion of safe drinking water each year

Council provides safe and reliable drinking water to 13,700 residential, industrial and commercial properties
Foxton, Foxton Beach, Shannon and Tokomaru. Council also provides water for firefighting capability.

That's 5,000,000,000 divided by 13,700 properties = 364,963 litres per annum per property – who is using
water and why do we not have water meters?

I have a water meter at my property which must have been installed at least over ten years ago, and to the
my knowledge I have never been told how much water I use. I never knew it was operational.

If the council knew that they were going to come unstuck with the water finances why weren't they proacti
doing something about it years ago.

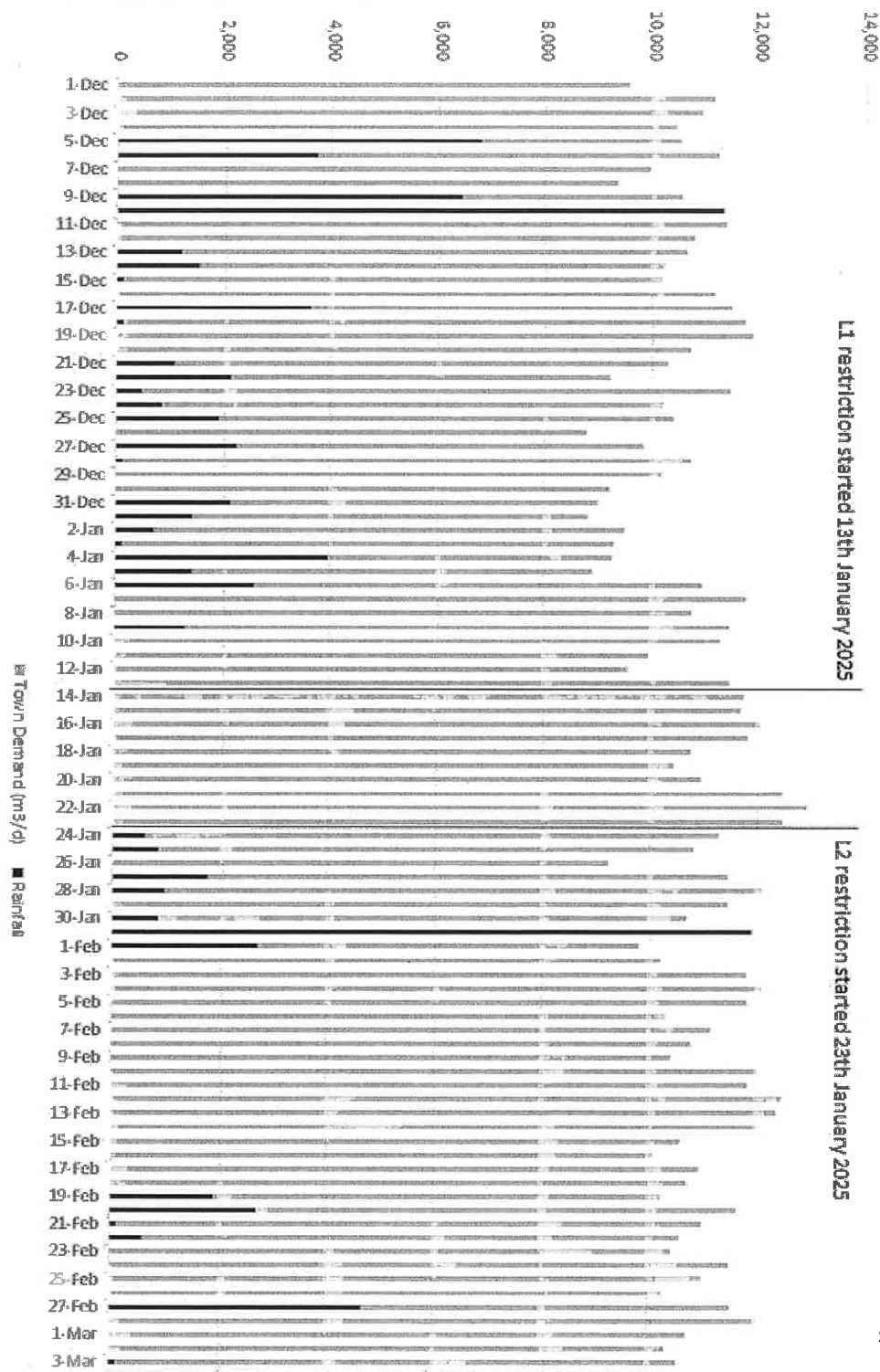
And why now that the council are 'forced' to do something, want Kapiti and Manawatu to pick up the costs
subsidize both Horowhenua and to a larger degree Palmerston North City Council in a BIG way.

