

# **AGENDA**

## **RĀRANGI TAKE**

### **Huihuinga O Te Kāhui Māori O Taitokerau**

**Te Taitokerau Māori and Council Working Party  
Thursday 23 February 2023 at 10.15am - 3.00pm**

## **Rārangi Take O Te Kāhui Māori O Taitokerau** **(Te Taitokerau Māori and Council Working Party Agenda)**

Meeting to be held in the Council Chamber (and via audio visual link)  
36 Water Street, Whangārei on Thursday 23 February 2023  
Commencing at 9.00am for the iwi and hapū caucus and 10.15am for the formal meeting.  
Finishing at 3.00pm.

**Please note: working parties and working groups carry NO formal decision-making delegations from council. The purpose of the working party/group is to carry out preparatory work and discussions prior to taking matters to the full council for formal consideration and decision-making. Working party/group meetings are open to the public to attend (unless there are specific grounds under LGOIMA for the public to be excluded).**

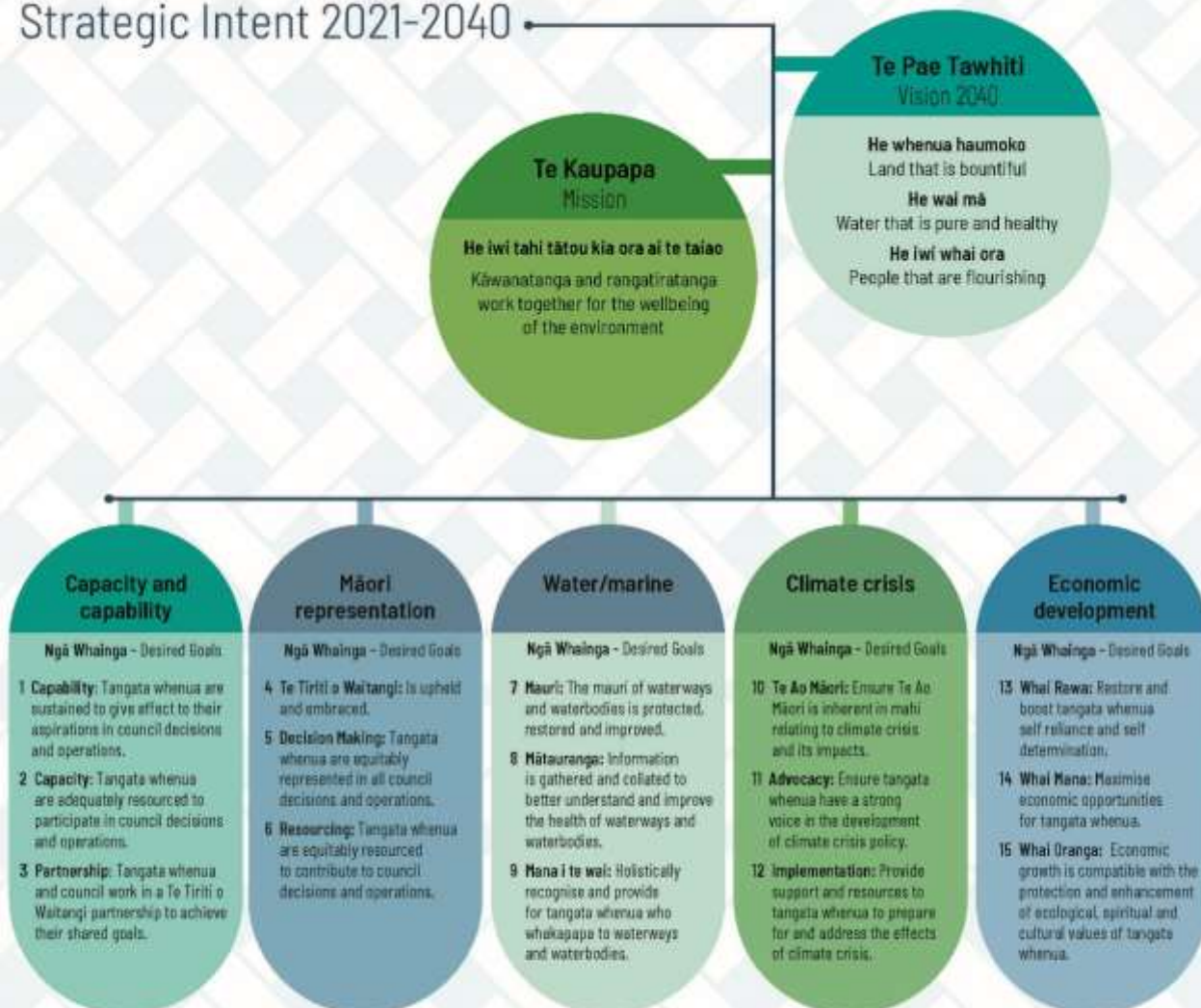
### **NGĀ MANA WHAKAHAERE** **(MEMBERSHIP OF THE TE TAITOKERAU MĀORI AND COUNCIL WORKING PARTY)**

**Heamana Tokorua (Co-Chairs):** Marty Robinson, Councillor and Pita Tipene, Te Rūnanga o Ngāti Hine

Alan Riwaka, Te Rūnanga O Ngāti Whātua (*membership TBC*)  
Amy Macdonald, Councillor  
Aperahama Edwards, Ngātiwai Trust Board  
Bree Davis, Te Rūnanga o Whaingaroa (*membership TBC*)  
Edith Davis-Sigley, Te Waiāriki, Ngāti Korora, Ngāti Taka Hapū Iwi Trust  
Geoff Craw, Councillor  
Georgina Curtis-Connelly, Te Uri o Hau Settlement Trust (*membership TBC*)  
Jack Craw, Councillor  
Janelle Beazley, Te Rūnanga-Ā-Iwi-O-Ngāpuhi (*membership TBC*)  
Joe Carr, Councillor  
John Blackwell, Councillor  
Juliane Chetham, Patuharakeke Te Iwi Trust Board  
Lynette Wharerau, Te Whakaminenga O Te Hikutu Hapu-Whanau  
Mariameno Kapa Kingi, Te Rūnanga Nui o Te Aupōuri (*membership TBC*)  
Michelle Elboz, Ngāti Kuta  
Mike Kake, Ngāti Hau (*membership TBC*)  
Mira Norris, Te Parawhau Hapū Authority Charitable Trust  
Nora Rameka, Te Rūnanga O Ngāti Rehia  
Pania Greaves, Ngāti Tara (*membership TBC*)  
Peter-Lucas Jones, Councillor  
Rick Stolwerk, Councillor  
Rihari Dargaville, Te Rūnanga o Te Rarawa (*membership TBC*)  
Rowan Tautari, Te Whakapiko Hapū  
Thomas Hohaia, Te Roroa (*membership TBC*)  
Tui Shortland, Councillor (Chair, NRC)



# Te Taitokerau Māori and council working party Strategic Intent 2021-2040



## Ngā Tikanga Values

**Titiro ki ngā taumata o te moana** - Always remain strategic in our approach/intent/view  
**Mahi tahi tutuki noa** - Identifying opportunities, increased collaboration and completion of projects  
**Me whakatau mā roto i te kōrero** - Resolution through conversation  
**Kaitiakitanga** - Dedicated stewardship by tangata whenua of Te Taitokerau

**NOTE** In the context of He Whakaputanga me Te Tiriti o Waitangi: The significance and meaning of He iwi tahi tātou (we are two people, one nation), as was used by Governor Hobson in 1840 at the signing of Te Tiriti o Waitangi. Tangata whenua = whānau, hapū and iwi

## Commonly used terms and abbreviations

|   |  |
|---|--|
| <p><b>Appointed member</b> – one of the (up to) twenty-one appointed iwi and hapū members from Te Taitokerau tāngata whenua. Members are appointed in accordance with the <a href="#">Terms of Reference</a>. In addition to appointed members there are nine elected members (councillors)</p> <p><b>AP</b> - Annual Plan</p> <p><b>TTMAC caucus</b> – is comprised of appointed (tāngata whenua) members</p> <p><b>CEO</b> - Chief Executive Officer</p> <p><b>CPCA</b> - Community Pest Control Areas</p> <p><b>DOC</b> - Department of Conservation</p> <p><b>FNDC</b> - Far North District Council</p> <p><b>GIS</b> - Geographic Information System</p> <p><b>HEMP</b> - Hapū Environmental Management Plan</p> <p><b>IEMP</b> - Iwi Environmental Management Plan</p> <p><b>ILGACE</b> - Iwi and Local Government Chief Executives Forum</p> <p><b>KDC</b> - Kaipara District Council</p> <p><b>LAWA</b> – Land, Air, Water Aotearoa</p> <p><b>LEA</b> - Local Electoral Act 2001</p> <p><b>LGA</b> - Local Government Act 2002</p> <p><b>LGNZ</b> - Local Government New Zealand</p> <p><b>LIDAR</b> – Light detection and ranging</p> <p><b>LTP</b> - Long Term Plan</p> | <p><b>MBIE</b> – Ministry of Business, Innovation &amp; Employment</p> <p><b>MFE</b> - Ministry for the Environment</p> <p><b>MOT</b> - Ministry of Transport</p> <p><b>MPI</b> - Ministry for Primary Industries</p> <p><b>MTAG</b> - Māori Technical Advisory Group (a sub-group of TTMAC)</p> <p><b>NES</b> - National Environmental Standards</p> <p><b>NINC</b> - Northland Inc. Limited</p> <p><b>NIWA</b> - National Institute of Water and Atmosphere</p> <p><b>NPS</b> - National Policy Statement</p> <p><b>NPS-FM</b> - National Policy Statement for Freshwater Management</p> <p><b>RMA</b> - Resource Management Act 1991</p> <p><b>RP</b> – Regional Plan</p> <p><b>TAG</b> - Technical Advisory Group</p> <p><b>TKoT</b> – Te Kahu o Taonui</p> <p><b>TTMAC</b> - Te Taitokerau Māori and Council Working Party</p> <p><b>TTNEAP</b> – Tai Tokerau Northland Economic Action Plan</p> <p><b>TOR</b> - Terms of Reference</p> <p><b>TPK</b> - Te Puni Kōkiri (Ministry of Maori Development)</p> <p><b>TWWAG</b> – Tāngata Whenua Water Advisory Group</p> <p><b>WDC</b> - Whangarei District Council</p> |
|---|--|

## KARAKIA / WHAKATAU

| RĪMITI (ITEM)  | Page |
|--|------|
| <b>1.0 NGĀ MAHI WHAKAPAI/HOUSEKEEPING</b>  |      |
| <b>2.0 NGĀ WHAKAPAHĀ/APOLOGIES</b>   |      |
| <b>3.0 NGA WHAKAPUAKANGA/DECLARATIONS OF INTEREST</b>  |      |
| <b>4.0 NGĀ RĪMITI / ITEMS</b>  |      |
| 4.1 Appointment of Tangata Whenua Co-Chair   | 6    |
| 4.2 Record of Actions – 8 September 2022   | 7    |
| <b>MĀORI REPRESENTATION</b>  |      |
| 4.3 Meetings schedule 2023   | 13   |
| 4.4 Nominations for Hapū and Iwi members to Council Joint Committees and Working Parties           | 15   |
| 4.5 Independent Tangata Whenua Experts - Investment and Property, and Audit and Risk subcommittees | 19   |
| 4.6 Re-establishment of the Māori Technical Advisory Group   | 23   |
| 4.7 Terms of Reference Review  | 25   |
| <b>CAPACITY AND CAPABILITY</b>   |      |
| 4.8 Tāiki ē Te Tiriti Strategy and Implementation Plan Progress Report                             | 38   |
| 4.9 Māori Expertise Procurement Policy Draft   | 47   |
| <b>CLIMATE CHANGE</b>  |      |
| 4.10 Tāngata Whenua Climate Adaptation Plan Fund   | 61   |
| <b>WATER / MARINE</b>  |      |
| 4.11 Tangata Whenua Water Advisory Group: Stage 2 Reports  | 66   |

**TITLE:** **Appointment of Tangata Whenua Co-Chair**

**From:** Auriole Ruka, Pou Manawhakahaere - GM Governance and Engagement and Kim Peita, Maori Relationships Manager

**Authorised by** Auriole Ruka, Pou Manawhakahaere - GM Governance and Engagement, on  
**Group Manager/s:** 20 February 2023

---

### Whakarāpopototanga/Executive summary

At the council meeting held on 22 November 2022, the council confirmed its new governance structure which included affirming the continuation of the Te Taitokerau Māori and Council Working Party (TTMAC)<sup>1</sup> and its current terms of reference. The current terms of reference provide for a co-chair arrangement for TTMAC. Council resolved to retain the co-chair structure and appointed Councillor Robinson as the elected member to act as co-chair.

Council now seeks a nomination from the TTMAC iwi and hapū members for the Co-chair and alternate Co-chair roles. These nominations will be put forward for adoption at the next formal council meeting.

---

### Ngā mahi tūtohutia/Recommended actions

1. That the report 'Appointment of Tangata Whenua Co-Chair' by Auriole Ruka, Pou Manawhakahaere - GM Governance and Engagement and Kim Peita, Maori Relationships Manager and dated 9 December 2022, be received.
2. That Te Taitokerau Māori and Council Working Party iwi and hapū members nominate \_\_\_\_\_ to be appointed as co-chair and that \_\_\_\_\_ be appointed as alternate co-chair.

---

### Tuhinga/Background

Not applicable.

---

### Ngā tapirihanga / Attachments

Nil

---

<sup>1</sup> TTMAC had been deemed by the previous council not to be discharged on the coming into office of the council elected at the October 2022 triennial elections.

**TITLE:** **Record of Actions – 8 September 2022**

**From:** Sally Bowron, Strategy, Governance and Engagement Team Admin/PA

**Authorised by** Auriole Ruka, Pou Manawhakahaere - GM Governance and Engagement, on  
**Group Manager/s:** 20 February 2023


---

### **Whakarāpopototanga / Executive summary**

The purpose of this report is to present the Record of Actions of the last meeting (attached) held on 8 September 2022 for review by the meeting.

---

### **Attachments/Ngā tapirihanga**

Attachment 1: Record of actions from 8 September 2022 [↓](#) 

Te Taitokerau Māori and Council Working Party  
8 September 2022

## **Tuhituhi o ngā Mahi O Te Kāhui Māori O Taitokerau** **Te Taitokerau Māori and Council Working Party Record of Actions**

Meeting held in the Council Chamber and via audio visual link (Zoom)  
36 Water Street, Whangārei  
on Thursday 8 September 2022, commencing at 11.00am - 3.00pm

### **Tuhinga (Present):**

Co-Chair, Marty Robinson  
Co-Chair, Te Rūnanga o Ngāti Hine, Pita Tipene  
Councillor Jack Crow  
Councillor Amy Macdonald  
Councillor Penny Smart  
Councillor Rick Stolwerk  
Councillor Colin Kitchen  
Patuharakeke Te Iwi Trust Board, Julianne Chetham  
Te Uri o Hau Settlement Trust, Georgina Connelly  
Te Rūnanga o Te Rarawa, Rihari Dargaville  
Ngāti Kuta, Patukeha, Michelle Elboz  
Te Parawhau Hapū Authority Charitable Trust, Mira Norris  
Te Whakapiko Hapū, Rowan Tautari  
Te Rūnanga-Ā-Iwi-O-Ngāpuhi, Janelle Beazley  
Te Roroa, Thomas Hohaia  
Ngāti Hau, Mike Kake  
Ngātiwai Trust Board, William Sullivan  
Te Waiāriki, Ngāti Korora, Ngāti Taka Hapū Iwi Trust, Waimarie Kingi

### **I Tae Mai (In Attendance):**

#### **Huihuinga i te katoa (Full Meeting)**

Chief Executive Officer  
Pou Manawhakahaere – GM Governance and Engagement  
Pou Tiaki Taiao - GM Environmental Services  
Kaiwhakahaere Hononga Māori – Māori Relationships Manager  
Kaiārahi Tikanga Māori  
PA/Team Admin, Governance and Engagement

#### **Huihuinga i te wahanga (Part Meeting)**

Policy and Planning Manager  
Policy Specialist  
Policy Specialist (Freshwater)  
Corporate Policy Specialist  
Strategic Policy Specialist  
Delaraine Armstrong, Co-Chair Tangata Whenua Water Advisory Group  
Paul Beverley, Buddle Findlay  
Rahera Douglas, Whaia Legal

The meeting commenced at 11.00am.

Te Taitokerau Māori and Council Working Party  
8 September 2022

*Secretarial Note: This was the last formal meeting of the triennium and in their closing comments the meeting Co-Chairs, NRC's Chair and the Chief Executive Officer stressed their pride on the triennium's achievements, acknowledging the effort of present and past members, councillors and staff. "We have come too far not to go further, we have done too much not to do more." – Sir James Henare*

## **Karakia / Whakatau**

Member Rihari Dargaville opened with karakia in the tāngata whenua members' caucus session prior to the formal meeting.

## **Ngā Mahi Whakapai/Housekeeping (Item 1.0)**

### **Ngā Whakapahā/Apologies (Item 2.0)**

Councillor Archer

Councillor Blaikie

Councillor Yeoman

Te Rūnanga O Ngāti Rehia, Nora Rameka

Te Rūnanga Nui o Te Aupōuri, Mariameno Kapa-Kingi

Te Rūnanga O Ngāti Whātua, Alan Riwaka

Te Whakaminenga O Te Hikutu Hapu-Whanau, Lynette Wharerau

### **Ngā whakapuakanga (Declarations of Conflicts of Interest) (Item 3.0)**

It was advised that members should make declarations item-by-item as the meeting progressed.

### **Record of Actions – 11 August 2022 (Item 4.1)**

It was agreed that the record of actions was an accurate reflection of the meeting.

**Agreed action points:** Nil.

### **Receipt of Action Sheet (Item 4.2)**

The Action Sheet was received.

**Agreed action points:** Nil.

### **Wai - the big picture (Item 4.3)**

NRC's Strategic Policy Specialist presented an overview of how all the current water related issues and reforms relate to each other, how they may impact on tāngata whenua and where the opportunities are for tāngata whenua to be involved.

**Agreed action points:** Nil.

*Secretarial Note: Item 4.8 was addressed following Item 4.3.*

### **Mātauranga Māori Freshwater Framework (Item 4.4)**

NRC's Policy and Planning Manager introduced the report and also tabled proposed staff changes to some of the Māori Technical Advisory Group's (MTAG) recommended actions in the report. The reason staff proposed changes was a concern that one of the actions – awarding of a contract – was a council management decision beyond MTAG's role of providing technical advice to a governance

Te Taitokerau Māori and Council Working Party  
8 September 2022

group (Te Taitokerau Māori and Council Working Party). This prompted a robust discussion about the distinction between management (operational) and governance (oversight and strategic) roles, and how better provision and remuneration of Māori technical advice might be achieved within council's structure. Key discussion points included what principles were applicable (legislative, best practice), structural differences between MTAG and the Tāngata Whenua Water Advisory Group, TTMAC's advisory role, and options for tāngata whenua involvement in decision-making at different levels.

**Agreed action points:**

1. That Te Taitokerau Māori and Council Working Party (TTMAC) endorse the scope of the Mātauranga Māori Freshwater Framework to be:
  - a. involve tangata whenua in council's environmental monitoring (as set out in action 7, *Tāiki e*)
  - b. support tangata whenua with their freshwater monitoring (as set out in action 8, *Tāiki e*)
  - c. involve tangata whenua in compliance monitoring (as set out in action 9, *Tāiki e*)
  - d. support tangata whenua to undertake on-the-ground activities to improve te mana o te wai.
2. That the following process is followed for developing the Mātauranga Māori Freshwater Framework:
  - a. Consultancy services are employed to assist with preparing the framework
  - b. Staff work with the Māori Technical Advisory Group (MTAG) to refine the scope of the request for proposals for consultancy services and to determine the criteria for selecting the successful consultant.
  - c. A group consisting of three MTAG members (to be determined by MTAG) provide advice to council staff on the award of the consultancy services. The MTAG members to be paid a meeting allowance (in accordance with the Non-elected Members Meetings Allowances Policy) for the meeting where advice is provided to council staff.
  - d. The award of the consultancy services be undertaken by two senior council staff in accordance with council procurement procedures.
  - e. The endorsement and adoption process for the framework be as follows:
    - i. MTAG endorses it to TTMAC
    - ii. TTMAC endorses to council
    - iii. Council adopts.
3. That the incoming council considers further discussion about the provision and remuneration of Māori technical advice and how that fits into the governance structure.

*Secretarial Note: Item 4.4 was addressed following Item 4.8.*

**Freshwater planning communications (Item 4.5)**

Members received the report, which sought tāngata whenua nominations for roles in aspects of Freshwater Plan communication and engagement.

**Agreed action points:**

1. That Delaraine Armstrong and Millan Ruka are endorsed by Te Taitokerau Māori and Council Working Party (TTMAC) to front communications to highlight the importance of freshwater management and to encourage tangata whenua to get involved in the Freshwater Plan development process.



Te Taitokerau Māori and Council Working Party  
8 September 2022

2. That TTMAC endorse Huhana Lydon, Arvey Armstrong and Kawiti Waetford to be on the working group to organise the proposed tangata whenua regional freshwater symposium and wananga.

### **Tangata Whenua Water Advisory Group Update (Item 4.6)**

NRC's Policy Specialist presented an update on behalf of the Tāngata Whenua Water Advisory Group (TWWAG) Co-Chairs. Key points included: participation by Te Taitokerau Māori and Council Working Party (TTMAC) representatives; that a recommendation will be made to council that Sheila Taylor and Celia Witehira both be appointed to replace Millan Ruka; highlights of the wananga held at Ngararatunua Marae in August; progress on the Recommendations Report; joint TTMAC/TWAGG workshops being held in October and November; and the work plan for September–December 2022.

**Agreed action points:** Nil.

*Secretarial Note: Item 4.6 was addressed following Item 4.9.*

### **How Department of Internal Affairs engage with tangata whenua in regard to 3 Waters (Item 4.7)**

This presentation was withdrawn from this agenda and will be rescheduled in due course.

**Agreed action points:**

- To be rescheduled in due course.

### **Te Tiriti Organisational Review (Te Tiriti Health Check) (Item 4.8)**

Independent assessors, Buddle Findlay and Whaia Legal, presented their draft report of how Te Kaunihera ā Rohe o Te Taitokerau/Northland Regional Council understands and implements its Te Tiriti o Waitangi obligations in engaging with tangata whenua and mana whenua. The presentation covered the report's methodology and scope, the Te Taitokerau context, the current state of the relationship between council and tāngata whenua, what is working well, what the challenges/opportunities are and recommendations. The report was well received as a part of council's journey toward true Te Tiriti partnership, while noting there was still a long way to go. Feedback from members included the need for explicit recognition of mātauranga Māori, inclusion of council functions controlled by other entities to the Health Check process, and a fleshing out of the significance of He Whakaputanga with reference to the report on the Wai 262 claim. The Co-Chairs and members thanked the consultants for their diligence in the project.

**Agreed action points:**

1. That Te Taitokerau Māori and Council Working Party (TTMAC) endorses the 'Te Tiriti Organisational Review (Te Tiriti Health Check)' go to council for adoption at the September 27, 2022 council meeting (subject to any changes or amendments recommended by TTMAC for the independent assessors to consider).
2. That a clear framework for mātauranga Māori be developed, including how it can be applied to council's Tāiki E kaupapa.

*Secretarial Note: Item 4.8 was addressed following Item 4.3.*

### **Tāiki e Te Tiriti Strategy and Implementation Plan update (Item 4.9)**

Members received this report, an update on the progress of Tāiki E, the NRC Te Tiriti Strategy and Implementation Plan.

Te Taitokerau Māori and Council Working Party  
8 September 2022

**Agreed action points:**

- That Te Taitokerau Māori and Council Working Party endorses the Māori Technical Advisory Group to continue work on *Tāiki E* during council recess.

*Secretarial Note: Item 4.9 was addressed following Item 4.5.*

**TTMAC governance review and advice to incoming council (Item 4.10)**

Members received this report which contained guidance and advice about the effectiveness and efficacy of TTMAC as a forum that advances the aspirations of Māori within a local government context. The advice was based on survey results and complementary observations from the Te Tiriti Health draft report.

**Agreed action points:**

1. That iwi and hapū members of Te Taitokerau Māori and Council Working Party (TTMAC) endorses the following recommendations to be provided to the incoming council:
  - a. TTMAC continue as it represents an important relationship with council focused on reflecting and enacting council's Te Tiriti obligations and commitments
  - b. Māori councillors are there to represent the region Te Raki and TTMAC provides representation of the multiple layers across council, the voice of iwi and hapū
  - c. That better recognition is needed for the significant work done by iwi and hapū members to maintain their considerable level of commitment.

*Secretarial Note: Item 4.10 was addressed following Item 4.6.*

**Local Elections Campaign 2022 Update (Item 4.11)**

Members received the report, acknowledging the work by members Mike Kake and Nora Rameka and co-Chair Pita Tipene in providing advice and supporting the regional communications campaign, collateral and events promoting iwi and hapū engagement in the local government elections.

**Agreed action points:** Nil.

**Reports from other working party and groups (Item 4.12)**

Chairs for the Climate Change and the Biosecurity and Biodiversity working parties provided brief verbal updates, noting key achievements and thanking the Te Taitokerau Māori and Council Working Party iwi and hapū representatives on their working parties, acknowledging the value of the knowledge and advice provided.

**Agreed action points:** Nil.

**Chief Executive's Report to Council (Item 4.13)**

The report was received and taken as read, with closing comments from the outgoing Chief Executive about how proud he was to have been on Te Taitokerau Māori and Council Working Party's journey and his hope for the momentum to continue.

**Agreed action points:** Nil.

**Whakamutunga (Conclusion)**

The meeting concluded at 2.44pm with karakia Whakamutunga by Rihari Dargaville.

**TITLE: Meetings schedule 2023**

**From:** Sally Bowron, Strategy, Governance and Engagement Team Admin/PA

**Authorised by** Auriole Ruka, Pou Manawhakahaere - GM Governance and Engagement, on  
**Group Manager/s:** 20 February 2023

---

**Whakarāpopototanga/Executive summary**

The purpose of this report is to confirm the meeting schedule for Te Taitokerau Māori and Council Working Party's (TTMAC) formal meetings and workshops for 2023. Clause 14 of TTMAC's Terms of Reference states:

*"The working party will meet up to a maximum of 10 times a year. These will alternate between a formal meeting of the working party which will be held at the council's office in Whangārei and workshops at marae focusing on local issues (i.e. up to five formal meeting and five marae-based workshops.)"*

It is proposed that:

1. Meetings and workshops continue to be held on the second Thursday of the month, with the exception of the inaugural meeting. This is to be held on 23 February 2023 to allow sufficient time for the tāngata whenua re-mandating process, for staff to prepare papers, and to avoid any scheduling conflicts with Waitangi Day commemorations. The next meeting will be 13 April, given 9 March is so close in proximity to 23 February.
2. Formal meetings to be held in Council Chambers, with the tāngata whenua caucus from 9.30 – 11.00am to assist iwi and hapū members to provide feedback on agenda items for the full TTMAC meeting, and the full meeting with councillors commencing at 11.00am – 3.00pm. Members are also able to join via audio-visual link.
3. As agreed TTMAC's 9 December 2021 meeting, that workshops are to focus on Ngā Whāinga in TTMAC's Strategic Intent 2021-2040 to help advise and inform TTMAC on important issues and impacts on iwi and hapū, and that the venue be able to host online hui to reduce travel for members and make it easier for external speakers to attend. Workshops generally run from 10.00 – 2.00pm.
4. It is recommended that two of the workshops be held on marae hosted by TTMAC iwi and hapū members and that council provide appropriate supports and resources to assist with these marae-based workshops.
5. That the meeting schedule be reviewed every 12 months to ensure that TTMAC is able to advance the Whāinga/Key Objectives and optimise the benefits associated with marae-based workshops, including attendance and availability of TTMAC members as it relates to the proposed meeting schedule.

---

**Ngā mahi tūtohutia/Recommended actions**

1. That the report 'Meetings schedule 2023' by Sally Bowron, Strategy, Governance and Engagement Team Admin/PA and dated 5 December 2022, be received.
2. That Te Taitokerau Māori and Council Working Party for 2023 meets every second Thursday of the month, from February 2023 to November 2023 as follows.

| Date        | Type of meeting          |
|-------------|--------------------------|
| 23 February | Inaugural formal meeting |

| Date         | Type of meeting        |
|--------------|------------------------|
| 9 March      | Deferred to April      |
| 13 April     | Formal meeting         |
| 11 May       | Workshop – marae-based |
| 8 June       | Formal meeting         |
| 13 July      | Workshop               |
| 10 August    | Formal meeting         |
| 14 September | Workshop – marae-based |
| 12 October   | Formal meeting         |
| 9 November   | Workshop               |
| 14 December  | Formal meeting         |

3. That workshops focus on Ngā Whāinga in TTMAC's Strategic Intent 2021-2040 and that venues be able to host online hui so that it is more efficient for members to attend, reducing travel time and facilitates speakers/guests to participate.
4. That the host and location for the respective marae-based workshops be:
  - i. for the 11 May \_\_\_\_\_ will host at \_\_\_\_\_ marae.
  - ii. for the 14 September \_\_\_\_\_ will host at \_\_\_\_\_ marae.

OR

That the 11 May and 14 September marae-based hosts and locations be confirmed at the 13 April Te Taitokerau Māori and Council Working Party meeting.

5. That, when members review the Terms of Reference, they consider amending Clause 14 to reflect any changes made by the recommended actions above.

---

### **Tuhinga/Background**

Not applicable.

---

### **Ngā tapirihanga / Attachments**

Nil

**TITLE: Nominations for Hapū and Iwi members to Council Joint Committees and Working Parties**

**From:** Kim Peita, Maori Relationships Manager

**Authorised by** Auriole Ruka, Pou Manawhakahaere - GM Governance and Engagement, on  
**Group Manager/s:** 20 February 2023

---

**Whakarāpopototanga/Executive summary**

At the council meeting held on 22 November 2022, council approved their governance structure and membership, including the delegations and terms of reference<sup>2</sup>.

Council reaffirmed the continuation of the Te Taitokerau Māori and Council Working Party (TTMAC) and resolved to maintain iwi and hapū representation on the Natural Resources, and Biosecurity and Biodiversity working parties by appointing equal membership of TTMAC iwi and hapū members, and councillors.

Council invites iwi and hapū members of TTMAC to nominate representatives onto the two working parties, and also onto the Joint Climate Change Adaptation Committee, as a recommendation for council to endorse at their next meeting.

In addition, for the first time to strengthen Māori representation, Council endorsed independent Tangata Whenua Experts with voting rights to be appointed onto the Investment and Property Subcommittee and the Audit and Risk Subcommittee<sup>3</sup>.

---

**Ngā mahi tūtohutia/Recommended actions**

1. That the report 'Nominations for Hapū and Iwi members to Council Joint Committees and Working Parties' by Kim Peita, Maori Relationships Manager and dated 23 January 2023, be received.
2. That Te Taitokerau Māori and Council Working Party (TTMAC) iwi and hapū members nominate:
  - a. Four TTMAC iwi and hapū members onto the Natural Resources Working Party
    - (i) \_\_\_\_\_
    - (ii) \_\_\_\_\_
    - (iii) \_\_\_\_\_
    - (iv) \_\_\_\_\_
  - b. Four TTMAC iwi and hapū members onto the Biosecurity and Biodiversity Working Party:
    - (i) \_\_\_\_\_
    - (ii) \_\_\_\_\_
    - (iii) \_\_\_\_\_
    - (iv) \_\_\_\_\_

---

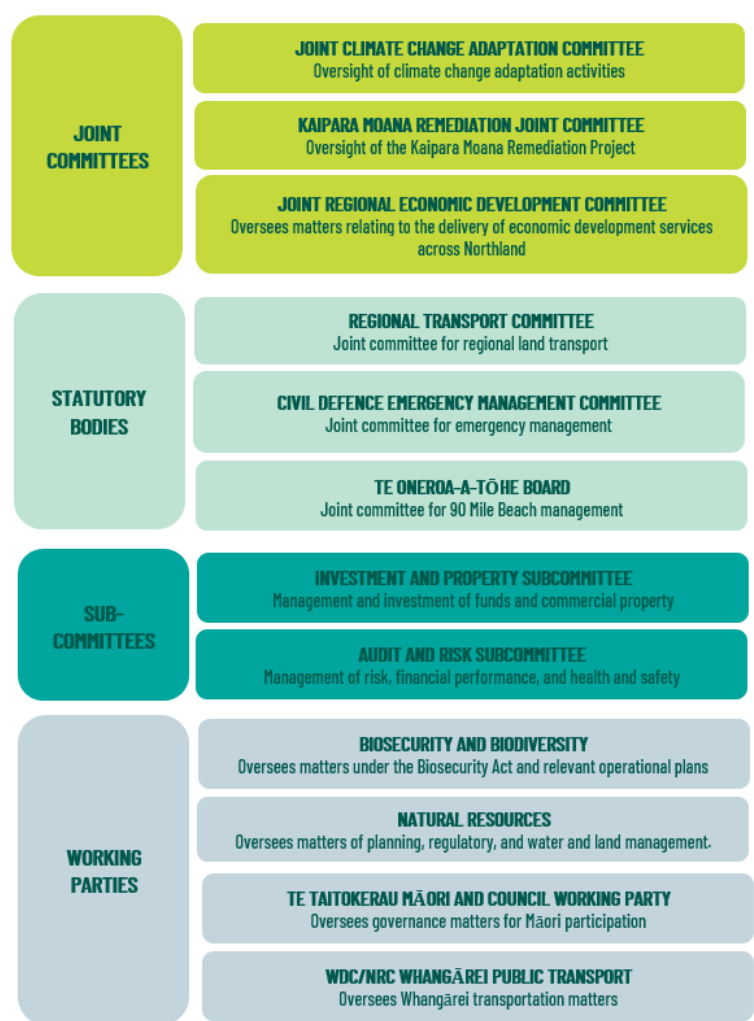
<sup>2</sup> [Microsoft Word - NRC Local Governance Statement \(2022-25 Triennium\).docx](#)

<sup>3</sup> See paper recommending Process for Appointment and Selection of Independent Tangata Whenua Experts

- c. Joint Climate Adaptation Committee  
(Member) \_\_\_\_\_  
(Alternate member) \_\_\_\_\_
3. That TTMAC endorse the hapū and iwi member nominations in Action 2 for council to adopt at the next formal meeting.

## Background/Tuhinga

Following the election in October 2022 there were several workshop discussions on options for council's governance structure for the next three years in office. Council decided on the governance structure in the diagram below. Full details of all committees and members are available on the council's website<sup>4</sup>.



## Memberships and functions

The following membership and functions were proposed for the Joint Climate Change Adaptation Committee, Natural Resources Working Party and Biosecurity and Biodiversity Working Party. Positions marked as "TBA" (to be appointed) indicate establishment of the position with the appointment yet to be confirmed.

<sup>4</sup> [Microsoft Word - NRC Local Governance Statement \(2022-25 Triennium\).docx](#)

## Joint Committees

### Joint Climate Change Committee

The Joint Climate Change Adaptation Committee is a standing committee made up of elected members from all the Northland councils and representatives from Northland hapū and iwi.

Meetings are about two hours duration and the 2023 dates have been scheduled for:

- Monday 20 Feb
- Friday 26 May
- Friday 1 September
- Monday 13 November

|                              |   |
|------------------------------|---|
| Member:                      | Cr A Macdonald  |
| Alternate:                   | Cr J Craw   |
| NRC iwi/hapū representative: | TBA ( <i>previously Rihari Dargaville and Alternate Thomas Hohaia</i> ) |

- Provide direction and oversight of the development and implementation of climate change adaptation activities by local government in Te Taitokerau
- Receive advice and provide direction and support to Climate Adaptation Te Taitokerau
- Make recommendations to member councils to ensure a consistent regional approach is adopted to climate change adaptation activities

## Working parties

### Natural Resources Working Party

Meetings are about two to three hours duration and the 2023 dates have been scheduled for:

- Tuesday 21 February
- Wednesday 3 May
- Wednesday 2 August
- Wednesday 1 November.

|                       |                                    |
|-----------------------|------------------------------------|
| Chair:                | Cr A Macdonald                     |
| Members:              | Crs J Carr, G Crawford, M Robinson |
| Māori Representation: | Four non-elected members of TTMAC  |
| Ex officio:           | Cr T Shortland                     |

- Provide oversight on activities that contribute to or influence the quality & quantity of water including land management and environmental monitoring.
- Provide oversight on council's resource management planning and regulatory activities.
- Oversee the implementation of the Proposed Regional Plan.
- Be the governance entity for the policy implementation of Essential Freshwater.
- Make recommendations to council on appeals and recommendations to accept, adopt or reject private plan change applications.

### Biosecurity and Biodiversity Working Party

Meetings are about two to three hours duration and the 2023 dates have been scheduled for:

- Tuesday 21 February
- Wednesday 3 May

- Wednesday 2 August
- Wednesday 1 November.

|                       |                                     |
|-----------------------|-------------------------------------|
| Chair:                | Cr G Crawford                       |
| Members:              | Crs J Blackwell, J Craw, M Robinson |
| Māori Representation: | Four non-elected members of TTMAC   |
| Ex officio:           | Cr T Shortland                      |

- Provide oversight on council's biosecurity and biodiversity activities.
- Oversee the implementation of the Regional Pest Management Plan (RPMP), Marine Pathway Plan (MPP) & regularly report progress to council.

---

### Ngā tapirihanga / Attachments

Nil



**TITLE:** Independent Tangata Whenua Experts - Investment and Property, and Audit and Risk subcommittees

**From:** Auriole Ruka, Pou Manawhakahaere - GM Governance and Engagement

**Authorised by Group Manager/s:** Bruce Howse, Pou Taumatua – Group Manager Corporate Services and Auriole Ruka, Pou Manawhakahaere - GM Governance and Engagement, on 20 February 2023

---

### Whakarāpopototanga/Executive summary

On confirmation of the governance structure, council decided to have two Independent Tangata Whenua Members (with voting rights) on each of the Audit and Risk, and Property and Investment subcommittees respectively in a commitment to strengthen Māori representation and expertise in governance roles. The role of the Independent Tangata Whenua Member is to provide independent specialist advice to the subcommittees within the scope of the subcommittees delegations and Te Tiriti responsibilities. The role has voting rights and also attends council meetings in an advisory capacity.

The rationale for the independent expert to be appointed externally rather than selected from TTMAC was the requirement and desire to ensure the process was broad enough and equivalent to similar council processes to identify a person who has the technical expertise and knowledge to support the delegations of the respective sub-committees.

It is recommended that council undertake recruitment for Independent Tangata Whenua Members in partnership with Te Taitokerau Māori and Council Working Party (TTMAC) and Te Kahu o Taonui. The proposed process and timeframes are:

- Role advertised by 10 April 2023,
- Applications close 27 April 2023,
- Shortlisting complete 30 April 2023,
- Interviews in week of 3 – 7 May 2023, and
- Report to council meeting 23 May 2023 with recommendation of appointment.

Council policy on appointment of independent advisors is **attached**.

As such the interview panel would be comprised of current TTMAC Co-Chairs, Councillor Stolwerk (Chair of Investment and Property Subcommittee), Councillor Jones (Chair of Audit and Risk Subcommittee), Chair Shortland and a Te Kahu o Taonui representative.

The reason for recommending these councillors is due to their Chair roles on the respective subcommittees and Chair Shortland being an ex-officio member on both subcommittees.

---

### Ngā mahi tūtohutia/Recommended actions

1. That the report 'Independent Tangata Whenua Experts - Investment and Property, and Audit and Risk subcommittees' by Auriole Ruka, Pou Manawhakahaere - GM Governance and Engagement and dated 29 January 2023, be received.
2. That Te Taitokerau Māori and Council Working Party (TTMAC) endorse the process for appointment of Independent Tangata Whenua Members to the Audit and Risk, and Property and Investment subcommittees.

3. That the recommendation to council is that TTMAC Co-Chairs, Councillors Stolwerk and Jones, Chair Shortland and a Te Kahu o Taonui representative be appointed as the panel to shortlist and interview applicants for the Independent Tangata Whenua Expert roles.


---

### **Tuhinga/Background**

Not applicable.

---

### **Ngā tapirihanga / Attachments**

Attachment 1: Policy on the Appointment of Independent Advisors [↓](#) 

## **Policy on the Appointment of Independent Advisors to Council**

### **Policy Context**

Council appoints Independent Advisors for the provision of specialist advice for matters such as audit/risk and finance. These advisors are engaged on a contractual basis to provide independent specialist advice to council and council subcommittees.

This policy sets out the appointment process, restrictions, terms of appointment, engagement/remuneration and exclusions for the Independent Advisor roles.

### **Appointment Process**

Independent Advisor roles will be advertised unless good reason exists not to. The power to decide not to advertise is to reside with council but may be delegated to the Chief Executive Officer. In deciding not to advertise, the council will consider:

- The costs of any advertisement and selection process;
- The already known availability of qualified candidates;
- The urgency of the appointment; and
- Whether there is a high prospect that an incumbent will be reappointed.

A recruitment panel will be established to consider applications, conduct interviews and make a recommendation on preferred candidate(s) to council. The panel shall normally comprise the council Chair and two other councillors.

The panel and candidates are required to declare any potential conflicts of interest during the recruitment process and in the subsequent recommendation to council.

### **Appointment restrictions**

No Independent Advisor shall be a current staff member, director or consultant to any NRC council-controlled organisation or council organisation (i.e. Marsden Maritime Holdings, Northland Inc).

No Independent Advisor shall provide any consulting work or professional services to NRC (other than in directly performing their Independent Advisor role).

### **Term of appointment**

Appointments shall be for a maximum three-year term, subject to any review the council considers necessary.

Reappointment may not occur for reasons unrelated to the performance of the Independent Advisor, such as other changes to the composition of the council or changes to the direction of the council or the environment in which it operates.

Independent Advisors should have no expectation of re-appointment at the end of any three-year term.

The maximum number of consecutive terms for any Independent Advisor is two, but with reappointments exceeding six continuous years being considered on a case-by-case basis.

### **Engagement and Remuneration of Independent Advisors**

Independent Advisors will be engaged by way of a short form contract to NRC, executed by the Chief Executive Officer.

Remuneration for Independent Advisors will be determined by the Chief Executive Officer and based on an hourly rate with an upper limit of number of hours per year.

**Exclusions to this Policy**

This policy does not apply to the Independent Investment Advisor role, as that role is subject to commercial negotiations and other considerations outside of the scope of this policy.

**TITLE:** **Re-establishment of the Māori Technical Advisory Group**

**From:** Auriole Ruka, Pou Manawhakahaere - GM Governance and Engagement and Kim Peita, Maori Relationships Manager

**Authorised by** Auriole Ruka, Pou Manawhakahaere - GM Governance and Engagement, on  
**Group Manager/s:** 20 February 2023

---

### Whakarāpopototanga/Executive summary

Council acknowledges that over the previous triennium the Māori Technical Advisory Group (MTAG) workload significantly increased and that MTAG members were being asked to provide both operational and governance advice as a subgroup of Te Taitokerau Māori and Council Working Party (TTMAC).

As a result, there have been a number of challenges including:

- An increase in the number of MTAG meetings to inform and assist with council's work programmes
- Limited ability to remunerate appropriately the total time and effort of MTAG members, as non-elected members of TTMAC
- An associated expectation that MTAG members provide a significant amount of time and expertise outside of meetings both to advance council's work and to provide support to TTMAC iwi and hapū members.
- A resolution at the TTMAC meeting held 8 September 2022 that the incoming council considers further discussion about the provision and remuneration of Māori technical advice and how that fits into the governance structure.

Demands on TTMAC iwi and hapū members are likely to increase this term in relation to central government reforms, long-term planning, the implementation of Tāiki e, and having to respond to other council priorities. Therefore, the purpose of this item is to recommend an alternative to MTAG that seeks to resolve the challenges by establishing an operational technical kaitiaki group resourced to support priority actions identified by TTMAC and operational activities focused on achieving Tāiki ē. It is also recommended that guidance be provided by previous members of MTAG, given their experience and knowledge, to the scope/guidelines for the establishment of the kaitiaki group i.e., purpose, criteria and expectations of roles and responsibilities.

---

### Ngā mahi tūtohutia/Recommended actions

1. That the report 'Re-establishment of the Māori Technical Advisory Group' by Auriole Ruka, Pou Manawhakahaere - GM Governance and Engagement and Kim Peita, Maori Relationships Manager and dated 23 January 2023, be received.
2. That an operational technical kaitiaki group be established to support priority actions as identified by Te Taitokerau Māori and Council Working Party (TTMAC) and operational activities focused on achieving Tāiki ē.
3. That the following members of the 2019 – 2022 Māori Technical Advisory Group (MTAG) be endorsed to provide guidance on the scope for the establishment of the kaitiaki technical group and that those members be remunerated for that work:

---

## Tuhinga/Background

The Māori Technical Advisory Group (MTAG) enhances Māori participation in council to better inform council work programmes, policies and procedures.

The previous membership of MTAG is listed below:

| Member            | Affiliation                                 |
|-------------------|---|
| Juliane Chetham   | Patuharakeke Te Iwi Trust Board             |
| Georgina Connelly | Te Uri o Hau Settlement Trust               |
| Nora Rameka       | Te Rūnanga O Ngāti Rehia                    |
| Mira Norris       | Te Parawhau Hapū Authority Charitable Trust |
| Rowan Tautari     | Te Whakapiko Hapū                           |
| William Sullivan  | Ngātiwai Trust Board                        |
| Janelle Beazley   | Te Runanga ā Iwi o Ngāpuhi                  |

During the prior three-year term, MTAG contributed to the Te Taitokerau Māori and Council Working Party (TTMAC) Strategic Intent 2021 – 2040 and Ngā Whaingā.

MTAG was initially established as a seven-member group.

In appointing replacement members, TTMAC should recall that the primary criterion for appointment is that members have the technical knowledge and experience to provide detailed advice to inform these plans and processes. Secondary criteria are providing, as best as possible, for regional coverage within the seven-member group, and members' availability for attending meetings. The MTAG was endorsed in 2015 as a sub-group of the iwi and hapū members of TTMAC to provide technical advice and guidance. They do not have formal delegations or terms of reference and the MTAG priorities and focus are set by TTMAC.

It is important to note that the Te Tiriti Health Check reported MTAG members' views and that the TTMAC agenda is largely determined by the Council's agenda and framework and that more opportunities and resources are needed to consider matters important to Māori. Council needs to clearly communicate back to iwi/hapū about MTAG and Māori technical expertise/input and how this has been addressed.

---

## Ngā tapirihanga / Attachments

Nil

**TITLE: Terms of Reference Review**

**From:** Auriole Ruka, Pou Manawhakahaere - GM Governance and Engagement and Kim Peita, Maori Relationships Manager

**Authorised by Group Manager/s:** Auriole Ruka, Pou Manawhakahaere - GM Governance and Engagement, on 20 February 2023

---

**Whakarāpopototanga/Executive summary**

This paper seeks feedback and endorsement from Te Taitokerau Māori and Council Working Party (TTMAC) on a process to revise the current Terms of Reference. Currently, no changes or amendments have been made to the current Terms of Reference (attached) for the 2022-2025 triennium, however the following suggestions for improvements are noted:

- Recognition of the TTMAC Strategic Intent 2021-2040 Kaupapa and Mission Statement within the Terms of Reference as a reflection of iwi and hapū aspirations
- Incorporation and integration of the principles of Tāiki ē Te Tiriti Strategy and Implementation Plan
- Recognition of membership to reflect the changes of Te Kahu o Taonui.

It is recommended that the TTMAC co-chairs work with key staff to review the Terms of Reference (ToR) to make any amendments as a result of the feedback today and bring back the ToR with amendments to the 9 March TTMAC meeting, for endorsement that the ToR go for adoption at a formal council meeting.

