



Aotearoa Water Action AWA <aotearoawateraction@gmail.com>

Aotearoa Water Action Update Winter 2023

1 message

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Hi Aotearoa Water Action

We know it's been a while between newsletters. That's because there has been a lot going on in the water space that AWA has been involved in. Read on to get the latest updates on court cases and more.

Belfast Water Bottling Consents Update

On 22 and 23 March this year, the Supreme Court heard the appeal by Cloud Ocean Water and Rapaki Natural Resources against the Court of Appeal's decision to overturn its water bottling consents.

Cloud Ocean argued that they should have been allowed to 'repurpose' their

old industrial consents into water bottling consents (by adding a new 'use' consent onto the existing 'take' consent) as this was in the interests of efficiency, and didn't require any additional water to be allocated. Effectively, their argument was that Environment Canterbury should not have had to consider the question whether the new use of the water was appropriate for the volumes granted under the old consents, as they had an existing 'right' to take that amount.

AWA on the other hand argued that the Land and Water Regional Plan did not allow consents to 'use' groundwater and to 'take' groundwater to be applied for separately in fully-allocated zones, and that that argument was consistent with the resource management principle that resources should be managed in an integrated way. Importantly, in AWA's argument, linking the taking of water with the use of water allows water rights to be allocated for the greatest public benefit.

AWA submitted that if the Court found that a right to take water could stand alone, the outcome would be that the water could be used for any purpose the consent holder chose, and that would convert the water right from a consent to use a limited resource for a particular purpose, to a simple property right.

The Court was interested in this high-level point as to what is the nature of a consent to take water, and seemed reluctant to buy into an argument that could have the effect of treating a consent to a property right, as that clearly is not the basis of our resource management regime.

There were additional (and important) grounds of appeal:

- i. That Ecan failed to properly engage with, or notify, Ngai Tuahuriri runanga, as required by its own planning documents and agreements with the runanga;
- ii. That Ecan failed to properly consider the likely effects of plastics generation and resulting pollution when assessing the applications for consent.

A decision is expected later this year.



AWA: Left to Right - Mike Currie, Peter Richardson, Niki Gladding and a local supporter Photo by Jim Chipp

Otakiri Water Bottling Update

AWA has supported Sustainable Otakiri in its legal campaign to overturn consents allowing the significant expansion of a bottling plant near Whakatane. Those consents have also been opposed by Ngati Awa iwi.

The Court of Appeal found against Sustainable Otakiri and Ngati Awa, however the Supreme Court has agreed to hear an appeal from that decision. The case is expected to be heard later this year or early next year.

The original application required Overseas Investment Act approval for the purchase of the land on which the plant was to be sited, which was granted in 2018 and subsequently varied in 2021.

Interestingly, following an OIA request, AWA has learned that the overseas-owned consent holder, Cresswell New Zealand Limited, has terminated its agreement to purchase the land, and consequentially its OIO consent. It continues, however, to engage in the proceedings to determine the validity of the resource consents, presumably to maintain the value of the consented land.

Christchurch Water Chlorination

AWA maintains a high-level position to support, as far as practically possible, the delivery of water in a clean and unpolluted condition.

The mandated chlorination of Christchurch's water supply has not in our view been demonstrated to be necessary, and adverse health and amenity effects have not been properly considered. Decisions such as this are consistent rather with a worldview that health decisions are best made by centralised (often global) bureaucracies which 'know best' what is appropriate for communities and individuals, and whose decisions seem to align inevitably with the interests of global corporates and their client governments.

The only available lawful recourse is possibly through the Courts, and to that end AWA has had preliminary discussions with a Council representative around their willingness to lead or support judicial review proceedings to challenge the Water Regulator's decision. Unfortunately, the response was not supportive, but AWA will nonetheless continue to consider what can realistically be achieved to protect the health and quality of Christchurch's drinking water.

Three Waters Reform

AWA continues to take an interest in the progress of these so-called reforms. Once again we maintain a high-level position that they are unprincipled and unnecessary, and that there are far more effective means to achieve any claimed benefits, which enhance rather than subvert local democracy and accountability.

With conflicting and malleable positions adopted by various political parties in an election year, AWA is largely keeping abreast of developments, while continuing to submit and advocate where the opportunity arises.

Little River Eco Collective Wins!

Little River Eco Collective has won in its opposition to the consent application for Wangan Hills cattle feedlot barns in Kaituna Valley. Environment Canterbury has announced that the Wangan Hills application has been withdrawn. The collective acknowledged the role supporters played in the win - signing

petitions, writing to ECan to demand action, and talking to friends about the issue as well as donating financially to the campaign. AWA supported the campaign by providing visibility on its social media pages.

US tech giant Amazon draining Auckland wetlands to build big cloud data centre

Auckland Council reveals it has processed two resource consents for Amazon Web Services to clear 3.9 hectares of land for a big data centre overlooking the new Costco and Westgate shopping centre. The site preparation works include the drainage of two small artificial wetlands.

[Read Article](#)

World Leaders - Bring Our Rivers Back to Life. Sign the Petition

Experts say that unless we act now, two-thirds of the world's population may face safe water shortages in the next two years. It will affect billions of us! **We need urgent global action to turn this around. Sign the petition now.**

[Sign Now](#)



The Water Justice Manifesto

- 1. Water for All**
Water and sanitation are human rights and must be accessible for all, without discrimination. Therefore, water must be under public control and recognized as a common good, not a commodity.
- 2. Water for a Healthy, Livable Planet**
To help guarantee the human right to a healthy environment, water policies must prioritize the sustainable management of freshwater ecosystems and polluters must be held to account.
- 3. Respect Indigenous Rights**
Indigenous peoples' knowledge and practices must be at the heart of water management around the world. Any projects affecting their territories and waters must respect indigenous rights and self-determination.
- 4. Communities Can Do It**
Peasant, rural and local communities engaged in community water management must be recognized, supported and actively engaged in the design and governance of local water and sanitation services.
- 5. No One Left Behind**
Rural and informal urban communities face discrimination in accessing water and sanitation. States and international cooperation must prioritize the needs of these communities.
- 6. Power to Women**
We reject water governance models that deepen the exploitation of women, who bear a disproportionate burden for the health and well-being of communities. Women and other marginalized groups must hold equal power in decision-making related to water.
- 7. People Over Profit**
Everyone should have access to water and sanitation, not just those who can pay for it. Privatizing, commodifying and commercializing these services threatens human rights. Public funding must support public and community water management and service provision for all.
- 8. Taps and Toilets Everywhere**
States should prioritize access to water and sanitation services in public spaces, workplaces, schools, health facilities, marketplaces and detention centers.
- 9. A Home for Water at the UN**
To solve the water crisis, a UN intergovernmental mechanism is needed to regulate and monitor commitments on water and sanitation, one that is truly accountable to people as rights holders, not dominated by corporations or controlled by international financial institutions.



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