I have to say that as a ratepayer I feel that I have been lead up the garden path.

I support Option 3 water to remain in-house.

Yes I know the council will be broke, but so be it. It's about time to realise that we cannot have all of the ni
and to go back to basics.

Attached is a copy of an email showing Levin Water demand which you may find interesting.



Month	L/p/d	Notes
Jul-23	388	
Aug-23	371	
Sep-23	345	
Oct-23	382	
Nov-23	404	
Dec-23	414	
Jan-24	433	
Feb-24	453	
Mar-24	426	
Apr-24	487	
May-24	470	
Jun-24	445	estimate
Jul-24	329	
Aug-24	331	
Sep-24	336	

Justine Moore

From: [REDACTED]
Sent: Monday, 14 April 2025 9:38 am
To: Justine Moore
Subject: water submission

Submission on Four Waters



Levin

I do not wish my name to be published with my feedback

Yes I would like to attend to a hearing and speak about my submission

When there was discussion about the subdivision on Queen Street East – and other subdivisions, the response from the Horowhenua District Council that there was ‘plenty’ of water and the water system was being ungraded to cope with the new connections. At the time it was also pointed out that in dry summers we currently had water restrictions, and would there be water restrictions in the future - no, we would have plenty of water.

When reading the Community Connection information Issue 210 February 2025 published in the Horowhenua Star,

Relax, you already pay for 91,000 litres of treated drinking water every three months through your rates in you live in Levin, Foxton, Tokomaru (Foxton Beach has a different charging system) That’s a lot of water – about 1,000 litres a day.

Do you know that in Melbourne, Australia the average residential water *usage* per person is around 161-164 litres per day. The target for water usage is 150 litres per person per day.

So I send an email to hdc - 3 March – (and the Mayor and Councilors know this because you got a copy of my email because after two weeks I still had not had a reply!)

asking for information including

So that is roughly 1,000 litres of water per day.

When level 1, 2, or 3 goes into play – how much are you asking that the daily usage for each connection should be?

Reply from Jeremy Simons – 17 March Local Waters Business and Operations Manager | Kaiwhakahaere o ngā Wa

Yes you are correct we allocate 1000ltrs per day per household. If we go into any water conservation or restrictions (Level 1,2 or 3) you are still allocated the 1000 ltrs per day.

As a rough guideline a household would generally use around 500ltrs per day (dependent on the number of persons) And then further on in the email.

*As for the water usage by area this can be discussed and information be provided. **We do ask what this information is to be used for prior.***

Once we rollout the new digital meters within the district we are exploring the ability to self manage your usage with the development of an “APP”.

This is under development and would not be available until after July 2026.

In the booklet page 5

We supply 5 billion of safe drinking water each year

Council provides safe and reliable drinking water to 13,700 residential, industrial and commercial properties in Levin, Foxton, Foxton Beach, Shannon and Tokomaru. Council also provides water for firefighting capability.

That's 5,000,000,000 divided by 13,700 properties = 364,963 litres per annum per property – who is using all this water and why do we not have water meters?

I have a water meter at my property which must have been installed at least over ten years ago, and to the best of my knowledge I have never been told how much water I use. I never knew it was operational.

If the council knew that they were going to come unstuck with the water finances why weren't they proactive in doing something about it years ago.

And why now that the council are 'forced' to do something, want Kapiti and Manawatu to pick up the costs and subsidize both Horowhenua and to a larger degree Palmerston North City Council in a BIG way.

I have to say that as a ratepayer I feel that I have been lead up the garden path.

I support Option 3 water to remain in-house.

Yes I know the council will be broke, but so be it. It's about time to realise that we cannot have all of the niceties, and to go back to basics.

Attached is a copy of an email showing Levin Water demand which you may find interesting.

89

logo

Local Waters Service Delivery Model

Submitter Details

Submission Date: 11/04/2025

First name: Phillena **Last name:** Paki

Preferred method of contact

Postal address: [REDACTED]

Suburb:

City: Levin

Country: New Zealand

Postcode: 5510

Email:

Daytime Phone: [REDACTED]

Age: [REDACTED]

Gender:

Māori

Resident or Ratepayer *

Ratepayer

Which Area is your property in? *

Levin

Do you wish to speak in support of your submission at a Hearing?