---

**Ngā mahi tūtohutia/Recommended actions**

1. That the report 'Terms of Reference Review' by Auriole Ruka, Pou Manawhakahaere - GM Governance and Engagement and Kim Peita, Maori Relationships Manager and dated 23 January 2023, be received.
2. That the Te Taitokerau Māori and Council Working Party (TTMAC) endorse the following process to revise the current Terms of Reference:
  - a. TTMAC co-chairs work with key staff to review and amend the Terms of Reference, taking into consideration any feedback provided by members.
  - b. The proposed revised Draft Terms of Reference to be brought to TTMAC next formal meeting for members consideration and endorsement.
  - c. That the Terms of Reference endorsed by TTMAC go to the next available formal council meeting for adoption.

---

**Tuhinga/Background**

The current Terms of Reference (TOR) is attached for members' review and feedback.

---

**Ngā tapirihanga / Attachments**

Attachment 1: Terms of Reference 2019 - 2022 (current) [↓](#) 



# Te Tira o te Taitokerau Māori me te Kaunihera ā rohe o Te Taitokerau

Te Taitokerau Māori and Council Working Party  
Ngā Kupu Pānga | Terms of Reference 2019-2022 Triennium

**Date:** April 2020

**Author:** Kaiwhakahaere Hononga Māori | Māori Relationships Manager



# Kohikohinga | Contents

|   |    |
|---|----|
| 1. Kupu whakataki   Background.....   | 3  |
| 2. Ngā roopū   The Parties.....   | 3  |
| Tāngata Whenua of Te Taitokerau.....  | 3  |
| The statement of intent in regard to these for tāngata whenua are : .....   | 3  |
| Northland Regional Council .....  | 3  |
| 3. Te Kaupapa   Mission Statement.....  | 3  |
| 4. He Tirohanga Māori   Vision Statement 2030 .....   | 4  |
| 5. Ngā Ture   Values .....  | 4  |
| The following engagement principles will guide the committee in the pursuit of its purpose:..                                 | 4  |
| 6. Ngā whainga   Objectives .....   | 4  |
| To advance Māori engagement that supports environmental, social, cultural and economic<br>priorities across the region: ..... | 4  |
| 7. Ngā mema   Membership.....   | 5  |
| The working party will comprise up to 30 members in total consisting of: .....  | 5  |
| 8.   Removal and replacement of members.....  | 6  |
| 9. Ngā Heamana   Co-Chair's.....  | 7  |
| 10. Te wahanga   Term of appointment.....   | 7  |
| 11. Whakamahinga   Operation .....  | 7  |
| 12. Arataki tangata   Member induction.....   | 7  |
| 13. Papā o te pānga   Conflict of interest.....   | 8  |
| 14. Hokohitanga o ngā hui   Frequency of meetings .....   | 8  |
| 15. Kotahitanga   Quorum.....   | 8  |
| 16. He utu   Payment .....  | 8  |
| 17. Whakaoti raruraru   Conflict resolution.....  | 9  |
| 18. Ngā purongo   Reporting - accountability .....  | 9  |
| 19. Arotakenga   Review .....   | 9  |
| 20. Tuku mahi   Delegations.....  | 9  |
| Appendices.....   | 10 |
| Council Vision, mission and areas of focus (Long Term Plan 2018-28).....  | 10 |
| TTMAC Iwi/Hapū geographic representation .....  | 11 |

## 1. Kupu whakataki | Background

This Terms of Reference recognises that this agreement is not intended to be a legally binding document, but rather a document that encourages and supports an enduring and long-term relationship between Northland Regional Council and the tāngata whenua of Te Taitokerau.

It also recognises that although two distinct partners, each bringing their own perspective to the table, that the tāngata whenua of Te Taitokerau and council may share common aspirations in regard to the environmental, social, cultural and economic future of our shared region.

This agreement also appreciates that it will be through goodwill and cooperation that trust will develop and therefore a relationship based on mutual respect.

## 2. Ngā roopū | The Parties

This agreement is between tāngata whenua of Te Taitokerau and Northland Regional Council.

### **Tāngata Whenua of Te Taitokerau**

Tāngata whenua of Te Taitokerau are extremely passionate about their heritage and give regard to Te Tiriti o Waitangi as the founding document of this country and recognises a partnership between Māori and the Crown, for Māori, further cementing the intent of He Whakaputanga o Te Rangatiratanga o Nū Tīreni (1835 Declaration of Independence).

### **The statement of intent in regard to these for tāngata whenua are :**

He Whakaputanga o Te Rangatiratanga o Nū Tīreni (Declaration of Independence) and Te Tiriti o Waitangi provide the foundation doctrines of authority and partnership that are being sought by iwi and hapū in government, including local government.

### **Northland Regional Council**

The Northland Regional Council (council) is the regional authority with responsibilities defined in the Local Government Act 2002, which provide for its obligations to Māori under the Treaty of Waitangi including:

- To take appropriate account of the principles of the Treaty of Waitangi; and
- To maintain and improve opportunities for Māori to contribute to local government decision making processes.

## 3. Te Kaupapa | Mission Statement

Te Taitokerau Māori and Council Working Party:

- Provides a forum that emphasises and advocates te Ao Māori; the Māori world view
- A means by which the Māori perspective is valued, influences and challenges processes and policy
- A stable platform for whānau, hapū and iwi to connect and communicate with each other
- A safe haven for open and forthright discussion
- Provides strong leadership in consultation with tāngata whenua and Māori communities.

## 4. He Tirohanga Māori | Vision Statement 2030

The working party will reflect a (true) partnership that respects the mana and authority of tangata whenua of Te Taitokerau and council. This is determined by an enduring relationship committed to the protection and preservation of our natural environment by:

- Representing the view of Māori in Te Taitokerau in council matters significant to tāngata whenua
- The application of Te Ao Māori or the Māori world view e.g. Mātauranga Māori, kaitiakitanga, mauri in council policies and processes

Please refer to Appendix 1 for council's overarching vision, mission and areas of focus (LTP).

## 5. Ngā Ture | Values

**The following engagement principles will guide the committee in the pursuit of its purpose:**

- Titiro ki ngā taumata o te moana takiri ko te ata - Always remain strategic in our approach/intent/view
- Mahi Tahi Tutuki noa – increased collaboration and completion of projects
- Me whakatau mā roto i te kōrero – a willingness to work in collaboration
- Kaitiakitanga – Dedicated stewardship of tangata whenua of Te Taitokerau
- Ngākau pono – Being true to the purpose of the partnership

## 6. Ngā whainga | Objectives

**To advance Māori engagement that supports environmental, social, cultural and economic priorities across the region:**

- Monitor and advise on council's compliance to its obligations to Māori under the Local Government Act 2002 and the Resource Management Act 1991 (assurance and compliance function)
- Provide advice to council on topics referred to it by council
- Provide advice to council on topics of strategic importance and relevance to tāngata whenua
- To develop pathways (and processes) that will achieve lasting and meaningful relationships between tāngata whenua and council
- To ensure the views of tangata whenua are taken into account in the exercise of council functions
- To provide access to specialist Māori technical advice via the Māori Technical Advisory Group.

Te Taitokerau Māori and Council Working Party members can provide advice based only on information presented and does not replace council's obligation to consult with iwi and hapū. Council also acknowledges that iwi and hapū representative members' advice does not usurp the mana of iwi and hapū of Taitokerau to make decisions and representations to council on issues of importance to them.

## 7. Ngā mema | Membership

**The working party will comprise up to 30 members in total consisting of:**

Nine elected members (councillors) and twenty-one appointed iwi and hapū members from Taitokerau Māori (one representative per iwi and hapū).

To ensure regional representation from the twenty-one appointed iwi and hapū members from Taitokerau Māori, these positions will be filled based on the geographic representation outlined in Appendix 2. In order to maintain the ability to provide geographic representation in TTMAC, should a position not be filled within a geographic area, that position will remain vacant and available to be filled in the future by iwi and/or hapū whose rohe overlaps that mapped geographic area.

Iwi representation will include one member from each of the following ten Iwi Authorities:

- Ngāti Kuri Trust Board
- Te Rūnanga Nui O Te Aupōuri
- Te Rūnanga O Ngāi Takoto
- Te Rūnanga-a-Iwi O Ngāti Kahu
- Te Rūnanga O Te Rarawa
- Te Rūnanga O Whāingaroa
- Te Rūnanga A Iwi O Ngāpuhi
- Ngātiwai Trust Board
- Te Rūnanga O Ngāti Whātua
- Te Roroa

Should one of the above iwi decide not to fill their position, they may choose to endorse a hapū and hapū representative to fill their position. Priority will be given to the following tāngata whenua groupings who have previously had a representative on the working party, in recognition of their early and ongoing commitment to this relationship and kaupapa listed below:

- Ngāti Hine
- Te Whakapiko Hapu
- Ngāti Manu
- Hokianga O Ngā Hapū<sup>1</sup>
- Ngāti Rēhia
- Te Uri o Hau
- Te Waiariki
- Ngāti Kororā
- Ngāti Takapari
- Ngāti Kuta, Patukeha
- Te Parawhau
- Ngāti Tara
- Te Whakaminenga O Te Hikutu Hapū-Whānau<sup>2</sup>
- Patuharakeke

---

<sup>1</sup> Ngāti Pakau, Mahurehure, Ngatikorokoro

<sup>2</sup> Te Hikutu/Whanau Whero/Whanautara/Ngati Kairewa/Ngati Kerewhiti/Ngati Parenga/Ngati Tuapango

Should one of the above tāngata whenua groupings not take up a position on TTMAC, and a position still be available within a geographic area (as mapped in Appendix 2), then that position can be filled by another hapū within that geographic area.

Nominations received from hapū not currently represented on the working party will be presented to council for ratification following consultation with the working party co-chairs. Such nominations must be accompanied with documentation, to the satisfaction of the co-chairs, that the nominee has formally been mandated by hapū to represent them on the working party.

The following procedure will be followed once working party membership reaches 30 and a nomination is received from hapū not currently represented on the working party:

1. Priority will be provided for one member from each group as indicated above.
2. The working party will seek to achieve as wide and even representation as possible.
3. Once full representation is achieved from all priority groups listed above, then new membership is only available by attrition.

Iwi/hapū can nominate an alternate/proxy representative to act on behalf of an absent primary representative.

## 8. Ngā mema tangohia | Removal and replacement of members

Iwi and hapū will undertake their own selection and mandating process to identify their representative and proxy for the working party.

When selecting its representative, iwi/hapū are encouraged to consider gender equality, and the range of skills and experience required for the working party to adequately perform their role.

Changes to an iwi/hapū nominated representative needs to be formally notified to council however does not require council endorsement. For clarity, section 8 above relates to iwi and hapū who don't already have representation on the working party.

Membership of the group shall cease if a member:

- resigns, or
- fails to attend at least three consecutive meetings over the period of one year without tabling a request for leave of absence.

A member can be removed from the working party by council, following receipt of a recommendation passed by 75% of members of the working party present and voting, under exceptional circumstances where the behaviour of the member is considered detrimental to the effective operation of the working party.

If a member resigns or is removed from the working party, all efforts will be made to fill any vacancies as soon as possible.

## 9. Ngā Heamana | Co-Chair's

Provision has been made for this working party to have a Co-Chair arrangement. The following process will be undertaken to fill the position of Co-Chairs.

Council will appoint one elected member (and proxy) as their representative to act as Co-Chair. The non-elected members of the working party will appoint a Co-Chair (and proxy), from the non-elected members. Both recommendations are to be endorsed by council.

At least one Co-Chair must be present at the formal meetings and marae-based hui of the working party.

Besides chairing meetings, the Co-Chairs (or proxy) will be responsible for:

- attending agenda preview meetings and reviewing working party actions prior to circulation
- be available to vet prospective applications for membership onto the working party
- assist in mediation when required, in the first instance.

## 10. Te Wahanga | Term of appointment

The standard term of appointment will be three years – consistent with the term of local and territorial authorities – in this case, the 2019-2022 local body triennium. The term of appointment can be less than three years if a representative:

- resigns
- is replaced by the representatives nominating iwi/hapū
- misses three consecutive meetings, or
- the working party is disbanded.

A member can be appointed as many times as their nominating iwi / hapū re-endorse their selection.

## 11. Whakamahinga | Operation

Council's Chief Executive Officer (CEO) and Group Manager – Strategy, Governance and Engagement are the senior managers responsible for this working party and shall attend all meetings and hui in this capacity.

The CEO or such person as he may from time to time appoint, and other council staff designated by him, will be responsible for the maintenance and servicing of the working party (provision of venue, minute-taking, catering).

Support for the working party extends to council's controlled organisation, Northland Inc through the CEO and staff.

## 12. Arataki tangata | Member induction

All new members joining the working party will receive an induction pack which will include the Terms of Reference, relevant policies and procedures and information outlining the council's function and processes.

## 13. Papā o te pānga | Conflict of interest

Members will be asked to complete a conflict of interest form at the beginning of each year they sit on the group. A conflict of interest log will be maintained by the officer responsible for liaising with the group and members are asked to declare a potential conflict of interest at each meeting.

## 14. Hokohitanga o ngā hui | Frequency of meetings

The working party will meet up to a maximum of 10 times a year. These will alternate between a formal meeting of the working party which will be held at the council's office in Whangārei and workshops at marae focusing on local issues (i.e. up to five formal meeting and five marae-based workshops.)

While any working party member is welcome to attend the marae-based workshops, these workshops will not constitute a formal working party meeting and therefore no working party actions can be agreed. All working party members attending council approved marae-based hui are eligible for meeting fee allowances and mileage.

When the full working party meets at the Whangārei office of the regional council a meeting room will be made available before or after the meeting of the working party in order for the Māori members of the working party to meet.

## 15. Kotahitanga | Quorum

The following quorum will apply:

- At least a third of the elected members (councillors), and
- At least a third of non-elected members.

This ratio will apply to those seats that are currently filled and not include vacant positions.

## 16. He utu | Payment

Payments for non-elected members of the working party (iwi and hapu representatives) for meeting attendance and mileage will be in accordance with the councils 'Appointed Members Allowance Policy' and in accordance with this Terms of Reference.

Payments include:

- Meeting allowance for meetings of the working party
- Mileage (one claim per vehicle)
- Attendance at Other working parties, as endorsed by council.

## 17. Whakaoti raruraru | Conflict resolution

Should conflict occur, the Co-Chairs and the working party will be responsible for working together to resolve the conflict in the first instance. If the conflict persists, the council will only intervene at the request of the majority of the working party members.

## 18. Ngā purongo | Reporting - accountability

The working party, through the Co-Chairs will provide a summary report to the council following each meeting.

Working party members are expected to report back to and liaise regularly with their respective nominating iwi / hapū communities – providing information to their constituents and seeking their feedback.

Officers of council will be responsible for promoting the working party and any initiatives developed (once considered and approved by council), to the wider public through a range of media including print and radio promotion, the council's website and social media.

## 19. Arotakenga | Review

The Terms of Reference will subsequently be reviewed as required. All changes to the Terms of Reference will be subject to the approval of Northland Regional Council through a recommendation made by the working party.

## 20. Tuku mahi | Delegations

The working part has no delegated authority from council.



# Appendices

## Appendix 1

### Council Vision, mission and areas of focus (Long Term Plan 2018-28)

Our Northland – together we thrive. Working together to create a healthy environment, strong economy and resilient communities.

This working party will contribute directly to the following areas of focus:

- Continuous improvement in water quality and security of supply
- Enhancement of indigenous biodiversity and biosecurity
- A strong regional economy
- Safe and resilient communities
- Enduring relationships with tāngata whenua

Appendix 2

TTMAC Iwi/Hapū geographic representation



**Northland Regional Council**

**P** 0800 002 004

**E** [info@nrc.govt.nz](mailto:info@nrc.govt.nz)

**W** [www.nrc.govt.nz](http://www.nrc.govt.nz)

**TITLE: Tāiki ē Te Tiriti Strategy and Implementation Plan Progress Report**

**From:** Auriole Ruka, Pou Manawhakahaere - GM Governance and Engagement and Kim Peita, Maori Relationships Manager

**Authorised by Group Manager/s:** Auriole Ruka, Pou Manawhakahaere - GM Governance and Engagement, on 20 February 2023

---

**Whakarāpopototanga/Executive summary**

The purpose of this report is to update Te Taitokerau Māori and Council Working Party (TTMAC) on the progress of *Tāiki e*, the NRC Te Tiriti Strategy and Implementation Plan. Now that it has been formally adopted by council, it is a commitment that regular updates focussed on Priority 1 Actions, the work being done and any challenges that need to be addressed in partnership with hāpu and iwi noting that Tāiki ē only addresses two of the Whaingā – Māori Representation and Building Capability and Capacity.

This process is fundamental to preparing proposals to facilitate Māori representation and building capacity and capability of Māori in regard to the Annual and Long Term Plan (2024-2034).

As such, the attached table summarises three phases and council's commitment (in the first 12 months) to commence priorities that are top priority and have the potential to have a significant impact in terms of work and resourcing.

- Phase 1 – Priority 1, 2 and 3 actions and work that is already underway.
- Phase 2 - Priority 1 actions that have commenced and have been endorsed by TTMAC and other priority actions.
- Phase 3 – Priority 1 actions that have commenced and need TTMAC endorsement.
- Phase 4 – Priority 1 actions that have been undertaken as part of TTMAC being re-established.

Council request that the report be received, and any subsequent feedback be considered in the ongoing reporting and implementation of Tāiki ē. It is also recommended that a Tāiki ē Te Tiriti Strategy and Implementation Plan Report (with timeframes and milestones) be a standing agenda item on the TTMAC agenda in council's commitment to being as open, honest as transparent as possible, particularly where council may be unable to deliver on the priority actions as planned.

---

**Ngā mahi tūtohutia/Recommended actions**

1. That the report 'Tāiki ē Te Tiriti Strategy and Implementation Plan Progress Report' by Auriole Ruka, Pou Manawhakahaere - GM Governance and Engagement and Kim Peita, Maori Relationships Manager and dated 13 February 2023, be received.
2. That Tāiki e Te Tiriti Strategy and Implementation Plan Report be a standing agenda item for TTMAC.

---

**Tuhinga/Background**

Tāiki ē was formally adopted by council in July 2022 and outlines the actions to be taken to achieve shared outcomes guided by Northland Regional Council's (NRC) Te Pae Tawhiti – Our Vision 2021 – 2031 and Te Taitokerau Māori and Council Committee (TTMAC) Strategic Intent Te Pae Tawhiti | Vision 2040 and Te Kaupapa | Mission Statement. The Implementation Plan focuses specifically on actions to achieve desired goals for Capacity and Capability and Māori Representation. Both parties

acknowledged that there are other groups, agreements, and relationships, such as with Te Kahu o Taonui (TKoT) via the Whanaunga ki Taurangi agreement, Mana Whakahono a Rohe agreements and Memorandum of Understandings, that NRC has that are separate to TTMAC. This Implementation Plan does not override those existing relationships and agreements.

---

### **Ngā tapirihanga / Attachments**

Attachment 1: Table summarising Tāiki ē actions [!\[\]\(e2376d476d06eb31946dc01a69a4403a\_img.jpg\) !\[\]\(bbb3388d591ef640dd8a8c4262f2866a\_img.jpg\)](#)

| Phasing   | Tāiki e Priority 1 Actions   | Status Update  |
|---|--|--|
| <b>Phase 1</b><br><br><b>Priority 1, 2 and 3</b><br><b>Actions and work that is already underway.</b> | <b>Action 17.</b><br><br>Develop and embed a cultural awareness and competency framework for Councillors, staff and relevant consultants and contractors that includes, at a minimum: <ul style="list-style-type: none"> <li>a. Creating an induction process that explains the cultural context of Te Taitokerau, recognising that each hapū have their own tikanga,</li> <li>b. Presents the importance of Te Tiriti o Waitangi / and He Whakaputanga / The Declaration of Independence to NRC in all activities, and</li> <li>c. Provides an understanding of and empathy for tikanga Māori (e.g., mauri, kaitiakitanga and mātauranga).</li> </ul> | <ul style="list-style-type: none"> <li>• Oct-Dec 2022 - Council induction programme included Introductions to Tāiki e and the recommendations from Te Tiriti Health Check and Governance Review recommendations.</li> <li>• This contributed to the confirmation of the governance structure including Independent Tangata Whenua Experts (with voting rights) on the Audit and Risk, Investment and Property subcommittees.</li> <li>• March 2023– Te Tiriti o Waitangi training for councillors scheduled.</li> <li>• <b>Appointment process for Tangata Whenua Experts to be presented to TTMAC meeting, 23 February 2023.</b></li> </ul>                                     |
|   | <b>Action 18.</b><br><br>Invest in building Tangata Whenua capacity and capability, by: <ul style="list-style-type: none"> <li>a. Reviewing council’s existing scholarship / internship programme to ensure that it supports the following outcomes:               <ul style="list-style-type: none"> <li>i. Tangata whenua undertaking their role as kaitiaki; or</li> <li>ii. Increasing tangata whenua participation in jobs that are directly relevant to council’s activities; or</li> <li>iii. Includes governance training, such as associateships.</li> </ul> </li> </ul>  | <ul style="list-style-type: none"> <li>• Allocated annually, the Tu i te Ora scholarship has six scholarship packages available. Each recipient receives \$4000 to assist with study costs and a paid full-time work experience opportunity with council from mid-November 2023 to mid-February 2024.</li> <li>• Feb-March 2023 interviews in progress for selection of recipients.</li> <li>• Tertiary scholarship now includes an internship so that recipients (three out of six allocated for Māori but not limited) are able to gain experience in jobs at council e.g. environmental services, biosecurity, policy and planning, and governance and engagement.</li> </ul> |

| Phasing  | Tāiki e Priority 1 Actions  | Status Update  |
|--|---|--|
|  | Maintaining and increasing where appropriate in the 2024 – 2034 Long Term Plan, scholarship/ internship programmes for tangata whenua who whakapapa to Te Taitokerau iwi / hapū.  |  |
|  | <b>Action 20.</b><br>Develop and maintain a digital tangata whenua contacts database that spatially identifies indicative iwi and hapū rohe boundaries that can be utilised to guide engagement processes (e.g., resource consents), that: <ol style="list-style-type: none"> <li>Takes into account overlapping iwi and hapū boundaries,</li> <li>Recognises the sensitivity and accuracy of information, and</li> <li>Uses the best available information (e.g., within IHEMPS).</li> </ol>   | <ul style="list-style-type: none"> <li>A geospatial consultant has been engaged to complete this project with guidance and leadership being provided by MTAG. The GIS Māori Engagement Mapping Tool will be presented to TTMAC by April 2023.</li> </ul>   |
| <b>Phase 2</b><br><br><b>Priority 1 Actions that have commenced and have been endorsed by TTMAC.</b> | <b>Action 1.</b><br>1. Establish Te Tiriti o Waitangi Health Check and Review Framework by: <ol style="list-style-type: none"> <li>Carrying out an independent review of council's obligations and performance against Te Tiriti o Waitangi performance standards utilising the Te Arawhiti Framework in a Te Taitokerau context,</li> <li>Identify and implement priority areas for improvement based on Te Tiriti o Waitangi Health Check, and</li> <li>Reporting to and seeking views and input of TTMAC and councillors as part of the review.</li> </ol> | <ul style="list-style-type: none"> <li>Final report and recommendations submitted and received at formal council meeting 27 September 2022.</li> <li>Next Te Tiriti Health Check and review due June 2023. Priorities are workforce capability, policy and services - Policy processes, and to continue to strengthen governance and relationships with Māori as informed by the Te Arawhiti Framework.</li> </ul> |

| Phasing | Tāiki e Priority 1 Actions   | Status Update   |
|---------|--|---|
|         | <p><b>Action 3.</b></p> <p>Support and increase the uptake of the development of Iwi and Hapū Environmental Management Plans (IHEMP) by:</p> <ol style="list-style-type: none"> <li>allocating existing staff time towards assisting iwi and hapū with b and c below,</li> <li>developing a bespoke communication plan for increasing awareness and visibility of existing or future funding and support for IHEMPs, including targeting communications to iwi, hapū and whanau networks (including reaching out to specific iwi and hapū who may need extra support), and</li> <li>increasing the amount of funding and staff capacity in the 2024-2034 Long Term Plan to respond to the potential increase in uptake of financial assistance.</li> </ol>                                 | <ul style="list-style-type: none"> <li>2022/2023 funds allocated with two successful recipients.</li> <li>Ngātihi Environmental Plan Review launched by Ngātihi at Waimāhae Marae, Motatau in December 2022.</li> <li>Annual Plan proposals includes a proposal to increase the amount of funding and resource available to be presented at TTMAC Meeting, March 2023.</li> <li><b>Communications Review currently in progress and a Kaiawhina Pārongo Role (Maori Comms. Advisor) is currently being recruited to assist with the development of a bespoke communication plan.</b></li> <li><b>Tangata Whenua Climate Adaptation Fund to be presented to TTMAC Meeting, Feb 23, 2023.</b></li> </ul>               |
|         | <p><b>Actions 7, 8 and 9 (summary of actions)</b></p> <ol style="list-style-type: none"> <li>Taking into account the existing tools and models available, develop and fund culturally appropriate council environmental monitoring programme(s) and aspirations.</li> <li>Taking into account the existing tools and models available, develop and fund a culturally appropriate programme that enables and supports tangata whenua to undertake their own freshwater monitoring aspirations.</li> <li>Review, update and embed how NRC delivers its regulatory services to ensure regulatory activities (e.g., resource consents and compliance monitoring) are undertaken in a culturally appropriate manner and seek to include iwi and hapū to the greatest extent possible</li> </ol> | <ul style="list-style-type: none"> <li>Mātauranga Māori Monitoring Freshwater Framework being developed with \$100,000 budget allocated to support its development with a due date of June 2023. (Separate paper to be presented by Environmental Services Group's Policy and Planning Team)</li> <li><b>Review of Regulatory Services Project Scope to be presented by Barker &amp; Associates to TTMAC Meeting, March 2023.</b></li> <li><b>Funding \$20,000 for tangata whenua environmental monitoring projects available for applications online and to be allocated by March 2023. Launched Friday, 10 February 2023 <a href="https://www.nrc.govt.nz/TWEMF">https://www.nrc.govt.nz/TWEMF</a></b></li> </ul> |



| Phasing   | Tāiki e Priority 1 Actions  | Status Update  |
|---|---|--|
|   | <b>Action 15.</b><br>Identify opportunities within legislation for Tangata Whenua members of TTMAC-to join or participate in other Council governance structures; and where appropriate, have formal voting rights on sub-committees.   | <ul style="list-style-type: none"> <li>Governance structure confirmed November 2022.</li> <li>50/50% representation on working parties.</li> <li>Independent tangata whenua experts on sub-committees.</li> </ul>    |
|   | <b>Action 22.</b><br>Ensure the successful ongoing implementation of Māori Constituencies by: <ol style="list-style-type: none"> <li>Promoting and raising awareness of Māori seats and encouraging Māori to stand for local government, and</li> <li>Engaging with iwi and hapū to undertake a review of Māori constituencies within the first triennium following implementation to measure success and the representativeness of the constituencies.</li> </ol>  | <ul style="list-style-type: none"> <li>Action 22(b) will be scheduled and incorporated in annual Te Tiriti Health Check 2024/2025 to ensure it is completed prior to the next local government elections.</li> </ul> |
| <b>Phase 3</b><br><br><b>Priority 1 Actions that have commenced and need TTMAC endorsement.</b> | <b>Action 2.</b><br>2. Continue developing a Tāiki e (NRC Te Tiriti Strategy and Implementation Plan) that includes, as a minimum: <ol style="list-style-type: none"> <li>What it means for NRC to uphold its Te Tiriti o Waitangi principles and obligation (e.g., what will success look like) and how NRC will live them through decision-making and operations,</li> <li>NRC's overarching positions are clearly articulated on important matters such as transfer of powers under the RMA, payment for kaitiaki, recognition of mātauranga Māori and tangata whenua participation in decision making, and</li> <li>Incorporate the findings and recommendations of Te Tiriti o Waitangi Health Check.</li> </ol> | <ul style="list-style-type: none"> <li><b>Draft Māori Services Procurement Policy to be presented to TTMAC Meeting, February 23, 2023.</b></li> </ul>  |

| Phasing | Tāiki e Priority 1 Actions   | Status Update   |
|---------|--|---|
|         | <p><b>Action 4.</b></p> <p>Support and increase the uptake of Mana Whakahono-ā-rohe agreements and commitments made within them by:</p> <ol style="list-style-type: none"> <li>allocating existing staff time towards assisting iwi and hapū with b, c and d below,</li> <li>making it clear that NRC is open to receiving invitations and having discussions regarding entering into a Mana Whakahono-ā-rohe process with iwi and hapū,</li> <li>developing a bespoke communication plan for increasing awareness and visibility of existing or future funding and support for Mana Whakahono-ā-rohe, including targeting communications to iwi, hapū and whanau networks (including reaching out to specific iwi and hapū who may need extra support), and</li> <li>increasing the amount of funding and staff capacity in the 2024-2034 Long Term Plan to respond to the potential increase in uptake of financial assistance.</li> </ol> | <ul style="list-style-type: none"> <li>Te Uri o Hau and Te Hikutu to sign MWaRohe – delays due to COVID and waiting on hapū to advise when they want to revisit this.</li> <li>New requests from Ngāti Hine and Te Kahu o Taonui (TKoT) via Iwi and Local Government Chief Executives (ILGACE) forum.</li> <li>Multi-hapū agreement signed by Patuharakeke and Ngāti Rehia.</li> <li>Annual Plan and Long-Term Plan proposals to increase amount of funding and staff capacity</li> </ul> |
|         | <p><b>Action 9.</b></p> <p>Review, update and embed how NRC delivers its regulatory services to ensure regulatory activities (e.g., resource consents and compliance monitoring) are undertaken in a culturally appropriate manner and seek to include iwi and hapū to the greatest extent possible, including by:</p> <ol style="list-style-type: none"> <li>Developing an efficient and consistent framework for notifying and involving iwi and hapū with resource consent applications,</li> </ol>   | <ul style="list-style-type: none"> <li>Project scope to be presented by Barker and Associates to undertake a review of the resource consents process in relation to Policy D.1.1.</li> <li>Development of the GIS Māori Engagement Tool to ensure council have updated information pertaining to iwi and hapū so that contacts and database information are relevant and able to assist in providing consent information.</li> </ul>  |

| Phasing  | Tāiki e Priority 1 Actions   | Status Update  |
|--|--|--|
|  | <ul style="list-style-type: none"> <li>b. Providing suitable opportunities for iwi and hapū to provide feedback within statutory timeframes,</li> <li>c. Taking into account the following: <ul style="list-style-type: none"> <li>i. The legislative constraints of the RMA,</li> <li>ii. Where legislative conflicts arise, advocate for change to central government in accordance with Action 12 of this Implementation Plan.</li> </ul> </li> <li>d. Committing funding to consistently resource iwi and hapū for undertaking this work.</li> </ul> |  |
|  | <p><b>Action 26.</b></p> <p>During each review of the Annual Plan or Long Term Plan, consider and implement appropriate financial and other support for specific actions outlined in this Implementation Plan.</p>   | <ul style="list-style-type: none"> <li>• In process and currently reviewing implementation of Tāiki e and initial resourcing requirements against existing budgets.</li> <li>• Additional resourcing will be sought through the 2022/23 Annual Plan process, with further resourcing requirements being refined and a more comprehensive resource assessment prepared for consideration as part of the 2023/33 LTP process.</li> </ul> |
| <p><b>Phase 4</b></p> <p>Priority 1 Actions that have been undertaken as part of TTMAC being re-established.</p> | <p><b>Action 11.</b></p> <p>Ensure Tangata Whenua are consistently resourced to participate in governance, decision-making and operational activities by:</p> <ul style="list-style-type: none"> <li>a. reviewing different funding models used elsewhere in Aotearoa that could be applied, adapted and enhanced in Te Taitokerau, and</li> <li>b. Taking into account the findings of (a), develop and implement an agreed methodology and policy regarding consistent resourcing of tangata whenua.</li> </ul>  | <ul style="list-style-type: none"> <li>• Current proposals in Annual Plan deliberations to increase non-elected members payment and funding to resource iwi and hapū technical advice.</li> <li>• <b>Review of MTAG Paper to be presented at TTMAC Meeting, Feb 23, 2023.</b></li> </ul>   |

| Phasing | Tāiki e Priority 1 Actions   | Status Update   |
|---------|--|---|
|         | <p><b>Action 13.</b></p> <p>Undertake joint advocacy to central government on agreed priorities and interests, including on new legislation and initiatives such as the Future of Local Government Reforms</p> | <ul style="list-style-type: none"> <li>• Due to timeframes council's submission has been submitted for the RMA Reforms (attached).</li> <li>• Policy advice and resource has been provided for hapū and iwi to form their own submissions.</li> <li>• Working in partnership with Te Kahu o Taonui (TKoT) via Iwi and Local Government Chief Executives (ILGACE) forum.</li> <li>• <b>Council Submission distributed via email to TTMAC. Māori Relationships Team supported MWaRohe signatories to prepare hapū response and submission.</b></li> </ul> |
|         | <p><b>Action 22.</b></p> <p>Providing ongoing support to ensure an equitable and culturally safe working environment for councillors.</p>  | <ul style="list-style-type: none"> <li>• Professional Development Programme for councillors includes Te Tiriti o Waitangi Training, Te Maruata membership and support for Māori councillors.</li> <li>• Interpreter services for formal council and TTMAC meetings to be trialled with a registered Taurawhiri i te reo translator. Proposal being developed for LTP to fund technology, equipment and interpreter services for all meetings.</li> </ul>  |

**TITLE:** **Māori Expertise Procurement Policy Draft**

**From:** Auriole Ruka, Pou Manawhakahaere - GM Governance and Engagement;  
Kim Peita, Maori Relationships Manager and Nicola Hartwell, Legal Advisor  
(Corporate Policy Specialist)

**Authorised by** Auriole Ruka, Pou Manawhakahaere - GM Governance and Engagement, on  
**Group Manager/s:** 20 February 2023

---

### Whakarāpopototanga/Executive summary

Over the last triennium council was experiencing an increasing need and demand to procure a range of Māori expertise and services in response to council activities, central government requirements and legislative reforms that gives effect to Te Tiriti o Waitangi. The Māori Expertise Procurement Policy provides clear guidance as to the processes under which council will contract Māori businesses and suppliers for their expertise, the quantum amount as determined by the market. It simplifies the approach that council takes to meet legal and financial requirements of local government.

Development and approval of council procurement policy is an operational matter and therefore the responsibility sits with the CEO to approve and implement within council. However, given the significance of this and the desire to ensure a high level of iwi and hapū input, guidance and support the CEO is seeking TTMAC feedback and endorsement ahead of approving the policy.

The purpose of this item is to update TTMAC on progress of the work being undertaken in relation to Tāiki ē and seek feedback from iwi and hapū members on the draft policy.

---

### Ngā mahi tūtohutia/Recommended actions

1. That the report 'Māori Expertise Procurement Policy Draft' by Auriole Ruka, Pou Manawhakahaere - GM Governance and Engagement; Kim Peita, Maori Relationships Manager and Nicola Hartwell, Legal Advisor (Corporate Policy Specialist) and dated 21 December 2022, be received.
2. That Te Taitokerau Māori and Council Working Party (TTMAC) endorses and provides the following feedback for the CEO prior to approval and implementation of the Māori Expertise Procurement Policy Draft:

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

---

### Tuhinga/Background

The draft Māori Expertise Procurement Policy is directly linked to Priority 1 and 3 actions under Tāiki ē noted below:


1. Continue developing a Tāiki ē (NRC Te Tiriti Strategy and Implementation Plan) that includes, as a minimum:
  - a. What it means for NRC to uphold its Te Tiriti o Waitangi principles and obligation (e.g., what will success look like) and how NRC will live them through decision-making and operations;
  - b. NRC's overarching positions are clearly articulated on important matters such as transfer of powers under the RMA, payment for kaitiaki, recognition of mātauranga Māori and tangata whenua participation in decision making; and

Incorporate the findings and recommendations of Te Tiriti o Waitangi Health Check.

11. Ensure Tangata Whenua are consistently resourced to participate in governance, decision-making and operational activities by:
  - a. reviewing different funding models used elsewhere in Aotearoa that could be applied, adapted and enhanced in Te Taitokerau;
  - b. Taking into account the findings of (a), develop and implement an agreed methodology and policy regarding consistent resourcing of Tangata Whenua.
24. Review council procurement policies and processes to ensure fair and equal opportunities for Tangata Whenua consultants and contractors to obtain council contracts.
25. Identify opportunities in Council activities for Tangata Whenua consultants and contractors to apply for council contracts.

---

### Ngā tapirihanga / Attachments

Attachment 1: DRAFT Kaitaonga Pūkenga Māori - Māori Expertise Procurement Policy [↓](#) 



# Kaitaonga Pūkenga Māori

## Māori Expertise Procurement Policy

**Date:** January 2023

**Author:** Te Tiriti Steering Group/Corporate Policy Specialist

## Contents

|   |    |
|---|----|
| 1. Principles, Purpose, Objectives, Scope .....                     | 3  |
| 2. Summary of Māori Expertise .....                                 |    |
| 2.1 Advice.....   | 4  |
| 2.2 Environmental Monitoring .....                                  | 5  |
| 2.3 Environmental Restoration .....                                 | 7  |
| 2.4 Compliance monitoring .....                                     | 6  |
| 2.5 Cultural Support.....   | 6  |
| 3. Māori Expertise Procurement Classifications and Guidelines ..... | 7  |
| 3.1 Sole Provider .....   | 7  |
| 3.2 Multiple Māori Providers .....                                  | 8  |
| 3.3 Māori and non-Māori Providers .....                             | 8  |
| 4. Conflicts, Health & Safety, Liability and Insurance .....        | 9  |
| 4.1 Conflicts of Interest.....                                      | 9  |
| 4.2 Health and Safety.....  | 9  |
| 4.3 Liability / Insurance.....                                      | 9  |
| 5. Schedule of hourly rates for Māori Expertise .....               | 10 |
| 6. Related documents / Resources .....                              | 12 |



# 1. Principles, Purpose, and Objectives

## 1.1 Principles and Purpose

Te Kaunihera ā rohe o te Taitokerau / Northland Regional Council (NRC) is committed to:

- fulfilling its obligations as a Te Tiriti o Waitangi (Te Tiriti) partner when undertaking its statutory functions;
- actively partnering with whanau, hapū and iwi to achieve its community outcomes for the region.

As more emphasis and reliance is placed on Te Āo Māori and matauranga Māori, NRC seeks to ensure Māori are appropriately engaged and remunerated for their expertise and services provided to council.

These guidelines were developed as a result of an action under Tāiki e, NRC's action plan for delivery of its commitments under Te Tiriti. They also seek to promote and foster NRC's partnership with Māori.

## 1.2 Objectives

This policy is intended for internal use as a supplement to NRC's Procurement Policy and applies when NRC is seeking Māori expertise and/or services from its Māori partners and suppliers (whether individually, as a group, company or business). It has been prepared with input from across NRC's organisation and Te Taitokerau Māori and Council Working Party.

The objective of this policy is to provide:

- NRC staff with clear guidance surrounding the circumstances under which NRC will pay Māori for their expertise, and how much;
- a resource that fairly values Māori contribution to NRC mahi;
- a simple and effective payment process that meets legal and financial accountability requirements;
- clarity surrounding health and safety and liability/insurance thresholds.

## 1.3 Scope

This policy applies to projects and scopes of work under which the procurement of Māori expertise and/or services is essential for NRC deliverables.

This policy intends to cover the full range of expertise NRC may wish to seek from Māori, however there may be expertise sought which falls within the scope of this Policy but is not listed in Schedule 5, either in relation to the services sought, or the rate of payment. In these circumstances, an exception to the policy may be sought from Group Manager for Governance and Engagement, who will decide which payment tier will apply by undertaking an assessment of the nature of the service and its inherent risks, as compared to similar services and expertise covered under this Policy.

## 2. Summary of Māori Expertise, business, and supply

NRC procures Māori expertise under the categories of professional advice; policy and planning development; environmental monitoring; environmental restoration; compliance monitoring; and cultural assistance. These categories are summarised below.

Each category contains “tiers” of expertise intended to assist in determining the appropriate hourly rate. A schedule of hourly rates are set out at Section 5.

### 2.1 Professional Advice

NRC engages with Māori on a number of council projects, seeking expertise, feedback, and advice so as to inform decision making by council. Effective and efficient engagement is necessary for NRC to achieve its intended community outcomes, and Māori contributions to the process should be compensated accordingly.

Payment for Māori advice is only appropriate in circumstances where NRC has formally (in writing) invited the advice, and for a specific purpose. If the invitation has been extended to hapū/iwi and not a specific individual, payment is limited to a maximum of 3 hapū/iwi representatives. Payment for attendance at an NRC led hui is limited to a maximum of 4 hours per day, per person. General sharing of information, or advice provided without formal invitation, should not be compensated. In circumstances where NRC has been specifically invited to marae or face to face hui a koha is appropriate. If the invitation is open to the public, or is to an online event, koha is generally not payable, unless the circumstances justify otherwise.

NRC may also seek technical advice from Māori in relation to NRC’s operations and business activities. Māori/kaitiaki may be qualified in the areas of policy, planning, science and law, using these skills in the preservation and/or ongoing development of Māori interests in Te Taitokerau.

The fair and reasonable fee range for Māori advice to council is between \$35 and \$200 (per hour). The appropriate fee depends on the activities and level of expertise required, ranging from simply attending a hui, to leading consultation, or providing expert technical advice. Clause 5, Schedule of Hourly Rates provides further guidance on appropriate fee ranges.

Please note, when procuring advice from Māori:

- it is the nature of the expertise being procured that should inform the fee range, not the mana of the tangata. Māori often have a range of skills and qualifications, but it is the service being procured that sets the hourly rate, even if tangata have skills and/or qualifications which exceed NRC’s requirements in the particular circumstances; and
- there must be clear agreement on the number of hours required to complete the service so as to manage payment expectations and avoid potential budget 'blow out'. This can be communicated in the contract itself, or through correspondence, but either way the expected hours of work must be recorded in writing.

## 2.2 Monitoring

NRC is statutorily obliged to perform extensive environmental monitoring,<sup>1</sup> and it recognises mātauranga as a valid and valuable source of knowledge when assessing the state of the environment.

Mātauranga knowledge is held and practiced by kaitiaki.<sup>2</sup> It is not accessible in universities or other learning institutions, with expertise and mastering of mātauranga knowledge only achievable through a kaitiaki passing it on.

Mātauranga can be separated into two categories:

- **the sacred**; closed and accessible by only a few, or
- **the profane**; common and accessible to many.

These categories are widely recognised across iwi and hapū. Kaitiaki often have expertise in both categories, whereas the mātauranga knowledge of academics, consultants and other professionals are generally limited to the profane category.

NRC may seek mātauranga expertise to assist with the implementation of a policy or provision of NRC's deliverables. NRC may also engage Māori to perform 'non-Māori' monitoring tasks. Mātauranga and 'western' monitoring have the following tiers of expertise:

Tier 1:

- Cultural monitoring at sites where kaitiaki presence is required (e.g. in the event taonga is uncovered);
- One-off attendance at an NRC run monitoring event.

Tier 2:

- Tangata whenua undertaking 'western' environmental monitoring on NRC's behalf;
- Kaitiaki undertaking independent mātauranga monitoring where results are not necessarily collected and retained by NRC.

Tier 3:

- Mātauranga data collection, analysis and reporting to NRC;
- Mātauranga monitoring in NRC monitoring programmes (e.g. resourcing kaitiaki to undertake monitoring of mahinga kai and then incorporating those results into NRC environmental reporting);

Tier 4:

- Engaging tangata whenua in the design of NRC monitoring programmes by using Mātauranga Māori to help determine where, how and when NRC will use 'mātauranga' or 'western' approaches to environmental monitoring;

<sup>1</sup> Resource Management Act 1991, s 35.

<sup>2</sup> Kaitiaki are those who practice tikanga Māori in te Taiao. They are the source of sacred and common forms of mātauranga māori and are therefore essential to providing NRC with state of the environment information.

The above tiers inform the fee ranges for mātauranga/monitoring set out at Section 5, Schedule of Hourly Rates.

Mātauranga / monitoring expertise may be provided by an individual, or by a group of Māori acting as a Kaitiaki Monitoring Collective (usually established by hapū or iwi). The fee ranges apply to both individuals and established monitoring groups.

## 2.3 Environmental Restoration

NRC engages Māori to undertake environmental restoration and biosecurity activities, for example native planting, pest trapping, and weed work. There are three tiers of expertise applicable to this mahi:

Tier 1:

- Participating in an NRC-led restoration project or programme;

Tier 2:

- Participating in, and providing advice to NRC on a restoration/biosecurity project or programme;

Tier 3:

- Participating in and leading an NRC restoration/biosecurity project or programme.

Section 5, Schedule of Hourly Rates, sets out the fee range for each tier. Careful consideration should be given to the precise nature of the expertise required under the relevant project/programme to ensure the appropriate fee range is applied.

## 2.4 Compliance Monitoring

NRC may from time to time engage Māori to undertake regulatory services on its behalf. These services can range anywhere between providing ad hoc compliance monitoring services (Tier 1) to leading a compliance monitoring programme under which the participants have statutory powers of enforcement (Tier 4). The fee ranges for the differing tiers of regulatory expertise are set out at Section 5, Schedule of Hourly Rates.

## 2.5 Cultural Assistance

NRC may seek Māori cultural expertise to support its staff at hui or site blessings, or in relation to a particular project. Generally, cultural assistance will be a 'one off'. In these circumstances, refer to NRC's Koha Policy (link at Section 6) for the appropriate compensation. However, if the cultural assistance is extensive, warranting contractual recognition, please refer to Section 5 for the appropriate fee range.

## 3. Māori Expertise Procurement Classification and Guidelines

The classifications for procuring Māori expertise are set out at 3.1 to 3.3 below. These classifications are sole provider; multiple Māori providers; Māori and non-Māori providers. The nature of the expertise sought will determine which procurement classification is followed. For example:

- If only one hapū holds the expertise sought, such as cultural monitoring or the provision of sacred mātauranga advice relating to one particular roopu, hapū or rohe, procurement through the classification 'sole provider' is appropriate;
- If the expertise sought relates to the region generally, or a geographical area involving several iwi/hapū, but is of a nature that only Māori can provide e.g. mātauranga of the sacred kind, the procurement classification 'Multiple Māori Providers' may be used;
- If the expertise can be provided by Māori and non-Māori, such as technical advice, 'western' monitoring, restoration or biodiversity work, then NRC's standard procurement policy applies.

There may be instances where Māori prefer to engage non-Māori to undertake the expertise/services on their behalf. This does not alter the procurement classification that should be used, but instead the contract should clearly state that the non-Māori contractor has authority to perform the expertise sought. This also applies to Māori individuals who are contracted on behalf of their iwi/hapū.

### Low value contracts

If the expertise sought has a value of less than \$3,000, the procurement processes below do not apply. Instead, at least one (verbal or written) quotation is to be sought and recorded on the Māori Expertise Quote Form (link at Section 6), or otherwise recorded in writing. The Māori Expertise Quote Form should be signed by the Supplier when accompanying a Purchase Order.

Unless otherwise agreed in writing, payment for Māori expertise under the \$3,000 threshold should be requested within three months of providing the service for budgeting reasons.

### 3.1 Sole provider

The 'sole provider' procurement classification may be used when the Māori expertise sought can only be provided by one particular roopu (group), hapū, or tangata (person). When there is only one Māori provider, procurement of the expertise may be sought directly from that provider based on the fair and reasonable fees set out at Section 5, with the contract prepared in accordance with NRC's Contract Management Framework. Contracts with a value exceeding \$25,001 must be signed off by a group manager, who must be satisfied there is only one suitable provider for the service.

The following process may be used for guidance:

1. Assess expertise required (from Section 2 above);
2. Develop procurement plan (see Section 6 for template link);
3. Approach sole provider, seek agreement in principle to provide the expertise based on the procurement plan;
4. Draft contract: under \$25,000 Short Form Contract, over \$25,000 standard contract for services (and signed off by a group manager).

## 3.2 Multiple Māori providers

This classification applies when multiple Māori hold the expertise sought, and the expertise sought is not held by non-Māori.

