

Wellington Regional Council

12 OCT 2001

Te Riinanga o Raukawa

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11 October 2001

The Chairperson
Wellington Regional Council
PO Box 11-647
WELLINGTON

Re: Resource Consent Application to use all available water in the Ōtaki River System

Tena koe e Rangatira,

Te Riinanga-o-Raukawa Inc the legal entity of Ngāti Raukawa met on the 9 October 2001 and resolved to support the attached Ngā Hapū o Ōtaki resource consent application. Therefore, Te Runanga o Raukawa Inc on behalf of Ngā Hapū o Ōtaki make application for any necessary resource consents to use all available unallocated water in the Ōtaki River system above the environmental baselines set in the Regional Freshwater Plan for the maximum period possible (i.e. 35 years). This application is to ensure that use of such water, is:

- for the preservation, protection and enhancement of the mauri of the Ōtaki River
- to protect to the greatest extent practicable the health and well-being of the environment and the communities of the Ōtaki River.

All necessary information for the processing of this consent should, we believe, be readily accessible to Wellington Regional Council and in the public domain.

Te Rūnanga-o-Raukawa Inc and Ngā Hapū o Ōtaki regret the need to make this application. However, recent management of the Ōtaki River does not give us confidence that the matters that we hold to be of greatest concern in regard to the river are to be protected in the immediate future. In particular the recent application by Kapiti Coast District Council to abstract water from the Ōtaki River environs and the recommendation of Wellington Regional Council that such an application be supported indicate strongly to us that the protection of the mauri and the health and well-being of the river's communities are not the highest priorities in management of the river by the consortium of statutory river managers of which Wellington Regional Council is undoubtedly the lead agency. Therefore this application appears to be the only practical measure available to ensure that the practice of kaitiakitanga by Ngā Hapū o Ōtaki over our taonga can be maintained.

We contend in this application that there is no adverse effect of the use proposed. As a signatory of the Treaty of Waitangi, Ngati Raukawa have already agreed that the Article III rights of all New Zealanders must be protected. Therefore we are agreed that all legitimate uses of the Ōtaki River for the benefit of New Zealand citizens must be respected and allowed for. Should any party consider that allocation of all available water for the purposes stated in this application contravenes their need for water use from the Ōtaki River system, Ngati Raukawa would be more than happy for such conflict to be resolved in the appropriate forum.

In this case that forum would naturally be the Waitangi Tribunal, the body decreed by statute to be the highest arbiter of Treaty **definitions**. Appropriate wording in a resource consent condition can easily reflect this protection.

We also note the widespread support given to our recent **Ōtaki** River Iwi Management Plan. Again we are saddened that such expressions of support have not generated into any more concrete negotiations or actions by the relevant authorities- However, we do not believe that such inaction can be construed as a lack of attempt to consult on this matter by **Ngā Hapū** o Otaki.

Finally I wish to discuss with you the issue of charges in regard to the lodgment and processing of this consent application. Ngati Raukawa considers that Wellington Regional Council should waive this application and processing fees in this regard, a power we understand is held by your Environment Committee. We make this request based on the Principle of Active Protection as referred to under the heading of the Principle of the Essential Bargain in our Memorandum of Understanding.

Should this not be acceptable to Wellington Regional Council then Te Runanga of Raukawa is happy for all costs to be debited against the entitlements owing to us for unpaid gravel extraction royalties. In any regard we hope that negotiations over fee schedules will not be considered reason not to accept or process this application within the statutory guidelines set down in the RMA. We would wish to be immediately advised if the situation is otherwise and that such advice would include a committed timetable for negotiations in regard to the outstanding issues of **Ōtaki** River gravel royalties.

Should you wish to discuss any matters rising from this application we would be happy to do so at the earliest possible convenience.

N&u noa, na



Rupene M.T. Waaka
Tumuaki