☐ Yes

☒ I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Feedback

Which of these is your preferred option for the delivery of water services in Horowhenua?

You can check the Consultation Document [here](#)

Option 1: Water Services Organisation jointly owned by Horowhenua District Council, Palmerston North City Council, Manawātū District Council, and Kāpiti Coast District Council.

Please tell us what you like about your preferred option

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)


Fear for all

Attached Documents

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Name	
1358_001	

89

This is the most important decision
we'll make for our District in decades.
Have your say before Thursday 10 April



SUBMISSION FORM

Have your say on who delivers Local Water Services

Your details	
Full Name: <u>Phyllena A Paki</u>	
Name of organisation (if applicable):	
Postal Address:	Phone No:
	Mobile No:
	Email:
Please tick this box if you want to keep your contact details private. <input checked="" type="checkbox"/>	
Are you	
A ratepayer <input checked="" type="checkbox"/>	A resident <input type="checkbox"/>
A non-resident ratepayer <input type="checkbox"/>	Other <input type="checkbox"/>
If you ticked 'Other', please specify:	
Where do you live?	
Manakau <input type="checkbox"/>	Ōhau <input type="checkbox"/>
Levin <input checked="" type="checkbox"/>	Shannon <input type="checkbox"/>
Foxton Beach <input type="checkbox"/>	Foxton <input type="checkbox"/>
Tokomaru <input type="checkbox"/>	
Kapiti Coast District <input type="checkbox"/>	Manawatu District <input type="checkbox"/>
Palmerston North <input type="checkbox"/>	Waitāre <input type="checkbox"/>
Other <input type="checkbox"/>	If you ticked 'Other', please specify:
Communication	
Preferred method of communication:	Email <input type="checkbox"/>
	Phone/Mobile <input checked="" type="checkbox"/>

Submission Form - Have your say on who delivers Local Water Services? 275 1

Hearing of Submissions

Submissions will be heard by Council on 30 April 2025

Do you wish to present your submission to Council at the hearing? Yes ☐ No ☒

If yes, do you require a (please tick):

Sign language interpreter ☐ Translator ☐

Please tell us a bit about yourself...

We are asking for some specific information about you to see if there is a difference in opinion between different groups of people. This helps us to understand the rich diversity of our district. It is optional, however we really appreciate you completing this section. All answers are used for demographic analysis and will remain confidential.

What age group are you in?

0-17 ☐ 18-24 ☐ 25-34 ☐ 35-49 ☐ 50-64 ☐ 65+ ☒

Ethnicity

NZ European <input type="radio"/>	Māori <input checked="" type="radio"/>
Asian (please specify) <input type="radio"/>	Pacific Peoples (please specify) <input type="radio"/>
Middle Eastern <input type="radio"/>	Latin American <input type="radio"/>
African <input type="radio"/>	Other ethnicity (please specify) <input type="radio"/>

How did you hear about this Consultation?

Radio ☐ Social Media ☒ Word of Mouth ☐ Website ☐

Other (please specify) ☐

No thanks, I don't want to share this information ☒

Submissions can be:

- Delivered to: Local Water Services consultation, Horowhenua District Council, 126 Oxford Street, Levin.
- Posted to: Local Water Services consultation, Horowhenua District Council, Private Bag 4002, Levin 5440.
- Emailed to: submissions@horowhenua.govt.nz
- Completed online: letskorero.horowhenua.govt.nz/LWDW

Submissions must be provided to Council by no later than 4pm on Thursday 10 April 2025.

Copies of the consultation document Have your say on Who Delivers Local Water Services are available online at letskorero.horowhenua.govt.nz/LWDW, Council's Main Office (126 Oxford Street, Levin), Te Takeretanga o Kura-hau-pō (10 Bath Street, Levin), Te Awahou Nieuwe Stroom (92 Main Street, Foxton) or Shannon Library (Plimmer Terrace).

For any queries, please contact Horowhenua District Council on (06) 366 0999.

PRIVACY STATEMENT

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For more information, see our privacy statement on www.horowhenua.govt.nz/PrivacyStatement

Let's find out what you think about the options

Which of these is your preferred option for the delivery of water services in Horowhenua?