In these circumstances NRC's procurement thresholds apply, however the Amotai platform <https://amotai.nz/> should be used as an alternative to GETZ to advertise and select potential Māori providers, using the following process:

| Step | Action   |
|------|--|
| 1    | Develop procurement plan – see section 6 for template link<br>Use Amotai to identify possible provider option(s)   |
| 2    | Make a preferred supplier recommendation to the Delegated Financial Authority <sup>3</sup> holder(DFA): <ul style="list-style-type: none"> <li>▪ what the options are</li> <li>▪ why is this the best option</li> <li>▪ complete conflict of interest declaration</li> </ul> |
| 3    | Get approval to use the Preferred Supplier from the DFA Holder: <ul style="list-style-type: none"> <li>▪ Yes – Go to step 4</li> <li>▪ No – more information needed – go back to step 2</li> </ul>   |
| 4    | Agree proposal (in principle) with supplier: <ul style="list-style-type: none"> <li>▪ Yes – go to step 6</li> <li>▪ No – review other procurement options - go back to Step 1</li> </ul>   |
| 6    | Draft contract – Under \$25,000 Short Form Contract / Over \$25,000 Standard Contract for Services <sup>4</sup>  |

## 3.3 Māori and non-Māori providers

This classification should be used for the procurement of expertise held by Māori and non-Māori providers, for example technical advice, biosecurity activities, restoration activities and monitoring activities that do not fall within the “sacred” category.

<sup>3</sup> The DFA is the person who has authority to approve the contract in the amount sought. See NRC's Delegations Manual linked at Section 6.

<sup>4</sup> See NRC's Contract Management Framework for guidance.

In these circumstances, NRC's standard procurement processes should be used (see section 6 for link).

## 4. Conflicts, Health & Safety, Liability, and Insurance

### 4.1 Conflicts of Interest

Te Taitokerau iwi/hapū and Māori demographics make conflicts of interests, potential or otherwise, difficult to avoid, particularly when procuring Māori expertise. Please ensure all appropriate steps and measures are undertaken to manage potential conflicts. For further detail, please refer to NRC's Code of Conduct.

### 4.2 Health and Safety

The health and safety of NRC's staff and contractors is of utmost priority, regardless of whether the services are being procured under NRC's general procurement policy, or this policy. Please refer to NRC's Health and Safety Policy for guidance on the procedure and processes required for delivery of the service/expertise being procured.

### 4.3 Liability and Insurance

As NRC largely operates from public funds, it must protect itself against the risks of a supplier not performing the contract (causing loss to NRC), providing negligent professional advice, or causing damage while performing the contract. For these reasons, NRC requires contractors to maintain levels and types of insurance appropriate to the risks and complexities of the services being procured.

#### **Public Liability**

In the context of contracting Māori expertise, public liability insurance is required when Māori partners (whether individually, as a group, or business) are performing the services on (third party) private or public land. If the services are undertaken on whenua which the contractor owns, or has an interest in, eg. as a trustee or part owner, public liability insurance is not required. Public liability insurance is also not required for the provision of advice.

#### **Professional Indemnity**

There may be instances where the provision of Māori expertise requires professional indemnity insurance, however this will generally only be if the expertise sought is highly technical in nature (eg. activities falling under Tiers 3 and/or 4 of Schedule 5 below), and in circumstances where the advice, if relied upon by council, would cause loss if it was wrong. Professional indemnity insurance is not required for undertaking peer reviews.

## 5. Schedule of hourly rates for Māori Expertise

Below is a schedule of the hourly rates that apply to the differing categories and tiers of Māori expertise. The schedule is reviewed annually to ensure the fee ranges align with market rates.

The teal highlighted boxes reflects services where tax is not payable by law.<sup>5</sup> However, if the Māori entity<sup>6</sup> engaged is GST registered, GST is payable, and the GST component will need to be added to the rates below, with the contract clearly stating the GST status.

Māori entities are responsible for their own income tax obligations. Self-employed individuals/contractors will have withholding tax deducted from their payments if they provide services listed by IRD (refer to IR330c). NRC is not required to deduct withholding tax if the entity provides labour only services through a company. Contracts should include a clause that outlines tax obligations.

| Expertise      | Ad Hoc  | Tier 1  | Tier 2                               | Tier 3  | Tier 4   |
|----------------|---|---|--------------------------------------|---|--|
| Administration |   | Supporting administration of a iwi/hapu led project                                       |                                      |   |  |
| Advice         | Open invitation to an NRC hui, to share information<br><br>NRC invited to marae or face to face hui | Direct invitation to a hui or series of hui where the purpose is to provide advice to NRC | Member of a technical advisory group | Chair of a technical advisory group<br><br>Providing advice (including mātauranga of the profane category) and written report | Leading consultation / engagement on behalf of NRC   |
|                |   | Undertaking peer review   |                                      |   | Leading a project on behalf of NRC<br><br>Providing qualified expert advice (including mātauranga of the sacred category) and written report, to be relied upon by council |

<sup>5</sup> Koha is considered a gift and is not subject to income tax obligations.

<sup>6</sup> A Māori entity may be any of the following: self-employed individuals, partnerships, trusts, groups and/or companies.



| Expertise                         | Ad Hoc                              | Tier 1   | Tier 2  | Tier 3   | Tier 4   |
|-----------------------------------|-------------------------------------|--|---|--|--|
| Monitoring                        | NA                                  | One off attendance at an NRC monitoring event                              | Undertaking mātauranga data collection with results provided to NRC                                   | Mātauranga data collection, analysis, and reporting  | Advising on, leading, or designing a Mātauranga monitoring programme |
|                                   |                                     | Undertaking mātauranga monitoring where results are not provided to NRC    |   |  |  |
|                                   |                                     | Tangata whenua undertaking 'western' monitoring tasks with NRC staff       |   |  |  |
| Environmental Restoration         | NA                                  | Participating in an NRC restoration project                                | Provides specialist input in environmental restoration, eg brings particular expertise to the project | Leading a restoration project  | NA   |
| Compliance monitoring             | NA                                  | Undertakes compliance monitoring alongside NRC staff – no statutory powers | Undertakes compliance monitoring on behalf of NRC – no statutory powers                               | Undertakes compliance monitoring – with statutory powers<br><br>Leads an NRC compliance monitoring programme | Leads a compliance programme – with statutory powers                 |
| Cultural assistance               | Provides cultural assistance to NRC | NA   | Provides cultural advice for NRC on tikanga process or event  | NA   | NA   |
| Fee Range (per hour) <sup>7</sup> | Koha                                | \$40 - \$60  | \$60-\$100  | \$80-\$150   | \$150 - \$230  |

<sup>7</sup> Excluding GST where applicable

## 6. Related documents / Resources

|  |   |
|--|---|
| NRC's Koha Policy                        | <a href="https://northlandregionalcouncil.sharepoint.com/:w:/r/sites/dmCDoc/_layouts/15/Doc.aspx?sourcedoc=%7Bd2912519-ee4a-4309-b266-27a45f54720d%7D&amp;action=default&amp;mobileredirect=true">https://northlandregionalcouncil.sharepoint.com/:w:/r/sites/dmCDoc/_layouts/15/Doc.aspx?sourcedoc=%7Bd2912519-ee4a-4309-b266-27a45f54720d%7D&amp;action=default&amp;mobileredirect=true</a>   |
| Māori Expertise Procurement Plan         | <a href="#">[Insert Link]</a>   |
| Contract Management Policy               | <a href="#">Contract Management Policy.docx</a>   |
| Contract Management Framework            | <a href="#">Contract Management Framework.docx</a>  |
| NRC's Delegations Manual                 | <a href="https://northlandregionalcouncil.sharepoint.com/:w:/r/sites/dmGovernance/_layouts/15/Doc.aspx?sourcedoc=%7B1BBF98D5-1DFB-4D45-A4B5-240EACD87F42%7D&amp;file=Delegations%20Manual.docx&amp;action=default&amp;mobileredirect=true">https://northlandregionalcouncil.sharepoint.com/:w:/r/sites/dmGovernance/_layouts/15/Doc.aspx?sourcedoc=%7B1BBF98D5-1DFB-4D45-A4B5-240EACD87F42%7D&amp;file=Delegations%20Manual.docx&amp;action=default&amp;mobileredirect=true</a>     |
| Conflict of Interest Declaration         | <a href="#">Conflict of Interest Declaration.docx</a>   |
| NRC's Health and Safety Policy           | <a href="#">Health, safety and wellbeing policy.docx</a>  |
| NRC's health and safety contractor forms | <a href="#">Current</a>   |
| Māori Expertise Payment Request Form     | <a href="#">[Insert Link]</a>   |
| NRC's Code of Conduct                    | <a href="https://northlandregionalcouncil.sharepoint.com/:w:/r/sites/dmCDoc/_layouts/15/Doc.aspx?sourcedoc=%7B31F312E3-8537-4A03-A91D-BA81F28466F9%7D&amp;file=Code%20of%20Conduct%20Policy.docx&amp;action=default&amp;mobileredirect=true">https://northlandregionalcouncil.sharepoint.com/:w:/r/sites/dmCDoc/_layouts/15/Doc.aspx?sourcedoc=%7B31F312E3-8537-4A03-A91D-BA81F28466F9%7D&amp;file=Code%20of%20Conduct%20Policy.docx&amp;action=default&amp;mobileredirect=true</a> |
| NRC's Procurement Policy                 |   |
| NRC's Procurement Framework              |   |

### Northland Regional Council

P 0800 002 004

E [info@nrc.govt.nz](mailto:info@nrc.govt.nz)

W [www.nrc.govt.nz](http://www.nrc.govt.nz)

**TITLE:** **Tāngata Whenua Climate Adaptation Plan Fund**

**From:** Tom FitzGerald, Climate Change Manager and Julian Hansen, Kaiārahi Kaupapa Māori - Senior Māori Technical Advisor

**Authorised by** Louisa Gritt, Group Manager - Community Resilience and Auriole Ruka, Pou  
**Group Manager/s:** Manawhakahaere - GM Governance and Engagement, on 20 February 2023

---

### Whakarāpopototanga/Executive summary

This paper provides an overview of the Tāngata Whenua Climate Adaptation Plan Fund and the process for implementation of the fund. The fund supports Te Taitokerau Māori and Council Working Party's (TTMAC) climate crisis Whāinga, notably providing support and resources to tāngata whenua to prepare for and address the effects of climate change.

The Climate Action and Māori Relationships teams are working in partnership to ensure the fund complements and is consistent with other existing council grant funds and work programmes, and to devise a strategic approach to deliver the funds (pūtea) that council has available for climate adaptation mahi.

We propose that the Tāngata Whenua Climate Adaptation Plan Fund initially be delivered in two phases. The first phase will sit within the Iwi Hapū Environmental Management Plan (IHEMP) programme and augment the funding currently available to develop these plans. We recommend that the IHEMP grant fund be reopened promptly to allow applications to be submitted, reviewed and decided upon. Funds carried over from the 2021-2022 financial year will be used for Phase 1.

Phase 2 is likely to be broader in scope and will seek to provide funding support for climate action more generally. Background work to establish this second round of funding will occur concurrently with the delivery of Phase 1 and will align with and support other existing funds, where appropriate. The intent of this second phase is to enable flax-roots planning and action to support tāngata whenua to adapt to a changing climate, build community resilience, and foster a regional transition to net zero.

---

### Ngā mahi tūtohutia/Recommended actions

1. That the report 'Tāngata Whenua Climate Adaptation Plan Fund' by Tom FitzGerald, Climate Change Manager and Julian Hansen, Kaiārahi Kaupapa Māori - Senior Māori Technical Advisor and dated 21 December 2022, be received.
2. That Te Taitokerau Māori and Council Working Party endorse the process and phasing for implementation of the fund.

---

### Tuhinga/Background

The Tāngata Whenua Climate Adaptation Plan Fund (the Fund), once established, will directly support the following priority actions (and indirectly support a number of other actions) in each of the following Strategies:

| Strategy  | Action  |
|---|---|
| Ngā Taumata o te Moana Our strategy for tackling climate change | 8. Adaptation community engagement - technical support                          |
|   | 9. Hapū-focused climate resilience programme                                    |
|   | 23. Te Taitokerau Joint Adaptation Strategy - climate risk and Māori engagement |

| Strategy   | Action   |
|--|--|
| <b>Te Taitokerau Climate Adaptation Strategy</b> | <b>T1.</b> Ensure tāngata whenua are appropriately involved in adaptation decision-making  |
|  | <b>T2.</b> Ensure Māori values and worldviews are included in council processes and decision-making related to climate change.   |
|  | <b>T9.</b> Improve bi-cultural understanding of climate risks and consequences.  |
|  | <b>T10.</b> Enable iwi/ hapū-led adaptation planning at appropriate scales   |
| <b>Tāiki e NRC Te Tiriti strategy</b>            | <p><b>7.</b> Taking into account the existing tools and models available, develop and fund a <b>culturally appropriate Council environmental monitoring programme</b> that:</p> <ol style="list-style-type: none"> <li>Addresses iwi and hapū interests and concerns in the monitoring of the environment;</li> <li>Includes the <b>incorporation of mātauranga Māori, tikanga Māori and recognition of the role of Tāngata Whenua as kaitiaki</b>;</li> <li>Recognises and provides for any <b>cultural monitoring tools</b> endorsed by iwi and hapū;</li> <li>Is consistently implemented as a component of NRC environmental monitoring and reporting practices and processes; and</li> <li>Is reviewed and updated every 3 years for its effectiveness and efficiency.</li> </ol> <p><b>16.</b> Deliver specific projects within agreed priority areas of interest (e.g. water / marine, <b>climate crisis</b>, economic development) to Tāngata Whenua and NRC by:</p> <ol style="list-style-type: none"> <li>Undertaking a stocktake of existing projects and work programmes being progressed with the agreed priority areas of interest;</li> <li>Establishing and implementing a joint TTMAC and NRC work programme that identifies new opportunities for joint projects; and</li> <li>Seeking resourcing through the 2024 – 2034 Long Term Planning cycle.</li> </ol> |

### Proposal

To establish a specific grant fund to support tāngata whenua to lead their own climate adaptation planning processes, with the flexibility to provide assistance at the different stages that iwi / hapū may be at in this process.

We expect that Phase 1 will enable the use of funds that have been carried forward from the previous financial year, by leveraging the current IHEMP fund allocation process.

Phase 2 will require further scoping and development, to best meet the growing demand for practical and location-specific planning, preparation, and action. We intend to have this component of the fund available for allocation in July 2023.

### Phase 1 – IHEMPs and climate change

Objectives include:

- Encouraging and enabling more climate action to be built into new and existing IHEMPs.
- Supporting IHEMP implementation and the establishment of cultural monitoring frameworks. A number of IHEMPs describe a Te Ao Māori framework for monitoring the environment and the wellbeing of their community within that environment. Supporting the implementation of such frameworks by funding (for example) implementation and/or tāngata whenua capacity development would assist tāngata whenua to partner with NRC in monitoring the effects of climate change. A good example of a cultural monitoring framework can be found in Section III of the Patuharakeke Hapū Environmental Management Plan 2014 (see 3.3 Kaitiaki Monitoring Tools presenting the Coastal Cultural Health Indicators).

- Creating a direct statutory link to the RMA that is lacking in other community adaptation planning processes around Aotearoa, by directly linking adaptation planning work with IHEMPs.

Key statutory links that can be made are described below:

- The Resource Management Act 1991 (RMA) (s8) directs those exercising powers and functions under the Act to take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). These principles have been defined by the courts and the Waitangi Tribunal to include partnership; mutual benefit; reciprocity; informed decision-making; acting reasonably, honourably and in good faith; redress; active protection; and participation.
- All persons exercising powers and functions under the RMA shall “recognise and provide” for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga (s6(e)); and shall have “particular regard” to kaitiakitanga (s7(a)). Kaitiakitanga of taonga is a core element of IHEMPs.
- The RMA stipulates that regional councils must, when preparing or changing regional policy statements and plans, take into account any relevant planning document recognised by an iwi authority that has been properly lodged with council, to the extent that they have a bearing on resource management issues of the region (s61(2A) and s66(2A)). This also applies to planning documents prepared by customary marine title groups. An IHEMP is recognised as a relevant planning document for this purpose.

#### Implementation

- Supplement current IHEMP fund application process.
- Extend current fund round with additional component.
- Encourage current IHEMP holders to revise plans to include or enhance climate action.
- Cultural competency training for NRC staff on how to use IHEMPs, however this will be funded by existing council budgets and is not intended to be covered by the fund.

We propose to leverage IHEMPs as vehicles for supporting climate action for the following reasons:

- Māori communities in Te Taitokerau are among some of the most vulnerable to climate change, and they face existential threats to their cultural taonga and values, so are highly motivated to effect change and increase their resilience.
- The iwi and hapū who have previously developed or are currently developing IHEMPs are likely to be those who are the most motivated and well organised in the region to implement climate action, in addition to having a favourable predisposition to partnering with NRC.
- Iwi- and hapū-led initiatives have good potential to address climate change issues effectively at the local level due to having common purposes as well as strong community cohesion, communication and organisational skills.
- The tendency of iwi and hapū to have a holistic approach to environmental issues is likely to yield useful lessons and experience that can be applied to other climate change adaptation initiatives in the region.
- NRC has a duty under the RMA to partner with Māori to support them to exercise their kaitiaki roles, and to recognise and provide for Māori to express their relationship to their ancestral lands, water, sites, wāhi tapu, and other taonga.
- NRC has to date significantly under-utilised the potential of IHEMPs as a vehicle for partnership with iwi- and hapū — in accordance with Te Tiriti principles — to implement concrete actions responding to mutual, but especially iwi- and hapū-led, priorities. The Fund

is an important opportunity to leverage resources to support the achievement of more effective partnership.

#### Climate Change sections in IHEMPs as platform for second funding round

For the Phase 1 funding round, grants will be made only to iwi and hapū presenting climate change-related issues, objectives, policies, plans, and/or methods for funding consideration. Those with climate change already mentioned in their IHEMPs will be proactively contacted, but all iwi and hapū will be offered the opportunity to apply for funding, including those who have not yet addressed climate change in their IHEMP. The desired outcome is an optimal number of updated and revised IHEMPs that include a climate change component.

As an example of an IHEMP with an existing climate change component, Section 10 of Te Roroa 2019 Iwi Environmental Policy Document addresses climate change directly. This section outlines climate change-related issues, objectives, policies and methods. For Phase 1 funding, Te Roroa might for example wish to update and revise their IHEMP and elaborate further on climate change-related plans and actions. They might also wish to apply for a grant in the Phase 2 funding round for implementation of plans and actions. Or they might be content to stop at Phase 1 if the timing or criteria do not fit immediately. As the fund will be rolled out over ten years, there will be further opportunities to apply once individual iwi and hapū are ready to do so.

### **Phase 2 – Strategic overview of climate action support including general climate adaptation mahi**

#### **General climate adaptation mahi**

Tāngata whenua wish to lead their own adaptation planning processes and seek the tools and resources to do so. The fund intends to support iwi- and hapū-led climate change adaptation planning at the stage and scale relevant to a 'place-based' setting. Councils in Te Taitokerau will be facilitating adaptation planning at a regional/district scale, and the objective of this part of the fund is to complement this with a bottom-up community approach. By doing this, we hope to build capacity and to support enduring partnerships founded on shared climate action.

#### **Examples of climate action support**

NRC currently enables and supports climate action in different ways: e.g. natural hazard investigations and updated science, the Water Resilience Fund, and partnerships with territorial authorities to support community adaptation planning (including seed funding).

This fund would provide direct assistance to those iwi and hapū communities in need who may be most exposed to climate risk and may have particularly vulnerable populations and/or assets.

Examples of support could include:

- Resourcing expertise to provide specific climate-related advice.
- IHEMPs (ongoing) – especially cultural monitoring.
- Enabling engagement/hui/kōrero on climate change.
- Alignment and augmentation of the Water Resilience Fund.
- Marae Emergency Response plans.
- Development of solar power and heating facilities.
- Planning for managed retreat (marae, community facilities, urupā / wāhi tapu, and other sites of cultural significance and value to Māori).
- Integration of the Te Ao Māori decision-making framework (expected to be finalised this year).

#### **Implementation:**

Phase 2 will require the development of allocation guidelines and criteria, with the intent that this funding will be available from July 2023.

---

**Ngā tapirihanga / Attachments**

Nil

**TITLE: Tangata Whenua Water Advisory Group: Stage 2 Reports**

**From:** Alison Newell, Policy Specialist

**Authorised by** Ruben Wylie, Pou Tiaki Taiao – Group Manager Environmental Services, on  
**Group Manager/s:** 01 February 2023

---

**Whakarāpopototanga / Executive summary**

The Tangata Whenua Water Advisory Group (TWWAG) was tasked with providing advice to council on the content, from a tangata whenua perspective, of the freshwater plan change which the National Policy Statement on Freshwater Management 2020 (NPS-FM) requires council to prepare and notify by no later than December 2024.

With the assistance of consultants, TWWAG has been working on their recommendations, including three workshops held with Te Taitokerau Māori and Council Working Party (TTMAC) towards the end of last year. TWWAG has also undertaken a series of case studies to help inform their recommendations.

TWWAG has now completed both the Stage 2 Recommendations Report (Attachment 1) and the associated Case Studies (Attachment 2) which are presented here for TTMAC endorsement to Council for consideration in the development of the freshwater plan change.

---

**Ngā mahi tūtohutia / Recommended actions**

1. That the report 'Tangata Whenua Water Advisory Group: Stage 2 Reports' by Alison Newell, Policy Specialist and dated 1 February 2023, be received.
2. That the Stage 2 report *Nga Roimata o ngā atua: The tears of Ranginui and Papatūānuku: A recommendation report to support the implementation of Te Mana o Te Wai in te Tai Tokerau* be endorsed by the iwi and hapū members of TTMAC to present to council for consideration, subject to any further minor amendments, translation of key text and formatting.
3. That the Stage 2 report *Voices of Ngā Wai Māori ki te Tai Tokerau: A Case Study Report* be endorsed by the iwi and hapū members of TTMAC to present to council for consideration.

---

**Background/Tuhinga**

Building on their Stage 1 work (*Te Mana me te Mauri o te Wai: A Discussion Document for Te Tai Tokerau*) which was endorsed by Te Taitokerau Māori and Council (TTMAC) in June 2022, the members of the Tangata Whenua Water Advisory Group (TWWAG) have-worked through a series of facilitated workshops and an overnight wananga to develop TWWAG's recommendations on the content of the freshwater plan change from a tangata whenua perspective. Peer review was also provided by two independent planning experts. Three TWWAG workshops were held with TTMAC in October – December last year to provide all TTMAC iwi and hapū members with the opportunity to discuss the draft recommendations and provide feedback. Based on the feedback received, TWWAG have further refined their report

The Stage 2 report *Nga Roimata o ngā atua: The tears of Ranginui and Papatūānuku: A recommendation report to support the implementation of Te Mana o Te Wai in te Tai Tokerau* will undergo final layout and formatting, and key text translated into Te Reo Māori (as previously



requested by TTMAC) once TTMAC iwi and hapū members have endorsed the content and recommendations.


Selected freshwater case studies were also undertaken, involving both literature review and in-depth interviews with key identified individuals, to help inform TWWAG's recommendations. These case studies had a particular focus on lessons learnt and best practice in regards to decision-making, governance, tangata whenua engagement and the use existing tools such as s.33 Transfer of powers and functions, Mana Whakahono a Rohe agreements and Iwi/Hapu Environmental Management Plans (IHEMPS). The *Voices of Ngā Wai Maori ki te Tai Tokerau: A Case Study Report* is complete and attached for endorsement.

Once endorsed by the iwi and hapū members of TTMAC, both reports will be presented to council for consideration in its freshwater plan change deliberations.

---

### Ngā tapirihanga / Attachments

Attachment 1: Stage 2 report Nga Roimata o Nga Atua FINAL [↓](#) 

Attachment 2: Case study report FINALdocx [↓](#) 

ON BEHALF OF  
THE TE TAI TOKERAU TANGATA WHENUA WATER ADVISORY GROUP

NGĀ ROIMATA O  
NGĀ ATUA:  
THE TEARS OF  
RANGINUI AND  
PAPATŪĀNUKU

A recommendation report to support the implementation of  
Te Mana o Te Wai in Te Tai Tokerau

ON BEHALF OF  
THE TE TAI TOKERAU TANGATA WHENUA WATER ADVISORY GROUP



NGĀ ROIMATA O  
NGĀ ATUA:  
THE TEARS OF  
RANGINUI AND  
PAPATŪĀNUKU

A recommendation report to support the implementation of  
Te Mana o Te Wai in Te Tai Tokerau



*E kau ki te tai e, e kau ki te tai e*  
*E kau rā, e Tāne wāhia atu rā*  
*Wāhia atu rā te ngaru hukahuka o Marerei-ao*  
*Pikitia atu te aurere kura o Taotao-rangi e*  
*Tapatapa ruru ana te kakau o te hoe*  
*E auheke anā, e tara tutu ana i te huka o Tangaroa*  
*I te puhi whatukura, i te puhi mārei kura o taku waka e*  
*Ka titiro iho au ki te pae o uta. ki te pae o waho*  
*Piki tū rangi ana te kakau o te hoe*  
*Kumea te uru o taku waka e*  
*Ki runga ki te kiri waiwai o Papa-tū-ā-nuku e takotō mai nei*  
*Ki runga ki te uru tapu nui o Tāne e tū mai nei*  
*Whatiwhati rua ana te hoe o Pou-poto*  
*Tau ake ki te hoe nā Kura he ariki whatu manawa*  
*Tō manawa e Kura ki taku manawa*  
*Ka irihia, Ka irihia ki Wai-o-nuku*  
*Ka irihia, Ka irihia, ki Wai-o-rangi*  
*Ka whiti au ki te whei ao, Ki te ao mārama*  
*Tupu kerekere tupu wanawana*  
*Ka hara mai te toki e*  
*O haumi e,*  
*Hui e,*  
*Taiki e!*



*Swim on the sea, swim on the sea*  
*Swim now oh Tāne*  
*Split the foamy waves of Marerei-ao*  
*Ascend the sacred current of Taotao-rangi*  
*The slow motion of the oars*  
*The foam of Tangaroa is standing in crests*  
*Descending on the sacred plumes of my canoe*  
*I look down on the inner and outer rows of surf*  
*The handle of the paddle is lifted to the sky*  
*The head of my canoe is pulled forward*  
*Onto the skin of mother earth lying there*  
*With the sacred head of Tāne standing above*  
*The paddle of Pou-poto breaks in two*  
*And the paddle of Kura is taken*  
*A great chief and high priest of very great heart*  
*Your heart oh Kura bound to my heart*  
*Lifted, lifted up in the waters of the earth*  
*Lifted, lifted up in the waters of the heavens*  
*I cross the mortal world to the world of the light*  
*Let it grow in deep wonder and awe.*  
*Bring here the axe*  
*Come gather in full force, it is done!*

NGĀ ROIMATA O NGĀ ATUA: THE TEARS OF RANGINUI AND PAPATŪĀNUKU - A  
RECOMMENDATION REPORT TO SUPPORT THE IMPLEMENTATION OF TE MANA O TE WAI IN  
TE TAI TOKERAU

## Mihimihi | Acknowledgements

He mihi tuatahi ki ngā tini mate kua wheturangitia.

He mihi ano ki ngā tangata whenua i kawea mai tēnei kaupapa o te wai Māori  
mō Te Tai Tokerau i ngā wā katoa.

He mihi ano ki ta tatou nei wai Māori. Me whakahokia ana tātou te mana me te  
mauri ki te wai.

Huri noa, ka tukuna atu te mihi ki a koutou katoa.

The title of this report derived from kōrero tuku iho that was provided in the  
Report: '*Te Mana me te Mauri o te Wai: A Discussion Document for  
Te Tai Tokerau*' (referred to hereafter as the Stage 1 Report). It was inspired  
by the pūrākau that speaks of the roimata (tears) of Ranginui for Papatūānuku  
and the fact that wai does not come from this realm. It invokes the imagery of  
the celestial wellbeing of wai that we as humans must stop degrading. As  
tangata (people) we must uphold and return te mana me te mauri ki te wai, as  
ngā atua have provided this taonga to us as humans in order to survive in this  
world - te ao hurihuri.

Acknowledgement and thanks must go towards the following for assisting with  
the development of this report:

**Tangata Whenua Water Advisory Group (TWWAG) members:** Tui Shortland,  
Wakaiti Dalton, Fiona Kemp, Troy Brockbank, Alyx Pivac, Sheila Taylor, Celia  
Witehira, Chevon Horsford, Dave Milner, Delaraine Armstrong, Jackie Harrison,  
Milan Ruka, Mira Norris (TTMAC) Rowan Tautari (TTMAC), Rihari Takuirā  
(TTMAC) and Lynette Wharerau (TTMAC).

**Northland Regional Council staff:** Brenda Baillie, Alison Newell, Ben Lee and  
Rachael King.

**Independent reviewers:** Reginald Proffit, Helen Marr Version 1 as of September  
2022.

**Authors:** Te Puāwaitanga Kake (Kohu Strategy and Planning Ltd),  
Simon Greening (Pattle Delamore Partners Ltd (PDP)), Aimee Matiu (PDP) and  
Ripeka Read (Tapuwae Cultural Footprints). With the support of our Project  
Manager Phil Hook from PDP.

Special thanks also needs to be extended to the whanau of Ngararatunua  
Marae who allowed our team to wānanga in their whare tūpuna. Special  
mention as well to Ngā Kaitiaki o Ngā Wai Māori me ngā kaimahi o Te Rarawa  
who also attended and shared their experiences and mahi that has helped  
inform this report.

D  
R  
A  
F  
T

NGĀ ROIMATA O NGĀ ATUA: THE TEARS OF RANGINUI AND PAPATŪĀNUKU - A  
RECOMMENDATION REPORT TO SUPPORT THE IMPLEMENTATION OF TE MANA O TE WAI IN  
TE TAI TOKERAU

|   |    |
|---|----|
| Executive Summary   | 1  |
| 1.0 Recommendations   | 2  |
| 2.0 Purpose of the Report   | 5  |
| 3.0 Limitations   | 6  |
| 4.0 TWWAG Terms of Reference  | 6  |
| 5.0 Wāhanga Tuatahi: Part One: Background                                 | 9  |
| 6.0 Subsequent changes to the pRPN  | 9  |
| 6.1 Development and scope of report                                       | 10 |
| 6.2 Stage 1 Report findings   | 11 |
| 6.3 Te Hurihanga Wai  | 11 |
| 6.4 Te Mana me te Mauri o te Wai Statement for Te Tai Tokerau             | 14 |
| 6.6 Differences between te ao Māori and western world views               | 14 |
| Wāhanga Tuarua: Part Two: Context   | 18 |
| 7.1 Introduction to the NPSFM   | 18 |
| 7.2 Giving Effect to Te Mana me te Mauri o te Wai                         | 19 |
| 7.3 Fundamental concept of Te Mana me te Mauri o te Wai                   | 20 |
| 7.4 Regulatory and non-regulatory framework                               | 22 |
| 7.5 The Treaty of Waitangi Act 1975                                       | 24 |
| 7.6 RMA   | 25 |
| 7.7 Statutory acknowledgements  | 26 |
| 7.8 Regional Policy Statement (RPS)                                       | 27 |
| 7.9 Local Government Act 2002 (LGA)                                       | 28 |
| 7.10 National Policy Statement on Freshwater Management (NPSFM) framework | 28 |
| 7.11 Scope of FPI   | 32 |
| 7.12 RM Reform and proposed Natural and Built Environment Act             | 35 |
| 7.13 Three waters reform  | 35 |
| 7.14 Fisheries Act 1996   | 36 |
| Wāhanga Tua Toru: Part 3: Recommended Tangata Whenua Provisions           | 39 |
| 8.1 Recommended provisions and text                                       | 39 |

D  
R  
A  
F  
T



NGĀ ROIMATA O NGĀ ATUA: THE TEARS OF RANGINUI AND PAPATŪĀNUKU - A  
RECOMMENDATION REPORT TO SUPPORT THE IMPLEMENTATION OF TE MANA O TE WAI IN  
TE TAI TOKERAU

|       |   |    |
|-------|---|----|
| 8.2   | Freshwater activities and issues of interest to tangata whenua        | 40 |
| 8.3   | FMUs  | 41 |
| 8.4   | Preparing action plans  | 42 |
| 8.5   | Vision  | 45 |
| 8.6   | Background to Recommended Provisions                                  | 46 |
| 8.6.1 | Freshwater values   | 46 |
| 8.6.2 | Environmental outcomes (objectives)                                   | 50 |
| 8.6.3 | Policies  | 51 |
| 8.6.4 | Rules and methods   | 51 |
| 8.7   | Values, objectives, policies and rules                                | 54 |
| 8.7.1 | Mauri, Atuatanga, Wairuatanga/Protection, Balance, Spirituality       | 54 |
| 8.7.2 | Mai ki uta ki tai/Integrated decision making                          | 56 |
| 8.7.3 | Kaitiakitanga/Governance and decision making                          | 59 |
| 8.7.4 | Manaakitanga, Whanaungatanga, Whakapapa/Relationships                 | 61 |
| 8.7.5 | Kai ngaki/Customary Water Use   | 62 |
| 8.7.6 | Wahi wai rongonui/Wetlands & riparian margins                         | 66 |
| 8.7.7 | Climate Change  | 69 |
| 8.8   | Attributes, current and target states                                 | 70 |
| 8.9   | Process applied to identify attributes and baseline states with TWWAG | 72 |
| 6.0   | Wāhanga Tua Whā: Part 4: Next Steps                                   | 87 |
| 7.0   | Wāhanga Tua Rima: Part 5: Whakakapi   Conclusion                      | 89 |
|       | References  | 90 |
|       | Appendix A: Glossary  | 92 |
|       | Figure 1: Te Hurihanga Wai (The Hydrological Cycle)                   | 13 |
|       | Figure 2: High-level overview of Māori Customary Law and Western Law  | 16 |
|       | Figure 3: Overview of NOF process to implement the NPSFM              | 31 |
|       | Figure 4: Assessing the mauri and state of wai                        | 75 |

D  
R  
A  
F  
T



NGĀ ROIMATA O NGĀ ATUA: THE TEARS OF RANGINUI AND PAPATŪĀNUKU - A  
RECOMMENDATION REPORT TO SUPPORT THE IMPLEMENTATION OF TE MANA O TE WAI IN  
TE TAI TOKERAU

|   |    |
|---|----|
| Table 1: NPSFM Clause 3.2 – Te Mana o te Wai  | 21 |
| Table 2: NPSFM Clause 3.4 – Tangata whenua involvement in freshwater management       | 28 |
| Table 3: NPSFM Clause 3.7 - Summary of the NOF Framework in the NPSFM                 | 30 |
| Table 4: Scope of FPI   | 32 |
| Table 5: Freshwater activities and issues of interest to tangata whenua               | 41 |
| Table 6: NPSFM Clause 3.8 – Requirement for FMUs and special sites and features       | 41 |
| Table 7: NPSFM Clause 3.15 – Preparing action plans                                   | 42 |
| Table 8: TWWAG Recommendations for FMUs   | 43 |
| Table 9: Proposed Approach to Developing FMUs   | 44 |
| Table 10: NPSFM Clause 3.3 - requirements for long-term vision(s)                     | 45 |
| Table 11: NPSFM Clause 3.9 - Identifying values under NPSFM                           | 47 |
| Table 12: Tangata whenua values   | 48 |
| Table 13: NPSFM Clause 3.9 - Setting environmental outcomes (objectives)              | 50 |
| Table 14: NPSFM Clause 3.12 - Rules and Methods                                       | 52 |
| Table 15: TWWAG Recommendations for Limits  | 53 |
| Table 16: Mauri, Atuatanga, Wairuatanga/Protection, Balance, Spirituality             | 54 |
| Table 17: Mai ki uta ki tai/Integrated Management                                     | 56 |
| Table 18: Kaitiakitanga / Governance and decision making                              | 59 |
| Table 19: Relationships   | 61 |
| Table 20: Value 5: Customary Water Use  | 62 |
| Table 21: Wahi wai rongonui/Wetlands & riparian margins                               | 66 |
| Table 22: NPSFM Clause 3.10 - Requirements for Attributes, Baseline and Target States | 71 |
| Table 23: Summary of cultural health attribute state using mauri as a measure         | 73 |
| Table 24: Summary of Attributes, Intent of Attributes and Timeframes                  | 75 |

D  
R  
A  
F  
T

NGĀ ROIMATA O NGĀ ATUA: THE TEARS OF RANGINUI AND PAPATŪĀNUKU - A  
RECOMMENDATION REPORT TO SUPPORT THE IMPLEMENTATION OF TE MANA O TE WAI IN  
TE TAI TOKERAU

This karakia is said to have been used by Nukutawhiti on his arrival into the Hokianga Harbour on Ngātokimatawhaorua. It refers to Marerei-ao and Taotao-rangi, places in Hawaiiki, and to the spiritual powers Tāne and Tangaroa. The karakia was revised by Himiona Kamira of Te Tao Māui and then later arranged as a pātere by Brian Paparoa of Ngāti Tamatea. It was first performed as a Pātere in 1997 by Te Kura Taumata o Panguru.<sup>1</sup>

D  
R  
A  
F  
T

<sup>1</sup> See <https://www.terarawa.iwi.nz/pou/cultural/nga-waiata-o-te-rarawa/e-kau> for more information.

## Executive Summary

Māori commonly link themselves with landmarks that surround them, thus being able to identify as tangata whenua, people of the land. Acknowledging through whakapapa and pepeha our mountains, waterways and oceans as expressions of the relationships and links between whānau, hapū and iwi. These landmarks are often reflected as ancestors to Māori, and as such are considered sacred and living beings.

Tangata whenua further rely on the mauri of wai and ecosystems to be well and prosperous in order for the health and wellbeing of people to thrive and survive. Wai and taonga species found within them are fundamental to the identity and cultural wellbeing of Māori, without which will be detrimental for tangata whenua.

As a result of the significant damage to wai and loss of control tangata whenua have in decision making over freshwater, the impact has been detrimental. In places this has resulted in a considerable loss to the mauri of wai, ecosystems and taonga species that rely on it to be well.

The recommendations provided in this report identify some of these issues and provides recommendations with respect to how the fundamental concept of Te Mana o Te Wai in the National Policy Statement for Freshwater Management 2020 (NPSFM) can be implemented in Te Tai Tokerau in the Freshwater Planning Instrument (FPI) required by s.80A of the RMA. It provides a background to the topic, and acknowledges:

- ∞ Te Mana me te Mauri o te Wai as the korowai of the FPI must be upheld in any future freshwater decision making;
- ∞ Te Mana me te Mauri o te Wai refers to Te Tai Tokerau interpretation of Te Mana o Te Wai described in the NPSFM.
- ∞ recognition of Te Hurihanga Wai as an overarching vision statement for the Region;
- ∞ recommended tangata whenua provisions to inform future decision-making on plan changes and the FPI;
- ∞ there are multiple issues and current activities that impact freshwater;
- ∞ the hierarchy of obligations in the NPSFM must be given effect to in any future decision-making; and,
- ∞ variances exist amongst whanau, hapū and iwi with priorities around freshwater decision making in Te Tai Tokerau.

While this report was co-designed with the Tangata Whenua Water Advisory Group (TWWAG), it does not seek to override the individual mana motuhake and rangatiratanga hapū and iwi in Te Tai Tokerau respectively uphold. Rather, the report provides a regional approach and recommendations as to how other tangata whenua groups can be involved in future decisions.

## 1.0 Recommendations

The following recommendations are proposed as part of this report in order to give effect to Te Mana me te Mauri o te Wai in Te Tai Tokerau:

### Tangata whenua provisions and text

1. The proposed tangata whenua provisions presented in Part 3 of this report are included in the Freshwater Planning Instrument (FPI) for Te Tai Tokerau (Northland) to give effect to the National Policy Statement for Freshwater Management 2020 (NPSFM);
2. The Te Mana me te Mauri o te Wai Statement for Te Tai Tokerau with inclusion of Te Hurihanga Wai is incorporated in the FPI; and,
3. The provisions guide the impact of human behaviour and treatment of wai.
4. The definition of Te Mana me te Mauri o te Wai includes all water; including water in pipes, tanks and cisterns.

### Empowering Mana Whakahaere

5. Review existing Freshwater Management Units (FMUs) with tangata whenua who have an existing relationship or are mana whakahaere over those units;
6. Vision, values, limits, allocation, flows, current state of attributes must be developed with relevant haukāinga as part of this process;
7. Northland Regional Council (NRC) must enable tangata whenua to wānanga and develop their own work programmes to develop future FMUs in their respective takiwā and rohe;
8. Tangata whenua develop through wānanga, and hui appropriate processes and criteria based on their mātauranga and tikanga for developing new visions, values and subsequent provisions to meet NPSFM and FMU requirements;
9. Tangata whenua who are mandated entities and recognised are resourced by NRC to develop and identify freshwater values to guide freshwater decision-making processes in their rohe and takiwā;
10. Haukāinga are included in the decision-making process with respect to how the FMU is defined in their respective area(s);
11. Develop action plans and implementation plans in partnership with tangata whenua;
12. Develop mātauranga guidelines with mana whenua to identify where tikanga Māori practices should occur over wai – such as rāhui to enhance and manage mauri;
13. Develop work programme with tangata whenua to develop future FMUs;
14. Te Hurihanga Wai applies to all freshwater and the concept is also included in a different form in the three waters process when working to give effect to Te Mana me te Mauri o te Wai in multiple forms;

15. Review existing resource consents against limit and flows defined in future FMUs established by tangata whenua; and
16. Develop consenting pathway guidance in partnership with tangata whenua that is distributed before pre-application meetings initiated by applicants.

#### Communication and engagement

17. Engagement and communication of the FPI with councillors, communities and the general public is required.

#### Implementation and next steps

18. Case studies should be considered and tested as part of the next steps and how they apply to tangata whenua;
19. Monitoring of freshwater should occur by tangata whenua to determine target attribute states and baselines and NRC must resource this;
20. NRC must investigate<sup>2</sup> and implement within two years, as required by section 3.4(3) of the NPSFM the use of existing mechanisms available under the Resource Management Act 1991 (RMA) to involve tangata whenua in freshwater decision making such as through:
  - a. the transfer of powers under s.33;
  - b. joint management agreements under s.36B;
  - c. Mana Whakahono a Rohe Agreements under s.58M;
  - d. cultural impact assessments as enabled under s.88(2)(b) of RMA;
21. NRC must establish and resource an independent Māori technical group to undertake the transactional process to improve and assist in the interpretation of the processing of resource consent applications<sup>3</sup>;
22. Tangata whenua and NRC collaboratively review consents and permits on a three yearly basis to ensure that the use of water authorised by these consents remain consistent with environmental outcomes sought by the FPI, and efficient use of the freshwater resource and gives effect to Te Mana me te Mauri o te Wai, either:
  - a. on a three yearly basis to require the adoption of the best practicable option to remove or reduce any adverse effect on the environment; or,
  - b. at any time to address any identified effects on cultural values that were not identified by tangata whenua and which were subsequently identified and agreed through any regional planning process or set in the objectives, policies and standards of the FPI, or,

<sup>2</sup> Advisory body to be established (i.e. TTMAC) to advise on consent processes at an implementation and operational levels.

<sup>3</sup> Existing arrangements that tangata whenua have for reviewing resource consents are still upheld and will not be subject to the Māori Technical group. This includes existing Post Settlement Governance Entities (PSGEs) where consents are provided to.

- c. at any time to deal with any unanticipated adverse effect on the environment which may arise from the exercise of a consent; or,
- d. at any time to deal with any new FWFPs.

#### Data and information management

- 23. Data and information gathered through FMUs remains the intellectual property of tangata whenua;
- 24. A Geographic Information System (GIS) portal with freshwater overlays for tangata whenua is developed to assist with freshwater decision making;
- 25. Information protocols are developed in partnership by NRC and tangata whenua to ensure data and information gathered is used appropriately and sensitive information is protected; and,
- 26. NRC data is made readily available for tangata whenua to inform freshwater decision making.

#### Non-regulatory methods and other actions

- 27. Education campaigns, resources and training opportunities are provided by NRC and developed in partnership with tangata whenua;
- 28. New processes, methods and tools that assist with the implementation of the NPSFM and in particular tangata whenua provisions are prioritised and developed; and,
- 29. Tangata whenua are resourced by NRC through the Local Government Act 2002 (LGA) or subsequent legislation to actively and meaningfully take part in freshwater decision-making processes.

The following non-regulatory methods and other actions are recommended to assist with the implementation of the tangata whenua provisions drafted above:

- 30. Additional resourcing should be provided to tangata whenua representatives in order for effective decision making to occur. Resourcing could provide for, but not be limited to:
  - a. attending hui / meetings
  - b. preparing cultural value or impact assessments, and,
  - c. undertaking cultural monitoring of freshwater bodies.
- 31. Adequate access to freshwater data and information to inform decision making by tangata whenua.
- 32. Development of information protocols with tangata whenua to ensure sensitive information is appropriately gathered and stored in an accessible facility, agreed to by them and in accordance with tikanga Māori.

33. Development of new systems, processes and tools to assist with the implementation of the proposed provisions developed with TWWAG. This includes:
- a. Compulsory training programme on tangata whenua values for NRC staff and decision makers implementing provisions of the proposed Regional Plan for Northland
  - b. New cadet and internships for rangatahi and taitamariki interested in freshwater monitoring
  - c. Development of GIS tools readily accessible to tangata whenua so the environment is understood and digitally mapped with the most up to date data to ensure robust and well considered decision making occurs for freshwater monitoring. This might include:
    - Extent of existing wetlands, lakes, aquifers, rivers, ephemeral water, and artificial water bodies;
    - water processes and interactions between groundwater surface water and coastal waters;
    - classifications of wai
    - sites or areas of significance or value to tangata whenua
34. Training and education and resourcing for tangata whenua freshwater monitoring and enforcement roles.
35. Investigate how scattering of ashes in freshwater/coastal areas are regulated by NRC.
36. Enhanced and more stringent monitoring and enforcement into breaches of this plan. This may include the introduction of a graduated response model in to reported incidents.
37. Where possible partner up with tangata whenua kaitiaki officers and NRC compliance staff to investigate possible breaches.
38. Access to NRC owned land where kaitiaki can monitor freshwater bodies.
39. Encourage access for tangata whenua onto private land for freshwater monitoring over culturally significant water ways.
40. Councils develop methods to enable tangata whenua access to wai sites through easements, private agreement, conditions of subdivision, conditions of consent.

## 2.0 Purpose of the Report

The purpose of this report is to provide recommendations and advice to the TWWAG and NRC. In particular on the tangata whenua provisions proposed to be included in the FPI to give effect to the NPSFM. This includes non-regulatory methods and other actions.

### 3.0 Limitations

This report was prepared by Kohu Strategy and Planning Ltd (KSP) and Pattle Delamore Partners Ltd (PDP), with the assistance of Tapuwae Cultural Footprints, on behalf of TWWAG. TWWAG has been established by NRC on the recommendations of the Te Tai Tokerau Māori and Council Working Party (TTMAC)<sup>4</sup>.

The report is limited to providing recommendations to TWWAG and NRC on the basis of fourteen co-design workshops from May 2022 – January 2023 to develop tangata whenua provisions presented in this report.

The report does not provide direction on any other wider provisions for other values, environmental outcomes (objectives) and policies required as part of the NPSFM. It is recognised though that Māori values permeate through every aspect of freshwater decision making, and as such Māori values should be incorporated through the development of other provisions.

A number of workshops were held online as a result of Covid-19 restrictions. This limited the involvement of some participants, who were at times constrained by technology and appropriate internet connectivity. Members were able to attend in person and provided feedback where possible throughout the development of this report.

Timing for the workshops were limited as a result of additional business and the complex workloads of members of TWWAG and NRC at that time. As a result of this, timing for deliverables became restricted in some places and not all topics could be covered in a timely manner through the co-design workshops.

Due to the complexity of some topics required under the NPSFM, such as reviewing existing and identifying new FMUs in Te Tai Tokerau, recommendations have been drafted in this report to provide direction as to how this work can be undertaken in the future. Further research and collaboration with tangata whenua and communities will be required for this task.

The interpretation and application of parts of this recommendations report may be limited in the preparation of the FPI and the options analysis of the section 32 report as required by the RMA.