<input checked="" type="checkbox"/>	Option 1: (Council's preferred option) a Water Services Organisation jointly owned by Horowhenua District Council, Palmerston North City Council, Manawatu District Council, and Kāpiti Coast District Council
<input type="checkbox"/>	Option 2: A Water Services Organisation jointly owned by all willing Councils from the Manawatu, Whanganui and Kāpiti regions.
<input type="checkbox"/>	Option 3: Status quo – Council continues to manage and deliver our district's water services (financially constrained)

Please tell us a bit more

Any additional comments can be attached and submitted with this form.

Please tell us what you like about your preferred option

Feasible for all

Please share any other feedback you have about water service delivery in the future

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logo

Local Waters Service Delivery Model

Submitter Details

Submission Date: 11/04/2025

First name: Sharon Last name: Williams

Preferred method of contact Email

Postal address:

Suburb:

City: Shannon

Country: New Zealand

Postcode: 4821

Email:

Daytime Phone:

Age:

Gender:

Other ethnicity (Please specify.....)

Resident or Ratepayer *

Ratepayer

Which Area is your property in? *

Shannon

Do you wish to speak in support of your submission at a Hearing?

☐ Yes

☒ I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Feedback

Which of these is your preferred option for the delivery of water services in Horowhenua?

You can check the Consultation Document [here](#)

Option 1: Water Services Organisation jointly owned by Horowhenua District Council, Palmerston North City Council, Manawātū District Council, and Kāpiti Coast District Council.

Please tell us what you like about your preferred option

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

Prefer this option as it (if occurs and other councils agree) seems to keep the 'water portion' of the rates bill as cheap as possible. In times such as these with affordability being a significant factor for many households I appreciate this consideration.

Attached Documents

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T24Consult Page 1 of 2

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Name
1988_001

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T24Consult Page 2 of 2

This is the most important decision
we'll make for our District in decades.
Have your say before Thursday 10 April



SUBMISSION FORM

Have your say on who delivers Local Water Services

Your details	
Full Name: <i>Sharan Williams</i>	
Name of organisation (if applicable):	
Postal Address:	Phone No:
<i>Shannon</i> <i>4821</i>	Mobile No:
	Email:
Please tick this box if you want to keep your contact details private. <input type="radio"/>	
Are you	
A ratepayer <input checked="" type="checkbox"/>	A resident <input checked="" type="checkbox"/>
A non-resident ratepayer <input type="checkbox"/>	Other <input type="checkbox"/>
If you ticked 'Other', please specify:	
Where do you live?	
Manakau <input type="checkbox"/>	Ōhau <input type="checkbox"/>
Levin <input type="checkbox"/>	Shannon <input checked="" type="checkbox"/>
Foxton Beach <input type="checkbox"/>	Foxton <input type="checkbox"/>
Tokomaru <input type="checkbox"/>	
Kapiti Coast District <input type="checkbox"/>	Manawatu District <input type="checkbox"/>
Palmerston North <input type="checkbox"/>	Waitāre <input type="checkbox"/>
Other <input type="checkbox"/>	If you ticked 'Other', please specify:
Communication	
Preferred method of communication: Email <input checked="" type="checkbox"/> Phone/Mobile <input type="checkbox"/>	

Submission Form - Have your say on who delivers Local Water Services? 1

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Hearing of Submissions

Submissions will be heard by Council on 30 April 2025

Do you wish to present your submission to Council at the hearing? Yes ☐ No ☒

If yes, do you require a (please tick):

Sign language interpreter ☐ Translator ☐

Please tell us a bit about yourself...

We are asking for some specific information about you to see if there is a difference in opinion between different groups of people. This helps us to understand the rich diversity of our district. It is optional, however we really appreciate you completing this section. All answers are used for demographic analysis and will remain confidential.

What age group are you in?

0-17	<input type="radio"/>	18-24	<input type="radio"/>	25-34	<input type="radio"/>	35-49	<input type="radio"/>	50-64	<input checked="" type="radio"/>	65+	<input type="radio"/>
------	-----------------------	-------	-----------------------	-------	-----------------------	-------	-----------------------	-------	----------------------------------	-----	-----------------------

Ethnicity

NZ European	<input type="radio"/>	Māori	<input type="radio"/>
Asian (please specify)	<input type="radio"/>	Pacific Peoples (please specify)	<input type="radio"/>
Middle Eastern	<input type="radio"/>	Latin American	<input type="radio"/>
African	<input type="radio"/>	Other ethnicity (please specify) <i>British</i>	<input checked="" type="radio"/>

How did you hear about this Consultation?

Radio	<input type="radio"/>	Social Media	<input checked="" type="radio"/>	Word of Mouth	<input type="radio"/>	Website	<input type="radio"/>
Other (please specify)		<input type="radio"/>					

No thanks, I don't want to share this information ☐

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Let's find out what you think about the options



Which of these is your preferred option for the delivery of water services in Horowhenua?



Option 1: (Council's preferred option) a Water Services Organisation jointly owned by Horowhenua District Council, Palmerston North City Council, Manawātū District Council, and Kāpiti Coast District Council

Option 2: A Water Services Organisation jointly owned by all willing Councils from the Manawātū, Whanganui and Kāpiti regions.

Option 3: Status quo – Council continues to manage and deliver our district's water services (financially constrained)

Please tell us a bit more

Any additional comments can be attached and submitted with this form.

Please tell us what you like about your preferred option

Prefer this option as it (if occurs and other councils agree) seems to keep the 'water portion' of the rates bill as cheap as possible. ~~being~~
In times such as these with affordability being a significant factor for many households I appreciate this consideration.

Please share any other feedback you have about water service delivery in the future

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logo

Local Waters Service Delivery Model

Submitter Details

Submission Date: 11/04/2025

First name: Corrine **Last name:** Smith

Preferred method of contact Email

Postal address: [REDACTED]

Suburb:

City: Shannon

Country: New Zealand

Postcode: 4821

Email:

Daytime Phone: [REDACTED]

Age: [REDACTED]

Gender:

Resident or Ratepayer *

Ratepayer

Which Area is your property in? *

Shannon

Do you wish to speak in support of your submission at a Hearing?

☒ Yes

☐ I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Do you require a sign language interpreter or translator?

Feedback

Which of these is your preferred option for the delivery of water services in Horowhenua?

You can check the Consultation Document [here](#)

Option 3: Status quo – Council continues to manage and deliver the District's water services (financially constrained).

Please tell us what you like about your preferred option

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T24Consult Page 1 of 2

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Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

None of the above, back up would be Option 3.

Attached Documents

Name
1987_001

This is the most important decision
we'll make for our District in decades.
Have your say before Thursday 10 April

Horowhenua
DISTRICT COUNCIL



SUBMISSION FORM

Have your say on who delivers Local Water Services

Your details	
Full Name:	Covine Smith
Name of organisation (if applicable):	
Postal Address:	Phone No:
	Mobile No:
Shannon - 4821	Email:
Please tick this box if you want to keep your contact details private. <input checked="" type="checkbox"/>	
Are you	
A ratepayer <input checked="" type="radio"/>	A resident <input checked="" type="radio"/>
A non-resident ratepayer <input type="radio"/>	Other <input type="radio"/>
If you ticked 'Other', please specify:	
Where do you live?	
Manakau <input type="radio"/>	Ōhau <input type="radio"/>
Levin <input type="radio"/>	Shannon <input checked="" type="radio"/>
Foxton Beach <input type="radio"/>	Foxton <input type="radio"/>
Tokomaru <input type="radio"/>	
Kapiti Coast District <input type="radio"/>	Manawatu District <input type="radio"/>
Palmerston North <input type="radio"/>	Waitāre <input type="radio"/>
Other <input type="radio"/>	If you ticked 'Other', please specify:
Communication	
Preferred method of communication:	Email <input checked="" type="radio"/>
	Phone/Mobile <input type="radio"/>

Submission Form - Have your say on who delivers Local Water Services? 1

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Hearing of Submissions

Submissions will be heard by Council on 30 April 2025

Do you wish to present your submission to Council at the hearing? Yes ☒ No ☐

If yes, do you require a (please tick):

Sign language interpreter ☐ Translator ☒

Please tell us a bit about yourself...

We are asking for some specific information about you to see if there is a difference in opinion between different groups of people. This helps us to understand the rich diversity of our district. It is optional, however we really appreciate you completing this section. All answers are used for demographic analysis and will remain confidential.

What age group are you in?