### 4.0 TWWAG Terms of Reference

TWWAG was established with the support of TTMAC to provide feedback, analysis and advice on the development of the FPI to give effect to the NPSFM. NRC has acknowledged in the Terms of Reference (ToR) for TWWAG that this will not be the only way the NRC will engage with tangata whenua. Also TWWAG acknowledges it does not have the mandate to speak for all tangata

<sup>4</sup> See TTMAC Terms of Reference 2019 –2022 for further information.

<https://www.nrc.govt.nz/your-council/elected-members/council-and-committees/>



whenua, whānau, hapū and iwi.<sup>5</sup> Other consultation processes involving tangata whenua and community groups are planned, to receive further feedback on the draft FPI.

The ToR includes but is not limited to the scope, membership, values, objectives and deliverables, some of which are covered here in this Stage 2 Report.

The drafting of this report and involvement of members from TWWAG should not preclude or limit further involvement through the formal notification process defined under Schedule 1 of the RMA. Where there are disputes with respect to wording from parties, submissions and further submissions through Schedule 1 can be used.

---

<sup>5</sup> TWWAG ToR March 2022.



# WĀHANGA TUATAHI

Part One: Background

## 5.0 Wāhanga Tuatahi: Part One: Background

*Ko te wai te mea i kawea te ora o te tangata.*

*Ko te wai te koiora o te tangata, ko te wai te koiora o te ao turoa.*

*Water is the carrier of human existence.*

*Water is the original source of human life, and the original source of the long-standing natural world.*

In recent times central and local government policy and planning documents have introduced concepts and terminology such as mātauranga Māori, mana and kaitiakitanga. From the outset of this project, the team and members of TWWAG have acknowledged that there are many views across whānau, hapū and iwi with respect to what mātauranga Māori might mean to them.

For some who have been involved in policy development where concepts such as mauri, mana, rangatiratanga and kaitiakitanga are included into government policy, we understand the complexity of how these explanations differ between Western science and te ao Māori perspectives. As such, this report provides recommendations in the policy provisions in this report, where these concepts have been drafted to be included in the FPI. Sometimes these terms have not been defined as it is best left for those at an implementation level to describe what those terms and concepts mean with respect to their whānau, hapū and iwi aspirations and mātauranga.

Throughout the report there are examples from different sources where kōrero tuku iho and pūrākau have been included from different whānau, hapū and iwi from Te Tai Tokerau. However, we note that this is by no means exhaustive. Further engagement with tangata whenua across Te Tai Tokerau is required to inform the FPI. Furthermore, guidance material should be developed to assist with the interpretation of how the tangata whenua provisions can be applied in practice, to assist with successful implementation. In addition, a limited glossary has also been prepared in Appendix A to describe kupu (words) and what these terms might mean in Te Tai Tokerau. Acknowledging that there will be variances. We recommend a qualified interpreter reviews the kupu and definitions contained within this report.

## 6.0 Subsequent changes to the pRPN

Subsequent changes will be required to be made to the Proposed Regional Plan for Northland (pRPN). This includes reviewing existing provisions that need to give effect to the NPSFM.

Further actions are also recommended below to assist with implementing Te Mana me te Mauri o te Wai and the FPI:

1. develop action plans with tangata whenua to achieve target attribute states

2. Review outstanding freshwater bodies under the pRPN with tangata whenua.
3. Review all existing freshwater provisions in the pRPN to give effect to Te Mana me te Mauri o te Wai and the tangata whenua provisions recommended in this report.

## 6.1 Development and scope of report

In order for this report to be prepared, a co-design process was applied to draft the tangata whenua provisions with TWWAG. These workshops took place from May 2022 to January 2023 and were held online and face-to-face.

The purpose of the workshops was to assist with drafting relevant provisions recommended in this report. Further clarity and feedback was also presented at each workshop based on the topic being discussed on the day.

The first workshop provided an overview of the scope and framework of the NPSFM. A high-level overview of 'first planning principles' was defined to describe the plan making process in simple terms. The National Objectives Framework (NOF) was also explained as prescribed under the NPSFM. This was to help provide direction around scope and limitations of this report and the wider FPI.

Further workshops then discussed the proposed vision(s), values and environmental outcomes (objectives), and attributes. These mainly derived from the Stage 1 Report prepared by TWWAG and other resources. The initial workshops also explored the idea of developing 'classes or states of wai' framework from a te ao Māori lens, to assist with understanding what planning responses might take place to implement the proposed tangata whenua provisions.

It was then explained that reviewing existing and identifying new FMUs would be extensive, and a new approach to updating these needed to take place with tangata whenua after the initial FPI.

During workshops in late 2022, draft wording and scenarios were also presented. This included new policies and rules (where possible) to describe potential planning responses to direct freshwater decision-making. On 10 November 2022, TWWAG requested further time to complete this report, which was agreed to by TTMAC. Finalisation of the wording for this report took place in December 2022 and January 2023. It is expected the final version of this report is presented to TTMAC on 23 February 2023 for endorsement.

As a result of ongoing discussions with TWWAG and NRC, a number of non-regulatory methods and actions that sit outside of the plan making process were also identified. These have been included to provide further direction to NRC as another way of giving effect to Te Mana me te Mauri o te Wai.

The recommendations that have been drafted in this report have been developed from the above process. We acknowledge that some of the recommendations may expand overtime and differ depending on the priorities



of tangata whenua across Te Tai Tokerau with respect to giving effect to Te Mana me te Mauri o te Wai in their rohe or takiwā.

## **6.2 Stage 1 Report findings**

Material from the Stage 1 report and TWWAG feedback has been used to inform parts of this recommendations report. This includes the concept of protecting Te Hurihanga Wai discussed further below.

## **6.3 Te Hurihanga Wai**

The Stage 1 Report provides an overarching position that has guided the initial development of the tangata whenua provisions. This includes a proposed vision, values, environmental outcomes (objectives), policies and rules describing how Te Mana me te Mauri o te Wai should be implemented in Te Tai Tokerau.

The Stage 1 Report should be read in its entirety to fully understand the concepts briefly described below.

In short, the following description of the roles of ngā ātua responsible for certain elements of te taiao, is described to try and capture the essence of what Te Hurihanga Wai means in practice. This is important when considering the application of planning provisions developed as part of the co-design process. A brief explanation of Te Hurihanga Wai and prominent ātua is presented below:

### Te Hurihanga Wai

**Kōrero** **tuku iho** provide us an insight into the creation of water from a Māori worldview.

One **kōrero**, speaks of the first manifestation of water by **Wainuiātea**. **Wainuiātea** was the first wife of **Ranginui** (sky father), and from this union came the great expanse of water, the oceans, and the gathering of all waters. The tamariki of this union are said to include: **Moananui** (the great ocean), **Moanaroa** (the long ocean), **Moanahakere** (the gloomy ocean), **Moanapotango** (the dark ocean), **Moana tu-i-te-wao** (the oceans flowing towards the forest), **Moana tu-i-te-repo** (the oceans flowing towards wetlands).

Another **kōrero** speaks of **Ranginui** and his second union with **Papatūānuku** (Earth mother).

One of their sons **Tāne Mahuta** pushed his parents apart, separating them, and thus creating the world we live in today, **Te Ao Marama** - the world of light. From these deities, water was given life.

At the completion of the separation, our **tūpuna** **Ranginui** and **Papatūānuku** wept for each other, they continue to do so every day. We acknowledge their weeping as **Ngā roimata o ngā atua** (the tears of **Ranginui** and **Papatūānuku**).

From the sky father are the tears of rain – the tears of love for **Papatūānuku** to help her to grow plant life to cover and protect her.

The tears from earth mother are weeping springs that come from land. The deities are joined in embrace on misty days when water is felt by both. From their tears, they create and add to our waterways.

The first teardrop became the offspring of **Rangi** and **Papa**. He married **Huru-te-rangi** and together they begat twelve children, who personify different types of cold: snow, ice, frost, and hail. **Maui** called upon **Te Ihorangi** to aid him when he was assailed by fire after requesting fire knowledge from his grandmother **Mahuika**. He is also the parent of **Tuna**, the freshwater eel. In one tradition, the frost fish, river eel and conger eel are said to have sprung from **Te Ihorangi** and to have come down from the heavens to earth.

On land you will find wetlands – the kidneys of **Papatūānuku** that filter out the contaminants.

We refer to a significant accumulation of water as a 'body of water', and that 70% of our bodies are made up of water. The water ways are known as the blood lines, the capillaries, and veins of earth mother, with water land being **toto** or blood – the blood of **Papatūānuku**.

**Parawhenuamea** is also known to be as the personification of water on earth (including flooding). **Parawhenuamea** has been described as the parent of water and was born of the Mountain Maid – as most streams are. **Parawhenuamea** is also known as the wife of **Kiwa** – the guardian of the ocean often referred as -**Te Moana nui a Kiwa** - the Great Ocean of **Kiwa**. **Kiwa** also personifies the ocean and estuaries – which are considered a shared domain.<sup>6</sup>

There are multiple **ātua** and guardians who are personified as elements of our **taiao**, in particular around water. There will be differences between **whānau**,

<sup>6</sup> Ibid, p.13-16.

hapū and iwi with respect to the roles and responsibilities of some atua. It is not possible to list all of those here.

The description above has been provided to describe how through whakapapa Māori view freshwater as a living being that derives from ngā atua, and outside of this world. These waterways traditionally had abundant species that lived in harmony and were inter-connected as a whole. When a part of the water cycle is broken that harmony and inter-connectedness is broken. Thus, the Te Hurihanga Wai or cycle of water is broken as well. Resulting in severe consequences for tangata whenua and species that rely on those ecosystems to survive and thrive. Figure 1 below describes how Te Hurihanga Wai might be visualised in practice.

Figure 1: Te Hurihanga Wai (The Hydrological Cycle)



Source: Shortland and Armstrong (2022). Stage 1 Report: Te Mana me te Mauri o te Wai: A Discussion Document for Te Tai Tokerau.

## 6.4 Te Mana me te Mauri o te Wai Statement for Te Tai Tokerau

For the well-being, spiritual connection and whakapapa of water to be prioritised and to ensure everyone has a relationship with wai, there needs to be a greater appreciation and understanding of what a relationship is for tangata whenua. As such, we see upholding Te Hurihanga Wai as a significant part to giving effect to Te Mana me te Mauri o te Wai in Te Tai Tokerau.

In particular under the NPSFM clause 3.2 states that:

- (3) *Every regional council must include an objective in its regional policy statement that describes how the management of freshwater in the region will give effect to Te Mana o te Wai.*
- (4) *In addition to subclauses (1) to (3), Te Mana o te Wai must inform the interpretation of:*
  - (a) *this National Policy Statement; and*
  - (b) *the provisions required by this National Policy Statement to be included in regional policy statements and regional and district plans.*

Te Mana me te Mauri o te Wai has been adopted by TWWAG as a local interpretation of Te Mana o Te Wai. A proposed Te Mana me te Mauri o te Wai statement for Te Tai Tokerau has therefore been drafted for the FPI by TWWAG. That statement is:

*"In order to give effect to Te Mana me te Mauri o te Wai, the spiritual wellbeing and whakapapa of Te Hurihanga Wai is prioritised, respected and protected."*

The proposed tangata whenua provisions presented in Part Three of this report provide further direction with respect to how this can occur. This includes through the recognition of tangata whenua values, environmental outcomes (objectives), policies, rules, attributes and other methods co-created with TWWAG.

As such, the definition of Te Mana me te Mauri o te Wai applies to all water including wai in pipes, tanks and cisterns.

## 6.5 Differences between te ao Māori and western world views

It is important to acknowledge that combining te ao Māori and western world views for managing and caring for wai is difficult in places. Concepts such as mana, rangatiratanga, kaitiakitanga, tapu and noa describe why new responses to caring for wai is required by tangata whenua. In brief, this is because particular roles should be carried out by whānau, marae, hapū and iwi as they have a responsibility through whakapapa (genealogy) to care for, look after, and protect water.

To understand te ao Māori, it is necessary to consider key principles, customs and values that Māori use to guide decisions and processes. While it is not the



intent here to go over these customs and tikanga in full detail, a brief introduction is provided to describe why there is a complexity with bridging te ao Māori and western worldviews into an Aotearoa New Zealand planning system. A further description is provided below about why tangata whenua values have been chosen to help guide the implementation of Te Mana me te Mauri o te Wai in Te Tai Tokerau.

In brief, when Aotearoa was colonised, a new Westminster system of governance and decision making was introduced and diminished the way Māori governed themselves. This impacted the way decisions were made over natural resources, and in particular freshwater decision making which has focused on “managing freshwater” as opposed to managing the way humans use freshwater. In te ao Māori, tangata whenua must maintain and uphold the spiritual balance with natural resources that derive from ngā ātua (the gods). It is the responsibility of tangata, to care for and tiaki (look after) these resources and the ecosystems and animals that rely on them. This includes natural elements such as wai Māori (freshwater), the moana (the ocean), ngāhere (forest) and whenua (land)<sup>7</sup>.

Rev. Māori Marsden wrote that Te Korekore (the nothingness) was a void of formless potential, with elemental energy. From there emerged energy and wairua and all things took form with an infused mauri (life essence).<sup>8</sup> All things then further emerged through Te Po (the darkness) and then into te ao Marama (the world of enlightenment). Within this world, each of the atua who were children of the prominent gods Ranginui (Sky Father) and Papatūānuku (Earth Mother) played a vital and critical role to the survival of tangata whenua.

As a result of this, ātua are considered the deities that governed and are made responsible for the realms of the natural environment. Of particular relevance to this report and FPI are those ātua named in the Stage 1 Report.<sup>9</sup>

Figure 2 below provides a high-level overview to describe how combining two world views can be complex, this is not an exhaustive list. The principles of the NPSFM have been used in the middle column to show how an attempt to bridge these worldviews and decision-making processes.

<sup>7</sup> See Marsden, M., *The Woven Universe: Selected writings of the Rev. Māori Marsden*. Edited by Te Ahukaramu Charles Royal. 2003. Otaki.

<sup>8</sup> Ibid.

<sup>9</sup> See Source: Shortland, T., & Armstrong, K. (2022). *Te Mana me te Mauri o te Wai: A Discussion Document for Te Tai Tokerau*. Stage 1 Report prepared for the NRC's TWWAG by Awatea Organics.

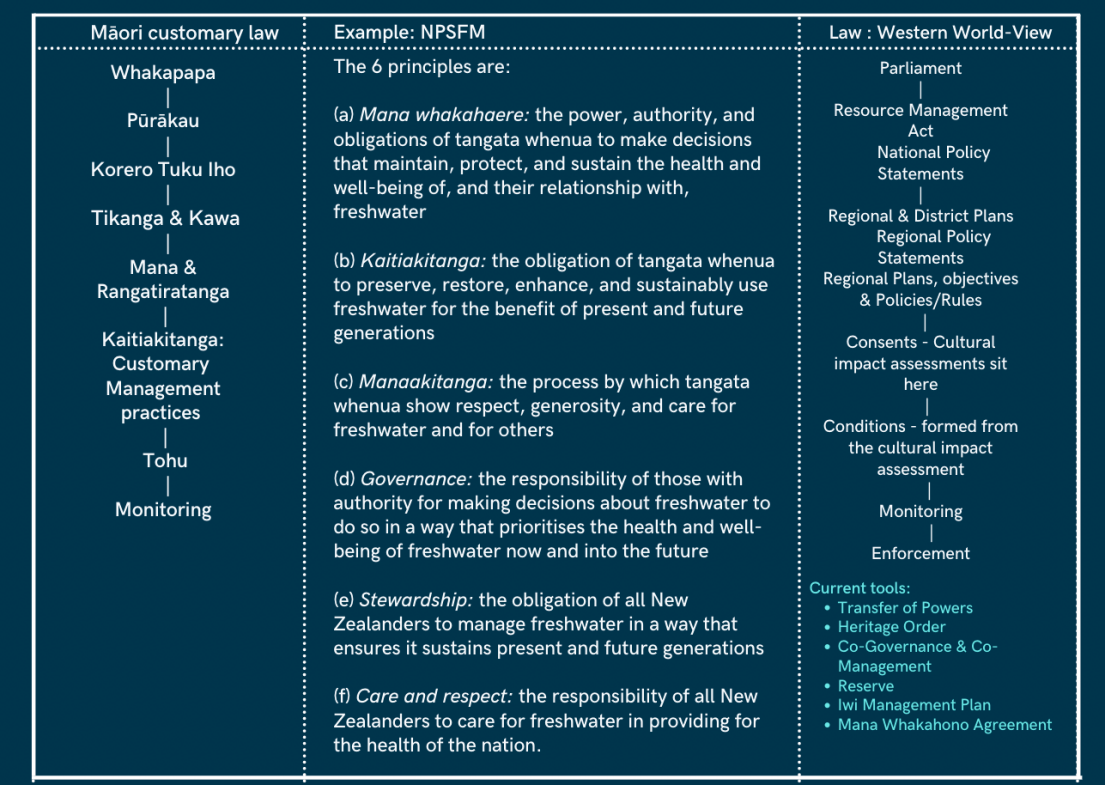


Figure 2: High-level overview of Māori Customary Law and Western Law



# WĀHANGA TUARUA

Part Two: Context



## **Wāhanga Tuarua: Part Two: Context**

### **7.1 Introduction to the NPSFM**

The NPSFM came into effect on 3 August 2020. It replaces the NPSFM 2014 (amended in 2017) which came into force on 7 September 2017. The NPSFM provides local authorities with direction of how to improve freshwater decision making under the RMA to meet the single objective of the NPSFM.

There are numerous requirements under the NPSFM that local authorities need to implement. Some requirements include but are not limited to:

- managing freshwater in a way that 'gives effect' to Te Mana me te Mauri o te Wai, including through actively involving tangata whenua;
- working with tangata whenua and communities to set out long-term visions in the regional policy statement (RPS) for Te Tai Tokerau;
- prioritising the health and wellbeing of water bodies, then the essential needs of people, followed by other uses;
- improving degraded water bodies, and maintaining or improving all others to at least the bottom lines defined in the NPSFM, and to a better state if communities wish;
- implementing and expanding the NOF;
- adding two additional values - threatened species and mahinga kai which join ecosystem health and human health for recreation, as compulsory values;
- the requirement for councils to develop plan objectives that describe the environmental outcome sought for all values;
- tougher national bottom lines for the ammonia and nitrate toxicity attributes to protect 95% of species from toxic effects (up from 80%);
- requirements to avoid any further loss or degradation of wetlands and streams, mapping existing wetlands and encourage their restoration;
- identifying and working towards target outcomes for fish abundance, diversity and passage and address in-stream barriers to fish passage over time; and
- the requirement to monitor and report annually on freshwater (including the data used) and publishing a synthesis report every five years containing a single ecosystem health score and respond to any deterioration.

The tangata whenua requirements under the NPSFM have directed the development of recommendations in this report. Provisions have been co-

created with TWWAG to describe the way in which Te Mana me te Mauri o te Wai, and wider parts of the NPSFM should be implemented in Te Tai Tokerau.

Giving effect to Te Mana me te Mauri o te Wai through a non-Māori regulatory framework is complex. This is because understanding concepts of te ao Māori are necessary and required to give effect to Te Mana me te Mauri o te Wai. It is necessary to understand how other activities and other matters affect bodies of water as well.

Regulatory authorities should also consider Te Mana me te Mauri o te Wai outside of the NPSFM framework as well. This may include introducing education campaigns and teaching opportunities to communities to explain the impact certain land use activities have on freshwater. Further, tangata whenua should be given the ability to monitor freshwater bodies and collect data in a manner that is agreed to by them as provided under clause 3.4(1)(d) of the NPSFM.

For these reasons, this report provides a number of non-regulatory methods that should also be adopted by the NRC to assist with implementing Te Mana me te Mauri o te Wai outside of the regulatory plan making process. This should be done in agreement with tangata whenua representatives.

## 7.2 Giving Effect to Te Mana me te Mauri o te Wai

Te Mana me te Mauri o te Wai, as explained in the NPSFM, refers to the fundamental importance of water and recognises that protecting the health of freshwater protects the health and wellbeing of the wider environment. It protects the mauri of wai, and is about restoring and preserving the balance between water, the environment and community.<sup>10</sup> Giving effect to Te Mana me te Mauri o te Wai means upholding '*principles and obligations to guide all activity*' as explained by Te Kāhui Wai Māori. This includes the following:<sup>11</sup>

- Te Mana me te Mauri o te Wai is the national korowai that frames and informs the trajectory for immediate and future policy development, and regional freshwater planning. It is a concept that encompasses the integrated and holistic health and well-being of waters as a continuum from the mountains to the sea;
- Te Mana me te Mauri o te Wai is not just about strengthening Māori cultural values tagged to discrete issues like mahinga kai and nor is it just about addressing barriers to the development and use of underdeveloped Māori land.

---

<sup>10</sup> See 1.3(1) of the NPSFM.

<sup>11</sup> Kahui Wai Māori, "*Te Mana o te Wai: The health of our wai, the health of our nation*". April 2019. Available online at: <https://environment.govt.nz/publications/te-mana-o-te-wai-the-health-of-our-wai-the-health-of-our-nation-kahui-wai-Māori-report-to-hon-minister-david-parker/>

### 7.3 Fundamental concept of Te Mana me te Mauri o te Wai

The fundamental concept of Te Mana me te Mauri o te Wai (referred to as Te Mana o Te Wai) under the NPSFM refers to the:

*1) ... fundamental importance of water and recognises that protecting the health of freshwater protects the health and well-being of the wider environment. It protects the mauri of the wai. Te Mana o te Wai is about restoring and preserving the balance between the water, the wider environment, and the community.*

*(2) Te Mana o te Wai is relevant to all freshwater management and not just to the specific aspects of freshwater management referred to in this National Policy Statement.*

Furthermore, the Framework of the NPSFM sets out six key principles relating to the roles of tangata whenua and other New Zealanders in freshwater decision making, which inform the NPSFM and its implementation. The six principles are:

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

The NPSFM also sets out how Te Mana o Te Wai should be implemented under clause 3.2 in Table 1:

| Table 1: NPSFM Clause 3.2 – Te Mana o te Wai |  |
|--|--|
| 1.   | <i>Every regional council must engage with communities and tangata whenua to determine how Te Mana o te Wai applies to water bodies and freshwater ecosystems in the region.</i>   |
| 2.   | <i>Every regional council must give effect to Te Mana o te Wai, and in doing so must:</i> <ol style="list-style-type: none"> <li><i>actively involve tangata whenua in freshwater management (including decision-making processes), as required by clause 3.4; and</i></li> <li><i>engage with communities and tangata whenua to identify long-term visions, environmental outcomes, and other elements of the NOF; and</i></li> <li><i>apply the hierarchy of obligations, as set out in clause 1.3(5):</i> <ol style="list-style-type: none"> <li><i>when developing long-term visions under clause 3.3; and</i></li> <li><i>when implementing the NOF under subpart 2; and</i></li> <li><i>when developing objectives, policies, methods, and criteria for any purpose under subpart 3 relating to natural inland wetlands, rivers, fish passage, primary contact sites, and water allocation; and</i></li> </ol> </li> <li><i>enable the application of a diversity of systems of values and knowledge, such as mātauranga Māori, to the management of freshwater; and</i></li> <li><i>adopt an integrated approach, ki uta ki tai, to the management of freshwater (see clause 3.5).</i></li> </ol> |
| 3.   | <i>Every regional council must include an objective in its regional policy statement that describes how the management of freshwater in the region will give effect to Te Mana o te Wai.</i>   |
| 4.   | <i>In addition to subclauses (1) to (3), Te Mana o te Wai must inform the interpretation of:</i> <ol style="list-style-type: none"> <li><i>this National Policy Statement; and</i></li> <li><i>the provisions required by this National Policy Statement to be included in regional policy statements and regional and district plans.</i></li> </ol>  |

Furthermore, there is a hierarchy of obligations in Te Mana o Te Wai that prioritises:

- first, the health and well-being of water bodies and freshwater ecosystems;*
- second, the health needs of people (such as drinking water); and,*
- third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.*

When Te Mana me te Mauri o te Wai is provided for, the mauri of the wai is sustained and the cultural, social and economic relationship of whānau, hapū, iwi and all New Zealanders with wai is maintained.

The directives above have provided context for this report. TWWAG members have provided further direction as to what Te Mana me te Mauri o te Wai means from a Te Tai Tokerau perspective, which this report seeks to provide through the vision, objectives, policies, rules and non-regulatory methods presented below.

#### **7.4 Regulatory and non-regulatory framework**

The following sections provides context to the regulatory and non-regulatory matters, as well as the legislative requirements for this report.

A common theme through the environmental plans<sup>12</sup> in Te Tai Tokerau was that He Whakaputanga o Niu Tīreni 1835 and Te Tiriti o Waitangi 1840 (not the Treaty) need to be read together and recognised as the constitutional framework for hapū, iwi (tangata whenua) and the kāwanatanga in freshwater decision-making.

**He Whakaputanga o Niu Tīreni** has more prominence in Te Tai Tokerau perhaps more so than other hapū and iwi in Aotearoa. He Whakaputanga o Niu Tīreni reaffirms and asserts the mana of hapū through whakapapa to the whenua to exercise their authority in applying tikanga to uphold the mana and well-being of hapū as they had for thousands of years prior to the arrival of Pākehā. For the tangata whenua of Te Tai Tokerau there is no question that He Whakaputanga Niu Tīreni is a clear statement that mana resides solely with the hapū of Te Tai Tokerau<sup>13</sup>.

**Te Tiriti o Waitangi 1840** reaffirms the mana and rangatiratanga of hapū and iwi but invites the kāwanatanga to have a relationship with tangata whenua which is rooted in acknowledging and adhering to He Whakaputanga o Niu Tīreni. Article 1 of Te Tiriti o Waitangi affords the concept of kāwanatanga which was envisioned as a way in which Pākehā peoples could govern themselves but not to govern tangata whenua<sup>14</sup>. Article 2 of Te Tiriti o Waitangi guarantees hapū have tino rangatiratanga o ngā taonga katoa. As wai is a tino taonga for hapū and iwi this adds an extra layer of constitutional responsibility for the

---

<sup>12</sup> Te Runanga o Whaingaroa Te Ukaipo Plan (2022-2027), Te Roroa Environmental Policy Document Reviewed Version (2019), Ngati Kuri Trust Board Pou Taiao Environmental Management Plan, Te Iwi o Ngai Takoto Environmental Plan (2017), Whatitiri Resource Management Plan (2016), Patuharakeke Hapu Environmental Management Plan (2014), Te Uri o te Hau Kaitiakitanga o te Taiao (2011), Nga Tikanga mo te Taiao Ngati Hine, Ngati Hine Environmental Management Plan (2008), Te Kahukura a Ngati Kororo, Ngati Wharara me Te Pouka, Hapu Environmental Management Plan (2008), Tapuwae Management Plan (2022)

<sup>13</sup> See Mutu, M. (2010). Constitutional Intentions. In M. Muholland, & V. M. Tawhai, *Weeping Waters: The Treaty of Waitangi and Constitutional Change*. Wellington : Huia

<sup>14</sup> See Source: (2012). *Ngāpuhi Speaks*. Whāngarei : Te Kāwariki and Network Waitangi



kāwanatanga to ensure hapū and iwi are empowered in enacting and exercising tino rangatiratanga in freshwater decision-making<sup>15</sup>.

Another unique feature for tangata whenua o Te Tai Tokerau is the Te Paparahi o te Raki claim in 2014<sup>16</sup>. The report on Stage 1 of the Te Paparahi o te Raki Inquiry undertook a detailed analysis of the meaning of He Whakaputanga o Niu Tirenī 1835 Declaration of Independence and Te Tiriti o Waitangi, as it would have been understood by those in Te Tai Tokerau in 1840. The Tribunal's central finding was that the rangatira who signed Te Tiriti o Waitangi in 1840 did not cede their sovereignty by doing so.

*'The rangatira consented to the treaty on the basis that they and the Governor were to be equals, though they were to have different roles and different spheres of influence. The detail of how this relationship would work in practice, especially where the Māori and European populations intermingled, remained to be negotiated over time on a case-by-case basis'*<sup>17</sup>

Therefore, the question that needs to be addressed first and foremost is: What does the relational sphere look like and require for tangata whenua o Te Tai Tokerau and the kāwanatanga in managing people's interactions with wai?

The mana and rangatiratanga of the tangata whenua o Te Tai Tokerau through whakapapa which is further reinforced in the constitutional documents of Aotearoa, demands a genuine and meaningful relationship with the kāwanatanga. What a genuine and meaningful relationship involves regarding wai is for hapū and iwi to decide in negotiation with other decision-making entities<sup>18</sup>. A relational collaborative approach is necessary from the beginning of the process (e.g. issues), through research and planning, policy and decision-making, to the end such as actions and activities on the ground.<sup>19</sup>

Presently, tangata whenua are often an after-thought as is the ad-hoc approach utilised in trying to make mātauranga fit within western knowledge systems and practises in environmental planning and decision-making<sup>20</sup>. Including or incorporating tangata whenua when it suits, at the bare minimum creates an impasse and makes it incredibly difficult to work together in an authentic manner to

<sup>15</sup> See Myers, S., Clarkson, B. D., Reeves, P. N., & Clarkson, B. R. (2013). Wetland management in New Zealand: Are current approaches and policies sustaining wetland ecosystems in agricultural landscapes? *Ecological Engineering*, 107-120

<sup>16</sup> See Source: Waitangi Tribunal. (2014). *The Report on Stage 1 of the Te Paparahi o te Raki Inquiry*. Wellington : Legislation Direct

<sup>17</sup> Ibid.

<sup>18</sup> See Mutu, M. (2010). Constitutional Intentions. In M. Muholland, & V. M. Tawhai, *Weeping Waters: The Treaty of Waitangi and Constitutional Change*. Wellington : Huia

<sup>19</sup> See Harmsworth, G., & Awatere, S. (2013). *Indigenous Māori Knowledge and perspectives of ecosystems*. Lincoln, New Zealand: Maanaki Whenua Press.

<sup>20</sup> Ibid.

nourish and protect wai for everyone. Rangatiratanga meeting kāwanatanga at the interface of two different ways of seeing, being and knowing could provide an opportunity for conducive spaces to empower the co-creation of solutions<sup>21</sup> to ensure Te Mana me te Mauri o te Wai is upheld.

## 7.5 The Treaty of Waitangi Act 1975

The Treaty of Waitangi Act 1975 established the Waitangi Tribunal which investigates breaches of Te Tiriti o Waitangi. Of particular importance to this report and the wider FPI, is the Wai 2358 Inquiry. The Wai 2358 Inquiry investigated Māori rights and interests in freshwater at 1840 as mentioned above. It also looked into the Crown's proposed sale of state-owned power companies and Māori interests in geothermal resources.

Nuku Aldridge of Ngāpuhi explained in evidence to the Wai 2358 Inquiry (p.57) the impact on his people when the mauri of Lake Ōmāpere was dying as a result of the growth of weed and algal bloom in the Lake because of activities occurring on adjoining land:<sup>22</sup>

*I te mate te taonga ka mate te wairua. Ka mate te wairua ka mate te tinana. E pera ana. Koia ra te tangi o te iwi ka pupu mai te katoa o te hapori ki te whakatika I te wairua o te Māori. Na ka oti nei.*

*When the treasure dies, the spirit dies, and when the spirit dies, then the body dies, and that is how it ruins. It was like that, the cry of the people, all of the community cried out. It welled up, the protest to fix it and it is getting better.*

It's also been explained that the first kaitiaki of our waterways are taniwha, or spiritual guardians, or ancestors of freshwater. They have inherent connections to other waterways in a region, and often lakes, rivers or streams are recognised by tangata whenua as body parts of a taniwha.

One example in Te Tai Tokerau is Takauere, whose eye is at Ngawha. It is explained that Lake Ōmāpere is his heart, and the springs, streams, rivers and lakes are all a part of his body. With his major limbs being the Waitangi River to the east and Utakura and Waima rivers to the west. There are numerous other springs throughout the north that are considered indications of his presence across the region.<sup>23</sup>

There is an inextricable link between kaitiakitanga, protecting taniwha, and the mana and rangatiratanga of hapū and iwi over freshwater. Through

<sup>21</sup> See Source: Mutu, M., & Jackson, M. (2016). *He Whakaaro Here Whakaumu mo Aotearoa: The Report of Matike Mai Aotearoa - The Independent Working Group on Constitutional*

<sup>22</sup> See See Waitangi Tribunal, Stage 1 Report on the National Freshwater and Geothermal Resources Claim (2012). Wai 2358, p.57

<sup>23</sup> <https://www.ngawha.nz/our-stories.html>

kaitiakitanga practiced by tangata whenua the mauri or life force of waterways can be regenerated and upheld. As explained in the Wai 2358 Inquiry (p.58) by Ngāti Te Ata claimant, the late Nganeko Minhinnick:

*Taniwha personified kaitiaki; they enshrined our beliefs; strengthened our resolve; supported our plight; exercised kaitiakitanga and embodied the mauri of our waters. Not only do they represent mana and kaitiakitanga of our waters, each taniwha has its own mana, unique, exercising kaitiakitanga in their own equally different ways. They have their own names, names which our people gave them reflecting their character and disposition... they had their own places of abode and boundaries where they patrolled. The places where they patrolled were akin to reflecting their people's rohe.<sup>24</sup>*

Importantly for this report, the Tribunal further found that (at p.75)<sup>25</sup>:

*"The claimants and interested parties' evidence demonstrated that their water bodies were taonga over which hapū or iwi exercised te tino rangatiratanga and customary rights in 1840, and which they had a physical and metaphysical relationship under tikanga Māori (Māori law). Their rights included authority and control over access to the resource and use of the resource. This authority was soured in tikanga and carried with it kaitiaki obligations to care for and protect the resource. Sometimes, authority and use was shared between hapū but it was always exclusive to specific kin groups; access and use for outsiders required permission (and often payment of a traditional kind)."*

## 7.6 RMA

The RMA is the primary statute for managing freshwater. All lower order planning instruments must achieve the sustainable management purpose of the RMA.

Part 2 of the RMA has relevant sections that include provisions relating to tangata whenua, this includes sections 5, 6(e), 7(a) and 8. For instance, those exercising functions and powers under the RMA 'shall recognise and provide for the following matters of national importance':

- 'sustainable management' which includes managing the use, development and protection of natural and physical resources which

<sup>24</sup> See Waitangi Tribunal, Stage 1 Report on the National Freshwater and Geothermal Resources Claim (2012). Wai 2358 Report, p.58.

<sup>25</sup> See Waitangi Tribunal, Stage 1 Report on the National Freshwater and Geothermal Resources Claim, Wai 2358, 2012. p.75.

enables people and communities to provide for their ... cultural well-being<sup>26</sup>;

- the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga<sup>27</sup>;
- Kaitiakitanga<sup>28</sup>; and
- Te Tiriti o Waitangi clause:

*'In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi)'.*<sup>29</sup>

There are numerous other provisions under the RMA that enables local authorities to empower tangata whenua to be included in freshwater decision making. Such provisions include:

- Section 33: transfer of powers;
- Section 36B: Power to make joint management agreement;
- Section 58M: Mana Whakahono a Rohe Agreements;
- Section 104(c): Consideration of *'any other matter the consent authority considers relevant and reasonably necessary to determine the application'* [for resource consent]; and
- Schedule 4 sets out the requirements of what is expected in an assessment of environmental effects, including an assessment of cultural effects.

## 7.7 Statutory acknowledgements

Statutory acknowledgements are provided for under Te Tiriti o Waitangi settlement legislation. The acknowledgements generally set out the iwi, or hapū cultural, spiritual, historical and traditional association with a specific area owned by the Crown. A statutory acknowledgement is a formal acknowledgement from the Crown of the mana of tangata whenua in relation to a special area. It recognises the particular cultural, spiritual, historical and traditional association of an iwi or hapū with the site, which is identified as a

---

<sup>26</sup> S.5 of RMA.

<sup>27</sup> S.6(e) of the RMA.

<sup>28</sup> S.7(a)

<sup>29</sup> S.8 of RMA.

statutory area. In some instances, there may be more than one hapū or iwi who is recognised as having an association with a given area.<sup>30</sup>

The purposes of a statutory acknowledgement will generally include the following:

- Notification of resource consent applications;
- Environment court regard in determining whether or not iwi and/or hapū have an interest greater than the general public;
- Local authorities to forward summaries of resource consent applications to the relevant iwi or hapū for activities within or adjacent to or impacting directly on the statutory area;
- The ability for relevant hapū or iwi to cite a statutory acknowledgement as evidence of association with an area in submissions to and proceedings before Council, the Environment Court and Environmental Protection Authority (EPA); and,
- To record evidence of association with an area in the regional and/or district plan.<sup>31</sup>

The purpose of statutory acknowledgements is articulated in relevant Te Tiriti o Waitangi settlement legislation and deed of settlement documents. There are current provisions under the RMA where statutory acknowledgements must be considered in notification assessments made by a consent authority<sup>32</sup>. There are multiple statutory acknowledgements in Te Tai Tokerau which can be found on NRC's website<sup>33</sup>. These will be necessary to consider in the FPI and future resource consent applications.

## 7.8 Regional Policy Statement (RPS)

The Regional Policy Statement (RPS) for Northland identifies key issues of significance to tangata whenua, as well as policies and methods to support addressing these issues, including<sup>34</sup>:

- participation in resource management;
- participation in decision making; and,

---

<sup>30</sup> <https://www.wdc.govt.nz/files/assets/public/documents/services/property/planning/district-plan/operative/pt1/statutory-acknowledgements.pdf>

<sup>31</sup> Ibid.

<sup>32</sup> For example, see s.95(B) and s.95(E)

<sup>33</sup> <https://www.nrc.govt.nz/Resource-Library-Summary/Plans-and-Policies/Statutory-Acknowledgements/Statutory-Acknowledgements-in-Northland/>

<sup>34</sup> See Part 2 and Part 8 of the RPS for Northland 2016 (amended in 2018).

- the state and pressure on natural and physical resources.

There are provisions under the NPSFM that require the RPS to be updated. This includes a vision statement being included as an objective of the RPS<sup>35</sup>. A recommended vision statement has been drafted by TWWAG and is further discussed in section 8.5.

Of particular relevance to this part is that individual FMU vision statements have not been created here. As such, clause 3.3(2) should be addressed through further consultation and engagement with tangata whenua and communities. Under clause 3.4(1)(b) there is a further opportunity for tangata whenua to make or change the RPS as it relates to freshwater planning and decision making. Some of the recommended provisions below drafted with TWWAG, may be considered where appropriate.

### 7.9 Local Government Act 2002 (LGA)

The Local Government Act 2002 (LGA) requires local authorities to '*maintain and improve opportunities for Māori to contribute to local government decision making processes*'<sup>36</sup>.

Processes may include setting up relevant tangata whenua governance or working groups, that provide direction on how to manage natural resources. Other opportunities may include increasing the capacity of tangata whenua by upskilling or educating their representatives in matters related to local government. This would also require financial resourcing to support the participation of tangata whenua in processes.

### 7.10 National Policy Statement on Freshwater Management (NPSFM) framework

The National Policy Statement on Freshwater Management (NPSFM) sets out clear directions with respect to tangata whenua involvement in freshwater decision making processes summarised in Table 2 below. A key component of implementing the NPSFM is giving effect to the National Objectives Framework (NOF) discussed further below.

**Table 2: NPSFM Clause 3.4 – Tangata whenua involvement in freshwater management**

1) *Every local authority must actively involve tangata whenua (to the extent they wish to be involved) in freshwater management (including decision-making processes), including in all the following:*

<sup>35</sup> See clause 3.3(1).

<sup>36</sup> See section 4 of the Local Government Act 2022.

- a) *Identify the local approach to giving effect to giving effect to Te Mana o te Wai*
- b) *Making or changing regional policy statements and regional and district plans so far as they relate to freshwater management.*
- c) *Implementing the National Objectives Framework (NOF) (subclause 2))*
- d) *Developing and implementing mātauranga Māori and other monitoring.*
- 2) *In particular, and without limiting subclause (1), for the purpose of implementing the NOF, every regional council must work collaboratively with, and enable, tangata whenua to:*
  - a) *Identify any Māori freshwater values (in addition to mahinga kai) that apply to any FMU or part of an FMU in the region; and*
  - b) *Be actively involved (to the extent they wish to be involved) in decision-making processes relating to Māori freshwater values at each subsequent step of the NOF process.*
- 3) *Every regional council must work with tangata whenua to investigate the use of mechanisms available under the Act, to involve tangata whenua in freshwater management, such as:*
  - a) *Transfers or delegations of power under section 33 of the Act*
  - b) *Joint management agreements under section 36B of the Act*
  - c) *Mana whakahono a rohe (iwi participation arrangements) under subpart 2 of Part 5 of the Act*
- 4) *To avoid doubt, nothing in this National Policy Statement permits or requires a local authority to act in a manner that is, or make decisions that are, inconsistent with any relevant iwi participation legislation or any directions or visions under that legislation.*

Further, clause 3.5 on Integrated Management sets out key directives for local authorities to recognise the integrated approach of ki uta ki tai, and the ‘interconnectedness of the whole environment, from the mountains and lakes, down to the rivers to hapua (lagoons), wahapū (estuaries) and to the sea’<sup>37</sup>.

This clause further requires that local authorities must:

- b) Recognise interactions between freshwater, land, water bodies, ecosystems, and receiving environments;
- c) Manage freshwater, and land use and development in catchments in an integrated and sustainable way to avoid, remedy or mitigate adverse effects including cumulative effects, on the health and well-being of water bodies, freshwater ecosystems, and receiving environments; and,
- d) Encourage the co-ordination and sequencing of regional or urban growth.

<sup>37</sup> See clause 3.5(1)(a) of NPSFM.



The National Objectives Framework (NOF) is summarised in Table 3 below with a high level overview of the process provided in Figure 3.

| Table 3: NPSFM Clause 3.7 - Summary of the NOF Framework in the NPSFM   |
|---|
| <p>1) <i>At each step of the NOF process, every regional council must:</i></p> <ul style="list-style-type: none"> <li><i>a. engage with communities and tangata whenua; and</i></li> <li><i>b. apply the hierarchy of obligations in Te Mana o Te Wai as set out in clause 1.3(5), as required by clause 3.2(2)(c).</i></li> </ul>  |
| <p>2) <i>By way of summary, the NOF process requires regional councils to undertake the following steps:</i></p> <ul style="list-style-type: none"> <li><i>a. identify FMUs in the region (clause 3.8)</i></li> <li><i>b. identify values for each FMU (clause 3.9)</i></li> <li><i>c. set environmental outcomes for each value and include them as objectives in regional plans (clause 3.9)</i></li> <li><i>d. identify attributes for each value and set baseline states for those attributes (clause 3.10)</i></li> <li><i>e. set target attribute states, environmental flows and levels, and other criteria to support the achievement of environmental outcomes (clauses 3.11, 3.13, 3.16)</i></li> <li><i>f. set limits as rules and prepare action plans (as appropriate) to achieve environmental outcomes (clauses 3.12, 3.15, 3.17).'</i></li> </ul> |

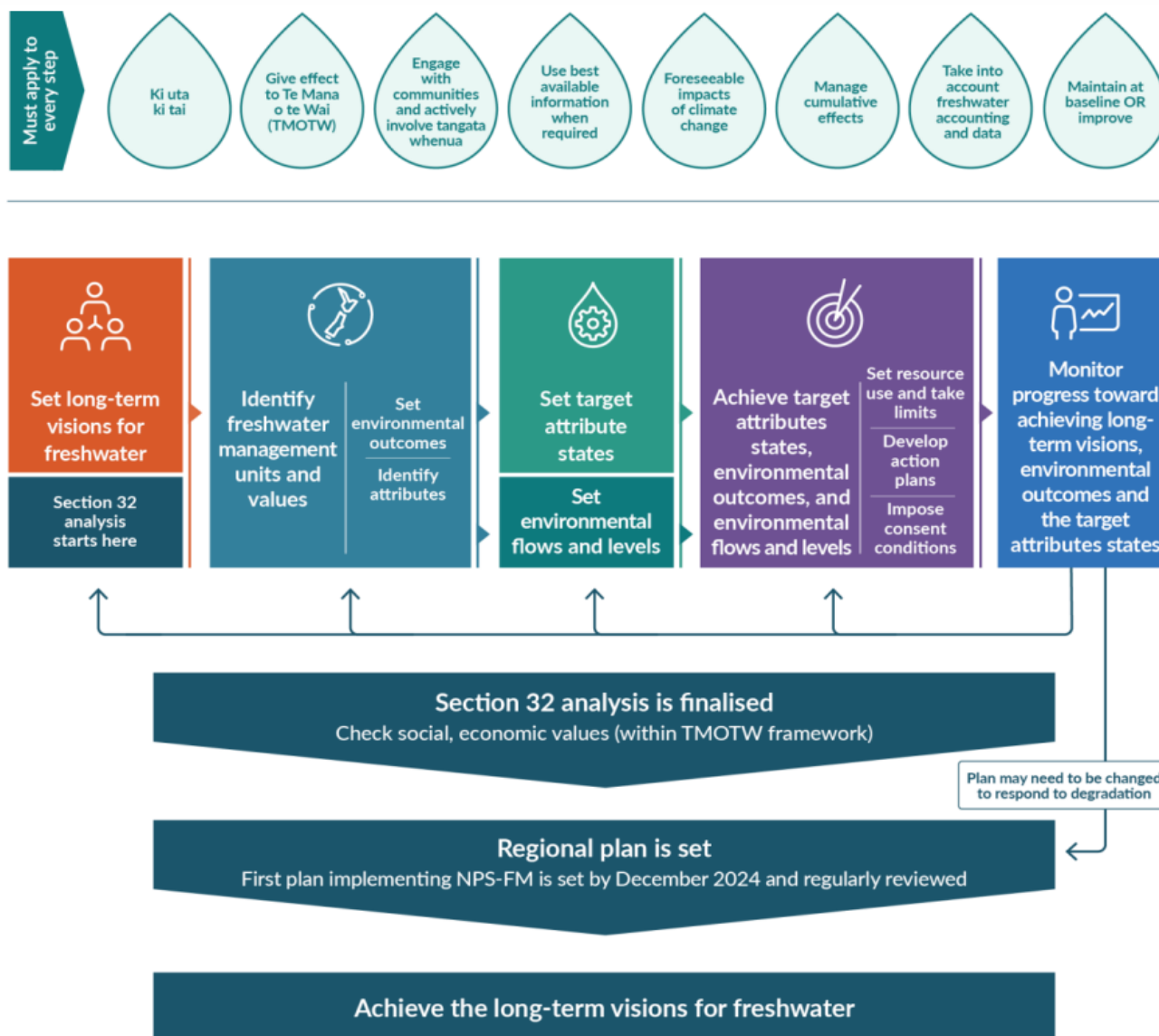


Figure 3: Overview of NOF process to implement the NPSFM<sup>38</sup>

<sup>38</sup> Source: Ministry for the Environment, 'Guidance on the National Objectives Framework of the NPSFM', July 2022.

## 7.11 Scope of FPI

Section 80A of the RMA requires regional councils to undergo a Freshwater Planning Process (FPP) and prepare a FPI that gives effect to the NPSFM. Subpart 2 of the NPSFM sets out the NOF *'which requires regional councils to undertake the following steps'* as part of the FPP/FPI.

The FPP is focused on freshwater, however, this can be broad ranging. For the purpose of this scope, we have focussed on activities that can:

1. Effect freshwater; and,
2. Be affected by freshwater.

This approach is consistent with recent case law<sup>39</sup> which established that:

*'it is only those parts of the proposed regional statement that relate directly to the maintenance or enhancement of freshwater quality or quantity that can be treated as parts of a freshwater planning instrument'.*

This judgement should be tracked should there be any appeals on this decision. In this judgement:

*'the Otago Regional Council must now reconsider the proposed regional policy statement and decide which parts of it do relate to freshwater in the way the legislation requires for those parts to be subject to the freshwater planning process'.*

As the judgment did not go so far to determine what activities are and aren't related to a FPI, activities were discussed with TWWAG that fall within scope of an FPI and those that sit outside of scope (see Table 4). This is not withstanding the requirement under s.67 of the RMA which directs NRC to give effect to the NPSFM.<sup>40</sup>

| Table 4: Scope of FPI  |   |
|--|---|
| Activities within Scope of FPI   | Activities outside Scope of FPI   |
| Activities regulated under s.9(2), s.13, s.14 and s.15(1)(a), s.15(1)(b), s.15(1)(d) under which NRC has functions, powers, and duties as provided for by s.30 of the RMA: | Activities regulated under s.9(3) (land use), s.11 (subdivision) and s.12 (coastal) under which NRC has no control. |
| 1. soil conservation   | Activities that cause discharges to air as regulated by s.15(1)(c).   |

<sup>39</sup> Otago Regional Council v Royal Forest and Bird Protection Society of New Zealand Incorporated [2022] NZHC 1777.