0-17 ☐ 18-24 ☐ 25-34 ☐ 35-49 ☐ 50-64 ☒ 65+ ☒

Ethnicity

NZ European	Māori
Asian (please specify)	Pacific Peoples (please specify)
Middle Eastern	Latin American
African	Other ethnicity (please specify)

How did you hear about this Consultation?

Radio ☐ Social Media ☐ Word of Mouth ☐ Website ☐

Other (please specify) ☒ Library

No thanks, I don't want to share this information ☒

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Let's find out what you think about the options

Which of these is your preferred option for the delivery of water services in Horowhenua?



Option 1: (Council's preferred option) a Water Services Organisation jointly owned by Horowhenua District Council, Palmerston North City Council, Manawātū District Council, and Kāpiti Coast District Council

Option 2: A Water Services Organisation jointly owned by all willing Councils from the Manawātū, Whanganui and Kāpiti regions.

Option 3: Status quo – Council continues to manage and deliver our district's water services (financially constrained)

Please tell us a bit more

Any additional comments can be attached and submitted with this form.

Please tell us what you like about your preferred option

None of the above, back up would be Option 3.

Please share any other feedback you have about water service delivery in the future

91

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logo

Local Waters Service Delivery Model

Submitter Details

Submission Date: 11/04/2025

First name: John **Last name:** Biersteker

Preferred method of contact Email

Postal address: [REDACTED]

Suburb:

City: Levin

Country: New Zealand

Postcode: 5510

Email: [REDACTED]

Daytime Phone:

Age:

Gender:

Resident or Ratepayer *

Other

Which Area is your property in? *

Other

Do you wish to speak in support of your submission at a Hearing?

☐ Yes

☒ I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Feedback

Please share any other feedback you have about *water service delivery in the future*

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

Dear Councillors,

Thank you for the opportunity to make a submission on Council's decision process with regards water services for the foreseeable future.

We have read the article in the Horowhenua Chronicle of Friday 14th March 22025, written by Jacob Brookie.

Since we understand that HDC is favouring to join a WSO we would like to make the following observations:

- HDC has to make sure that the people of Horowhenua are well served by the decision you will make and that the interests of the whole district are well safeguarded.
- The WSO, even though it may be a company in its own right, should be answerable to the Councils which make up the WSO and all

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T24Consult Page 1 of 2

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Councils should have equal rights.

- HDC will have to ensure that not one Council will have a domineering say in the affairs of the WSO.
- HDC needs to ensure that we are not living in a situation of co-governance and therefor there should not be any need for the involvement of iwi. We would hope that Council will be colour blind, as water services are for everybody living here.

Sincerely yours,

John & Wilma Biersteker



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logo

Local Waters Service Delivery Model

Submitter Details

Submission Date: 14/04/2025

First name: Shane Last name: Royal

Organisation: Te Tūmatakahuki

Preferred method of contact Email

Postal address: Unknown

Suburb:

City:

Country: New Zealand

Postcode: 4440

Email:

Daytime Phone:

Resident or Ratepayer *

Other

Which Area is your property in? *

Other

Do you wish to speak in support of your submission at a Hearing?

☒ Yes

☐ I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Do you require a sign language interpreter or translator?

Feedback

Which of these is your preferred option for the delivery of water services in Horowhenua?

You can check the Consultation Document [here](#)

Option 2: A Water Services Organisation jointly owned by all willing Council's from Manawātū, Whanganui and Kāpiti regions

Please tell us what you like about your preferred option

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

Please see attachment

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T24Consult Page 1 of 2

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Please share any other feedback you have about water service delivery in the future

Any additional comments can be attached and submitted with this form, and you can check the Consultation Document [here](#)

Please see attachment

Attached Documents

Name
10-04-2025 Submission - Te Tumatakahuki - to Horowhenua DC - Local Water - Final

294

T24Consult Page 2 of 2



p. [REDACTED]
e. [REDACTED]
a. [REDACTED] Palmerston North

10 April 2025

Horowhenua District Council
By email

SUBMISSION ON THE LOCAL WATER SERVICES

Submitter Details:
Te Tūmatakahuki

Address for service by email:
[REDACTED]

Background

This submission is made by the Te Tūmatakahuki hapū collective. The collective is made up of Ngāti Raukawa hapū and represents Ngāti Turanga, Ngāti Rakau, Ngāti Te Au, Ngāti Takihiku, Ngāti Ngarongo, Ngāti Whaketere, Ngāti Pareraukawa, Ngāti Huia ki Poroutawhao, Ngāti Huia ki Matau, Ngāti Kikopiri, Ngāti Hikitanga, Ngāti Wehiwehi.

The collective represents the interests of Ngāti Raukawa hapū in the lower Manawatu, Foxton and Horowhenua rohe. The mana whenua status of Ngāti Raukawa te au ki te Tonga hapū as represented by Te Tūmatakahuki is recognised by the Council (under the Horowhenua District Council & Te Tūmatakahuki Partnership Agreement).

Ngāti Raukawa is in the early stages of the Treaty Settlement process, with tribunal hearings concluded last year.

Submission

The scope of this consultation is narrow as it is to meet the requirement of section 17 of the Local Government (Water Services Preliminary Arrangements) Act 2024 and consult on the identified potential water services delivery model preferred by Horowhenua District Council (HDC) – ie preliminary arrangements for Local Water done well and a first step in the process.

Regardless of the preferred option, Te Tūmatakahuki hapu have a clear expectation of working together as partners in this process to realise the opportunities presented but require clear and meaningful mechanisms for iwi/hapū involvement at all levels of governance, management, and operations.

The consultation sets out three options identified by HDC. These are a water services organisation with

- Option 1 -HDC as a shareholder, alongside all territorial authorities from Manawatū, Whanganui and Kapiti regions, or
- Option 2 – HDC as a shareholder with whichever territorial authorities from Manawatū, Whanganui and Kapiti regions that opt into a collective water services delivery model, or
- Option 3 – HDC alone (as a status quo counterfactual)

We note that the exact governance model is not determined through this consultation, though the documents indicate a preference for a council-controlled company model rather than a consumer trust.

These three options must be read within the context of their uncertain operating environment informed by the third stage of Local Water Done Well, which will set the purpose, obligations, structures, and centralised regulatory regimes proposed under the Local Government (Water Services) Bill 2025. Signposted reforms to the Local Government Act and Resource Management regime will also likely significantly impact the operating parameters (such as changes to Te Mana o Te Wai, and the removal of obligations under Te Tiriti principles with a narrowed focus limited to Treaty Settlements).

We have an unequivocal expectation that whatever form the water service delivery model takes that it upholds Te Tiriti o Waitangi, recognises our rights and responsibilities as mana whenua across the rohe, and gives effects to Te Mana o te Wai. It is not about the particular option, but rather about the extent to which any preferred option will have robust mechanisms for iwi/hapū involvement at all levels of governance, management, and operations to fulfill our responsibilities as kaitiaki and our relationship to the wai as a taonga that sustains our people and our places.

To this end, and regarding the specific options put forward:

1. The preferred option must maintain and enhance their voice in decision-making within its rohe, recognising that Te Tūmatakahaki is mana whenua, kaitiaki over its whenua and awa, exercises rangatiratanga within the boundaries of its rohe, and expects to be involved in exercising kawantanga.
2. Te Tūmatakahaki hapū acknowledge that the larger the scale of the water service provider, the greater the potential economies of scale possible (including investment in improved stormwater and wastewater management treatments), but critically, this has the potential to undermine the rights of mana whenua to exercise kaitiaki over their wai. Therefore, any consideration of option 1 or option 2 covering a greater area is subject to a need for greater attention to detail in partnership mechanisms integrated into the water service delivery model. This is to expressly recognise and provide for the meaningful participation of Te Tūmatakahaki hapū within its rohe, rather than a less responsive generic one-size-fits-all iwi / hapū approach.
3. On balance then, Te Tūmatakahaki prefer for a collective water services delivery organisation that is more locally responsive. We are aware that future legislative arrangements will likely result in institutional settings that act as significant headwinds in the partnership between Te Tūmatakahaki and HDC, unless and until expressly provided for through Treaty Settlement legislation. Accordingly, the preferred option is option 2, and at a more limited scale such as with Palmerston North City Council.
4. Te Tūmatakahaki hapū stand alongside other iwi and hapū with whom HDC and adjacent Councils will be having ongoing and further engagement with in shaping the future of their respective water service infrastructure.

We wish to be heard before the Council at the Hearing and look forward to your consideration of the above.

Nā māua noa, nā



Shane Royal
Chair
Te Tūmatakahuki



Hayden Turoa
Convenor – Resource Management
Te Tūmatakahuki