<sup>40</sup> See s.67(3)(a).

|  |   |
|--|---|
| 2. the quality of water in water bodies and coastal water<br>3. the quantity of water in water bodies;<br>4. ecosystems in water bodies;<br>5. natural hazards;<br>6. contaminated land (investigation / identifying / monitoring <sup>41</sup> ). | Activities excluded include those under which territorial authorities (district councils) have functions, powers, and duties as provided for by s.31 of the RMA, and specifically as it relates to freshwater:<br>7. activities in relation to the surface of water in rivers and lakes (i.e. control of boats, tourism etc). |
|--|---|

The tangata whenua provisions presented in this report, have been drafted on the basis that the NPSFM requires through objectives and policies to be drafted in a way that gives effect to the hierarchy of the NPSFM:

*The objective of this National Policy Statement is to ensure that natural and physical resources are managed in a way that prioritises:*

- a) first, the health and well-being of water bodies and freshwater ecosystems;*
- b) second, the health needs of people (such as drinking water); and,*
- c) third, the ability of people and communities to provide for their social, economic, and cultural well-being now and in the future.<sup>42</sup>*

Additionally, the tangata whenua provisions recommended in this report have been developed to further implement the relevant policies under the NPSFM. Such as:

**Policy 1:** *Freshwater is managed in a way that gives effect to Te Mana o te Wai.*

**Policy 2:** *Tangata whenua are actively involved in freshwater management (including decision-making processes), and Māori freshwater values are identified and provided for.*

**Policy 3:** *Freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole-of-catchment basis, including the effects on receiving environments.*

**Policy 4:** *Freshwater is managed as part of New Zealand's integrated response to climate change.*

<sup>41</sup> As required under s.35(2) of the RMA.

<sup>42</sup> See NPSFM, Objective 2.1

*Policy 5: Freshwater is managed through a National Objectives Framework to ensure that the health and well-being of all other water bodies and freshwater ecosystems is maintained and (if communities choose) improved.<sup>43</sup>*

While the above provisions are not an exhaustive list of all policies in the NPSFM, they provide direction to the way the tangata whenua provisions have been drafted. Further direction under Part 3 of the NPSFM sets out relevant approaches to implementing the NPSFM and giving effect to Te Mana me te Mauri o te Wai<sup>44</sup>.

In regard to 'wetlands' and the applicability of the FPI to coastal wetlands, clarification has been provided in the NPSFM via changes made to it which came into effect on 5 January 2023<sup>45</sup>. This change arose from an Environment Court decision<sup>46</sup> regarding the difficulty in identifying where Mean High Water Springs are in large intertidal wetlands in the Hokianga Harbour.

A natural inland wetland now means 'a wetland (as defined in the Act) that is not:

- (a) in the coastal marine area; or
- (b) a deliberately constructed wetland, other than a wetland constructed to offset impacts on, or to restore, an existing or former natural inland wetland; or
- (c) a wetland that has developed in or around a deliberately constructed water body, since the construction of the water body; or
- (d) a geothermal wetland; or
- (e) a wetland that:
  - (i) is within an area of pasture used for grazing; and
  - (ii) has vegetation cover comprising more than 50% exotic pasture species (as identified in the National List of Exotic Pasture Species using the Pasture Exclusion Assessment Methodology (see clause 1.8)); unless
  - (iii) the wetland is a location of a habitat of a threatened species identified under clause 3.8 of this National Policy Statement, in which case the exclusion in does not apply.'

<sup>43</sup> See NPSFM 2020 for full list of all policies and wider provisions setting out requirements for implementation.

<sup>44</sup> See for example clauses 3.2 (1) - (4).

<sup>45</sup> <https://environment.govt.nz/news/amendments-made-to-freshwater-regulations/>

<sup>46</sup> Minister of Conservation vs Royal Forest and Bird Protection Society of New Zealand Incorporated [2021] NZHC 3113

## **7.12 RM Reform and proposed Natural and Built Environment Act**

The current resource management reforms must also be acknowledged as they could influence proposed changes to the FPI for Te Tai Tokerau. The Government is intending to repeal the RMA, and three new pieces of legislation are to be introduced:

- Natural Built and Environment Act;
- Spatial Planning Act, and,
- Climate Adaptation Act.

The Natural Built and Environment Bill (NBE) and Spatial Planning Bill (SP) ('the Bills') have been introduced to Parliament on 15 November 2022, with the Climate Adaptation Bill proposed to be introduced in mid-2023. The Bills seek to enhance active participation of iwi and hapu in decision making under the new regime. This includes the introduction of new te ao Māori concepts and the principles of Te Tiriti o Waitangi. The new purpose statement in the NBE includes Te Oranga o Te Taiao with lower order provisions in the Bills that seek to give recognition to the purpose of the Bill. It is proposed that decision-makers will be required to 'give effect' to principles of Te Tiriti o Waitangi, removing current RMA provision to 'take in to account' the principles.

## **7.13 Three waters reform**

In July 2020, the Government launched the Three Waters Reform Programme<sup>47</sup> - a three-year programme to address the challenges facing council-owned and operated three waters services.

The Government's intention was to reform local government's three waters services into a small number of multi-regional entities with a bottom line of public ownership. A Joint Three Waters Steering Committee provides collaborative oversight of the reform programme that brings together central and local government expertise and experience and includes iwi/Māori perspectives.

This reform does not link directly to resource management (as regulated by the RMA), however, does concern water management insofar as there will be a focus on improving water supply, wastewater and stormwater outcomes, such as the effect from water takes and discharges. These effects can have bearing on the wider water resources and the industry and business communities' interest in water resources. However, the extent to which this may affect other water user groups is not yet known until the Three Water Reform is complete.

---

<sup>47</sup> Department of Internal Affairs, New Zealand Government 2020, Wellington

The Department of Internal Affairs has setup Taumata Arowai which became a new Crown entity in March 2021. Taumata Arowai is the dedicated water services regulator for New Zealand. While this report does not evaluate the Water Services Bill, the services the regulator is intended to administer and enforce is the new drinking water regulatory system, which contributes to improved environmental outcomes from wastewater and stormwater networks, and ultimately may impact on how Te Hurihanga Wai may be upheld.

### 7.14 Fisheries Act 1996

The Fisheries Act 1996 is intended to '*provide for the utilisation of fisheries resources while ensuring sustainability*'. A question arises about the protection of fish that live or migrate through freshwater environments and how the Fisheries Act 1996 and RMA interact with each other. Within the Fisheries Act 1996,

*ensuring sustainability means—*

- (a) *maintaining the potential of fisheries resources to meet the reasonably foreseeable needs of future generations; and*
- (b) *avoiding, remedying, or mitigating any adverse effects of fishing on the aquatic environment.*

*utilisation means conserving, using, enhancing, and developing fisheries resources to enable people to provide for their social, economic, and cultural well-being.*

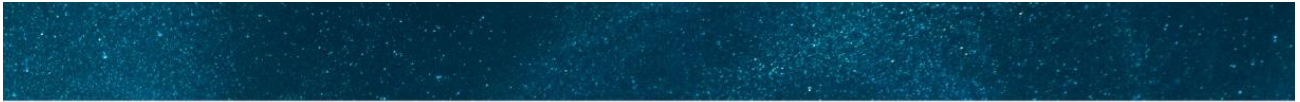
As indicated through an appeal to the Bay of Plenty Regional Coastal Environment Plan<sup>48</sup>. In that case, the Environment Court needed to consider whether regional councils could manage the effects of fishing to maintain biodiversity under the powers of the RMA, without managing the fisheries resources themselves, which are under the remit of the Fisheries Act 1996.

*'The Environment Court in that case directed that the regional council has the primary role of governance for biodiversity. The Environment Court ruled that Bay of Plenty Regional Council could provide protections, as long the main purpose was in line with those set out under the RMA, having particular regard to the intrinsic values of ecosystems and the relationship of Māori with ancestral waters and taonga*<sup>49</sup>.

<sup>48</sup> Court of Appeal (2019) Attorney-General vs the trustees of the Motiti Rohe Moana Trust & Ors. – CA408/2017 [2019] NZCA 532.

<sup>49</sup> Peart, R. et al. (2019) Enabling marine ecosystem-based management: Is Aotearoa New Zealand's legal framework up to the task?, New Zealand Journal of Environmental Law, p. 31-64. - <https://www.pmcas.ac.nz/2021/02/21/the-establishment-of-the-motiti-protection-areas-sets-a-new-precedent-for-local-coastal-management/>





Although this decision making was focused on the marine environment, the findings are in parallel with Environment Court decisions on Indigenous Forest Management Plans under the Forests Act and are applicable to the freshwater environment. Accordingly, the Court findings lead to the conclusion that provisions within NRCs FPI can manage biodiversity outcomes for commercially harvestable fish provided it aligns with the purpose and principles of the RMA in doing so.



# WĀHANGA TUA TORU

Part 3: Recommended Tangata Whenua Provisions

## Wāhanga Tua Toru: Part 3: Recommended Tangata Whenua Provisions

### 8.1 Recommended provisions and text

*...Tangata whenua communities do not wish to investigate Mātauranga Māori for the purposes of merely 'fitting into' and contributing to Crown/Government environmental management. Rather, they have their own approaches that they wish to investigate and advance for two reasons:*

*(1) they assert a right to design and implement their own approaches under Te Tiriti o Waitangi, and*

*(2) because they hold the Crown/Government accountable for the current 'disastrous' state of the environment, they are deeply sceptical as to whether Crown/Government will ever be able to create the change required to improve the health, wellbeing and mauri of the environment.*

*In recent times, words and concepts derived from mātauranga Māori - such as mauri - have been introduced into environmental management planning and policy to 'make space' for the way tangata whenua communities (such as iwi, hapū, whānau) may perceive, experience, interact with and understand their environment. The inclusion of the word 'mauri' is a doorway by which one may enter a world of understanding about life that was not previously enabled in public policy, management and administration.*

*.... The introduction of words like 'mauri' into public policy planning and research such as this enables an investigation of iwi, hapū, whānau and marae knowledge, views and understandings...<sup>50</sup>*

In this report, and in particular the following recommended text, the inclusion of concepts including mātauranga Māori, mauri, kaitiakitanga and rangatiratanga has not been done lightly. In co-design hui TWWAG, our team have carefully crafted the following provisions to help provide a framework at a regional level with respect to implementing Te Mana me te Mauri o te Wai in Te Tai Tokerau. With this, it is assumed that the varying mātauranga Māori of whānau, marae, hapū and iwi can be included at a more localised level through further engagement and wider tangata whenua discussions as recommended in this report.

Provisions presented in this section have been identified and informed by the Stage 1 report, analysis of other regional plans, hapū and iwi management

---

<sup>50</sup> See for more information a wider discussion on how mātauranga Māori can be applied to freshwater management in: Royal, C., *Te Kawa Waiora Report 2020-2021*, (2022). Reconnecting Northland, p.19



plans, and most importantly, as a result of co-design hui and feedback received from TWWAG.

The recommendations presented below and the draft provisions seek to give effect to clause 3.4 of the NPSFM. Those clauses direct regional councils with how to give effect to tangata whenua involvement in developing parts of the FPI and implementing NPSFM.

The recommended provisions and text are presented under the following headings as they relate to:

- Freshwater activities and issues of interest to tangata whenua;
- FMU;
- Vision statement;
- Tangata whenua values;
- Environmental outcomes (objectives), Policies and Rules;
- Attribute and Target Attribute states to achieve the environmental outcomes (objectives);
- Subsequent changes required to the pRPN; and,
- Non-regulatory methods and other actions.

It is assumed that the provisions presented in this report are intended to sit both within stand-alone tangata whenua chapters and integrated throughout all other parts of the FPI.<sup>51</sup> Te ao Māori and Te Mana me te Mauri o te Wai are inherently holistic and many of the provisions presented here will be applicable across many activities and chapters of the FPI.

Each section presents the NPSFM NOF wording first. This NOF wording has directed the development of these provisions.

## **8.2 Freshwater activities and issues of interest to tangata whenua**

Through co-design hui with TWWAG, current activities and issues in relation to effects on freshwater were also identified (Table 5). This is not an exhaustive list, but these activities were identified as likely to be of interest to tangata whenua. These could be included in the RPS to identify further issues of interest or significance to tangata whenua in relation to freshwater.

It is recommended that further engagement with tangata whenua should take place to understand if these activities and wider issues on freshwater should be included in the FPI.

---

<sup>51</sup> See for example Chapter D.1 of the Proposed Regional Plan for Northland.

**Table 5: Freshwater activities and issues of interest to tangata whenua**

1. Construction, replacement or removal of existing structures in freshwater bodies, including estuaries.
2. Water takes and use.
3. Drainage or modification of wetlands.
4. Discharge of contaminants to water bodies.
5. Cumulative effects of land use activities on freshwater bodies.
6. Temporary structures in freshwater.
7. Aquaculture activities impacting on freshwater.
8. Dredging.
9. Reclamations.
10. Damming and diverting freshwater bodies.
11. Vegetation and biodiversity removal and alterations.
12. Genetically modified organisms (GMOs).

### 8.3 FMUs

A FMU means:

*'all or any part of a water body or water bodies, and their related catchments, that a regional council determines under clause 3.8 is an appropriate unit for freshwater management and accounting purposes; and **part of an FMU** means any part of an FMU including, but not limited to, a specific site, river reach, water body, or part of a water body.'*<sup>52</sup>

Requirements under clause 3.8 of the NPSFM are provided in Table 6. Further recommendations are below.

**Table 6: NPSFM Clause 3.8 – Requirement for FMUs and special sites and features**

- 1) Every regional council must identify FMUs for its region.
- 2) Every water body in the region must be located within at least one FMU.
- 3) Every regional council must also identify the following (if present) within each FMU:
  - a) sites to be used for monitoring
  - b) primary contact sites
  - c) the location of habitats of threatened species
  - d) outstanding water bodies
  - e) natural inland wetlands.
- 4) Monitoring sites for an FMU must be located at sites that are either or both of the following:
  - a) representative of the FMU or relevant part of the FMU
  - b) representative of one or more primary contact sites in the FMU.
- 5) Monitoring sites relating to Māori freshwater values:

<sup>52</sup> See clause 1.4 of the NPSFM.

- a) need not comply with subclause (4), but may instead reflect one or more Māori freshwater values; and*  
*b) must be determined in collaboration with tangata whenua.*

#### 8.4 Preparing action plans

Clause 3.15 of the NPSFM (Table 7) sets out what NRC must do in regard to preparing action plans<sup>53</sup>

| Table 7: NPSFM Clause 3.15 – Preparing action plans |   |
|---|---|
| 1.  | <i>Action plans prepared for the purpose of this National Policy Statement may:</i><br><i>a) Be prepared for whole FMUs, parts of FMUs, or multiple FMUs; and</i><br><i>b) Set out phased approach to achieving environmental outcomes; and,</i><br><i>c) Be 'prepared' by adding to, amending, or replacing an existing action plan.</i> |
| 2.  | <i>An action plan may describe both regulatory measures (such as proposals to amend and plans), and .... non-regulatory measures (such as work plans and partnership arrangements with tangata whenua and community group(s)).</i>  |

Due to the timing constraints on TWWAG, developing specific action plans with respect to FMUs was not possible, nor considered appropriate without the involvement of haukāinga or community groups.

Therefore, it is recommended that further action plans for FMUs developed in partnership with those tangata whenua and community groups where the FMU presides over. This should include developing specific vision statements, values, environmental outcomes and other methods to give effect to the overarching vision statement developed with TWWAG of upholding Te Hurihanga Wai described below.

FMU identification will require a process where tangata whenua can determine what the characteristics of their FMU's look like, this could include shaping by:

- whakapapa and relationships with overlapping hapū,
- their own mātauranga,
- mahinga kai and other tangata whenua values where appropriate.

FMU's should not be identified without tangata whenua. How this occurs and how they are resourced and supported to ensure the process is undertaken with cultural integrity must be determined by tangata whenua in a way that is culturally safe to them.

<sup>53</sup> See clause 3.15 of NPSFM.

The following recommendations (Table 8) are thus proposed for reviewing existing FMUs and identifying new FMUs in Te Tai Tokerau.

| Table 8: TWWAG Recommendations for FMUs  |
|--|
| <ol style="list-style-type: none"> <li>1. All existing FMUs in the region should be reviewed in a process agreed to by tangata whenua.</li> <li>2. In partnership with tangata whenua, NRC should identify specific values, environmental outcomes (objectives), policies, environmental flows, levels and limits, for each FMU, where necessary at a sub-catchment level, and be read and considered together with the Regionwide objectives and policies in the FPI. In doing so, the NRC should: <ol style="list-style-type: none"> <li>a. Give effect to Te Mana me te Mauri o te Wai provisions developed by tangata whenua</li> <li>b. Include through future work additional FMU provisions developed by tangata whenua</li> <li>c. give effect to hapū and iwi planning documents and/or mana whakahono a rohe agreements</li> <li>d. Incorporate water quality and quantity limits and targets suggested by tangata whenua to achieve environmental outcomes</li> <li>e. Incorporate methods proposed by tangata whenua to avoid, remedy or mitigate any over-allocation within a specific timeframe</li> <li>f. Empower tangata whenua through s.33 and s.36B of the RMA to assess water quality and quantity levels, taking into account cultural indicators or attributes they have identified.</li> </ol> </li> <li>3. Specific FMU provisions prevail over other provisions within the Region-wide Objectives and Region-wide Policy sections, unless stated otherwise.</li> <li>4. A region wide freshwater vision statement for tangata whenua should be included in the FPI, in lieu of individual FMU vision statements. NRC must ensure there is consistency with implementing the objectives and policies that give effect to Te Mana me te Mauri o te Wai presented in this report.</li> <li>5. Action plans for FMUs are developed in partnership with tangata whenua groups who have the appropriate mana whakahaere over a freshwater area. NRC must resource those who are active in the development of the proposed action plans.</li> </ol> |
| <p><b>Advisory Note:</b> It would be inappropriate to make changes to regional objectives, policies and rules in relation to FMUs without the involvement of wider tangata whenua groups impacted by provisions.</p>   |



A proposed approach presented in Table 9 has been developed for tangata whenua by Poipoia Limited as commissioned by the National Science Challenge<sup>54</sup>.

| Table 9: Proposed Approach to Developing FMUs |   |
|---|---|
| Stage   | Outcomes  |
| Tahi  | Mana whenua wānanga to discuss and define what Te Mana me te Mauri o te Wai is for them through their whakapapa and mātauranga.   |
| Rua   | Mana whenua determine the takiwā for their wai that enables them to protect and manage them in a culturally appropriate manner. This may include identifying takiwā <sup>55</sup> in mapping workshops and wānanga across hapū overlapping areas.   |
| Toru  | Mana whenua who are kaitiaki for the chosen takiwā, confirm the values for the takiwā, and agree the outcomes for these wai from their perspective. Mahinga kai is a compulsory value to consider, however there are others that mana whenua may include.   |
| Whā   | Mana whenua consider for each value identified, the attributes that can be used to assess how this value is being measured and to set baseline states. Attributes can be developed that are more culturally appropriate where required. For each attribute, set limits and target to support achieving the outcome identified by mana whenua. |
| Rima  | Mana whenua identify how best monitoring of these takiwā should occur.  |
| Ono   | Agree the preferred collaborative process with Council and the wider community, participate fully and equitable across the NOF.   |

<sup>54</sup> See National Science Challenge (February 2022). Te Mana o Te Wai: A factsheet for hapū and iwi (Factsheet 001). Available online at: <https://ourlandandwater.nz/wp-content/uploads/2022/02/Te-Mana-o-te-Wai-Factsheet-3-The-NOF.pdf>

<sup>55</sup> Takiwā has been used in this sense to describe FMUs.

## 8.5 Vision

Section 3.3 of the NPSFM (Table 10) sets out what NRC must do in regard to setting long-term vision(s) as shown. Long term visions for freshwater must be included as objectives in the FPI (RPS).<sup>56</sup>

| Table 10: NPSFM Clause 3.3 - requirements for long-term vision(s)  |
|--|
| <p>2. Long-term visions:</p> <ul style="list-style-type: none"> <li>a) <i>may be set at FMU, part of an FMU, or catchment level; and</i></li> <li>b) <i>must set goals that are ambitious but reasonable (that is, difficult to achieve but not impossible); and,</i></li> <li>c) <i>identify a timeframe to achieve those goals that is both ambitious and reasonable (for example, 30 years after the commencement date).<sup>57</sup></i></li> </ul>  |
| <p>3. Every long-term vision must:</p> <ul style="list-style-type: none"> <li>a) <i>be developed through engagement with communities and tangata whenua about their long-term wishes for the water bodies and freshwater ecosystems in the region; and</i></li> <li>b) <i>be informed by an understanding of the history of, and environmental pressures on, the FMU, part of the FMU, or catchment; and,</i></li> <li>c) <i>express what communities and tangata whenua want the FMU, part of the FMU, or catchment to be like in the future.<sup>58</sup></i></li> </ul> |
| <p>4. Every regional council must assess whether each FMU, part of an FMU, or catchment (as relevant) can provide for its long-term vision, or whether improvement to the health and well-being of water bodies and freshwater ecosystems is required to achieve the vision.<sup>59</sup></p>  |

The Vision statement presented in Part One of this report is recommended to be included as an objective in the RPS (FPI). For ease of reference, this has been copied below:

*"In order to give effect to Te Mana me te Mauri o te Wai, the spiritual wellbeing and whakapapa of Te Hurihanga Wai is prioritised, respected, protected and enhanced by 2040."*

<sup>56</sup> See clause 3.3(1) of NPSFM.

<sup>57</sup> Clause 3.3(2)(a) – (c).

<sup>58</sup> Clause 3.3(3) (a) – (c).

<sup>59</sup> Clause 3.3(4).

## 8.6 Background to Recommended Provisions

### 8.6.1 Freshwater values

#### Background

Clause 3.9 of the NPSFM identifies the compulsory and other values that apply or could apply as shown in Table 11 below. Clause 3.4(2) of the NPSFM also directs NRC to collaboratively work with and identify tangata whenua values.

Aside from mahinga kai, the focus for TWWAG has been identifying broader Māori values that apply to freshwater in Te Tai Tokerau. Under the NPSFM a definition of Māori freshwater values is defined.<sup>60</sup> However, a broader definition from Harmsworth<sup>61</sup> helps to further explain what Māori values are.

*Māori values are largely based on traditional concepts, beliefs and values, and shape the thinking of many Māori. From whakapapa and through time Māori acquired knowledge, termed mātauranga Māori; and from knowledge came Māori value. Māori values form the basis for explaining the Māori world-view (te ao Māori), provide an intrinsic cultural basis for controlling or modifying human behaviour, determine issues and perspectives, and provide the concepts, principles and lore Māori use to varying degrees in everyday life. They affect the interaction with others, govern responsibilities, establish the relationship with both the natural and spiritual environment, and form the basis for indigenous aspirations. Māori values therefore form the basis for developing principles, protocols, ethical and cultural standards, and for guiding philosophies for culturally based sustainable development.'*

TWWAG has identified other tangata whenua values through this process. See section 8.7 below.

---

<sup>60</sup> **Māori freshwater value** means the compulsory value of mahinga kai and any other value (whether or not identified in Appendix 1A or 1B) identified for a particular FMU or part of an FMU through collaboration between tangata whenua and the relevant regional council. See clause 1.4 of NPSFM.

<sup>61</sup> Harmsworth, G.R. 2005: *Good practice guidelines for working with tangata whenua and Māori organisations: Consolidating our learning*. LC 0405/091 Report for Landcare Research ICM web site. 56 p.

| Table 11: NPSFM Clause 3.9 - Identifying values under NPSFM   |  |
|---|--|
| 1) The compulsory values listed in Appendix 1A apply to every FMU and the requirements in this subpart relating to values apply to each of the 5 biophysical components of the value Ecosystem health. <sup>62</sup>  |  |
| 2) A regional council may identify other values applying to an FMU or part of an FMU and must in every case consider whether the values listed in Appendix 1B apply.  |  |
| Advisory Note:  |  |
| <p>Appendix 1A – Compulsory values are:</p> <ul style="list-style-type: none"> <li>(1) Ecosystem health</li> <li>(2) Human contact</li> <li>(3) Threatened species</li> <li>(4) Mahinga kai</li> </ul> <p>Five biophysical components:</p> <ul style="list-style-type: none"> <li>(a) Water quality</li> <li>(b) Water quantity</li> <li>(c) Habitat</li> <li>(d) Aquatic life</li> <li>(e) Ecological processes</li> </ul>   | <p>Appendix 1B – Other values that must be considered:</p> <ul style="list-style-type: none"> <li>(1) Natural form and character</li> <li>(2) Drinking water supply</li> <li>(3) Wai tapu</li> <li>(4) Transport and Tauranga waka</li> <li>(5) Fishing</li> <li>(6) Hydro-electric power generation</li> <li>(7) Animal drinking water</li> <li>(8) Irrigation, cultivation, and production of food and beverages</li> <li>(9) Commercial and industrial use</li> </ul> |
| NPSFM Clause 3.4 - Tangata whenua involvement   |  |
| <p>This part states that:</p> <p>(2) In particular, and without limiting subclause (1), for the purpose of implementing the NOF, every regional council must work collaboratively with, and enable, tangata whenua to:</p> <ul style="list-style-type: none"> <li>a) Identify any Māori freshwater values (in addition to mahinga kai) that apply to any FMU or part of an FMU in the region; and,</li> <li>b) Be actively involved to the extent they wish to be involved) in decision-making processes relating to Māori freshwater values at each subsequent step of the NOF process.</li> </ul> |  |

Te ao Māori often comprises a spectrum with values and principles at one end, and rules at the other. The spectrum may include values that do not necessarily differentiate between 'sanctioned laws' per se, and non-sanctioned laws and customs. In te ao Māori it is usually these values which provide a primary guide to behaviour.

Aspects of values and custom may be subject to particular circumstances and then reinterpreted in the light of other circumstances. Therefore, te ao Māori and cultural values in some respect are subject to certain pragmatic traditions that can be open-ended and not be confined by one particular circumstance. By understanding these values it may help to provide an insight into what is

<sup>62</sup> See clause 3.9(1).

considered and how that is contemplated by tangata whenua when tasked with decision-making.

#### Determining tangata whenua values

The tangata whenua values developed for the FPI have guided the preparation of subsequent provisions. This is not a full list of tangata whenua values associated with freshwater, which is not possible to do here, but are values previously identified from the Stage 1 Report and in consultation with TWWAG. They have guided further policy development presented in this report.

It is also important to note that individual whānau, marae, hapū and iwi may have their own values that should be discussed and considered with them. In particular through the development of any new FMUs.

The tangata whenua values presented in Section 8.7 **Error! Reference source not found.** and Table 12 **Error! Reference source not found.** can be interpreted differently depending on the context and situation. These values can also be intertwined and may fit in more than one situation.

It is recommended that these values are included at a regional level for the FPI, but the Council must acknowledge and agree that there will likely be more localised tangata whenua values that others wish to use in lieu of those presented here. Thus, this list should not preclude the use and identification of other tangata whenua values if and when these are presented in more localised situations.

Table 12 seeks to provide a description of what these values might be defined as.<sup>63</sup>

| Table 12: Tangata whenua values |  |
|---------------------------------|--|
| Tangata whenua value            | Description  |
| Atuatanga                       | Acknowledgement of the resemblances of spiritual ancestors, their godliness and supernatural beings. The kupu (word) derives from atua which ties this value back to the spiritual world and the domains which atua care for and preside over. |
| Wairuatanga                     | Spirituality   |
| Mana                            | Power, authority, ownership, status, influence, dignity, respect, derived from the gods. <sup>64</sup>   |
| Rangatiratanga                  | The exercise of power and authority derived from the gods; exercise of chieftainship including sovereignty, rights of self-determination, self-government, the   |

|                 |   |
|-----------------|---|
|                 | authority and power of iwi or hapū to make decisions and to own and control resources. <sup>65</sup><br>Can also be: chieftainship, right to exercise authority, chiefly autonomy, chiefly authority, ownership, leadership of a social group, domain of the rangatira, noble birth, attributes of a chief.   |
| Tapu            | Sacredness, spiritual power or protective force.  |
| Kaitiakitanga   | The responsibilities and Kaupapa passed down from the ancestors for tangata whenua to take care of the places, natural resources and other taonga in their rohe and the mauri of those places, resources and taonga. <sup>66</sup>  |
| Manaakitanga    | Hospitality, kindness, generosity, support – the process of showing respect, generosity and care for others.  |
| Whanaungatanga  | Relationship, kinship, sense of family connection – a relationship through shared experiences and working together which provides people with a sense of belonging. It develops as a result of kinship rights and obligations, which also serve to strengthen each member of the kin group. It also extends to others to whom one develops a close familial, friendship or reciprocal relationship. |
| Kai-ngaki       | A person who practices cultivation, or undertakes horticultural or agricultural practices, for example over mara kai (gardens)  |
| Wahi wai rongoi | Freshwater sites of significance. These sites will differ depending on the environment, taonga species, wai tapu <sup>67</sup> , tauranga waka, areas for gathering kai (mahinga kai), and possibly other factors.  |
| Ki uta ki tai   | Integrated management. Acknowledging that all things are connected from mountains to the seas.  |
| Aroha           | Love, empathy patience and compassion.  |
| Kotahitanga     | Unity.  |

Tangata whenua values have also been categorised under a 'Western Theme' that might be easily understood from a non-Māori planning perspective. This is to help guide with further policy implementation and interpretation.

Matters of importance to tangata whenua have also been aligned to the tangata whenua values, to show the connectivity between particular activities

undertaken by tangata whenua in alignment with tikanga Māori and the recommended provisions below.

In the subsequent policy and rule tables the themes, values and matters of important (such as mahinga kai, taiapure, ahūwhenua and tauranga waka), have been grouped together to show the alignment.

It is expected that these tangata whenua values are applied in every part of the FPI where the environmental outcomes (objectives), policies and rules or other methods align to the intent of the value. There may be situations where more than one value also applies. It is also expected that through the development of future FMUs that tangata whenua at a more localised level may have additional or different tangata whenua values. These should also be considered at a time where they are drafted and implemented through the FPI.

The compulsory values set out under the NPSFM should also be considered alongside the tangata whenua values through implementation.

#### 8.6.2 Environmental outcomes (objectives)

Under the NPSFM, environmental outcomes are required for each value identified. In traditional planning these can also be described as objectives, therefore the terms are used inter-changeably. They generally describe the high-level goals or direction that would minimise, manage or eliminate the issues described in a plan.

The NPSFM sets out what NRC must do in regard to identifying objectives as summarised in Table 13 below.

It is difficult in setting an environmental outcome for every tangata whenua value identified above. Accordingly, TWWAG has taken an approach of developing a set of objectives that seek to address and support the tangata whenua values.

Attributes and target states are also presented further below to assist with measurement and monitoring.

| Table 13: NPSFM Clause 3.9 - Setting environmental outcomes (objectives)  |
|---|
| <i>Identifying values and setting environmental outcomes as objectives<sup>68</sup></i><br>3) The regional council must identify an environmental outcome for every value that applies to an FMU or part of an FMU.<br>4) The regional council must include the environmental outcomes as an objective, or multiple objectives, in its regional plan(s).<br>5) The environmental outcomes must:<br>a) describe the environmental outcome sought for the value in a way that enables an assessment of the effectiveness of the regional policy |

<sup>68</sup> See clauses 3.9 (3) – (5) in the NPSFM.



*statement and plans (including limits and methods) and action plans in achieving the environmental outcome; and,  
b) when achieved, fulfil the relevant long-term visions developed under clause 3.3 and the objective of this National Policy Statement.*

In co-design workshops with TWWAG the objectives have been designed to consider how the tangata whenua values above can be recognised.

Of particular significance is Objective 1. This objective recognises the significance of Te Hurihanga Wai and the spiritual connection and inter-connectedness of wairuatanga me ngā ātua ki tangata whenua. In particular to te taiao (our environment) and more appropriately for this topic: freshwater.

The objective also seeks to give effect to clause 3.5 of the NPSFM which requires local authorities to recognise the integrated approach involved in decision making around freshwater, mai ki uta ki tai, as required by Te Mana o Wai.<sup>69</sup>

Thereafter the objectives have no order or priority and are seen of equal importance to each other.

### 8.6.3 Policies

Policies are generally prepared to define the direction and/or course of action to achieve the objectives in a plan. It is not uncommon for tangata whenua to have their own policies and objectives set out in respective hapū and iwi management plans.

The policies co-designed with TWWAG have been drafted to assist with achieving the tangata whenua objectives. The policies also describe what NRC must consider when assessing resource consent applications that trigger consideration of tangata whenua cultural values. It is also important to note that the RMA<sup>70</sup> requires that RPSs and RPs include policies for any issues and objectives identified within those planning instruments.

### 8.6.4 Rules and methods

Generally, rules and methods describe specific actions and directions to provide more detail that promote and support the implementation of policies.

In regard to rules, the NPSFM directs what NRC must do, however this direction is narrowed in focus to setting environmental flows, levels and take limits.

A limit means:

---

<sup>69</sup> See clauses 3.5(1) – (4).

<sup>70</sup> See s.62(1)(d) and s.67(1)(b)

*'either a limit on resource use or a take limit.'*<sup>71</sup>

The NPSFM requirements for limits are summarised Table 14 below. These rules relate to 'setting limits' on resource use.

The co-design process has not sought to set limits on resources, but rather identify other rules and proposed methods that relate to freshwater and assist with achieving the objectives, policies, attributes and target states as recommended by TWWAG.

Accordingly, recommendations have been proposed that provide opportunities for tangata whenua involvement and the types of conditions that could be imposed on any one rule that relates to a freshwater activity. Specific rules have been developed where there is a need to control effects or enable outcomes sought by tangata whenua.

| Table 14: NPSFM Clause 3.12 - Rules and Methods  |  |
|--|--|
| <b>3.12 How to achieve target attribute states and environmental outcomes</b>  |  |
| <p>1. In order to achieve target attribute states for the attributes in Appendix 2A, and the nutrient outcomes needed to achieve target attribute states (see clause 3.13), every regional council:</p> <ul style="list-style-type: none"> <li>a) must identify limits on resource use that will achieve: <ul style="list-style-type: none"> <li>(i) the target attribute state, and</li> <li>(ii) any nutrient outcomes needed to achieve target attribute states<sup>72</sup></li> </ul> </li> <li>b) must include those limits as rules in its regional plan;</li> </ul> <p>2. In order to achieve the target attribute states for the attributes in Appendix 2B, every regional council:</p> <ul style="list-style-type: none"> <li>b) may identify limits on resource use and include them as rules in its regional plan;<sup>73</sup></li> </ul> <p>3. In order to achieve any other target attribute state or otherwise support the achievement of environmental outcomes, a regional council must do at least one of the following:</p> <ul style="list-style-type: none"> <li>a) identify limits on resource use and <b>include them as rules</b> in its regional plan(s)<sup>74</sup></li> </ul> |  |
| <b>3.16 Setting environmental flows and levels</b>   |  |
| <p>1. Every regional council <b>must include rules</b> in its regional plan(s) that set environmental flows and levels for each FMU and may set different flows and levels for different parts of an FMU.<sup>75</sup></p>   |  |
| <b>3.17 Identifying take limits</b>  |  |

<sup>71</sup> See clause 1.4 of the NPSFM.

<sup>72</sup> See clause 3.12(1)(a).

<sup>73</sup> Clause 3.12(2)(b).

<sup>74</sup> Clause 3.12(3)(a).

<sup>75</sup> Clause 3.16(1).

- (1) *In order to meet environmental flows and levels, every regional council:*  
b) **must include the take limits as rules in its regional plan(s);**<sup>76</sup>  
... and

In response to these requirements the following recommendations in Table 15 are proposed for developing limits in Te Tai Tokerau.

| Table 15: TWWAG Recommendations for Limits  |
|---|
| <ol style="list-style-type: none"> <li>1. Limits should be developed in an appropriate way as agreed to by tangata whenua.</li> <li>2. In partnership with tangata whenua, NRC should identify specific limits for each FMU, where necessary at a sub-catchment level, and be read and considered together with the Regionwide objectives and policies in the FPI, and in doing so have particular regard to: <ol style="list-style-type: none"> <li>a. Te Mana me te Mauri o te Wai;</li> <li>b. Any other tangata whenua values; and,</li> <li>c. Any hapū and iwi planning documents or mana whakahono a rohe agreements.</li> </ol> </li> </ol> |
| <p><b>Advisory Note:</b> It would be inappropriate to set limits in relation to FMUs without the involvement of wider tangata whenua groups impacted by provisions.</p>   |

In respect of rules, the co-design process has to identify other rules and proposed methods that relate to freshwater and assist with achieving the objectives, policies, attributes and target states as recommended by TWWAG.

Accordingly, recommendations have been proposed that provide opportunities for tangata whenua involvement and the types of conditions that could be imposed on any one rule that relates to a freshwater activity. Specific rules have been developed where there is a need to control effects or enable outcomes sought by tangata whenua.

**TWWAG Recommendation:** The rules and conditions in section 8.7 are adopted into the FPI.

<sup>76</sup> Clause 3.17(1)(b)

## 8.7 Values, objectives, policies and rules

The following sub-section detail the values, objectives, policies and rules that have been identified and developed by TWWAG. A first table presents the value, description of that value and intent of the value in respect of tangata whenua outcomes sought. Objectives, policies and rules follow thereafter, all of which seeks to achieve desired wai outcomes for tangata whenua.

### 8.7.1 Mauri, Atuatanga, Wairuatanga/Protection, Balance, Spirituality

| Table 16: Mauri, Atuatanga, Wairuatanga/Protection, Balance, Spirituality |             |  |  |
|---|-------------|--|--|
| Theme   | Value       | Description  | Summary and intent of tangata whenua values  |
| Protection, Balance, Spirituality   | Mauri       | Life force   | <ul style="list-style-type: none"> <li>Protects the spiritual nature and characteristics of freshwater</li> <li>Enhancing and upholding Te Mana me te Mauri o te Wai</li> <li>Gives effect to 'Mana Whakahaere' as defined under Principle 4(a) of the NPSFM.</li> </ul> |
|   | Atuatanga   | Acknowledgement of the resemblances of spiritual ancestors, their godliness and supernatural beings. The kupu (word) derives from atua which ties this value back to the spiritual world and the domains which atua care for and preside over. |  |
|   | Wairuatanga | Spirituality   |  |

**Objective 1:** The spiritual wellbeing and whakapapa of wai is prioritised and enhanced. All people who use and/or affect wai, listen to and respect Te Hurihanga Wai.

**Policy 1.1:** The spiritual connection tangata whenua have with wai is recognised and upheld by providing opportunity for mana i te whenua to:

- Undertake cultural practices;
- Apply localised mātauranga and tikanga to inform decision making
- Hapū Kaitiakitanga<sup>77</sup>
- Access wai

<sup>77</sup> Refer to Glossary for meaning.

**Policy 1.2:** Mana i te whenua are the authority to determine the spiritual wellbeing and whakapapa of wai in their rohe and how best to respect Te Hurihanga Wai.

**Policy 1.3:** Recognising mana atua by applying legal personhood to all wai.

**Policy 1.4:** Relevant tangata whenua are invited and adequately resourced at every stage to undertake a Cultural Impact Assessment (or similar) for every resource consent application that effects wai.

**Rule 1.1.1:** The point-source discharge of contaminants to a water body that does not have a functional need to discharge to those water bodies is a non-complying activity.

**Advisory notes:**

Functional need for this rule has the same meaning as the NPSFM and means *'the need for a proposal or activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment'*.

Water body has the same meaning as the RMA and means fresh water or geothermal water in a river, lake, stream, pond, wetland, or aquifer, or any part thereof, that is not located within the coastal marine area.

**Rule 1.1.2:** The point-source discharge of contaminants to a water body that has a functional need to discharge to those water bodies is a discretionary activity.

**Advisory note:**

Functional need for this rule has the same meaning as the NPSFM and means *'the need for a proposal or activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment'*.

Water body has the same meaning as the RMA and means fresh water or geothermal water in a river, lake, stream, pond, wetland, or aquifer, or any part thereof, that is not located within the coastal marine area.

**Rule 1.1.3:** The point-source discharge of contaminants to land is a restricted discretionary activity subject to the following conditions:

**Conditions:**

- a) The discharge does not result in a change in attribute state of any attribute.

**Matters of Control:**

- a) Consistency of the activity with Policy 1.1.

- b) Others applicable to discharges generally.
- c) The effects on the mauri of wai, and any cultural values identified by tangata whenua.
- d) Consistency with outcomes sought by relevant hapū and iwi Management Plans, mana whakahono a rohe arrangements and any other tangata whenua planning document.
- e) Any recommendations made as part of any Cultural Impact Assessment.
- f) The amount of contact time with land before entering any water body to ensure the discharge as closely as possible mimics natural river processes, including rapids, runs, ripples, pools or waterfalls.

#### 8.7.2 Mai ki uta ki tai/Integrated decision making

Although there is no specific value attached to 'climate change', this matter is important to tangata whenua and impacts various outcomes sought by tangata whenua. Accordingly, provisions are developed specifically for this matter below (Mai ki uta ki tai).

| Table 17: Mai ki uta ki tai/Integrated Management |                        |   |   |
|---|------------------------|---|---|
| Theme   | Value                  | Description   | Summary and intent of tangata whenua values |
| Mai ki uta ki tai                                 | Integrated Management. | <ul style="list-style-type: none"> <li>Acknowledging that all things are connected from mountains to the seas.</li> <li>Empowers tangata whenua to apply mātauranga to decision making around freshwater.</li> <li>Protects Taiapure, Mātaitai, mauri of freshwater,</li> </ul> | Mai ki uta ki tai                           |

|  |                                    |  |  |
|--|------------------------------------|--|--|
|  |                                    | <p>mahinga kai and taonga species.<sup>78</sup></p> <ul style="list-style-type: none"> <li>• May include Gazetted Rohe Moana areas identified under the Takutai Moana Act (see note below)</li> <li>• Gives effect to 'Mana Whakahaere and Kaitiakitanga' principles, respectively as defined under 1.3(4) of the NPSFM.</li> <li>• Minimum requirement for rahui to restrict access to water resource.</li> <li>• NRC decision-makers and stakeholder recognise rahui / tapu o rahui</li> <li>• Tangata whenua are empowered to monitor and enforce rahui locally.</li> </ul> |  |
|  | Rahui / tapu o rahui <sup>79</sup> | <ul style="list-style-type: none"> <li>• to put in place a temporary ritual prohibition, closed season, ban, reserve in accordance with Tikanga Māori.</li> </ul>  |  |

**Objective 2:** The land, wai and associated ecosystems are treated as one to ensure the mauri, health and wellbeing of wai is put first.

**Policy 2.1:** Connectivity between all wai, land and receiving environments, is prioritised in alignment with the Te Mana me te Mauri o te Wai hierarchy to protect Taiāpure and Mātaitai and ki uta ki tai – mountains to the sea.

**Advisory Note:** *Connectivity of all wai means all wai, either above ground or below ground from the land at the very tops of catchments to the receiving coastal waters fed by ground and surface water.*

<sup>78</sup> Rules drafted as part of the freshwater plan change, should also be read alongside s.85A of the RMA where it states that 'A plan or proposed plan must not include a rule that describes an activity as a permitted activity if that activity will, or is likely to, have an adverse effect that is more than minor on a protected customary right carried out under [Part 3 of the Marine and Coastal Area \(Takutai Moana\) Act 2011](#)'.

<sup>79</sup> Reference to rāhui upholding Te Mana o Te Wai. Ibid.





**Policy 2.2:** Tangata whenua are able to exercise and apply their mātauranga Māori in decision making.

**Advisory Note:** *Tangata whenua need to guide decision making.*

**Policy 2.3:** Wai habitat is protected and enhanced in collaboration with mana i te whenua to enable taonga species to migrate and thrive by:

- a) Reconnecting migratory pathways by:
  - i. avoiding new and removing or remediating existing fish barriers
  - ii. avoiding new and restoring river modification or diversion
  - iii. maintaining flowunless there is a functional need for such activities to occur
- b) Improving and then maintaining healthy habitat
- c) Controlling harmful pest species
- d) Improving and then maintaining wai quality
- e) Setting kaitiaki limits on wai quantity
- f) Recognising the importance of estuarine and coastal ecosystems and habitats <sup>1</sup>

**Policy 2.4:** Allocation must provide for the mauri of the wai, taonga species and māhinga kai taking into account climate change impacts.

**Policy 2.5:** Existing resource consents that effect wai are reviewed by no later than 2030 and/or when new flows, limits and standards are imposed. This may be undertaken using section 128 of the RMA:

- a) at any time or times specified for in the consent, or
- b) when a rule in a Regional Plan becomes operative that has wai limits set, or
- c) at any time to address any identified effects on cultural values that were not identified by tangata whenua, and which were subsequently identified and agreed through any regional planning process or set in the objectives, policies and standards of the Regional Plan.

**Policy 2.6:** When considering an application for resource consent that effects wai, regard shall be given to establishing and applying a consent term of no more than 10 years, unless:

- a) The activity and consent duration is supported by tangata whenua; or
- b) The activity is for the sole purpose of environmental enhancement; or

- c) The activity is necessary to enable the use or development of regionally significant infrastructure; or
- d) A longer term is demonstrated by the applicant to be appropriate in the circumstances.

**Advisory Note:** *These are in no order of priority and do not preclude the wider assessment of activities.*

**Policy 2.7:** Wai decision making gives effect to tangata whenua climate change mitigation and adaptation responses.

**Policy 2.8:** Wai is taken and used within the same catchment, unless there is a functional need to carry wai outside the catchment.

### 8.7.3 Kaitiakitanga/Governance and decision making

| Table 18: Kaitiakitanga / Governance and decision making |                |   |   |
|--|----------------|---|---|
| Theme  | Values         | Description   | Summary and intent of tangata whenua values   |
| Kaitiakitanga / Governance and decision making           | Mana           | Power, authority, ownership, status, influence, dignity, respect, derived from the gods. <sup>80</sup>  | <ul style="list-style-type: none"> <li>Empowers tangata whenua to be involved at all levels of freshwater decisions-making.</li> <li>Gives effect to 'Mana Whakahaere' as defined under Principle 4(a) of the NPSFM.</li> </ul> |
|  | Rangatiratanga | The exercise of power and authority derived from the gods; exercise of chieftainship including sovereignty, rights of self-determination, self-government, the authority and power of iwi or hapū to make decisions and to own and control resources. <sup>81</sup><br>Can also be: chieftainship, right to |   |

<sup>80</sup> See Mutu, *The State of Māori Rights*, 2011.

<sup>81</sup> Ibid, p.214

| Table 18: Kaitiakitanga / Governance and decision making |             |  |   |
|--|-------------|--|---|
| Theme  | Values      | Description  | Summary and intent of tangata whenua values |
|  |             | exercise authority, chiefly autonomy, chiefly authority, ownership, leadership of a social group, domain of the rangatira, noble birth, attributes of a chief. |   |
|  | Tapu        | Sacredness, spiritual power or protective force.   |   |
|  | Aroha       | Love, empathy, patience and compassion.  |   |
|  | Kotahitanga | Unity.   |   |

**Objective 3:** Tangata whenua exercise Rangatiratanga and Kaitiakitanga in wai decision-making.

**Policy 3.1:** All authorities regulating wai must give effect to:

- a) Te Hurihanga Wai;
- b) Te Tiriti o Waitangi;
- c) Hapū and iwi management plans; and
- d) Mana whakahono a rohe arrangements;
- e) Treaty settlement legislation.
- f) Cultural practices according to tikanga including but not limited to rahui.

**Policy 3.4:** Northland Regional Council investigates and transfers powers to Tangata whenua using s.33 (RMA) and utilises Joint Management Agreements using s.36B (RMA).

#### 8.7.4 Manaakitanga, Whanaungatanga, Whakapapa/Relationships

| Table 19: Relationships |                |   |  |
|-------------------------|----------------|---|--|
| Theme                   | Value          | Description   | Summary and intent of tangata whenua values  |
| Relationships           | Manaakitanga   | Hospitality, kindness, generosity, support – the process of showing respect, generosity and care for others.  | <ul style="list-style-type: none"> <li>Must give effect for tangata whenua to practice tikanga and kawa and enables mātauranga to enhance and maintain their relationship with freshwater.</li> <li>Must give effect to 'Manaakitanga' as defined under principle 4(c) of the NPSFM.</li> <li>Ensuring wai supports the ecosystems, species and people that depend upon it.</li> </ul> |
|                         | Whanaungatanga | Relationship, kinship, sense of family connection – a relationship through shared experiences and working together which provides people with a sense of belonging. It develops as a result of kinship rights and obligations, which also serve to strengthen each member of the kin group. It also extends to others to whom one develops a close familial, friendship or reciprocal relationship. |  |
|                         | Whakapapa      | Particular roles should be carried out by whānau, marae, hapū and iwi as they have a responsibility   |  |

|  |  |   |  |
|--|--|---|--|
|  |  | through whakapapa (genealogy) to care for, look after, and protect water. Also refer to Te Hurihanga Wai. |  |
|--|--|---|--|

**Objective 4:** Tikanga Māori, He Whakaputanga, Te Tiriti o Waitangi and Wai 1040 Stage 1 findings are given effect to, including in wai decision-making.

**Policy 4.1:** Tangata whenua are resourced to practice and exercise tikanga and kawa.

**Advisory Note:** *This should extend to any regulatory authority making decisions for wai.*

**Policy 4.2:** Enable tangata whenua to have an active and healthy relationship with wai.

**Advisory Note:** *This includes but is not limited to physical and spiritual access to wai by accessing areas they have or previously have had a relationship with.*

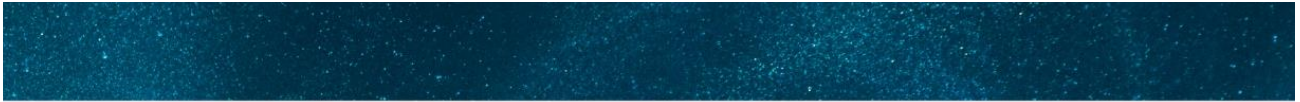
**Policy 4.3:** People develop a positive relationship with wai so that every interaction improves and then maintains te mauri o te wai and wai is healed where it is not meeting target attribute states.

**Policy 4.4:** Avoid the taking of wai for commercial wai bottling purposes unless that wai is:

- supported by tangata whenua or
- taken for the purpose of supplying water for domestic needs within the Te Tai Tokerau region.

#### 8.7.5 Kai ngaki/Customary Water Use

| Table 20: Value 5: Customary Water Use |  |   |   |
|--|--|---|---|
| Theme                                  | Value  | Description   | Summary and intent of tangata whenua values   |
| Customary Water Use                    | Kai - ngaki such as through Ahuwhenua and Hua Parakore practices | A person who practices cultivation, or undertakes horticultural or agricultural practices, for example over | <ul style="list-style-type: none"> <li>Empowers tangata whenua to undertake sustainable water use over their whenua while using freshwater, including for irrigation, cultivation, and production of food and beverages.</li> </ul> |



|  |  |                       |  |
|--|--|-----------------------|--|
|  |  | mara kai<br>(gardens) | <ul style="list-style-type: none"> <li>• Allows for sustainable freshwater use by tangata whenua that delivers environmental, economic, social, spiritual and cultural outcomes.</li> <li>• Allows access to sustainable drinking water supply.</li> </ul> |
|--|--|-----------------------|--|

**Objective 5:** Tangata whenua environmental, economic, social, spiritual, and cultural wellbeing is enabled and resourced.

**Policy 5.1:** Promote wai sovereignty and the sustainable use of wai for the wellbeing of marae, papakāinga, Māori-owned land and current and future Treaty settlement land.

**Policy 5.2:** Wai quality and quantity is reserved and protected for use by marae, papakāinga, and Māori landowners resulting in:

- a) enhanced tikanga Māori and customary practices (see Advisory Note 2);
- b) economic, cultural and social well-being and development for Māori; and

**Advisory Note:**

- a) *Wai sources for marae, papakāinga and Māori landowners including through Treaty settlement legislation, should be identified within 5 years by tangata whenua in accordance with tikanga Māori.*
- b) *This includes but is not limited to sustainable māhinga kai, Gazetted Rohe Moana areas, s.186A (Fisheries Act 1996) temporary closures, taiāpure and tauranga waka sites.*
- c) *Nothing in this plan should limit the ability of indigenous agroecology and activities to take place are enabled in relation to ngāhere food, medicine forests, and traditional methods of customary use and harvesting.*

**Policy 5.3:** Where primary allocation is available for abstraction, the Northland Regional Council will allocate 20% of the total wai available in every allocation unit, for use for the following activities:

- a) contribution to environmental enhancement; or
- b) wai for domestic use by marae and papakāinga; or
- c) any other use of wai, provided that:
  - i. it includes contribution to a Te Mana me te Mauri o te Wai fund managed by the Northland Regional Council in consultation with tangata whenua,
  - ii. the fund will be used to provide for development of Māori wellbeing;
  - iii. the contribution to the fund is proportional to the amount of reserved wai being taken and any commercial returns resulting from the application; and,



- d) the development of Māori owned land and land returned to a Post-Settlement Governance Entity through a Treaty Settlement.

**Advisory Note:** *Māori wellbeing is best defined by tangata whenua groups who may be apply to this fund. This can include better social and cultural outcomes for Māori.*

**Rule 5.1.1:** The take and use of **surface water** for:

- a) contribution to environmental enhancement;
- b) domestic use by marae and papakāinga;
- c) any activity that contributes to the development of environmental and Māori wellbeing;

is Controlled Activity subject to the following conditions:

**Conditions:**

- a) The taking of water remains with limits prescribed with this Regional Plan;
- b) The taking of water meets the FMU environmental, cultural and community values
- c) The intake structure complies with Permit Activity Rule xx<sup>82</sup> [cross-reference to intake structure rule] for the intake structure

**Matters of Control:**

- a) Consistency of the activity with Policy 4.1 to 4.4.
- b) The effects on the mauri of wai, and any cultural values identified by tangata whenua.
- c) Consistency with outcomes sought by relevant hapū and iwi Management Plans, mana whakahono a rohe arrangements and any other tangata whenua planning document.
- d) Any recommendations made as part of any Cultural Impact Assessment.
- e) Others applicable to surface water takes generally.

Any activity that does not comply with Rule 4.1.1 is a Discretionary Activity.

**Advisory note:** the rule above must be consistent with the hierarchy of obligations in Te Mana me te Mauri o te Wai.

---

<sup>82</sup> Cross-reference to be confirmed by NRC.

**Rule 5.1.2:** The take and use of **groundwater** for:

- a) contribution to environmental enhancement;
- b) domestic use by marae and papakāinga;
- c) any activity that contributes to the development of Māori wellbeing;

is a Restricted Discretionary Activity subject to the following conditions:

**Conditions:**

- a) The taking of water remains within limits prescribed in this Regional Plan.

**Matters of Discretion:**

- a) Consistency of the activity with Policy 4.1 to 4.4.
- b) The effects on the mauri o wai, and any cultural values identified by tangata whenua.
- c) Consistency with outcomes sought by relevant hapū and iwi Management Plans, mana whakahono a rohe arrangements and any other tangata whenua planning document.
- d) Any recommendations made as part of any Cultural Impact Assessment.
- e) Others activities applicable to groundwater takes generally.

**Advisory note:** other activities may include: stream depletion, interference effects, efficiency of flow, saline intrusion. The rule above must be consistent with the hierarchy of obligations in Te Mana me te Mauri o te Wai.

**Rule 5.1.3:** Activities that effect freshwater used for drinking water where Attribute Table A4 applies is a Non-Complying Activity.

#### 8.7.6 Wahi wai rongonui/Wetlands & riparian margins

| Table 21: Wahi wai rongonui/Wetlands & riparian margins |   |   |  |
|---|---|---|--|
| Theme   | Value   | Description   | Summary and intent of tangata whenua values  |
| Site Specific Values: Wetlands                          | Wahi wai rongonui / Site specific values e.g. | Freshwater sites of significance. These sites will differ depending on the environment, | <ul style="list-style-type: none"> <li>Hikina te mauri o ngā taonga. Enhancing and protecting the life essence of all freshwater ecosystems, taonga and</li> </ul> |

|                    |   |  |   |
|--------------------|---|--|---|
| / riparian margins | māhinga kai, wai tapu <sup>83</sup> , tauranga waka <sup>84</sup> | taonga species, wai tapu <sup>85</sup> , tauranga waka, areas for gathering kai (mahinga kai), and possibly other factors. | <p>threatened species in a specific freshwater site of significance to tangata whenua.</p> <ul style="list-style-type: none"> <li>Enables tangata whenua to undertake practices for example tohi and pure (rituals). Enables access to freshwater sites where traditional access via transport means and tauranga waka are recognised.</li> </ul> |
|--------------------|---|--|---|

**Objective 6:** Wai is improved and then maintained so that by 2040 the wellbeing of wai meets target attribute states set by tangata whenua.

**Policy 6.1:** Protect tangata whenua values associated to wetlands, rivers, lakes and their margins, receiving environments, including their ecosystems, from inappropriate activities that effect wai.

**Policy 6.2:** Restore and then maintain degraded wetlands, rivers, lakes and their margins, and receiving environments through the development of wai action plans and setting limits identified with tangata whenua so that:

- a) taonga species are healthy and resilient
- b) wetlands and water bodies function as they should in Te Hurihanga Wai

<sup>83</sup> As defined under the NPSFM: “where rituals and ceremonies are performed, or where there is special significance to tangata whenua. Rituals and ceremonies include, but are not limited to, tohi (baptism), karakia (prayer), waerea (protective incantation), whakatapu (placing of rāhui), whakanoa (removal of rāhui), and tuku iho (gifting of knowledge and resources to future generations). In providing for this value, the wai tapu are free from human and animal waste, contaminants and excess sediment, with valued features and unique properties of the wai protected. Other matters that may be important are that there is no artificial mixing of the wai tapu and identified taonga in the wai are protected.

<sup>84</sup> As defined under the NPSFM: ‘tauranga waka generally refers to places to launch waka and water craft, and appropriate places for waka to land (tauranga waka)’.

<sup>85</sup> As defined under the NPSFM (Appendix 1B): ‘where rituals and ceremonies are performed, or where there is special significance to tangata whenua. Rituals and ceremonies include, but are not limited to, tohi (baptism), karakia (prayer), waerea (protective incantation), whakatapu (placing of rāhui), whakanoa (removal of rāhui), and tuku iho (gifting of knowledge and resources to future generations). In providing for this value, the wai tapu are free from human and animal waste, contaminants and excess sediment, with valued features and unique properties of the wai protected. Other matters that may be important are that there is no artificial mixing of the wai tapu and identified taonga in the wai are protected.’

- c) mahinga kai are thriving and supporting cultural, social, environmental, spiritual and economic outcomes for tangata whenua
- d) cultural practices and tikanga can be undertaken in wai tapu and other significant water bodies identified by tangata whenua
- e) harmful pest species are controlled in an integrated way at levels that enables taonga species to thrive
- f) access to water bodies for waka is enabled where access is limited (refer to guidance note).

**Advisory Note:** *Agreement can be enabled by, but not limited to easements, private agreement, condition of subdivision, condition of consent (refer to non-regulatory methods).*

**Policy 6.3:** To improve the mauri of wai, and thriving taonga species, by 2030 at least 30% of degraded natural inland wetlands are:

- a) under effective restoration; and
- b) effectively conserved and managed through protected areas.

**Policy 6.4:** Wai must be maintained in the current attribute state band, or achieve target attribute states.

**Policy 6.5:** Wai taken from a water body is subject to a cultural flow limit and cultural values assessment prepared by tangata whenua.

**Advisory Note:** *The cultural flow limit must be specifically designed to protect cultural values in that reach of river or downstream reaches.*

**Policy 6.6:** Any activity that affects wai must apply the effect management hierarchy<sup>86</sup> to managing adverse effects on tangata whenua values associated with wai.

**Rule 6.3.1:** Vegetation clearance, earthworks and the taking, use, damming, diversion, or discharge of water for the purpose of wetland creation for environmental enhancement is a restricted discretionary activity subject to the following conditions:

**Conditions:**

- a) The diversion of water occurs within the same catchment.
- b) There is a net increase in the amount of appropriate native vegetation.

---

<sup>86</sup> Effects management hierarchy has the same meaning as defined in the NPSFM.

- c) Construction effects from earthworks are managed by an erosion and sediment control plan, such as the Auckland Council GD05 manual.
- d) The rate of diversion is within the allocable limit set for that catchment.
- e) Wetlands exceeding xx hectares and/or diversions of more than xx are monitored by tangata whenua<sup>87</sup>.

**Matters of Discretion:**

- a) Consistency of the activity with Policy 5.1 to 5.4.
- b) Whether the wetland restoration is consistent with the actions required by a Freshwater Farm Plan if applicable.
- c) The effects on the mauri of wai, and any cultural values identified by tangata whenua.
- d) Consistency with outcomes sought by relevant hapū and iwi Management Plans, mana whakahono a rohe arrangements and any other tangata whenua planning document.
- e) Any recommendations made as part of any Cultural Impact Assessment.

**Advisory note:** The restoration of existing natural wetlands is sufficiently addressed by Regulation 38 and 39 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020.

Any activity that does not comply with Rule 5.2.1 is a Discretionary Activity.

#### 8.7.7 Climate Change

**Objective 7:** The impacts of climate change must be integrated into all wai decision making.

**Policy 7.1:** Recognise that better freshwater decision making is an essential component of climate change mitigation and adaptation.

**Policy 7.2:** Recognise that adapting to the climate crisis needs to be built into all freshwater decision-making so that:

- a) Aquifers are preserved and protected;
- b) Surface water and ground water management is integrated;
- c) Wetlands are conserved, maintained and rehabilitated;

---

<sup>87</sup> Numbers to be confirmed following expert input to set achievable yet realistic targets.

- d) Water dependency and related climate risks are understood, and urban and rural communities' exposure to risks are reduced and resilience increased; and,
- e) freshwater-related infrastructure is climate-proofed, including in design of new and retrofit of existing infrastructure.

**Policy 7.3:** Recognise that how we use water can help mitigate climate change e.g. use of energy efficient pumps and use of water for renewable energy generation.

### 8.8 Attributes, current and target states

The NPSFM directs NRC to develop attributes or other criteria for assessing and achieving environmental outcomes. These are summarised in the table below.

Under the NPSFM **attribute** means a measurable characteristic (numeric, narrative or both) that can be used to assess the extent to which a particular value is provided for. A **baseline state** in relation to an attribute, means the best state out of the following:

- a) The state on the date it is first identified by a regional council;
- b) The state on the date on which a regional council set a freshwater objective for the attribute under the NPSFM 2014 (as amended in 2017); and,
- c) The state on 7 September 2017.

In some places attributes may also be considered as indicators. It is common for tangata whenua to have cultural indicators identified in relation to freshwater monitoring and health. Some of these may be defined in existing marae, hapū and iwi planning documents. Further engagement and consultation should take place to understand these further and how they might apply to future monitoring and developing action plans.

NPSFM sets out what NRC must do in regard to identifying attributes, identifying their baseline state, and setting target attribute states.<sup>88</sup> This information is shown in the table below along with commentary to describe how TWWAG has responded to these requirements.

Table 22 presents a summary of the attributes co-designed with TWWAG. Te Tai Tokerau Bottom Lines (TTBL) or interim target states, and timeframes for those waters for the TTBL to be improved are also defined below. Tables A1 to A10 thereafter present the full Attribute Tables that are recommended to be adopted into the FPI.


---

<sup>88</sup> See 3.10 and 3.11 of NPSFM.

**Table 22: NPSFM Clause 3.10 - Requirements for Attributes, Baseline and Target States**

|   |
|---|
| <p><i>3.10 Identifying attributes and their baseline states, or other criteria for assessing achievement of environmental outcomes</i></p> <ol style="list-style-type: none"> <li><i>For each value that applies to an FMU or part of an FMU, the regional council:</i> <ol style="list-style-type: none"> <li><i>must use all the relevant attributes identified in Appendix 2A and 2B for the compulsory values listed (except where specifically provided otherwise); and,</i></li> <li><i>may identify other attributes for any compulsory value; and,</i></li> <li><i>must identify, where practicable, attributes for all other applicable values; and,</i></li> <li><i>if attributes cannot be identified for a value, or if attributes are insufficient to assess a value, must identify alternative criteria to assess whether the environmental outcome of the value is being achieved.</i></li> </ol> </li> <li><i>Any attribute identified by a regional council under subclause (1)(b) or (c) must be specific and, where practicable, be able to be assessed in numeric terms.</i></li> <li><i>Every regional council must identify the baseline state of each attribute, using the best information available at the time.</i></li> <li><i>Attribute states and baseline states may be expressed in a way that accounts for natural variability and sampling error.</i></li> </ol> <p><b>3.11 Setting target attribute states</b></p> <ol style="list-style-type: none"> <li><i>In order to achieve the environmental outcomes included as objectives under clause 3.9, every regional council must:</i> <ol style="list-style-type: none"> <li><i>set a target attribute state for every attribute identified for a value; and</i></li> <li><i>identify the site or sites to which the target attribute state applies.</i></li> </ol> </li> <li><i>The target attribute state for every value with attributes (except the value human contact) must be set at or above the baseline state of that attribute.</i></li> <li><i>The target attribute state for the value human contact must be set above the baseline state of that attribute, unless the baseline state is already within the A band of Tables 9 or 10 in Appendix 2A, as applicable.</i></li> <li><i>Despite subclauses (2) and (3), if the baseline state of an attribute is below any national bottom line for that attribute, the target attribute state must be set at or above the national bottom line (see clauses 3.31, 3.32, and 3.33 for exceptions to this).</i></li> <li><i>Every target attribute state must:</i> <ol style="list-style-type: none"> <li><i>specify a timeframe for achieving the target attribute state or, if the target attribute state has already been achieved, state that it will be maintained as from a specified date; and</i></li> <li><i>for attributes identified in Appendix 2A or 2B, be set in the terms specified in that Appendix; and</i></li> </ol> </li> </ol> |
|---|



- 
- c. for any other attribute, be set in any way appropriate to the attribute.*
  - 6. *Timeframes for achieving target attribute states may be of any length or period but, if timeframes are long term:*
    - a. they must include interim target attribute states (set for intervals of not more than 10 years) to be used to assess progress towards achieving the target attribute state in the long term; and*
    - b. if interim target attribute states are set, references in this National Policy Statement to achieving a target attribute state can be taken as referring to achieving the next interim target attribute state.*

### **8.9 Process applied to identify attributes and baseline states with TWWAG**

An approach was taken with TWWAG to co-design attributes in accordance with 3.10(1)(c) above. TWWAG has used numeric terms where possible but has also relied on narrative states to express attributes the desired target state for attributes.

Due to pressing timeframes, 'baseline attribute states' are unable to be determined as part of this work. It is recommended that NRC commission the investigation of baseline attributes states following the approval of this report.

There is inherent difficulty in setting a target attribute state for every Māori value. Firstly, te ao Māori is inter-weaving and does not sit comfortably in 'one box'. Secondly, tangata whenua would want to target an 'A band' for all attributes, however this may not be feasible in places (at least within a regional plan lifetime). It is recommended target baseline attributes be developed once further information and data is available.

Accordingly, TWWAG has taken an approach of developing a comprehensive set of attribute tables that addresses and supports Māori values. Instead of target attribute states, Te Tai Tokerau bottom lines have been adopted, similar to the national bottom lines in the NPSFM. As such, the inclusion of an attribute state from a te ao Māori perspective has been included to describe a what this might be with respect to measuring the mauri of freshwater.

The whole set of attributes do not generally have priority over one another and should be read as a whole to achieve the objectives which support the values.

TWWAG has set Te Tai Tokerau bottom lines and will require that any water not meeting those bottom lines be improved to meet targets.

As baseline state investigations have not taken place, TWWAG has identified the timeframes to achieve at least above the TTBL or achieve an interim target if it will take longer than 10 years for those water bodies that do not meet it currently (once measured).



In brief, Table 23 below provides a general description (summary) of how mauri of freshwater can be enhanced through measuring the attributes identified in

Table 24 further below.

The image further describes visually how the mauri of wai might be measured through the implementation phase of the FPI. This image has been used to describe how te ao Māori attributes at a regional level could be measured based on kaitiakitanga or mātauranga Māori approaches. It is expected that through the restoration of the mauri of the wai results in the restoration of tangata whenua, and wider communities. It is recommended that this framework be tested further with tangata whenua to understand how it might be applied in practice.

**Table 23: Summary of cultural health attribute state using mauri as a measure**

| Attribute state       | Narrative  |
|-----------------------|--|
| <b>Mauri ora</b><br>– | Te Hurihanga Wai in its entirety is thriving so the vitality of wai is healthy and clean. There is an abundance and diversity of lush riparian vegetation, indigenous flora, fauna and kai species for tangata whenua to access sustainably. The area is teeming with native birds and is pest and invasive species free. Te matangaro o tangata whenua is elevated through te tairongotanga (touch/feel, sound, sight, smell, taste) o te wai. Tangata whenua return to wai to live, to celebrate, to gather, to swim and to access the healing abilities of wai. Te Mana me te Mauri o te Wai is invigorated through reciprocal relationships and interactions with tangata whenua.  |
| <b>Mauri piki</b>     | Te Hurihanga Wai in its entirety is somewhat negatively impacted in its capacity to support its own sustenance. The vitality of the wai is reasonably healthy and clean. Riparian vegetation, indigenous flora, fauna, and kai species are present but not in a state of abundance. Native birds are generally seen and heard. There is evidence of harm from pests and invasive species. Te matangaro o tangata whenua is partly elevated through te tairongotanga (touch/feel, sound, sight, smell, taste) o te wai. Tangata whenua return to wai intermittently to live, to celebrate, to gather, to swim and to access the healing properties of wai but this may depend on the condition of the wai and surrounding eco-systems. To a certain degree Te Mana me te Mauri o te Wai is invigorated through reciprocal relationships and interactions with tangata whenua. Kawa and tikanga are in place to assist enhancement of mauri. |



|                   |  |
|-------------------|--|
| <b>Mauri heke</b> | <p>Te Hurihanga Wai in its entirety is considerably restrained by negative impacts and struggling to support its own sustenance. The vitality of the wai is diminishing and not healthy nor clean. Life giving and healing properties are in decline and the wai struggles to sustain the surrounding eco-systems. There is little riparian vegetation, indigenous flora, fauna and kai species present. Native birds are rarely seen and heard. The area is swarming with pests and invasive species. Te matangaro o tangata whenua is diminished through te tairongotanga (touch/feel, sound, sight, smell, taste) o te wai. Tangata whenua do not return to the wai often. Limited interactions between wai and tangata whenua compromises the reciprocal relationship needed for Te Mana me te Mauri o te Wai to be sustained.</p> |
| <b>Mauri mate</b> | <p>Te Hurihanga Wai in its entirety is overwhelmed by negative impacts and is unable to support its own sustenance. The wai is sick, brown, odourous and cannot sustain any life. Surrounding eco-systems are struggling to survive. The area is overtaken with pests and invasive species. The wai has no life-giving or healing properties so tangata whenua do not return at all. Te matangaro o tangata whenua is severely impacted through te tairongotanga (touch/feel, sound, sight, smell, taste) o te wai. No interactions between wai and tangata critically endangers the reciprocal relationship wai requires for te mauri me te mana.</p>   |

Figure 4: Assessing the mauri and state of wai

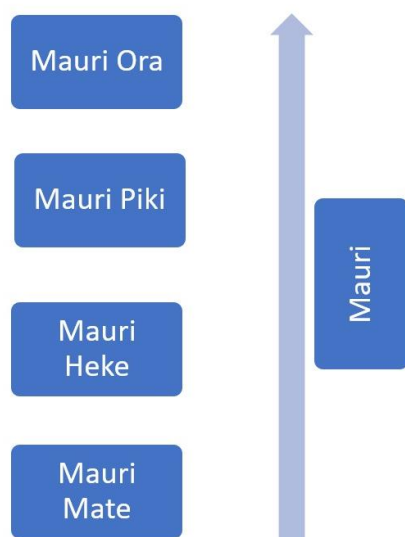


Table 24: Summary of Attributes, Intent of Attributes and Timeframes

| Attribute       | Table | Supports Objective | Intent  | TTBL       | Timeframe to Meet TTBL | Interim Target Until TTBL can be met     |
|-----------------|-------|--------------------|---|------------|------------------------|--|
| Cultural Health | A1    | All objectives     | To ensure water is at least 'Mauri piki'  | B or above | 2040                   | Interim Target – C.<br>Time frame – 2033 |
| Mana Whakahaere | A2    | 3 and 4            | To ensure tangata whenua have at least 'involvement' <sup>89</sup> in freshwater decision making by way of enabling mana whakahaere or kaitiakitanga practices. | A          | 2040                   | Interim Target – C.<br>Time frame – 2033 |

<sup>89</sup> Level of guidance for instance can be guided by the IAP2 framework.



|  |    |         |  |            |      |  |
|--|----|---------|--|------------|------|--|
| Access to Wai<br>(Physical Relationship with Wai))                       | A3 | 5       | To ensure tangata whenua can access at least 50% of sites required by them.  | B or above | 2040 | Interim Target – C.<br>Time frame – 2033 |
| Tangata whenua Water Allocation  | A4 | 5 and 6 | To ensure at least 50% of water allocated to tangata whenua is being used.   | B or above | 2040 | Interim Target – C.<br>Time frame - TBC  |
| Water Quality for Food Collection / Drinking Water                       | A5 | 5       | Raw water, where and when required can be taken and consumed safely.   | A          | 2040 | Interim Target – C.<br>Time frame - TBC  |
| Repo / Wetland Health  | A6 | 2, 3, 6 | To ensure repo / wetland are in a mauri piki state of health.  | B or above | 2040 | Interim Target – C.<br>Time frame - TBC  |
| Awa / River Health   | A7 | 1-6     | To ensure awa / river are in at least a mauri piki state of health.  | B or above | 2040 | Interim Target – C.<br>Time frame - TBC  |
| Roto / Lakes Health  | A8 | 1-6     | To ensure roto / lakes are in at least a mauri piki state of health.   | B or above | 2040 | Interim Target – C.<br>Time frame - TBC  |
| Uepapa (Upper Aquifer) and Hamuimui (Lower Aquifer) / Groundwater Health | A9 | 1-6     | To ensure uepapa (upper aquifer) and hamuimui (lower aquifer) / groundwater health is in at least a mauri ora state of health. | B or above | 2040 | Interim Target – C.<br>Time frame - TBC  |



Attribute Table A1: Cultural Health

|  |                           |
|--|---------------------------|
| Value (and component)  | Māori freshwater values   |
| Freshwater body type   | All                       |
| Attribute unit   | Cultural Health           |
| Attribute band and description   | Narrative attribute state |
| A  | Mauri ora                 |
| Te Hurihanga Wai in its entirety is thriving so the vitality of wai is healthy and clean. There is an abundance and diversity of lush riparian vegetation, indigenous flora, fauna and kai species for tangata whenua to access sustainably. The area is teeming with native birds and is pest and invasive species free. Te matangaro o tangata whenua is elevated through te tairongotanga (touch/feel, sound, sight, smell, taste) o te wai. Tangata whenua return to wai to live, to celebrate, to gather, to swim and to access the healing abilities of wai. Te Mana me te Mauri o te Wai is invigorated through reciprocal relationships and interactions with tangata whenua.  |                           |
| B  | Mauri piki                |
| Te Hurihanga Wai in its entirety is somewhat negatively impeded in supporting its own sustenance. The vitality of the wai is reasonably healthy and clean. Riparian vegetation, indigenous flora, fauna, and kai species are present but not in a state of abundance. Native birds are generally seen and heard. There is evidence of harm from pests and invasive species. Te matangaro o tangata whenua is partly elevated through te tairongotanga (touch/feel, sound, sight, smell, taste) o te wai. Tangata whenua return to wai intermittently to live, to celebrate, to gather, to swim and to access the healing properties of wai but this may depend on the condition of the wai and surrounding eco-systems. To a certain degree Te Mana me te Mauri o te Wai is invigorated through reciprocal relationships and interactions with tangata whenua Kawa and tikanga are in place to assist enhancement of mauri.  |                           |
| Te Tai Tokerau Bottom Line   |                           |
| C  | Mauri heke                |
| Te Hurihanga Wai in its entirety is considerably restrained by negative impacts and struggling to support its own sustenance. The vitality of the wai is diminishing and not healthy nor clean. Life giving and healing properties are in decline and the wai struggles to sustain the surrounding eco-systems. There is little riparian vegetation, indigenous flora, fauna and kai species present. Native birds are rarely seen and heard. The area is swarming with pests and invasive species. Te matangaro o tangata whenua is diminished through te tairongotanga (touch/feel, sound, sight, smell, taste) o te wai. Tangata whenua do not return to the wai often. Limited interactions between wai and tangata whenua compromises the reciprocal relationship needed for Te Mana me te Mauri o te Wai to be sustained.  |                           |
| D  | Mauri mate                |
| Te Hurihanga Wai in its entirety is overwhelmed by negative impacts and is unable to support its own sustenance. The wai is sick, brown, odourous and cannot sustain any life. Surrounding eco-systems are struggling to survive. The area is overtaken with pests and invasive species. The wai has no life-giving or healing properties so tangata whenua do not return at all. Te matangaro o tangata whenua is severely impacted through te tairongotanga (touch/feel, sound, sight, smell, taste) o te wai. No interactions between wai and tangata critically endangers the reciprocal relationship wai requires for te mauri me te mana.  |                           |
| Advisory Note:<br>1. Tangata whenua monitor this attribute. Mechanism needs to be developed to enable this to happen such as a s.33 transfer of powers or a joint management agreement.<br>2. The classification of wai can be different at different times of the year and across time to account for climate change, which must be reflected in freshwater decision making.<br>3. Different classifications of wai can apply to water bodies across the same catchment.<br>4. The same body of water can have different wai classifications that represent differing views amongst iwi, hapū and/or marae.<br>5. Matangaro = the elevation of mauri and wairua through senses when the mauri is in a state of mauri ora<br>6. Tairongo = senses. Oho ake = to aliven, awaken. Ko ngā tairongo (the senses, touch/feel. sound, sight, smell, taste) oho mauri - the mauri comes to life - so when our senses are awakened by the mauri ora of the wai in turn our internal mauri is awakened and enhanced = oho mauri |                           |

D  
R  
A  
F  
T



D  
R  
A  
F  
T

Attribute Table A2: Mana me te Rangatiratanga

|                                |  |
|--------------------------------|--|
| Value (and component)          | Māori freshwater values  |
| Freshwater body type           | All  |
| Attribute unit                 | Mana me te rangatiratanga  |
| Attribute band and description | <b>Numeric attribute state</b>   |
| A                              | All freshwater decisions made were based on mana whakahaere approaches.  |
| Te Tai Tokerau Bottom Line     |  |
| B                              | More than 50% of freshwater decisions made were based on 'collaboration' or 'empowerment' approaches.                                |
| C                              | More than 50% of freshwater decisions made were based on 'involvement', 'collaboration' or 'empowerment' approaches.                 |
| D                              | More than 50% of freshwater decisions made were based on 'consultation', 'involvement', 'collaboration' or 'empowerment' approaches. |
| E                              | More than 50% of freshwater decisions made are based on <b>no engagement</b> or simply 'informing' tangata whenua.                   |

Advisory Note:

1. Measurement would be undertaken by NRC tracking freshwater decision making - requires tangata whenua surveying to feedback what level of participation they considered they had.
2. Participation inherently provides an opportunity to apply Mātauranga Māori and Whakapapa and have been grouped accordingly.
3. Bands A & B are considered to give effect to He Whakaputanga me Te Tiriti o Waitangi.<sup>90</sup>

Example in Practice:

In the first instance, NRC would send weekly summary reports of resource consents to whānau hapū iwi for triaging and responding to. It would be at this stage where feedback on what band can be recommended. Then a follow up to see where it landed can be captured in some form as per below...

On a regular basis (i.e. every two months), NRC would send iwi a list of freshwater decisions within their rohe, and obtain feedback from iwi on each decision regarding what band they considered the decision was made under. NRC would then collate the data across all rohe to determine an overall percentage. If more than 50% of freshwater decisions didn't have any engagement, or even if engagement occurred on more than 50% of decisions but it relied on a simple consultation approach to achieve that, then the Te Tai Tokerau Bottom Line would not be met.

Attribute Table A3: Access to Wai (Physical Relationship with Wai)

<sup>90</sup> [Te Paparahi o Te Raki \(Northland\) | Waitangi Tribunal](#)". [www.waitangitribunal.govt.nz](#). Retrieved 20 September 2022





|  |  |
|--|--|
| Value (and component)  | Māori freshwater values                                  |
| Freshwater body type   | All  |
| Attribute unit   | Access to Wai  |
| Attribute band and description   | Numeric attribute state<br>(% of sites requiring access) |
| A  | ➤80-100%   |
| Tangata whenua are able to access and are able to create new access to awa/rivers, repo/wetlands and roto/lakes where and when required: |  |
| B  | 50-80%   |
| Tangata whenua are able to maintain access many locations of awa/rivers, repo/wetlands and roto/lakes where and when required.           |  |
| Te Tai Tokerau Bottom Line   |  |
| C  | 20-50%   |
| Tangata whenua are able to access only some locations of awa/rivers, repo/wetlands and roto/lakes where and when required.               |  |
| D  | ↵0-20%   |
| Tangata whenua are able to access limited locations of awa/rivers, repo/wetlands and roto/lakes where and when required.                 |  |

Advisory Note:

1. Tangata monitor this attribute. Mechanism needs to be developed to enable this to happen such as a s.33 transfer of powers or a joint management agreement.
2. Access to water is crucial for tangata whenua to have a physical relationship with water. Access to wai are for numerous reasons including but not limited to cultural practices, recreation and cultural monitoring.
3. Not all parts of awa/rivers, repo/wetlands and roto/lakes need to be accessed by tangata whenua. The numbers represented here refer to the percentage of area allow the banks of awa/rivers, repo/wetlands and roto/lakes that do require access for the reasons noted in Advisory Note 1.
4. A review should be undertaken annually to reassess this attribute.

Example in Practice:

Tangata whenua are provided the tools/resources to identify sites/areas of wai that require access for whatever reason they choose. These sites/areas may be different at different times or year, and this should be provided for. If it is less than 20% of desired sites are unable to be accessed, then it does not meet the Te Tai Tokerau bottom line.

D  
R  
A  
F  
T



Attribute Table A4: Tangata Whenua Water Allocation, Usage and Satisfaction

|   |                                 |
|---|---------------------------------|
| Value (and component)   | Māori freshwater values         |
| Freshwater body type  | All                             |
| Attribute unit  | Tangata whenua Water Allocation |
| Attribute band and description  | Numeric attribute state         |
| A   | ➤80-100%                        |
| Tangata whenua allocation, usage and satisfaction in the ability to use water for is very high. |                                 |
| b   | 50-80%                          |
| Tangata whenua allocation, usage and satisfaction in the ability to use water for is high.      |                                 |
| Te Tai Tokerau Bottom Line  |                                 |
| C   | 20-50%                          |
| Tangata whenua allocation, usage and satisfaction in the ability to use water for is low.       |                                 |
| D   | ⚡0-20%                          |
| Tangata whenua allocation, usage and satisfaction in the ability to use water for is very low.  |                                 |

Advisory Note:

- (a) Tangata whenua monitor this attribute.
- (b) The Resource Management Act 1991, under s.14(3)(b) provides for a person being able to take, use, dam, or divert any water for an individual’s reasonable domestic needs or the reasonable needs of a person’s animals for drinking water and the taking or use does not, or is not likely to, have an adverse effect on the environment.

The taking of water beyond these needs is governed by s.14(2)(a) which prohibits any person from the taking, using, damming, or diverting unless those activities are expressly allowed by a national environmental standard, a rule in a regional plan as well as a rule in a proposed regional plan for the same region (if there is one), or a resource consent.
- (c) The rate and/or volume of water referred to in this attribute table is an allocation of water for tangata whenua as per Rule 5.1.1 and 5.2.2 and Policy 5.3 and any other water allocated to tangata whenua.
- (d) The water allocated to tangata whenua as per Advisory Note 1 is able to be utilised for any purpose which supports their sustainable social, cultural and economic wellbeing, including but not limited to community/marae drinking water needs (exceeding permitted volumes) sustainable indigenous agroecology, ngāhere food, medicine forests, and traditional methods of customary use.
- (e) Measuring and reporting of water taken and used by tangata whenua will occur in accordance with resource consent conditions and/or Resource Management (Measurement and Reporting of Water Takes) Regulations 2010 (or any replacement of this legislation)

D  
R  
A  
F  
T



Attribute Table A5: Water Quality for Drinking Water

|   |  |
|---|--|
| Value (and component)   | Māori freshwater values                            |
| Freshwater body type  | All  |
| Attribute unit  | Water Quality for Food Collection / Drinking Water |
| Attribute band and description  | Narrative attribute state                          |
| A   |  |
| Water is safe to drink and consume-food from. Drinking water sources, including puna wai, are protected from contamination and waterborne illness.        | Mauri Ora  |
| Te Tai Tokerau Bottom Line  |  |
| B   |  |
| Water is not safe to drink or consume-food from. Drinking water sources, including puna wai, are not protected from contamination and waterborne illness. | Mauri Mate   |

Advisory Note:

- (a) “Drinking water” has the meaning as defined in the Water Services Act 2021.
- (b) “Safe” in relation to drinking water has the meaning as defined in the Water Services Act 2021 with the addition that it is culturally healthy (as defined by tangata whenua) i.e. does not impact the mauri of the water.
- (c) Source water is potential raw water, ie, it is natural fresh water that could be abstracted and processed for drinking purposes.
- (d) Tangata whenua are expected to identify and map water bodies that either are used, or would be used for drinking water supply and or food collection. It is intended that these areas would be generally by associated with traditional food collection and drinking water sources that would be located at or near the head of the surface water bodies.  
  
The attribute state will apply to all extent of water body that water is taken from for drinking or collected from for food consumption. Any activities upstream of these areas will need to address these attribute targets.
- (e) Measurement would be undertaken by NRC in collaboration with Tangata Whenua.
- (f) The measurement and assessment of this attribute is to occur during flow conditions not exceeding median flow (i.e., when water would reasonably be expected to be used for the purpose related to the attribute).

Example in Practice:

A puna wai is used for drinking water by whānau. Water needs to be measured and if it doesn’t meet the National Environmental Standard for Sources of Human Drinking Water (NES-DW) regulations 2007 or any replacement as a result of activities within the catchment - i.e. land use affecting water quality), then a response is needed (action plan) to bring the source up to and above the bottom line.

D  
R  
A  
F  
T

D  
R  
A  
F  
T

Attribute Table A6: Repo / Wetland Health

|   |                                      |  |
|---|--------------------------------------|--|
| Value (and component)   | Māori freshwater values              |  |
| Freshwater body type  | All                                  |  |
| Attribute unit  | Repo / Wetland Health                |  |
| Attribute band and description  | Narrative attribute state            |  |
| A   | Excellent / Mauri ora                |  |
| <div><div>a. Repo / Wetland health is excellent and ecological / flood mitigation functions are optimal.</div><div>b. The vitality of the wai is healthy.</div><div>c. There is an abundance and diversity of lush riparian vegetation, indigenous flora, fauna, and kai species for tangata whenua to access sustainably.</div><div>d. The area is teeming with native birds.</div><div>e. The area is pest and invasive species free.</div><div>f. Te matangaro o tangata whenua is elevated through te tairongotanga (touch/feel, sound, sight, smell, taste) o te wai.</div><div>g. Tangata whenua return to the area regularly for ceremony, to gather, to swim and access the healing abilities of wai.</div><div>h. Kawa and tikanga are in place to assist enhancement of mauri.</div></div>  |                                      |  |
| B   | Good / Mauri piki                    |  |
| <div><div>a. Repo / Wetland health is reasonable and ecological / flood mitigation functions are generally good.</div><div>b. The vitality of the wai is somewhat healthy.</div><div>c. Riparian vegetation, indigenous flora, fauna, and kai species are present but not in a state of abundance.</div><div>d. Native birds are generally seen and heard.</div><div>e. Evidence of harm from pests and invasive species.</div><div>f. Te matangaro o tangata whenua is somewhat elevated through te tairongotanga (touch/feel, sound, sight, smell, taste) o te wai.</div><div>g. Tangata whenua return to the area intermittently for ceremony to gather, to swim and to access the healing properties of wai but this may depend on the condition of the wai and surrounding eco-systems.</div><div>h. Kawa and tikanga are in place to assist enhancement of mauri.</div></div> |                                      |  |
| Te Tai Tokerau Bottom Line  |                                      |  |
| C   | Diminished and impaired / Mauri heke |  |
| <div><div>a. Repo / Wetland health is diminished or impaired but some ecological / flood mitigation functions exist.</div><div>b. Life giving and healing properties are in decline and the wai struggles to sustain the surrounding eco-systems.</div><div>c. There is little riparian vegetation, indigenous flora, fauna, and kai species present.</div><div>d. Native birds are rarely seen and heard.</div><div>e. The area is swarming with pests and invasive species.</div><div>f. Te matangaro o tangata whenua is diminished through te tairongotanga (touch/feel, sound, sight, smell, taste) o te wai.</div><div>g. Tangata whenua do not return to this site often.</div><div>h. Kawa and tikanga are generally absent and do not assist enhancement of mauri.</div></div>   |                                      |  |
| D   | Poor / Mauri noho / mate             |  |
| <div><div>a. Repo / Wetland health is poor and ecological / flood mitigation functioning limited.</div><div>b. Surrounding eco-systems are negatively impacted.</div><div>c. There is little to no riparian vegetation, indigenous flora, fauna, and kai species present.</div><div>d. Native birds are not seen and heard.</div><div>e. The area is overtaken with pests and invasive species.</div><div>f. Te matangaro o tangata whenua is negatively impacted through te tairongotanga (touch/feel, sound, sight, smell, taste) o te wai.</div><div>g. Tangata whenua do not return to this site.</div><div>h. Kawa and tikanga are absent and mauri is degraded.</div></div>   |                                      |  |
| Advisory Note:  |                                      |  |
| <div><div>(a) Tangata monitor this attribute. Mechanism needs to be developed to enable this to happen such as a s.33 transfer of powers or a joint management agreement.</div><div>(b) Tangata whenua will need to determine the best percentage for each - species, birds, tohu.</div></div>  |                                      |  |





| Attribute Table A7: Awa / River Health   |                                      |
|--|--------------------------------------|
| Value (and component)  | Māori freshwater values              |
| Freshwater body type   | All                                  |
| Attribute unit   | Awa / River Health                   |
| Attribute band and description   | Narrative attribute state            |
| A  | Excellent / Mauri ora                |
| a. Awa / River health is excellent and ecological functions are optimal.<br>b. The vitality of the wai is healthy, clear and flow is not weakened as a result of human intervention.<br>c. There is an abundance and diversity of lush riparian vegetation, indigenous flora, fauna, and kai species for tangata whenua to access sustainably.<br>d. The area is teeming with native birds.<br>e. The area is pest and invasive species free.<br>f. Te matangaro o tangata whenua is elevated through te tairongotanga (touch/feel, sound, sight, smell, taste) o te wai.<br>g. Tangata whenua return to the area regularly for ceremony, to gather, to swim and access the healing abilities of wai.<br>h. Tikanga and kawa are in place to assist enhancement of mauri.  |                                      |
| B  | Good / Mauri piki                    |
| a. Awa / River health is good and ecological functions are impaired but function well.<br>b. The vitality of the wai is somewhat healthy, clear, and flowing with some restriction.<br>c. Riparian vegetation, indigenous flora, fauna, and kai species are present but not in a state of abundance.<br>d. Native birds are generally seen and heard.<br>e. Evidence of harm from pests and invasive species.<br>f. Te matangaro o tangata whenua is somewhat elevated through te tairongotanga (touch/feel, sound, sight, smell, taste) o te wai.<br>g. Tangata whenua return to the area intermittently for ceremony to gather, to swim and to access the healing properties of wai but this may depend on the condition of the wai and surrounding eco-systems.<br>h. Tikanga and kawa are in place to assist enhancement of mauri. |                                      |
| Te Tai Tokerau Bottom Line   |                                      |
| C  | Diminished and impaired / Mauri heke |
| a. Awa / River health is diminished and/or impaired and ecological functions are sub-optimal.<br>b. Life giving and healing properties are in decline and the wai struggles to sustain the surrounding eco-systems.<br>c. There is little riparian vegetation, indigenous flora, fauna, and kai species present.<br>d. Native birds are rarely seen and heard.<br>e. The area is swarming with pests and invasive species.<br>f. Te matangaro o tangata whenua is diminished through te tairongotanga (touch/feel, sound, sight, smell, taste) o te wai.<br>g. Tangata whenua do not return to this site often.<br>h. Tikanga and kawa are generally absent and do not assist enhancement of mauri.  |                                      |
| D  | Poor / Mauri noho / mate             |
| a. Awa / River health is sick or brown or odourous or does not flow and struggles to sustain any life.<br>b. Surrounding eco-systems are negatively impacted. The wai has no life-giving or healing properties.<br>c. There is little to no riparian vegetation, indigenous flora, fauna, and kai species present.<br>d. Native birds are not seen and heard.<br>e. The area is overtaken with pests and invasive species.<br>f. Te matangaro o tangata whenua is negatively impacted through te tairongotanga (touch/feel, sound, sight, smell, taste) o te wai.<br>g. Tangata whenua do not return to this site.<br>h. Tikanga and kawa are absent and mauri is degraded.  |                                      |
| Advisory Note:<br>(a) Tangata monitor this attribute. Mechanism needs to be developed to enable this to happen such as a s.33 transfer of powers or a joint management agreement.<br>(b) Tangata whenua will need to determine the best percentage for each - species, birds, tohu.  |                                      |

D  
R  
A  
F  
T



Attribute Table A8: Roto / Lakes Health

|  |                                      |
|--|--------------------------------------|
| Value (and component)  | Māori freshwater values              |
| Freshwater body type   | All                                  |
| Attribute unit   | Roto / Lakes Health                  |
| Attribute band and description   | Narrative attribute state            |
| A  | Excellent / Mauri ora                |
| <div>a. Roto / Lake health is excellent and ecological functions are optimal.<br/>b. The vitality of the wai is healthy and clear.<br/>c. There is an abundance and diversity of lush riparian vegetation, indigenous flora, fauna, and kai species for tangata whenua to access sustainably.<br/>d. The area is teeming with native birds.<br/>e. The area is pest and invasive species free.<br/>f. Te matangaro o tangata whenua is elevated through te tairongotanga (touch/feel, sound, sight, smell, taste) o te wai.<br/>g. Tangata whenua return to the area regularly for ceremony, to gather, to swim and access the healing abilities of wai.<br/>h. Tikanga and kawa are in place to assist enhancement of mauri.</div>  |                                      |
| B  | Good / Mauri piki                    |
| <div>a. Roto / Lake health is good and ecological functions are impaired but function well.<br/>b. The vitality of the wai is somewhat healthy and clear.<br/>c. Riparian vegetation, indigenous flora, fauna, and kai species are present but not in a state of abundance.<br/>d. Native birds are generally seen and heard.<br/>e. Evidence of harm from pests and invasive species.<br/>f. Te matangaro o tangata whenua is somewhat elevated through te tairongotanga (touch/feel, sound, sight, smell, taste) o te wai.<br/>g. Tangata whenua return to the area intermittently for ceremony to gather, to swim and to access the healing properties of wai but this may depend on the condition of the wai and surrounding eco-systems.<br/>h. Tikanga and kawa are in place to assist enhancement of mauri.</div> |                                      |
| Te Tai Tokerau Bottom Line   |                                      |
| C  | Diminished and impaired / Mauri heke |
| <div>a. Roto / Lake health is diminished and/or impaired and ecological functions are sub-optimal.<br/>b. Life giving and healing properties are in decline and the wai struggles to sustain the surrounding eco-systems.<br/>c. There is little riparian vegetation, indigenous flora, fauna, and kai species present.<br/>d. Native birds are rarely seen and heard.<br/>e. The area is swarming with pests and invasive species.<br/>f. Te matangaro o tangata whenua is diminished through te tairongotanga (touch/feel, sound, sight, smell, taste) o te wai.<br/>g. Tangata whenua do not return to this site often.<br/>h. Tikanga and kawa are generally absent and do not assist enhancement of mauri.</div>  |                                      |
| D  | Poor / Mauri noho / mate             |
| <div>a. Awa / River health is sick or brown or odourous or stagnant and struggles to sustain any life and surrounding eco-systems are negatively impacted.<br/>b. The wai has no life-giving or healing properties so tangata whenua do not return at all. Native birds are not seen or heard.<br/>c. There is little to no riparian vegetation, indigenous flora, fauna, and kai species present.<br/>d. Native birds are not seen and heard.<br/>e. The area is overtaken with pests and invasive species.<br/>f. Te matangaro o tangata whenua is negatively impacted through te tairongotanga (touch/feel, sound, sight, smell, taste) o te wai.<br/>g. Tangata whenua do not return to this site.<br/>h. Tikanga and kawa are absent and mauri is degraded.</div>   |                                      |
| Advisory Note:   |                                      |
| <div>a. Tangata monitor this attribute. Mechanism needs to be developed to enable this to happen such as a s.33 transfer of powers or a joint management agreement.<br/>b. Tangata whenua will need to determine the best percentage for each - species, birds, tohu.</div>  |                                      |

D  
R  
A  
F  
T



Attribute Table A9: Uepapa (Upper Aquifer) and Hamuimui (Lower Aquifer) / Groundwater Health

|   |   |
|---|---|
| Value (and component)   | Māori freshwater values                   |
| Freshwater body type  | All                                       |
| Attribute unit  | Wai Whenua / Aquifer / Groundwater Health |
| Attribute band and description  | <b>Narrative attribute state</b>          |
| A   | Excellent / Mauri ora                     |
| Uepapa (Upper Aquifer) and Hamuimui (Lower Aquifer) / Groundwater health, quality and quantity is excellent and is a positive source for surface water.   |   |
| Tangata whenua feel proud of the state of Uepapa (Upper Aquifer) and Hamuimui (Lower Aquifer) / Groundwater.  |   |
| B   | Good / Mauri piki                         |
| Uepapa (Upper Aquifer) and Hamuimui (Lower Aquifer) / Groundwater health, quality and quantity is good and is generally a positive source for surface water.  |   |
| Tangata whenua feel contentment over the state of Uepapa (Upper Aquifer) and Hamuimui (Lower Aquifer) / Groundwater.  |   |
| Te Tai Tokerau Bottom Line  |   |
| C   | Diminished and impaired / Mauri heke      |
| Uepapa (Upper Aquifer) and Hamuimui (Lower Aquifer) / Groundwater health, quality and/or quantity is diminished and impaired and is generally a negative source for surface water. Tangata whenua feel concerned over the state of Uepapa (Upper Aquifer) and Hamuimui (Lower Aquifer) / Groundwater. |   |
| D   | Poor / Mauri noho / mate                  |
| Uepapa (Upper Aquifer) and Hamuimui (Lower Aquifer) / Groundwater health, quality and/or quantity is poor and a negative source for surface water. Tangata whenua feel sad and troubled by the state of Uepapa (Upper Aquifer) and Hamuimui (Lower Aquifer) / Groundwater.                            |   |

Advisory Note:

- a) Tangata whenua monitor this attribute. Mechanism needs to be developed to enable this to happen such as a s.33 transfer of powers or a joint management agreement.
- b) The classification of wai can be different at different times of the year and across time to account for climate change, which must be reflected in freshwater decision making.
- c) Different classifications of wai can apply across the same Wai Whenua / Aquifer.
- d) The same Wai Whenua / Aquifer can have different wai classifications that represent differing views amongst iwi, hapū and/or marae.

D  
R  
A  
F  
T





# WĀHANGA TUA WHĀ

Part 4: Next Steps

## 7.0 Wāhanga Tua Whā: Part 4: Next Steps

In order to successfully give effect to Te Mana me te Mauri o te Wai and empower tangata whenua to be active in all parts of freshwater decision making, the recommended provisions in this report should be adopted in the FPI.

While there are limitations to the extent of this report, it is critical that any FPI implementing the NPSFM, gives effect to the tangata whenua provisions that have been co-created with TWWAG.

There will be regional and local variances with respect to how Te Mana me te Mauri o te Wai should be given effect to in respective rohe and takiwā. But most importantly, it is critical that any future resource consent applications or plan changes impacting on Te Mana me te Mauri o te Wai appropriately consider tangata whenua values. These values and the appropriate pathways to avoid, remedy or mitigate potential cultural effects, need to be developed in partnership with tangata whenua. In doing so, tangata whenua need to be adequately resourced by local authorities and applicants for their participation in decision making to be successful.

Upon agreement with TTWAG and TTMAC it is expected that further consultation and engagement with wider tangata whenua groups will take place on the draft tangata whenua provisions. There may be further research and investigation required for parts of the FPI, the development of FMUs with tangata whenua and communities.

It is assumed that tangata whenua will also actively participate in formal notification processes for the FPI. This may include through submissions, and future submissions, attendance at mediation, hearings or expert witness conferencing. It should also be requested that Māori hearing commissioners with te ao Māori and Te Tiriti o Waitangi expertise are appointed to the freshwater hearings panel for this topic.





# WĀHANGA TUA RIMA

Part 5: Whakakapi | Conclusion

## 8.0 Wāhanga Tua Rima: Part 5: Whakakapi | Conclusion

The whakatauki below is well known in Te Tai Tokerau. It discusses prominent rivers and springs of the east coast of Taumarere and the west coast of Hokianga. Two of the main fountains of life for descendants and haukāinga from these areas.

But as Sir James Henare puts it, '*Ehara i te puna wai, engari he puna tangata.*' *It does not refer to a spring of water, but a spring of people*'.<sup>91</sup>

What this whakatauki metaphorically tells us is the importance of wai and the relationships and whakapapa between iwi, hapū and whānau. The proverb also emphasises the notion of reciprocity that is embodied in kinship ties. While the whakatauki focuses on the ties between Te Taitamatane me Te Tai Tamawahine, and in particular Taumarere and Hokianga, it is a concept other iwi, hapū and whānau of Te Tai Tokerau can relate to. That is whakapapa, kinship and relationships bring us together when discussing te mauri o te wai, or the wellbeing and life-force of our freshwater. Without which we would not be able to thrive or survive as a people.

*Ka mimiti te puna i Taumarere, ka toto te puna i Hokianga*

*Ka toto te puna i Taumarere, ka mimiti te puna i Hokianga*

*E whakarongo ana tātou ki ngā tai e rua - Te Tai Tamatane, me Te Tai Tamawahine*

*When the spring or fountain at Taumarere are empty*

*The spring or fountain at Hokianga are full*

*When the spring or fountain at Taumarere are full,*

*The spring or fountain at Hokianga are empty.*

*Listen all of us to the two tides, the male tide and the female tide.*

---

<sup>91</sup> see Kawharu, M., Tahuu Korero, 2009



## References

- Armstrong, D., & Shortland, T. (2022). *Te Mana me te Mauri o te Wai: A Discussion Document for Te Tai Tokerau*. Whāngarei .
- Cloher, D. U., and Merimeri Penfold, *The Tribes of Muriwhenua: Their Origins and Stories*, (2002). Auckland: Auckland University Press .
- Harmsworth, G., & Awatere, S. (2013). *Indigenous Māori knowledge and perspectives of ecosystems*. Lincoln, New Zealand : Manaaki Whenua Press.
- Jackson, M. (2021). *Statement of Moana Jackson* . Retrieved from Abuse in Care: Royal Commission of Inquiry: <https://www.abuseincare.org.nz/our-progress/library/v/82/statement-of-moana-jackson>
- Marsden, M Rev. (1992) *Kaitiakitanga: A Definitive Introduction to the Holistic World View of the Maori*. As defined in 'Maori Values Supplement' (2010). Published by the Ministry for the Environment.
- Marsden, M., & Royal, T. A. (2003). *The Woven Universe: Selected Writings of Rev. Maori Marsden*.
- Mead, H., (2016) *Tikanga Maori: Living by Maori Values*. Wellington: Huia Publishers.
- Mutu, M. (2010). Constitutional Intentions. In M. Muholland, & V. M. Tawhai , *Weeping Waters: The Treaty of Waitangi and Constitutional Change*. Wellington : Huia .
- Mutu, M., & Jackson, M. (2016). *He Whakaaro Here Whakaumu mo Aotearoa: The Report of Matike Mai Aotearoa - The Independent Working Group on Constitutional Transformation*. Aotearoa: Matike Mai.
- Myers, S., Clarkson, B. D., Reeves, P. N., & Clarkson, B. R. (2013). Wetland management in New Zealand: Are current approaches and policies sustaining wetland ecosystems in agricultural landscapes? *Ecological Engineering* , 107-120.
- Norman Waerete, 1996. Muriwhenua Cultural Research Segment for Te Hiku o Te Ika, in *Sustainable Development in Tai Tokerau. Case Study Two. Te Hiku o Te Ika*. University of Auckland: James Henare Maori Research Centre,
- Panel, I. (2012). *Ngāpuhi Speaks* . Whāngarei : Te Kōwhiri and Network Waitangi .
- Royal, C., *Te Kawa Waiora Report 2020-2021*, (2022). Reconnecting Northland. ISBN: 978-0-473-63437-7
- Smith, L. T. (1999). *Decolonizing Methodologies: Research and Indigenous Peoples*. London : Zed Books .
- Tate, H. A. (2010). *Towards Some Foundations of a Systematic Māori Theology* . Auckland : The University of Auckland .
- Tate, H. A. (2012). *He puna iti o te ao marama: A little spring in the world of light* .
- Tribunal, W. (2012). *Stage 1 Report on the National and Freshwater and Geothermal Resources Claim (WAI 2358)*. Wellington : Legislation Direct .
- Tribunal, W. (2014). *The Report on Stage 1 of the Te Paparahi o Te Raki Inquiry*. Wellington: Legislation Direct.

D  
R  
A  
F  
T



NGĀ ROIMATA O NGĀ ATUA: THE TEARS OF RANGINUI AND PAPATŪĀNUKU - A  
RECOMMENDATION REPORT TO SUPPORT THE IMPLEMENTATION OF TE MANA O TE WAI IN  
TE TAI TOKERAU

Tribunal, W. (2022). *The report on Stage 2 of the Te Paparahi o Te Raki Inquiry*.  
Wellington: Legislation Direct.

Williams, H.W. (1971) *Dictionary of the Maori Language*. 7<sup>th</sup> Edition. Wellington: GP  
Publications.

D  
R  
A  
F  
T



NGĀ ROIMATA O NGĀ ATUA: THE TEARS OF RANGINUI AND PAPATŪĀNUKU - A  
RECOMMENDATION REPORT TO SUPPORT THE IMPLEMENTATION OF TE MANA O TE WAI IN  
TE TAI TOKERAU

## Appendix A: Glossary

| Kupu Māori         | Translation  | Intent and meaning of kupu   |
|--------------------|--|--|
| Ahikāroa           | Burning fires of occupation, long undisturbed occupation, continuous occupation, title to land through occupation by a group generally over a long period of time. The group is able, through whakapapa, to trace back to primary ancestors who lived on the land. |  |
| Awa awa            | Stream or river  |  |
| Awa tupua          | Ancestral stream   | Associated with significant cultural values.   |
| Hamuimui           | Lower Aquifer  |  |
| Hapū Kaitiakitanga |  | An expression of mana i te whenua and as the protectors of their respective areas they are responsible for observing, protecting, maintaining, restoring and enhancing the mauri of every being (both human and non-human) that constitutes the eco-systems which sustain them physically, spiritually, culturally, socially and economically. The authority in enacting and enforcing tikanga to protect, maintain, restore and enhance mauri resides solely with mana i te whenua. |

D  
R  
A  
F  
T





93

NGĀ ROIMATA O NGĀ ATUA: THE TEARS OF RANGINUI AND PAPATŪĀNUKU - A  
RECOMMENDATION REPORT TO SUPPORT THE IMPLEMENTATION OF TE MANA O TE WAI IN  
TE TAI TOKERAU

|                   |   |  |
|-------------------|---|--|
| Koura             | Freshwater crayfish                                     |  |
| Mai ki uta ki tai | water that derives from inland to the sea/salt waters.  | Importance of integrated management.   |
| Mana i te whenua  | Peoples of authority                                    | Whānau, hapū and iwi who are the authority of a particular area of land through whakapapa and ahikāroa.  |
| Mana whakahaere   | Authority to manage                                     | Those who have the responsibility on behalf of tangata whenua to manage or take care of the water body or environment.   |
| Mataitai          | Traditional food sources for Māori, especially seafood. | Fish or other food sources derived from the sea or from lakes (Williams, 1971, p.187)  |
| Matangaro         |   | The unseen elevation of mauri and wairua through tairongo (senses) when the mauri is in a state of ora   |
| Puna wai          | Spring water  | An area where tangata whenua get water from usually to drink   |
| Taiapure          | A local fishery.  | Term refers to an area of coastline or a specific fishing ground which was set aside by the coastal tribe of a particular area for use by an inland iwi or hapū. The taiapure was often accompanied by the right for the inland iwi or hapū to use an area of land near to the taiapure so that fish and kaimoana caught during the fishing season could be preserved for use through winter (Marsden, 1992, p.20) |

D  
R  
A  
F  
T



NGĀ ROIMATA O NGĀ ATUA: THE TEARS OF RANGINUI AND PAPATŪĀNUKU - A  
RECOMMENDATION REPORT TO SUPPORT THE IMPLEMENTATION OF TE MANA O TE WAI IN  
TE TAI TOKERAU

|                  |   |  |
|------------------|---|--|
| Tairongo         | Senses  | Smell, touch, taste, vision and hearing. In te ao Māori tangata whenua often use their senses to listen, feel and experience how the mauri of wai might be. These are sometimes used as cultural indicators. |
| Tangata whenua   | Peoples of the land   |  |
| Te Hurihanga Wai | The Hydrological Cycle  | See Stage 1 Report.  |
| Tikanga wai      | Attributes  | The attributes that are associated with the way in which wai should be managed or cared for.   |
| Tohu tupuna      | An ancestral sign   | A sign that may have only been evident pre-colonial times or pre-development and is not seen any more or not common anymore.   |
| Uepapa           | Lower acquirer  | Kupu more well known in mid-north.   |
| Utu              | Return for anything, satisfaction, make response, payment, answer (Williams, p.471) | Giving more than you receive – leaving something in a better state than when you found it. Restoring balance.  |
| Wahapū           | Headwaters.   | To describe an area that is the source of a river, spring or harbour.  |
| Wāhi wai Māori   | Another word for FMU  |  |
| Wai huna         | Hidden waters   | Wai that has been an intangible meaning to tangata whenua as underground bodies of water that connect up to other water bodies such as repo/wetlands or awaawa (streams)                                     |

D  
R  
A  
F  
T



NGĀ ROIMATA O NGĀ ATUA: THE TEARS OF RANGINUI AND PAPATŪĀNUKU - A  
RECOMMENDATION REPORT TO SUPPORT THE IMPLEMENTATION OF TE MANA O TE WAI IN  
TE TAI TOKERAU

|                    |  |  |
|--------------------|--|--|
| Wai ora            | Healing waters   | Waters used for rituals and healing such as 'pure' or 'tohi'   |
| Wai paru paru      | Wastewater   |  |
| Wai puke           | Flood waters   | To describe flood prone areas?   |
| Wai tai            | Salt water   |  |
| Wai tapu           | Sacred waters  | Waters that should be given the highest order of protection due to the cultural values associated to it. |
| Wai whakamaumahara | Rememberable waters  | These could possibly be included as wai rongoiui or freshwater sites of significance.                    |
| Kupu Māori         | Translation  | Intent and meaning of kupu   |
| Ahikāroa           | Burning fires of occupation, long undisturbed occupation, continuous occupation, title to land through occupation by a group generally over a long period of time. The group is able, through whakapapa, to trace back to primary ancestors who lived on the land. |  |
| Awa awa            | Stream or river  |  |
| Awa tupua          | Ancestral stream   | Associated with significant cultural values.   |
| Hamuimui           | Lower Aquifer  |  |

D  
R  
A  
F  
T



NGĀ ROIMATA O NGĀ ATUA: THE TEARS OF RANGINUI AND PAPATŪĀNUKU - A  
RECOMMENDATION REPORT TO SUPPORT THE IMPLEMENTATION OF TE MANA O TE WAI IN  
TE TAI TOKERAU

|                    |   |  |
|--------------------|---|--|
| Hapū Kaitiakitanga |   | An expression of mana i te whenua and as the protectors of their respective areas they are responsible for observing, protecting, maintaining, restoring and enhancing the mauri of every being (both human and non-human) that constitutes the eco-systems which sustain them physically, spiritually, culturally, socially and economically. The authority in enacting and enforcing tikanga to protect, maintain, restore and enhance mauri resides solely with mana i te whenua. |
| Koura              | Freshwater crayfish                                     |  |
| Mai ki uta ki tai  | water that derives from inland to the sea/salt waters.  | Importance of integrated management.   |
| Mana i te whenua   | Peoples of authority                                    | Whānau, hapū and iwi who are the authority of a particular area of land through whakapapa and ahikāroa.  |
| Mana whakahaere    | Authority to manage                                     | Those who have the responsibility on behalf of tangata whenua to manage or take care of the water body or environment.   |
| Mataitai           | Traditional food sources for Māori, especially seafood. | Fish or other food sources derived from the sea or from lakes (Williams, 1971, p.187)  |
| Matangaro          |   | The unseen elevation of mauri and wairua through tairongo (senses) when the mauri is in a state of ora   |

D  
R  
A  
F  
T



NGĀ ROIMATA O NGĀ ATUA: THE TEARS OF RANGINUI AND PAPATŪĀNUKU - A  
RECOMMENDATION REPORT TO SUPPORT THE IMPLEMENTATION OF TE MANA O TE WAI IN  
TE TAI TOKERAU

|                  |                        |  |
|------------------|------------------------|--|
| Puna wai         | Spring water           | An area where tangata whenua get water from usually to drink   |
| Taiapure         | A local fishery.       | Term refers to an area of coastline or a specific fishing ground which was set aside by the coastal tribe of a particular area for use by an inland iwi or hapū. The taiapure was often accompanied by the right for the inland iwi or hapū to use an area of land near to the taiapure so that fish and kaimoana caught during the fishing season could be preserved for use through winter (Marsden, 1992, p.20) |
| Tairongo         | Senses                 | Smell, touch, taste, vision and hearing. In te ao Māori tangata whenua often use their senses to listen, feel and experience how the mauri of wai might be. These are sometimes used as cultural indicators.   |
| Tangata whenua   | Peoples of the land    |  |
| Te Hurihanga Wai | The Hydrological Cycle | See Stage 1 Report.  |
| Tikanga wai      | Attributes             | The attributes that are associated with the way in which wai should be managed or cared for.   |
| Tohu tupuna      | An ancestral sign      | A sign that may have only been evident pre-colonial times or pre-development and is not seen any more or not common anymore.   |

D  
R  
A  
F  
T



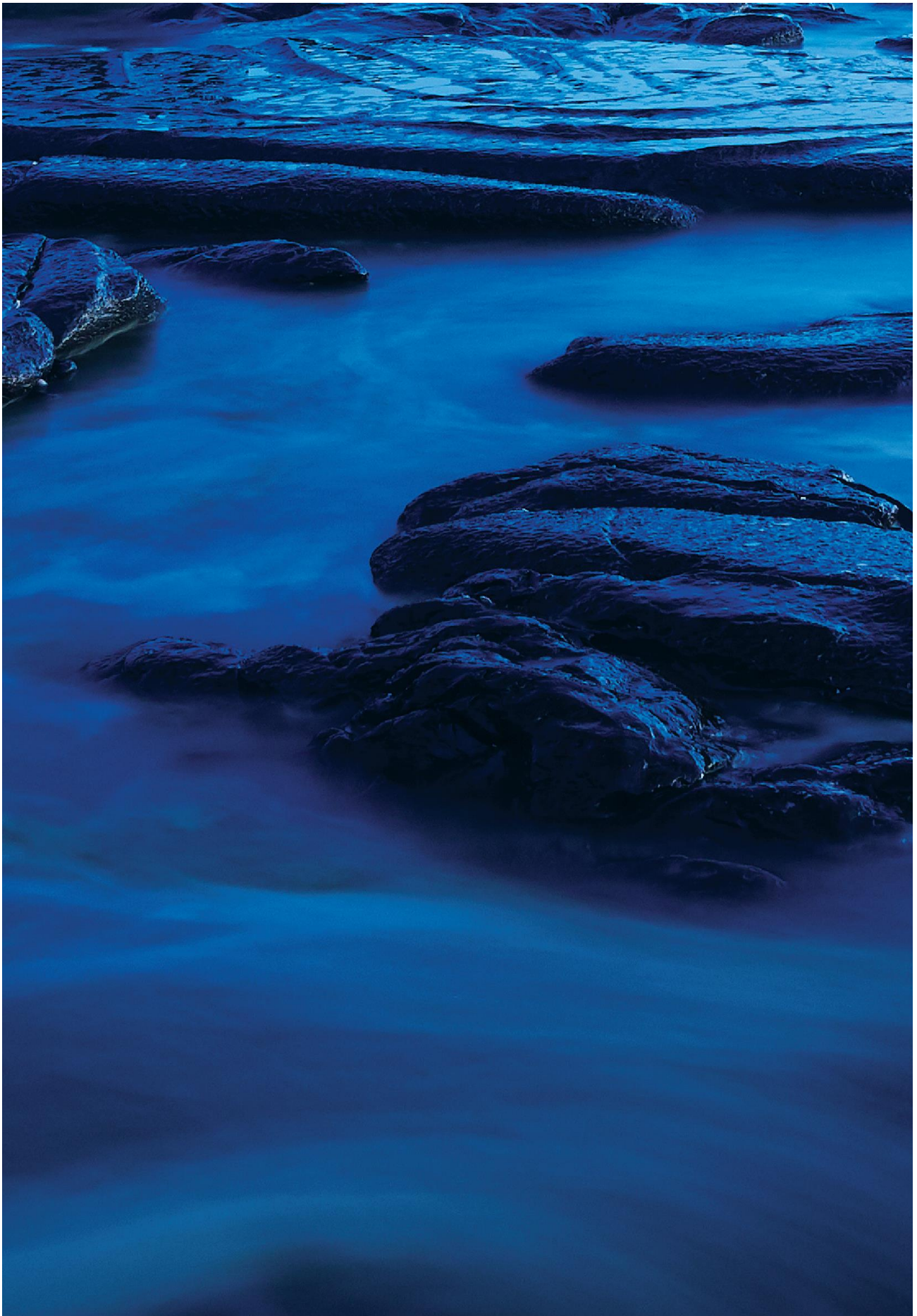
98

NGĀ ROIMATA O NGĀ ATUA: THE TEARS OF RANGINUI AND PAPATŪĀNUKU - A  
RECOMMENDATION REPORT TO SUPPORT THE IMPLEMENTATION OF TE MANA O TE WAI IN  
TE TAI TOKERAU

|                    |   |  |
|--------------------|---|--|
| Uepapa             | Lower acquirer  | Kupu more well known in mid-north.   |
| Utu                | Return for anything, satisfaction, make response, payment, answer (Williams, p.471) | Giving more than you receive – leaving something in a better state than when you found it. Restoring balance.  |
| Wahapū             | Headwaters.   | To describe an area that is the source of a river, spring or harbour.  |
| Wāhi wai Māori     | Another word for FMU  |  |
| Wai huna           | Hidden waters   | Wai that has been an intangible meaning to tangata whenua as underground bodies of water that connect up to other water bodies such as repo/wetlands or awaawa (streams) |
| Wai ora            | Healing waters  | Waters used for rituals and healing such as 'pure' or 'tohi'   |
| Wai paru paru      | Wastewater  |  |
| Wai puke           | Flood waters  | To describe flood prone areas?   |
| Wai tai            | Salt water  |  |
| Wai tapu           | Sacred waters   | Waters that should be given the highest order of protection due to the cultural values associated to it.   |
| Wai whakamaumahara | Rememberable waters   | These could possibly be included as wai rongonui or freshwater sites of significance.  |

D  
R  
A  
F  
T





# VOICES OF NGA WAI MAORI KI TE TAI TOKERAU: A CASE STUDY REPORT

Case study report prepared on behalf of:  
Tangata Whenua Water Advisory Group and  
Northland Regional Council

Authors: Alyx Pivac and Toni Pivac-Hohaia

KAITIAKI

|   |          |
|---|----------|
| <b>TW-WAG TERMS OF REFERENCE.....</b>                         | <b>3</b> |
| <b>CAVEAT STATEMENT .....</b>                                 | <b>4</b> |
| SELECTION OF CASE STUDIES AND INTERVIEWEES .....              | 4        |
| FURTHER COMMENTS .....  | 4        |
| <b>INTRODUCTION .....</b>                                     | <b>5</b> |
| BACKGROUND.....   | 5        |
| SCOPE .....   | 5        |
| METHODOLOGY.....  | 5        |
| <i>Hui</i> .....  | 6        |
| <i>Interviews</i> .....                                       | 6        |
| <i>Literature Review</i> .....                                | 6        |
| OUR APPROACH .....  | 7        |
| <b>CASE STUDIES.....</b>                                      | <b>7</b> |
| POROTI SPRINGS.....   | 7        |
| <i>Introduction</i> .....                                     | 7        |
| <i>History</i> .....  | 8        |
| <i>Literature Review</i> .....                                | 8        |
| <i>Kaitiaki Perspectives   Matua Millan Ruka (MNZM)</i> ..... | 10       |
| <i>Kaitiaki perspective   Matua Hona Edwards</i> .....        | 13       |
| <i>Conclusions   Findings</i> .....                           | 15       |
| <i>References</i> .....                                       | 15       |
| HIKURANGI REPO .....  | 16       |
| <i>Introduction</i> .....                                     | 16       |
| <i>Literature Review</i> .....                                | 17       |
| <i>Kaitiaki Perspectives   Te Raa Nehua</i> .....             | 19       |
| <i>Conclusion   Findings</i> .....                            | 19       |
| <i>References</i> .....                                       | 20       |
| WAIRUA RIVER .....  | 22       |
| <i>Introduction</i> .....                                     | 22       |
| <i>History</i> .....  | 22       |
| <i>Literature Review</i> .....                                | 22       |
| <i>Kaitiaki Perspectives   Te Raa Nehua</i> .....             | 23       |
| <i>Conclusion   Findings</i> .....                            | 25       |
| <i>References</i> .....                                       | 25       |
| WHĪTIKI NGĀ PUNA WAI O HOKIANGA .....                         | 27       |
| <i>Introduction</i> .....                                     | 27       |
| HISTORY.....  | 27       |
| <i>Kaupapa</i> .....  | 28       |
| <i>literature review</i> .....                                | 28       |
| <i>kaitiaki perspectives   Zonya Wherry</i> .....             | 29       |
| <i>Challenges</i> .....                                       | 30       |
| <i>Kaitiaki Perspectives   Lynette Wharerau</i> .....         | 32       |
| <i>Conclusion   Findings</i> .....                            | 33       |
| <i>References</i> .....                                       | 33       |
| AUPOURI AQUIFER.....  | 34       |
| <i>Introduction</i> .....                                     | 34       |
| <i>History</i> .....  | 34       |
| <i>literature review</i> .....                                | 35       |
| <i>kaitiaki perspectives   Penetaui Kleskovic</i> .....       | 36       |
| <i>Conclusions   Findings</i> .....                           | 37       |
| <i>References</i> .....                                       | 38       |
| TE MANA O TE WAI PROJECTS.....                                | 39       |
| PATUHARAKEKE TE IWI TRUST BOARD.....                          | 40       |
| <i>Introduction</i> .....                                     | 40       |

# KAITIAK

collective

|   |           |
|---|-----------|
| <i>History</i> .....                                      | 40        |
| <i>Literature Review</i> .....                            | 40        |
| <i>Kaitiaki Perspectives: Sheila Taylor</i> .....         | 41        |
| <i>Conclusions   Findings</i> .....                       | 42        |
| <i>References</i> .....                                   | 43        |
| <i>Ngā Kaitiaki o Ngā Wai Māori</i> .....                 | 44        |
| <i>Introduction</i> .....                                 | 44        |
| <i>History</i> .....                                      | 44        |
| <i>literature review</i> .....                            | 44        |
| <i>Kaitiaki Perspectives   Chantez Connor-Kingi</i> ..... | 45        |
| <i>Findings   Conclusion</i> .....                        | 48        |
| <i>References</i> .....                                   | 48        |
| TE RARAWA – ME HE WAI.....                                | 49        |
| <i>Introduction</i> .....                                 | 49        |
| <i>History of the Project</i> .....                       | 49        |
| <i>Literature Review</i> .....                            | 50        |
| <i>Kaitiaki Perspectives: Kelly Murphy</i> .....          | 51        |
| <i>Conclusions   Findings</i> .....                       | 53        |
| <i>Challenges</i> .....                                   | 53        |
| <i>Lessons Learnt</i> .....                               | 53        |
| <i>References</i> .....                                   | 53        |
| <b>DISCUSSION</b> .....                                   | <b>53</b> |
| RECOMMENDATIONS .....                                     | 54        |
| <b>REFERENCES</b> .....                                   | <b>56</b> |
| <b>APPENDICES</b> .....                                   | <b>58</b> |
| APPENDIX 1: POROTI SPRINGS .....                          | 59        |
| APPENDIX 2: HIKURANGI REPO .....                          | 62        |
| APPENDIX 3: WAIRUA RIVER .....                            | 63        |
| APPENDIX 4: TE AUPOURI AQUIFER.....                       | 64        |
| APPENDIX 5: PATUHARAKEKE TE IWI TRUST BOARD.....          | 64        |
| APPENDIX 6: TE RARAWA: ME HE WAI.....                     | 65        |



## EXECUTIVE SUMMARY

This report presents the findings of a series of case studies focussed on wai Māori in Te Tai Tokerau. The Case Studies included in this report are: Hikurangi Repo, Aupouri Aquifer, Porotī Springs, Te Mana o Te Wai projects (Patuharakeke te Iwi Trust Board, Me He Wai: Te Runanga o Te Rarawa and Ngā Kaitiaki o ngā Wai Māori), Wairua River, and Whītiki ngā Punawai o Hokianga. In particular, lessons learnt focus on aspects of decision-making, governance, tangata whenua engagement, use of or access to tools such as Mana Whakahono ā Rohe, Transfers of Powers & Functions, Iwi and Hapū Environmental Management Plans (IHEMPs); key themes and issues identified by mana whenua in regards freshwater management, challenges and opportunities, and effectiveness of methods/approaches used.

We sought the feedback and whakaaro from kaitiaki across Te Taitokerau who informed us of their experiences, frustrations and successes. Key themes have developed from these korero, including institutional racism, ignorance towards and direct avoidance of mana whenua perspectives and mātauranga. Much of the degradation and overallocation can be attributed to greed and unsustainable use. Kaitiaki work hard within the system and around system barriers to restore the mauri and uphold the mana of their tupuna awa.

The te ao Māori view of stewardship of nature must displace the Western world view of dominion over nature, conversations need to be had with mana whenua on the whenua and more enforcement for those who flout the rules is required. We discuss and make recommendations for the Council to consider to take practical steps to implementing Te Mana o te Wai in Te Taitokerau.

## MIHIMIHI

We would like to acknowledge the voices of those kaitiaki who are no longer with us, those who were unavailable to kōrero with us at this time and those who are tirelessly working to improve the state of the wai for their whanau, hapū, iwi and generations to come.

## PURPOSE

The purpose of this report is to provide a series of case studies that will help support the work of the Tangata Whenua Water Advisory Group (TW-WAG) drawing on lessons learnt and best practice examples, with a focus on the Northland region and an emphasis on governance, decision-making and engagement approaches associated with freshwater

## TW-WAG TERMS OF REFERENCE

TW-WAG was established on the recommendation of TTMAC to provide feedback, analysis, and advice to council on the development of the freshwater plan change for Northland, to give effect to the NPSFM. NRC has acknowledged in the Terms of Reference (ToR) for TW-WAG that this will not be the only way the Council will engage with tangata whenua. TWWAG also acknowledges it does not have the mandate to speak for all tangata whenua, whānau, hapū and iwi. Other consultation processes involving tangata whenua and community groups are planned for, to receive further feedback on the freshwater plan change.

The ToR includes, but is not limited to the scope, membership, values, objectives and deliverables, some of which are covered here in this Case Study Report.

The drafting of this report and involvement of members from TW-WAG should not preclude or limit further involvement through the formal notification process defined under Schedule 1 of the RMA.

### CAVEAT STATEMENT

This report was prepared by Kaitiaki Collective on behalf of TW-WAG as part of the mahi towards implementing Te Mana o Te Wai in Te Taitokerau.

It is important to note the size, scale and complexity of the area and water bodies within Te Taitokerau and the large amount of mahi that it has taken, and will continue to take, to fully realise Te Mana o Te Wai in the region. The areas surrounding the water bodies that are covered within this Case Study Report are vast and inhabited by numerous mana whenua groups and communities with their own relationships, aspirations, and challenges.

In the early stages of preparing this report, it was acknowledged that there is an unintended geographical focus on the West Coast and should further cases be required, that it be recommended that a selection of East Coast and Far North cases be considered.

The report is limited to providing case studies to support TW-WAG's work drawing on lessons learned and best practice examples with a particular emphasis on freshwater governance, decision-making and engagement approaches, with a focus on the Northland region. While all water bodies in Te Taitokerau are considered taonga and are immensely important, the Case Studies selected represent only a snapshot of the worthy cases this report could cover within the limitations and scope. This Case Study report, by nature, is only indicative of some of the water bodies and perspectives within Te Taitokerau.

The report does not provide (nor is it intended to) the perspectives of all iwi, hapū, whānau and uri in Te Taitokerau, and is crafted to communicate the experiences of kaitiaki who have participated in the efforts to realise their aspirations on behalf of their respective groups.

### Selection of Case Studies and Interviewees

TW-WAG members were invited to select the Case Studies covered in this report. Initially, a long list of potential cases was supplied and the group had a number of wānanga to consider the key outcomes required for the work. From this, a short list was created and the final cases were agreed. We present these to you in this report.

Kaitiaki to be interviewed were nominated by TW-WAG members, however, due to workloads and constraining time factors, there were limits to how many interviewees were able to participate.

### FURTHER COMMENTS

The Case Studies in this report are presented in a geographical order, with the waterbody closest to Te Upoko o Te Ika ā Māui first.

## INTRODUCTION

### BACKGROUND

TW-WAG has completed initial background/foundational work and a Stage 1 discussion document “Te Mana me te Mauri o te Wai” (Stage 1 Report), including a review of relevant Hapu/Iwi Management Plans (HEMPs/IMPs) and other literature to identify key issues and values associated with freshwater management from a tangata whenua perspective. This Stage 1 Report also identifies some of the freshwater attributes. As part of TWWAG’s next phase of work, a series of case studies was required to help support TWWAG develop their recommendations to council on the content of the freshwater plan change, drawing on lessons learnt and best practice examples, with a focus on the Northland region and from tangata whenua perspective.

The Case Studies included in this report are: Hikurangi Repo, Aupouri Aquifer, Porotī Springs, Te Mana o Te Wai projects (Patuharakeke te Iwi Trust Board, Me He Wai: Te Runanga o Te Rarawa and Ngā Kaitiaki o ngā Wai Māori), Wairua River, and Whītiki ngā Punawai o Hokianga. In particular, lessons learnt focus on aspects of decision-making, governance, tangata whenua engagement, use of or access to tools such as Mana Whakahono ā Rohe, Transfers of Powers & Functions, Iwi and Hapū Environmental Management Plans (IHEMPs); key themes and issues identified by mana whenua in regards freshwater management, challenges and opportunities, and effectiveness of methods/approaches used.

### SCOPE

The Case Studies are to provide background context, lessons learned and best practice examples that will help inform as much as possible and support TW-WAG to:

1. Provide recommendations to Council on its draft proposed freshwater plan change to address Māori freshwater values and give effect to Te Mana o te Wai in Te Taitokerau.
2. Provide recommendations to council on associated non-regulatory actions for council to implement to assist in achieving the long-term vision and the desired outcomes.

### METHODOLOGY

The methodology applied was designed by Kaitiaki Collective and guided by TW-WAG members throughout the process. It has been, and continues to be, important that mana whenua have a strong influence on the processes we follow to ensure tikanga is followed and the mana of those who shared their korero with us is upheld.

Ahead of any engagement with TW-WAG or mana whenua, a short project management hui was held between NRC, a TW-WAG Co-chair and our consultants.

A number of key kawa were outlined:

- Involvement of TW-WAG is crucial and although members are busy with many kaupapa we ensured we would always integrate their feedback and honour their knowledge.
- Kaitiaki interviewees will be treated with the utmost respect and provided with their respective Case Study for review.





- Kaitiaki interviewees will remain the owners of their knowledge and their sovereignty will be honoured.

With these thoughts in mind, the following methodology was applied to this project:

- Literature and document research including publicly available documents.
- Wānanga with TW-WAG to receive private collections, manuscripts, and interviewee nominations along with any questions or focus areas TW-WAG requests.
- Literature review draft with key themes and focus areas to focus any questions for interviewees.
- Interviews with nominated kaitiaki.
- Draft report crafted and case drafts sent to the respective interviewees.
- Wānanga with TW-WAG members to receive feedback on the Draft Report.
- Integrate feedback from TW-WAG members and interviewees.
- Final report crafted and sent to TW-WAG members and interviewees for approvals.
- Presentation of the final report to TTMAC members for feedback and/or acceptance as final.

#### Hui

We had the privilege of having hui with available TW-WAG members to discuss the approach taken and receive nominations for literature and interviewees. To respect the time and flexibility of TW-WAG members, the hui was hosted in the evening via Zoom. The attending TW-WAG members discussed their vision for the report and each of the case studies from their perspectives. Together we reviewed an initial list of available literature provided to us by NRC and we received further literature to explore.

During this hui we also received the names of potential interviewees to contact and invite to kōrero with us.

Northland Regional Council brokered a relationship between us and the Ministry for the Environment, who extended an invitation to our team to meet with the recipients of Te Mana o te Wai funding. We attended a hui in Kaikohe and presented to the funding recipients who then self identified as being interested in sharing their experience and views through their respective projects.

#### INTERVIEWS

We invited TW-WAG members to e-introduce our team to the nominated kaitiaki interviewees to ensure their privacy was respected. We invited each to kōrero with us and provided the choice of kanohi ki te kanohi (face to face), phone call, or online media. Each interviewee met with us at a time selected by them and shared their whakapapa, mātauranga and pūrākau with us.

#### LITERATURE REVIEW

A simple literature review was conducted using publicly available documents, manuscripts, Waitangi Claims Reports and articles. Literature reviews, by design, provide an overview of the cases and in this report were used to provide background information and tautoko the lived experience and mātauranga of the interviewees.

## OUR APPROACH

Our approach can be summarised in the following table:

| Outcomes   | Methodology  |
|--|--|
| Lived experience, mātauranga, perspectives of mana whenua and any tikanga, whakapapa or customary practices of tangata whenua. | Literature review with a focus on Waitangi Claim reports and literature crafted by mana whenua.<br>Interviews with mana whenua kaitiaki representatives.<br>Wānanga with TW-WAG. |
| Background, history and scientific support of kaitiaki's experience.   | Literature review.<br>Literature crafted by tauiwi and scientists.<br>Environment court documentation.   |
| Lessons learned and challenges faced   | Interviews with mana whenua kaitiaki representatives.<br>Hui and korero with TW-WAG members.   |

## CASE STUDIES

### POROTI SPRINGS

*Ko Whatitiri te maunga E tu nei i te ao i te po  
Ko Waipao te awa i rukuhia  
i inumia e oku matua tupuna  
Ko Maungarongo te marae  
Hei tangi ki te hunga mate  
Hei mihi ki te hunga o a  
Ko Te Uriroroi  
Ko Te Parawhau  
Ko Te Mahurehure ki Whatitiri nga hapū  
Ko Ngapuhi-nui-tonu te iwi*

*Whatitiri is the mountain which stands by night and day  
Waipao is the babbling brook where my ancestors dived and drank  
Maungarongo is the Marae lamenting the dead, greeting the living  
Te Uriroroi, Te Parawhau and Te Mahurehure ki Whatitiri are the hapu  
The people of Ngapuhi are the people*

### INTRODUCTION

It was pre-colonial times when Whatitiri maunga erupted. This eruption was unique as it didn't erupt through the top, but through its puku. When the powerful eruption settled, the top of the maunga plunged, creating a bowl. During the winter, the bowl filled and spilled over in five different places creating the five awa that come out of Whatitiri; Kauritutahi, Waipou, Tapahina, Okoihu and Karukaru (Edwards, H. 2022). Of the five awa,

Waipao is known to have the best drinking water. This awa is named after the flush of water from the Whatitiri springs. It was said that the matapuna of Waipao was so powerful, the motion caused boulders and rocks to clash and clatter into one another. Pao refers to the striking smashing motion of the water driving these rocks (Rangihīroa Panoho). It is from this awa that Porotī springs is replenished.

The puna emerges from the ground on a two-acre block of Māori reserve land at the base of the gently sloping Whatitiri maunga. The flow at the spring varies depending on the season, however, there is a three-month lag between the rainfall and a rise in the groundwater near Whangārei known as Whatitiri 13Z4 (appendix 1a), which was set aside when Whatitiri Block was partitioned in 1895 (Hamer, 2016). The partitioning of this land occurred between 1895 and 1897 when some 22,500 acres (Block13-Plan 6650 appendix 1a) were subject to a compulsory Government Survey that resulted in mana whenua losing more than 90% of the whenua to settlers within 15 to 20 years (Ruka, 2019). Eight hapū reserves were left, one reserve was Whatitiri 13z4 Porotī Springs Reserve with the other seven being wāhi tapu reserves.

Conflicts erupted between central and local Governments (Whangarei District Council) and hapū (Te Uriruroi, Te Parawhau, Mahurehure) when consents were granted to extract water from the springs with no engagement or consideration to the consequences of these actions not only for the hapū, but for the mauri of their tupuna awa. It has been a long and exhausting battle for mana whenua that continues to this day.

#### HISTORY

The conflicts of Porotī Springs started in 1973 when central and local Government agencies began extracting water by drilling three bores less than 100 meters from the springs reserve. Despite objections by hapū members, the puna was dried in 1983 and again in 1987 until the Northland Regional Council eventually ordered the decommissioning of the bore site in 2004. This was agreed to by the Whangarei District Council (WDC) and other consent holders at the time. However, later in 2004, WDC sold the bore site for \$40,000 as a going concern to Zodiac Holdings Ltd. and both the WDC and NRC facilitated and accommodated Zodiac to re-open the bores for an export water bottling plant.

This reignited the conflict and further compounded breaches of the Resource Management Act that continue through to today.

#### LITERATURE REVIEW

The case of Porotī Springs is well documented and literature has been prepared and published for Waitangi Claims, Environment Court proceedings and news media. Our literature review covers a range of these documents but we acknowledge the vast amount of research and story sharing that the hapū, in particular, has done to date.

The Hamer Report discusses, in depth, the history of the Porotī Springs and the disenfranchisement of the people from the local hapū “the three hapū soon lost control of most of the surrounding land after the Native Land Court’s award of title to the Whatitiri Block in 1895. However, a two-acre section encompassing the springhead itself (Whatitiri 13Z4), along with a nearby meeting house site, were among the few partitions set aside at the time as inalienable reservations” (Hamer, 2016). Hamer goes on to outline that the system of local Māori authority over the springs was brought to an end by the passage of the Water and Soil Conservation Act 1967, which declared the Crown had the sole right to

control natural water and made no provision for the recognition of Māori interests. It was from here that things spiralled for the hapū as the Resource Management Act (RMA) was passed and although it seemed at the time to give Māori more recognition, it essentially allowed the Crown to continue their exclusive control over the allocation of resource consents, with the Treaty Principles being merely “taken into account” while Māori were offered tokenistic participation in the consenting process.

Throughout the literature we see the failure of the Crown agents, Northland Regional Council and the Whangarei District Council to recognise and respect the perspective of the hapū or their whakapapa to the Springs. It seems the notification system; who, how and when these notifications were released (or if they were deemed non-notified, how this is determined) systematically excluded mana whenua from the process. The Alexander report examines the effect that the vesting in the Crown in 1967 had on Māori rangatiratanga (Alexander, 2016)

“Zodiac presented a revised plan to only double the size of the (bottling plant) building’s footprint, which WDC could be processed as a non-notified consent variation.” (Hamer, 2016). In the Hamer report there are at least six mentions of the decision to process the applications as non-notified facilitated by Whangarei District Council and Northland Regional Council.

In the Case Study prepared by Ruka for Kahui Wai Māori he states “There has been no high expectation of satisfactory resolution for a fair outcome that compensates hapū nor that the Crown considers that they have an entitlement of economic benefit to derive from their own customary waterway, Porotī Springs and the Waipao Stream. Hapū are resolute to pursue our entitlement to water rights to water that emits from their whenua and kāinga. They have always considered, expressed and practiced, that our water from Porotī Springs and its aquifer be available to nourish the peoples of Whangārei. However, as the insatiable quest by commercial and Local Government interests for our water resource progress unabated, they have banded together and clearly deliver in all their collective actions that Porotī Māori have no customary or proprietary rights to their water resource that emits from their own lands.” This further compounds the unwavering commitment of the hapū to their tupuna awa in the face of institutions that have failed to respect, recognise, and advocate for the hapū within the system that’s designed to keep them silent.

The hapū’s Environmental Management Policy, penned by Millan Ruka, Meryl Carter, and Dinah Paul states their mission is “to revitalise the health and wellbeing of our environment and our people.” The Plan was developed to:

- Ensure the engagement and participation in planning and decision-making processes of Councils, agencies and developers with respect to their rohe.
- To assert their tino rangatiratanga over their ancestral taonga; and
- To clearly identify the environmental management kaupapa of the Whatitiri Resource Management Unit.

The Plan was published in 2016 after many of the disappointments of the Council’s systems, with the pātai “I peha ngā maunga, awa, koawaawa i pāorooro ai? In what way to the rivers, streams and mountains echo?” The whakataukī links people to the land, water, and each other – symbolic of the relationship of the people of Whatitiri and their whakapapa to Waipao and Porotī Springs. It is clear in the Plan that the hapū have been



preparing themselves to have stronger positioning in the resource consenting process moving forward.

It is the opinion of Hamer, in his 2016 report that “throughout the four decades of consent hearings involving the Springs, only once has a Māori decision-maker been empanelled. That was in 1989, and thus before the RMA’s greater theoretical provision for the participation of Māori in consent decisions. Nor has NRC ever served by Māori advisers on Porotī consent applications, with the one time the NRC ever contracted an expert in tikanga being in order to help defeat the opposition of Porotī Māori to the award of a 30-year consent to Zodiac and Nathan. Time and again the NRC would have benefited from a cultural impact assessment, but one has never been commissioned. No hearings of consent applications have ever been held on marae, despite provision for this in the Regional Water and Soil Plan. Porotī Māori have also suffered from their comparative inability to afford lawyers and technical experts, which has put them at further disadvantage compared to the consent-holders.” This captures the essence of the issues within the NRC which has led to the ongoing disappointment of and failure to the hapū.

Hepi et al (2021) further supports the kōrero regarding a lack of Māori decision makers and influence within Councils, sharing the concerns regarding the impact of colonisation and experience of institutional racism calling for evaluations to be grounded in te Ao Māori worldview to reflect indigenous values. Porotī Springs is one of many cases that would (in hindsight) have been positively impacted had there been appropriate racism and bias checks in place.

#### KAITIAKI PERSPECTIVES | MATUA MILLAN RUKA (MNZM)

Millan sits with us in his office surrounded by maps, photographs, articles and papers. His office is nestled amongst his gear required for his mahi for the Aotearoa River Patrol – an organisation he set up with his Uncle Henry in 2010.

It was then that Millan stood on the banks of the Wairua River with his 80-year-old Uncle and realised what he’d lost. The awa he fished and swam in as a young boy was unrecognisable. After years of working as a builder and Project Manager, he had returned home to find his tupuna awa had been polluted by the intensive dairy farming along its banks.

His commitment to his awa since then has been unwavering and his relentless efforts have since been honoured through his appointment as a Member of the New Zealand Order of Merit (MNZM) for his services to Conservation as well as the respect of his hapū and local community.

He explains the whakapapa of the issues at Porotī Springs.

In 1895 to 1897 his tribal lands of 22,543.4 acres (Block13-Plan 6650 appendix 1a) were subject to a compulsory Government Survey that led to the hapū losing more than 90% of the whenua to settlers within the following years. From the initial 22,500 acres, the hapū was left with eight hapū reserves - one being Whatitiri 13z4 Porotī Springs Reserve and the other seven being wahi tapu reserves. The legal documents for this date back to 1960 when the hapū Te Uriroiroi, Te Parawhau and Mahurehure were granted “common use and benefit” to eight blocks of land around their ancestral maunga (appendix 1b).



The hapū have always been and are still the sole owners of these reserves today, including Porotī Springs Reserve 13z4. The contentious Porotī Springs land block 13z4 spans less than four acres and has two springs, Tahi and Rua that emit from within its boundaries. Home to the hapū, Maungarongo Marae is located within 200 metres distance.

The springs are nourished by the maunga, Whatitiri, and its aquifer within. The Springs are the headwaters of the Waipao Stream that twists its way across the farmlands to connect to the Wairua River. It is this sacred water that has nourished the people of Te Uriroro, Te Parawhau and Te Mahurehure ki Whatitiri for generations.

Millan explains that the conflicts of Porotī Springs started in 1971 when the New Zealand Government and Local Government agencies decided to extract water from across the road from block 13z4. During this year, the Whangarei City Council applied for the right to take up to 23,000m<sup>3</sup> per day from the bores above the springhead for the town's water supply. The consent was granted however, despite warnings and requests from the hapū, there was no requirement for a minimum flow to be maintained. In 1983, for the first time in history, the springs ran dry. This would soon happen again when the springs ran dry a second time in 1985. Despite this, Whangarei City Council was granted a new right to take from the bores until 1989 with a new requirement to maintain a minimum flow of 20 litres per second.

In 1994, the Whangarei City Council's (now Whangārei District Council (WDC)) right to take water from the Springs expired. The Whatitiri Māori Reserves Trustees expressed their interest in acquiring the site so they could protect this important local resource and retain its control within the hands of the community. However, unbeknown to them, Richard Nathan, a local hapū member had already been in contact with the WDC and shared his aspirations for commercial development of the springs for the good of his whanaunga. By 2000 the existing water consents on the Waipao and Porotī Springs were all expired. The WDC and Maungatapere Water Company Limited (MWCL) applied for consent renewal, along with Nathan who had recently acquired a new commercial partner for his water bottling venture, Planet Blue Water Bottling Ltd. Millan explains the 'scallywag' behaviour that followed this as the business men isolated each of the land owners and convinced them to allow the company access to the water. This process offended tikanga in many aspects and once the project was better understood by the wider community, the support was later revoked by the hapū.

The consents for Nathan, WDC and MWCL were all granted, opening up the ability for the Springs to be accessed again. As the 2010 expiration date loomed, the consent holders appealed on the notion that the Northland Regional Council's minimum flow requirement was conservative. It was in 2001, that Planet Blue Water Bottling applied for a land-use consent to construct a bottling plant adjacent to the WDC's original bores. Relying on Nathan's assurance that any previous cultural issues were rested, the consent was granted. It wasn't long until Planet Blue went under and their interests were bought by Zodiac Holdings Ltd - a father and son company based in Auckland.

Nathan owed \$4000 to the NRC for the processing of his consent. Zodiac Holdings paid for this and in return Nathan transferred 50 percent of his water rights to the company. Shortly it would seem the relationship between Nathan and Zodiac would fail as he failed to pay for 50 percent of the project costs. Nathan then attempted to separate Zodiac's right to access water from his, however Zodiac advised that Nathan was unable to extract



water since Zodiac owned his nominated point of take and he had no financial support. It was then that Nathan realised the relationship between him and Zodiac was over.

It was in 2004 that the WDC sold the bore site to Zodiac for \$40,000 as a going concern. The hapū were in shock. Unsurprisingly though, both the WDC and NRC proceeded to facilitate and accommodate (through the resource consent notification process) Zodiac's ambitions to re-open the bores for an export water bottling plant. In fact, the hapū are aware that the WDC had previously spent more than \$1.1 mil to procure and develop this site and readily sold it to the company for a fraction of that cost.

Zodiac applied for resource consents to access and take an increased amount of water from the Springs. At one point the company had increased its take request to 3,500m<sup>3</sup>. While NRC staff confessed to being unqualified to comment on the cultural impact of these takes, staff decided that there were no harmful effect on the springs. Such claims were based on impacts on the growth of watercress near the springs.

It was about this time that the hapū were working through their treaty claims and Millan remembers requesting that the Environment Court defer the hearing until the outcome of the Waitangi Tribunal's freshwater inquiry was completed, but the Court refused. The outcome of the inquiry was vital though, as it found 'hapū and iwi are guaranteed by the treaty the 'exclusive right to control access to and use of water while it was in their rohe'.

Zodiac's consents were declined based on a number of issues that needed to be resolved which provided the hapū with temporary relief. Zodiac undertook mediation with its consent holding neighbours (MWCL) Maungatapere Water Company Ltd and seemingly resolved the issues. As the Trustees were not legally attached to the appeal, they were not advised of this or given the opportunity to engage with the consent holders or partake in mediation. The mediation between the organisations was successful and so was the appeal. The trustees were, however due to share their views in regards to one of Zodiac's consent applications for a 35 year take, which would be another disappointing experience with the court rejecting their appeals and agreeing that consultation with the Trustees was adequate.

It was in 2011 that the company applied for a 10 year extension, however only five years was granted. So now with a consent to take and bottle water until 2016, and an increase in the volume until 2013, the company applied, again, for a variation in the consent to double the size of the plant which was put through as a non-notified consent variation and inevitably approved by both NRC and WDC.

The Porotī Springs was overallocated with historical continuous failure for the hapū, with Millan seeking funding, or self-funding reports and actions to fight for the beliefs of the hapū in regards to the Springs. Zodiac held the land and consents for 20 years but failed to move into commercial production.

The Office of Treaty Settlements has since purchased Zodiac's assets, 'land banking' them for future settlement processes. The purchase included the resource consent to extract water from the Whatitiri aquifer and was sold to the Crown for \$7.5 million.

Millan shares that, as recently as a year ago, 100 or so acres were purchased by a farmer who's begun knocking the ngahere down for a kiwifruit farm. The commercial borers have moved in and there's an obvious expectation that the aquifer will be accessed by the



farmer. The new company Kiwi Gold out of Kumeu applied for consent for approximately 1,500 m3 per day. Despite hapū objections the consent was granted. Millan shares that the complicated outcome came about as the hapū was deemed non-notified.

Millan tells us about the notification system and the limited level of legal consequence. The Resource Management Act (1991) section 8, *In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi)*. It is the essence of what “take into account” means for hapū where the decision maker (which is always the Crown) merely needs to consider the matter and weigh it up with other relevant factors. The interpretation of the RMA has continuously “done the hapū over”. When the hapū receive resource consents Millan sees it as the “have a chat” process and any outcomes are usually up to the goodwill of consent applicants and the Crown.

KAITIAKI PERSPECTIVE | MATUA HONA EDWARDS

Ko Whatitiri te maunga tu te ao tu te po  
Ko Waipou te awa  
Ko Maungarongo te marae  
Te Uriruroi me nga te parawhau me ratou te whanau  
Ngapuhi nui te iwi

Hona Edwards was born in Whangārei and grew up in Motatau. He joined the New Zealand Defence Force, and served for two years, based in Singapore and Hong Kong. Post his military service, Hona married and has two sons, two daughters and three ātaahua mokopuna. Hona is active in Te Ao Māori, and serves on many committees, trusts, and advisory groups representing his hapū in Mangakahia, Whangārei, and Northland communities. We meet with Hona as a member of Ngā Kaitiaki ō ngā Wai Māori – A group of hapū-based kaitiaki with strong whanaungatanga who have come together to realise their common aspiration “kia whakahokia te mauri ki nga awa” - returning the mauri to the rivers. The hapū involved in the group are Te Parawhau, Te Uri-ro-roi, Te Kahu o Torongare, Ngāti Hine and Te Ore Wai.

Historically, the tūpuna of Te Uriruroi would negotiate with those who would want to access the Waipao, initially they have negotiated with the Education Board to supply the local school with water, along with other users in the area. When the Crown, through the local agencies started creating ture (law), they took away this ability, instead enforcing the payment of water rates by the hapū.

Hona’s whakapapa is tuturu Te Uriruroi of Porotī. His connection here stems from his deep ancestral roots to Rewi Tohukai and Ihapera (Te Ruu) of Te Parawhau. The first established kāinga for Te Uriruroi is at the end of what’s now called MacBeth Road (Appendix 1c), this borders the Kara Road Block and includes whenua along and within the Pukenui maunga. Te Uriruroi’s name stems from the Roroi – the brackenfern root, the mana kai of the hapū. The uri would take the brackenfern root, taro, tuna, and watercress as koha when visiting other iwi and hapū. Te Uriruroi is the tūākana to Te Parawhau. Te whanau o Mahurehure responded to a call from Te Uriruroi Chief Te Rurau.

The whanau has never left the site of their tupuna, Waipao. During the times of the World Wars, Hona’s mother allowed all but one son to serve. The son that stayed in Whangārei

was Hona's father. The whanau would visit the Waipao with his uncles to perform karakia and tangaengae which would ensure their safe return. On their return they would visit their tupuna awa and mihimihi to pay homage for her protection. The tikanga within the hapū is still strong and to this day the people of Te Uriroroi still visit the Waipao to bless babies and when they're unwell or to receive mirimiri and experience the healing nature of the wai. When Hona was a baby his parents lived in a humble home near the Waipao. In the evenings the awa would softly hum him and his siblings to sleep. This is whakapapa, this is the deep connection that generations before have experienced. Ceremonies have been held in her presence for generations; the cleansing and healing of whanau as the people of Te Uriroroi have and still believe in the spiritual healing power of Te Waipao, the spiritual healing of wai.

*"Without water, nothing survives. That's the true power of our wai." – Hona Edwards*

The tupuna of Te Uriroroi (and all indigenous peoples) had an intrinsic infinity with the taiao and what it meant. This was observed through maramataka, mātauranga and understanding the cycles of the Atua and expressions of them. The interaction of the rise and setting of the sun and the moon, the movement of manu and the ability of them to seed entire ngāhere, the connection of bees with kai. The naming of Porotī (its true name being Porotītī) is directly connected with the taiao as its named after the abundance of tītī tree. It was through the Public Works Act (1981) (PWA) that a road was cut through the whenua (State Highway 15) and today there are roughly 2000 trucks and vehicles travelling through and dispersing waste onto the whenua. The hapū are concerned of the impact of this on the aquifer.

There was a time of real stress when Councils, Richard Nathan and Zodiac Holdings and other consent holders were pushing for access to the waters of the Waipao. The Government's purchase of Zodiac's assets, and the return of the 4ha to the hapū as custodians by way of a lease (not as owners) has provided some temporary relief.

It is with caution that Hona approaches Te Mana o Te Wai as there are questions about the impact on the mana of the people and their relationships with their tupuna, Te Waipao. Te Uriroroi view themselves as the māngai me ngā kaimahi for their tupuna and should not be overruled by the ture. Te Mana o te Wai and Three Waters, for example, are viewed as Crown strategies to gain (or at least retain) control. This has been the experience of Māori since 1840 and the deep distrust has been learned through disappointments and false promises over time. Over time, rūpū have been created and disestablished, tables have been set and cleared, and experts have come and gone, all under the control of the ture; TTMAC, Te Kahui Wai Māori, Iwi Chairs for example but the question is being asked; where does this leave the people at home? The ahi kā? Is there anything they should be afraid or concerned about? The distrust of whanau at home stems from a long whakapapa and the absence of these rūpū at marae to korero and hui with the whanau. The conversations are welcome and required to understand the whakaaro and needs of the people. The korero are currently held away from the papa kainga, away from the awa but are about the awa. To Hona and his whananunga, this doesn't feel right.

While Te Uriroroi work with, sit along and cooperate well with their local community, it is with the knowledge that there is great inequity in access to resource, pūtea, capacity and time. Te Uriroroi never have (and never will) want their tupuna Te Waipao to stop supplying the community. The desires are to share in the resources their tupuna are

creating so that the hapū can live comfortably and provide opportunities for their people to come home and connect to their tupuna and whanau – a desire that’s not unique to Māori.

#### CONCLUSIONS | FINDINGS

The Porotī Springs Case is a classic example of continued failure by the Crown and has caused great angst and disappointment for the hapū. There is no doubt that political positioning of Council members and bargaining with company owners has played a strong part in the process with hapū members staying staunch in their position since the issue first arose.

Hapū members have advocated for their tupuna awa and acted as the māngai for her through many court hearings and consent grantings and at times have had to mobilise to protest or practice noho (sit-ins) on the whenua to avoid further degradations.

The hapū have learned, over time that they need to stay active and across the workings of the Councils and consent grants and build strong relationships within the community to keep their eyes fixed to ensure any new movements are watched closely. The hapū eagerly await the return of the title so they can practice kaitiakitanga and rangatiratanga as they see fit, while supporting their local community. Years of Court hearings and misinformed decisions have tainted the relationship between the hapū and the Councils and it will take a considerable amount of effort by the Crown before the hapū considers lending their trust.

The Case is a perfect example of the resource consenting process failing Māori and creating financial and emotional trauma the hapū have committed to remediating. The Case highlights the need for ongoing and meaningful engagement, more than a “have a chat” process as identified to the Waitangi Tribunal by Millan Ruka. Hapū have ongoing reservations about policies, plans and rules and, put simply by Hona Edwards “just want to have any kōrero about our awa in our marae and with our people.”

#### REFERENCES

- Alexander, D. (2016) Porotī Springs. A spring of celebration, then a spring of conflict since 1973
- Rangihīroa Panoho, Pao pao te wai, Waipao te awa Canvas Art 2006
- Hamer, P. (2016) Porotī Springs and the Resource Management Act, 1991-2015
- Carter, M., Ruka M., Paul, D. (2016) Te Uriroi Hapū Environmental Management Plan, Whatitiri Hapū Environmental Plan
- Carter, M., Ruka M., Paul, D. (2016) Te Uriroi Hapū Environmental Management Plan, Whatitiri Hapū Environmental Plan
- Hepi, M. Foote, J., Ahuriri-Driscoll, A., Rogers-Koroheke, M., Taimona, H., Clark, A. (2021) Enhancing cross-cultural evaluation practice through kaupapa Māori evaluation and boundary critique: Insights from Aotearoa New Zealand. Wiley Online Library.
- Māori Tuna Conference 2017 <https://www.youtube.com/watch?v=kUdX3V9xOWI>
- (Ngā Kaitiaki o ngā wai Māori Strategic Plan, 20120-2016

## HIKURANGI REPO

The focus of this chapter is the Hikurangi Swamp and the drainage scheme that encompasses it (appendix 2a). A literature review was conducted, based on publicly available literature, articles, and recorded interviews.

## INTRODUCTION

*Ko Hikurangi repo*  
*He pātaka kai*

## HISTORY

Traditionally, the Hikurangi Repo was once considered a pātaka kai to mana whenua, a major food gathering site for local hapū to harvest tuna (eels) and other aquatic life such as kākahi (freshwater mussel) and kēwai (freshwater crayfish) - its waterways teeming with native flora and fauna. The hapū Ngāti Hau, Ngāti Kahu o Torongare and Te Parawhau, collectively referred to as Ngā Hapū o te Reponui, claim status as mana whenua or kaitiaki of the area (Cunningham et al, 2016). According to WAI 1040, when Europeans first encountered the swamp, it was heavily forested, chiefly with kahikatea.

Brandon Edwards, of Ngāti Hau, as cited in Te Kawa Waiora, stated “(The Hikurangi Swamp) ... is a mediation ground between Tāne and Tangaroa and acts as a sponge to soak up sediment that naturally flows down water ways and prevents it proceeding down further, for example, to the Kaipara.”

*“The repo was like a peacemaker; it would filter out the raruraru and flow with good out the other end.”*

*Chantez Connor-Kingi (Ngāti Kahu o Torongare)*

The Hikurangi Swamp, which is dominated by a large drainage scheme, is now an ecosystem under duress. Before upwards of 96% of the area was drained, the Hikurangi Repo was one of the largest wetlands not only within Aotearoa New Zealand, but in the Southern Hemisphere. These days, sprawled across the Hikurangi Repo is a network of farms. Each of these contribute to the state of the repo.

Until the early 1900s the repo was unsuitable for farming, but as early European settler migration eventually expanded outwards from the main centres, they looked to the alluvial flats of the swamp. Wetlands, in their natural state, were considered by these settlers to be unproductive spaces whose only value lay in their potential to be developed into fertile farmlands. In response to these perceptions of problematic wetlands, the government of the time introduced a series of acts which first created and then authorised government institutions to systemically drain the country’s wetlands (Parsons, Fisher & Crease, 2021).

The Crown declared the Hikurangi wetlands a ‘drainage district’ in 1919, implementing major drainage works in the 45,000-acre area under the declared district (Cunningham et al, 2016). Initial drainage of the Hikurangi Repo was then undertaken by the Lands and Survey Department, commencing that very year, converting the wetland into agricultural land. This continued until the 1930s and resulted in the construction of an extensive network of drains to reduce the frequency and duration of flooding. However, lack of funding and maintenance meant that these alterations fell into disrepair over the following decades (Summers, 2013).

During the early 1970s, the Hikurangi Swamp Scheme was again developed, this time by the Northland Catchment Commission. This land drainage and flood protection scheme was designed for the purpose of controlling floodwaters that regularly inundated farmlands within the Hikurangi Valley (Summers, 2012).

The Hikurangi Swamp Scheme now comprises of a system of earth banks – which confine floodwater away from farm and agricultural land – and stop banks – which have been separated into seven pockets (Te Mata, Junction, Otonga, Tanekaha, Okarika, Mountain, and Ngarara-i-tunua). Once water rises beyond a set level, it then spills over the banks and through specially constructed spillways into these pockets. Rainfall runoff from within the pockets, together with occasional flood flows overtopping the banks, is collected by a series of drains and canals and returned to the river via flap gates and/or pump stations at low points in the stop banks. These pump stations are generally able to deal with small to moderate rainfall events without significant flooding of pasture, but heavy sustained rainfall can lead to extensive flooding across pastoral lands.

Today (2022), the WDC manages the Scheme, while operations and maintenance are contracted to an external contractor, Transpacific Ltd (Cunningham et al, 2016).

The Hikurangi Repo, though a large area in itself covering some 5,670 hectares, is part of a much larger and more complex waterway system and catchment (Te Kawa Waioara, 2021). The drainage scheme and proliferation of farms and livestock has taken its toll. As stated by Te Raa Nehua of Ngāti Hau, there is widespread freshwater devastation because of degradation of the Hikurangi Repo which affects many waterways, including the Wairua Awa.

According to Land, Air, Water Aotearoa (LAWA), some of the current major environmental issues for the Hikurangi catchment include natural and anthropogenic barriers to fish passage, water abstraction and discharges, deoxygenation of water during flooding, and management of stock access to riparian margins.

#### LITERATURE REVIEW

Our literature review revealed that there has been substantial research conducted on the Hikurangi Repo including, but not limited to, Waitangi Claims, Environment Court proceedings, research documents and news media and further publications detailing the importance of wetlands. We identified many literature sources detailing the largely negative effects of the Hikurangi Swamp Drainage Scheme on the well-being and hauora (health) of the wetland, as well as recent literature covering local Māori perspectives concerning the repo (Te Kawa Waioara).

It is apparent from the literature that though much has been done to reduce harm to the repo, there is still a lot of work to be done. The literature highlighted the well documented plight of tuna whakaheke (migrating eel), citing tuna are still blocked in their migration journeys and groups, such as Ngā Kaitiaki o Ngā Wai Māori, are going to great lengths to ensure they can continue their whakaheke.

Literature identified that “swamps are highly sensitive to environmental changes” and act as lowland slumps (Koroi, 2021) and the destruction of these ecosystems – which occurred nationwide after the British Crown usurped power from hapū – was widespread. Koroi states:

“Well integrated lakes and swamp ecosystems containing harakeke, raupō and tī kouka, which would collectively act as a significant carbon sink, were destroyed across Aotearoa. More often than not, these carbon sinks were replaced with significant carbon sources, such as intensive farming” (p.25 Koroi, 2021).

Royal, (2021) explains that the draining of the Hikurangi swamp, described as the ‘food bowl’ of local hapū, had major impacts on these communities. It resulted in decreased water quality and quantity, and diminished access to traditional food and other resources causing, among other things, a change in diet. He agrees that the impact of this change, in the period 1840-2000, upon tangata whenua communities is well known.

In February 2016, NIWA scientist, Neale Alan Hudson, presented evidence to the Waitangi Tribunal regarding water quality and the ecological status of the Wairua River catchment. He stated that tests indicated generally impaired water quality while surface waters across the Hikurangi Swamp Scheme were generally unsuited to recreation involving immersion, and might represent a risk to individuals involved in contact recreation (Cunningham et al, 2016).

“A 2013 NIWA study concluded that Swamp and wetland drainage, waterway realignment, decrease in the extent and frequency of flooding, loss of natural bankside cover and increased nutrient loads have all contributed to a significant loss of fish habitat within the entire catchment” (Williams, Boubée, Halliday, Tuhiwai 2013 as cited in p21, Cunningham et al, 2016).

As cited in Te Kawa Waiora (2021), there was minimal consultation with tangata whenua regarding the Scheme, despite the repeatedly expressed wish for ‘active participation in any assessment or review of this Scheme.’

Ngā Hapū o Te Reponui sought recognition of their status as kaitiaki and a ‘collaborative partnership’ with all relevant agencies, scientific bodies, and the wider community to develop and implement a sustainable catchment plan to ‘restore the health of the swamp and awa’ as well as the revitalisation of their relationship as kaitiaki.

Royal, (2021) found a deep sense of frustration, reflected in mana whenua accounts, about both the state of the environment and their inability to significantly influence decision-making regarding the environment.

“They are deeply sceptical about the ability of Crown agencies (local, regional, central Government) to truly address the urgent and disastrous situation facing the environment, a state that they hold the Government accountable for in the first place. They are also deeply dissatisfied with constantly having to ‘fit into’ schemes, plans and designs created by the Crown which fail in two ways - (1) real change does not occur, significant issues are not genuinely addressed, and (2) the mana, authority and agency of tangata whenua ‘on the ground’ to design and implement their own plans (to sit alongside those of the Crown and its agencies) is not envisaged, acknowledged or enabled” (Royal, 2021).

He believes that from the mana whenua view point, there is no alternative but to design and lead action themselves, alongside that of the Crown, based upon their deep relationships.

According to Parsons et al (2021), drainage schemes were essentially cooperative development ventures between the settler state and individuals, which relied on common (European/Pākehā) understandings of how land and water should be used. This perception was, and is, at odds with te ao Māori perspectives.

Throughout the literature we again see the failure of Crown agents to recognise and respect the perspective of mana whenua and their relationship to the repo.

#### KAITIAKI PERSPECTIVES | TE RAA NEHUA

As detailed earlier, the construction of the Hikurangi Swamp Scheme resulted in the realignment of waterways from their once natural bends and twists into unnaturally straightened channels, rushing water and sediment down their lengths much faster than it would in its original state.

According to Allan Halliday, a well-respected kaitiaki and contemporary of Nehua's (as cited in WAI 1040) the Hikurangi Swamp Scheme 'totally altered the natural course and total environment of the Waiotū River and allied land configuration, creating severe effects on traditional foods such as tuna, kākahi, and kēwai and areas for harakeke and kuta gathering' (Cunningham, 2016).

Nehua agrees with this sentiment, asserting that there is widespread freshwater devastation because of degradation of the Hikurangi repo. He has been involved in local freshwater advocacy for the better part of three decades, campaigning for the hauora of wai with the backing of his whanau, marae, hapū and Iwi. He revealed that "it took a while, but we managed to get a video of eels getting chopped up in the turbines – the farmers possibly already knew about this." From his calculations, close to one and a half tonnes of tuna every flood, in every pump station, would fall victim to this fate. In Nehua's opinion, this is not only devastating, but unnecessary. Pumps that do not mince up fauna exist, but because of their higher economic cost, they have not been implemented.

#### CONCLUSION | FINDINGS

There is no doubt that the creation of the Hikurangi Swamp Scheme significantly modified what was once one of the largest wetlands in the southern hemisphere and a major source of kai for local whānau and hapū. It is clear that the cumulative impacts on the repo and its wider catchment, as sites of environmental and social exploitation, are of major concern to mana whenua. While there is some evidence to support an improvement, these improvements are incremental and do not converge with aspirations of mana whenua.

The status as kaitiaki and the capacity to practise kaitiakitanga has been eroded by a number of factors. Mana whenua perspectives hold strongly to the desire to exercise their responsibilities as kaitiaki, with concerns that the same colonial ideologies from where the exploitation and injustice originated are being reproduced within spaces purporting to lead solutions (Koroi, 2021).

In 2016, claimants of the Waitangi Tribunal Claim, WAI 1040, asserted that the declining tuna population was due to declining water quality, habitat degradation and migration barriers – including within the Hikurangi Swamp Scheme and Wairua Power Station.

Bioindicators of a healthy repo include a thriving population of tuna whereby local hapū can serve it to their manuhiri at their marae, exercising manaakitanga.



In terms of other indicators that mana whenua deem significant, runoff of nutrients and sediment from the land needs to be more carefully managed. This would include more carefully controlling fertiliser application.

As recently as June of this year (2022), Whangārei District councillors voted in favour of the setting up of a trust, run by farmers, to manage the \$50m WDC drainage scheme. Local iwi and hapū are concerned about what this might mean in terms of their involvement, convinced they don't have any meaningful authority under the proposed arrangement.

When it comes to decision making, mana whenua must not only be at the table, but have authority when they are there.

#### REFERENCES

([https://whangareiartmuseum.co.nz/exhibition/wet\\_land/](https://whangareiartmuseum.co.nz/exhibition/wet_land/))

Arvay Armstrong-Read Knowledge Creation Consultancy Ltd. (???). *Te Huarahi hei whakahokia te Mauri o ngā Awa: A pathway to return the essence of life to the water ways*

Cunningham, M., Webb, R., Gilkison, P. & Maynard, J. (2016). *Northland Rural Rivers: Environmental Management, Pollution, and Kaitiakitanga since 1991*. Waitangi Tribunal Report

Daigneault, A., Dymond, J., Ausseil, A.G, Tanner, C., Mason, N., Burge, O., Carswell, F. (2017). *An ecosystem services assessment for the Living Water Partnership – Upper Wairua Catchment*. Landcare Research Manaaki Whenua.

Department of Conservation (2014). *Baseline Report: Hikurangi Catchment, Contract 4553*. NIWA.

Harawira, T. (7.7.2022). *Hikurangi Swamp scheme trust gets thumbs down from iwi, interest groups*. Te Ao Māori News. <https://www.teaomaori.news/hikurangi-swamp-scheme-trust-gets-thumbs-down-iwi-interest-groups>

Hikurangi Swamp Map

<https://www.wdc.govt.nz/files/assets/public/documents/services/water/stormwater/hikurangi-swamp-map.pdf> (Accessed September 2022)

Kamira, R. (2021). *Literature Review: Te Kawa Waiora Working Paper 1*. Reconnecting Northland for Waimā, Waitai, Waiora.

Koroi, H. (2021). *In Right Relationship – Whanaungatanga, Climate Aotearoa*. Allen & Unwin.

LAWA: *Land Air Water Aotearoa, Northern Wairoa River* <http://www.lawa.org.nz/explore-data/northland-region/river-quality/northern-wairoa-river/> (Accessed September 2022)

Parsons, M., Fisher, K. & Crease, R.P. (2021). *Remaking Muddy Blue Spaces: Histories of Human-Wetlands Interactions in the Waipā River and the Creation of Environmental Injustices*. Palgrave Studies in Natural Resource Management.

Price, J. (2014). *Hikurangi Catchment Monitoring Programme*. Report prepared by Kessels Ecology for the Department of Conservation. LINK

Royal, C. (2022). *Te Kawa Waiora Report 2020-2021*. Reconnecting Northland.

Shortland, T., Thomas, T. (2019). *Inventory of Iwi and Hapū Eel Research*. Fisheries New Zealand.



Summers, C. (2012). *Hikurangi Swamp Scheme Fishery Management Plan*. Whangarei District Council.

Summers, C. (2013). *Managing Fish Passage in the Hikurangi Swamp Land Drainage and Flood Protection Scheme*. Whangarei District Council.

Williams, E., Boubée, J., Halliday, A., Tuhiwai, G. (????). *Tuna Populations in the Wairua and Mangakāhia Rivers*. Prepared for Ngā Kaitiaki o Ngā Wai Māori, Northland Regional Council

[Introduction to hazards.](#) Northland Regional Council.

## WAIKUA RIVER

This chapter focuses on the Wairua River (Appendix 3a), including the power station at Omiru Falls. A literature review was conducted, based on publicly available literature, articles and recorded interviews. An interview was then conducted with Te Raa Nehua of Ngāti Hau. This interview discussed the history of the awa, various interactions with council and other interest groups, as well as mana whenua perspectives.

### INTRODUCTION

The Wairua River commences at the heart of Ngāti Hau, in the hills of Whakapara, with its headwaters formed by the Waiotu and Whakapara rivers. It then threads its way across the Hikurangi Repo flowing south-west towards Kaipara before joining the Wairoa River at its confluence at Mangakāhia River, near Tangiterōia.

### HISTORY

The Wairua River is one of the major tributaries of the greater Wairoa River and holds great significance to local hapū and Iwi. In terms of extent, the 75,000-hectare Wairua River catchment includes the 5,000-hectare Hikurangi wetlands (Living Water). Like many waterways throughout Aotearoa, the Wairua River and its entire catchment has suffered degradation due to human interference since European arrival in the 19th century. The river has been largely affected by the draining of the Hikurangi wetlands, among other factors, leading to the deterioration of the water quality, native flora and fauna, and system as a whole.

According to Hori Tuhiwai's statement to the Waitangi Tribunal in 2013, the Omiru Falls, often incorrectly referred to as the 'Wairua Falls', are a place of significance for the people of Korokota. He expressed that the diverting of the falls prevented their kaitiaki, Rangiriri, from being able to traverse the waters, which he says has impacted on the mauri of the waterway.

Commissioned in 1916, the Wairua Falls Power Station (also known as Titoki Power Station) is one of the oldest hydro schemes in Aotearoa still in operation. Originally built by the Dominion Portland Cement Company to supply electricity to its cement works at Portland, the station sent its surplus electricity to what was then the Whangarei Borough Council and the Maungatāpere district.

Modifications to the river path, such as straightening bends, removing oxbows and the establishment of the Wairua Falls Power Station, have resulted in extreme deterioration to the quality of the water and the ecosystems it supports. This degradation of the waterways has also impacted on the wairua and mauri of the rivers and the ability of local hapū, Ngāti Hau, to utilise according to their tikanga (Cunningham et al, 2016).

A key activity that has affected the waterway quality is intensive dairying. According to Living Water, Fonterra dairy farms now make up 36% of the Wairua catchment. Wairua Falls has recently become a monitoring site with local kaitiaki monitoring the health of the local waterways and initiating trap and transfer efforts.

### LITERATURE REVIEW

There is considerable literature available on the Wairua River, the most well-known and comprehensive written by Cunningham et al. However, there are extensive reports available through the NRC, and local libraries.



Our literature review revealed there is a plethora of observations made about the Wairua River and the closely connected Hikurangi wetlands. Some of the major environmental issues for the catchment that were identified within literature include natural and anthropogenic barriers to fish passage, water abstraction, discharges, deoxygenation of water during flooding, and management of stock access to riparian margins (Cunningham et al. 2016).

We identified the Wairua River has been subject to much discussion in terms of claims with the Waitangi Tribunal, again highlighting its significance to local hapū and Iwi.

It is apparent from the literature that mana whenua concerns about the inadequacies of the resource consent process and of the resource management regime in recognising Māori cultural and spiritual values, in particular their duty and role as kaitiaki, have been well researched and documented.

Allan Halliday noted, 'the increase in herd sizes and milk production have had various impacts on waterways including damage through the excess water takes, excess discharges into the waterways, and erosion of banks and silting into our waterways' (WAI 1040, 2016).

Council's consent process was identified as a key concern. "The Regional Council looks at each as an individual consent... [but] fails to take an accumulative view of the impacts of the consents granted on the waterways in their entirety... If we knew the cumulative takes and discharges throughout the Wairua, I suspect the results would be really alarming" (WAI 1040).

Halliday was also concerned about the length of the consents granted. 'Resource consents are now being obtained by farmers for a period of 35 years', he explained. 'This is a long time - practices change'.

Te Kawa Waiora (2021) discussed the complicated experience of the establishment of the Wairua Falls Power Station on mana whenua. While its creation led to environmental degradation, at the same time, members of local whānau were able to secure a livelihood through employment there.

Evidence presented to the Waitangi Tribunal in February of 2015 by Allan Halliday of Ngāti Hau reported the water diversion at the Titoki power station contributed to the ongoing loss of tuna.

NIWA scientist Jacques Boubée's evidence to the Tribunal supported Halliday's claim stating that "tuna passage over these falls is now affected by the harnessing of the flows by the Wairua Power Station" (Cunningham et al, 2016).

According to Halliday as cited in WAI 1040, environmental degradation has 'impinged upon' kaitiakitanga, while the legislative framework does not properly protect it. He believed "the baseline of the RMA is often set too low to properly recognise our views, values and our responsibility as kaitiaki" (Cunningham et al, 2016).

KAITIAKI PERSPECTIVES | TE RAA NEHUA

Ngāti Hau is a hapū of the well-known Northern Iwi of Ngāpuhi and considers Wairua to be a whanaunga, a tūākana in the long line of whakapapa that connects tangata to Atua.



Habitat degradation within the Wairua catchment is of utmost concern to Ngāti Hau. Significant modifications to the waterways over the years has impacted detrimentally on the well-being of the water as well as the freshwater fishery.

Te Raa Nehua, of Ngāti Hau descent, has a keen passion for wai and years of experience advocating for its restoration. Returning to his papakāinga at Whakapara over 30 years ago, Te Raa quickly became involved in environmental issues. This led him to accepting a role at the Ngātiwai Trust Board in the Resource Management Unit (RMU) and undertaking studies to become knowledgeable on the processes that this role involved. Within this mahi, Te Raa gained ample experience in the consent processes of the Council and learned, in detail, of the widespread dissatisfying states of local waterways. These insights led him to become involved in the establishment of the collective rūpū, Ngā Kaitiaki o Ngā Wai Māori – whom he chaired for 15 years.

The Wairua River has an inherent connection to the Hikurangi Repo. The fates of both are intertwined. Te Raa understands how much of the widespread freshwater devastation has been caused by the degradation of the Hikurangi Repo. There have long been concerns from mana whenua about the management of the Wairua River and its wider catchment. Like many rivers in the rohe, the path of the Wairua River was modified to enable faster draining of flood waters from the Hikurangi swamp for the benefit of the dairy industry. When water levels rise on the wetlands, pump stations in the Hikurangi Repo pockets pump the excess water into the Wairua River, so any nutrients that have leached from the pasture also rinse into the awa.

Te Raa was involved with the appeals to the Council about the damage the Hikurangi swamp pumps were inflicting on the tuna. He recalls the difficulty in engaging with the Council.

The undermining of kaitiakitanga remains a central issue. Te Raa echoes his whanaunga, Allan Halliday's, sentiments in terms of concerns around allocations. According to Te Raa, the Wairua River is one the biggest catchments in the north, and in terms of commercial take, it is equal to that of the Waikato River – which is four times the length of Wairua. The allocation of water is a contentious issue for many and is one of the key concerns in regard to the Wairua River.

Te Raa shared that traditionally, people came from afar to enjoy tuna from the pātaka kai (food stores) of Ngāti Hau. "Tuna were part of our staple diets. Serving eel in our dining hall was a regular occurrence for our marae". He went on to compare the serving of tuna in Ngāti Hau to that of toheroa (clams) in Ngāti Whātua, as something the hapū was renowned for.

A key aspiration of Ngāti Hau is to have a thriving eel population, which they recognise as a bioindicator of a healthier waterway and ecosystem. The ability to better exercise their manaakitanga by serving tuna to manuhiri is the indicator which, to Te Raa, represents mana whenua, mana tangata, mana ahi kā.

While Te Raa didn't speak about the use of tools developed by council such as IHEMPs, Mana a Rohe Agreements etc, he did share a map and document he and his team had developed as part of his restoration efforts near Whakapara marae.



A kaupapa the hapū is particularly passionate about is the Wairua Oxbow Project, an initiative to restore oxbows in the Wairua catchment. This project was the result of a collaboration between Ngāti Hau, Living Water, WDC, and Northland Fish & Game.

In reasserting their mana and exercising effective kaitiakitanga, Te Raa recognises that restoring habitats is the foundation upon which this aspiration can be realised. However, he also acknowledges this cannot be done alone. But there are key challenges that need to be overcome, including the difficulty the hapū has faced in terms of participating effectively when it comes to the management of the waterways and freshwater fishery.

Solutions include providing mana whenua with ready access to available research and education to avoid 're-inventing the wheel'.

Further insights include the issue of tuna populations and their migration patterns through barriers in the Wairua River, the involvement of Māori in the resource consents for these schemes and recognition of their role as kaitiaki (Cunningham et al, 2016).

#### CONCLUSION | FINDINGS

Not only do mana whenua need a seat at the table, they need the authority to exercise their kaitiakitanga.

Council tools are either not well known about or are not trusted, as history has proven that relationships with Crown representatives have not been beneficial for Māori. While Ngāti Hau have had their own unit operating and engaging with the Councils on their ongoing issues, there are still issues that will continue to develop if powers are not granted to the hapū to oversee true restoration of their awa. The Wairua river is vast and as such, its health has impacts further up and downstream.

It is impo

#### REFERENCES

[Bayley, N. \(2013\) Aspects of Māori Economic Development and Capability in the Te Paparahi o Te Raki Inquiry Region \(Wai 1040\) from 1840 to c.2000. Waitangi Tribunal](#)  
[https://forms.justice.govt.nz/search/Documents/WT/wt\\_DOC\\_48522481/Wai%201040%2C%20%23E41.pdf](https://forms.justice.govt.nz/search/Documents/WT/wt_DOC_48522481/Wai%201040%2C%20%23E41.pdf)

Cunningham, M., Webb, R., Gilkison, P., & Maynard, J. (2016). *Northland Rural Rivers: Environmental Management, Pollution, and Kaitiakitanga since 1991*. Waitangi Tribunal.

Kāmira, R. (2021). *Literature Review: Te Kawa Waiora*. Reconnecting Northland.

[LAWA: Land Air Water Aotearoa, Northern Wairoa River](#),  
<http://www.lawa.org.nz/explore-data/northland-region/river-quality/northern-wairoa-river/> (accessed September 2022)

[Living Water](#) <https://www.livingwater.net.nz/catchment/wairua-river-te-awa-o-wairua/okarika-pocket-transformation/>



[Price, J. \(2014\). Hikurangi Catchment Monitoring Programme. Report prepared by Kessels Ecology for the Department of Conservation. LINK](#)

Royal, C. (2022). *Te Kawa Waiora Report 2020-2021*. Reconnecting Northland.

Ruka, M. (2021). *Eel Legislation: Māori and Tuna in this Contemporary World*. Environmental River Patrol Aotearoa.

Shortland, T. & Thomas, T. (2019). *Inventory of Iwi and Hapū Eel Research*. Fisheries New Zealand.

Engineering NZ. (????). *Wairua Falls Power Station Heritage Record*.  
<https://www.engineeringnz.org/programmes/heritage/heritage-records/wairua-falls-power-station/> (Accessed September 2022)



## WHĪTIKI NGĀ PUNA WAI O HOKIANGA

### INTRODUCTION

*Ka Ora te Wai  
Ka Ora te Whenua  
Ka Ora te Tangata Whenua  
If the Wai is healthy  
The Whenua is healthy  
Therefore, the people of the land are healthy*  
- Martin Haynes (Whirinaki Waterboard)

### HISTORY

The security, safety, and sovereignty of drinking water are issues of great importance for people around the globe, yet perhaps even more so for remote rural communities such as those in the rohe of Hokianga.

The origins of Whītiki Ngā Punawai o Hokianga began in the late 1990s, triggered by a number of incidents. In 1999, impacts of severe flooding in the Hokianga resulted in waterways being altered and, in some cases, wiped out completely. During this period, an outbreak of Hepatitis A also struck a marae in the area with the Northland Health authority unable to remedy the situation due to a lack of funds. Soon after, an investigation ensued regarding the quality of drinking water in the Hokianga, led by the Minister of Health (MoH). This investigation determined the drinking water presented a public health risk through faecal contamination.

The amalgamation of these events prompted a collective of hapū from Hokianga to come together, forming Punawai o Hokianga. The group's first project was to pilot a safe drinking water kaupapa, based on the idea that in most Māori communities the marae was the central point of the community. The assumption was that if marae were able to access a safe source of water, this access would extend to their communities (Whītiki Ngā Punawai o Hokianga pamphlet). The pilot was developed in collaboration with the MoH, Northland Health and Hokianga Health Enterprise Trust (HHET) with initial funding channelled to 36 marae (Foote et al. 2005). HHET - a community owned health trust - acted as the interface between the Ministry and the community. While some marae chose to install new tanks, two hapū, in Whirinaki and Pakanae, opted to develop a community waterline.

Establishing the community water supply was not all smooth sailing, and there were various culturally specific obstacles to overcome; for instance, a criterion of one of the funders nearly put a stop to the whole project - applying for resource consent. The community felt that as tangata whenua they should not have to apply for resource consent, considering it was their and their ancestors' river and always had been (Foote, et al., 2005).

Over a decade later, the continued issues of access to safe drinking water, the remoteness of communities in Hokianga combined with the inadequacy of local authority investment in reticulated supplies of drinking water led to the revival of this group, renamed Whītiki Nga Punawai o Hokianga.

Led by Hone Taimoana (Iwi/hapū), Hokianga hapū took this collective approach to form the hapū project management group and build a supportive network of central and local government, not-for-profit and engineering stakeholders to gain access to expertise and resources. Whītiki Nga Punawai o Hokianga consists of Pākanae (Pākanae Water Board),



Whirinaki (Whirinaki Water Board), Motukaraka (Ngāi Tūpoto Ki Motukaraka Trust), Mitimiti (Mitimiti Water Board); Mātihetihe Marae (owns the Water Treatment/Reticulation Plant), Panguru and Motutī (Panguru Motutī Ahuwhenua Trust), and Waimā (Tuhirangi Marae).

#### KAUPAPA

The lack of certainty around a sustainable supply of drinking water has always been a central concern for the rūpū, and in 2020, HHET, on behalf of Whītiki Ngā Punawai O Hokianga, received funds from the Provincial Growth Fund (PGF) under the Ministry of Business, Innovation and Employment/Kānoa. Together these six communities were granted \$995,245.00. The basis of this funding was to implement phase one (development stage) of a two-phase upgrade to the six Hokianga communities supplying drinking water to their rural communities.

The intention of the funding was to either help establish a water plant or remedy an existing one. With the PGF funding secured, Whītiki Ngā Punawai o Hokianga investigated the soundness of the water services within their scope. Their investigation discovered that though five of the community water schemes were operational, previous long-term underinvestment meant they required major infrastructure upgrades to be made more efficient.

The funds also created the opportunity for Motukaraka to install their own water plant that has assisted their community from yearly droughts over summer, however, this was supplemented by further funding (through NKTM Trust) and voluntary support.

The project also consisted of capability training, extending the opportunity for whanau to upskill and become involved with the technical aspects of water management. The training rollout engaged over 30 people ranging from 25 to 73 years old throughout the Hokianga. The training not only consisted of a formal online Water 101 Operators Certificate, but engaged volunteer plant operators and others that had dedicated their lives to operating and maintaining these drinking water plants for their community. The training supported their travel, food, and koha for their attendance. Based on whanaungatanga, this group felt like they were part of something bigger and were engaged and passionate about being kaitiaki of their water source.

“Water New Zealand had to develop the whole online certification (a national certification) because we were the first and biggest group they had to deal with. It was about uniting the people for a common goal,” said Zonya Rea Wherry.

#### LITERATURE REVIEW

Our literature review revealed little in terms of the specific projects of Whītiki Ngā Punawai o Hokianga, with most information conveyed via the case study informants.

We did, however, identify literature examining the provision, or lack thereof, of safe, clean drinking water to remote communities in the North, discussed in large by Henwood et al (2019), Enhancing Drinking Water Quality in Remote Māori Communities. This supported the view that the lack of certainty around a sustainable supply of drinking water was of concern to many households in these communities.

Within this literature, the ability to maintain water infrastructure was a major concern with cost and access cited as the main problems for isolated communities. In terms of



unreticulated water, many individual household systems—tanks, roofs, guttering, pipes—needed urgent repair or even replacement, with the added requirement of additional water storage (Henwood et al, 2019).

It is apparent from the literature that the te ao Māori view of water was of utmost concern to not only Whītiki Ngā Punawai o Hokianga, but to the communities they represent, with water being viewed holistically so that household drinking water could not be viewed in isolation. It was viewed as a taonga “that was precious, and it still is precious”. Drinking water was part of the environment, the land, and the people, and had whakapapa to Ranginui and Papatūānuku (Henwood et al, 2019).

They cited the whakataukī “tiakina te taiao, tiakina te iwi” (look after the environment, and it will look after the people).

Maintenance of household water supply infrastructure was not a priority where households were struggling in difficult socioeconomic conditions while upkeep tended to be crisis-driven rather than preventative (Henwood et al, 2019). Although with regard to water access, the ever-present threat of climate change, and predictions for the future involve great change, these communities believe being forewarned with knowledge specific to them and their regions increases the confidence with which they can approach adaptation (Henwood et al, 2019).

#### KAITIAKI PERSPECTIVES | ZONYA WHERRY

Zonya Wherry, of Ngāpuhi descent, leads the project management business, Hokianga Consultants, who partnered with Whītiki Ngā Punawai o Hokianga to manage the funding received from the PGF. With whakapapa to the Hokianga, her views come from her perspective as mana whenua, as well as her professional capacity and involvement with the project.

“Water and food security is the most important thing we could awahi (nurture/cherish), secure and take ownership of. We are kaitiaki of our water space. This is for our kids; this is for our future. When we try and bring people in for a common goal of good, it just seems to work,” she states.

The water source is the priority for drinking water plants, with Zonya recognising that mana whenua are fiercely protective of their water sources. “To us we have a spiritual connection. They [the waterways] have names, we are part of them.”

With regard to Whītiki Ngā Punawai o Hokianga, hapū were, in large part, driven by the pure survival need for the water. Many, if not all, of the Trusts survive on voluntary roles, and the workload is large. Mana whenua are compelled by the intrinsic obligations of kaitiakitanga when it comes to the well-being of their waterways and wai, and manaakitanga in terms of their inherent commitment to caring for the people and ensuring they have access to water.

She believes it is important to keep in mind that haukāinga, kaumātua, trustees etc are all volunteers. They are giving their time and energy freely, so groups must not over complicate the engagement. It needs to be simple, pono (genuine/honest), and worth their time. As an employee of a business or entity, all contributors get paid to deliver services while these people at grass roots level are carrying a load much larger but without the financial support.

Working within the collective, it was clear there was a range of capacity. During Zonya's experience working with the six hapū, she quickly discovered each one had different capacity, support, and access to resources. This meant that anyone attempting to engage with the collective must understand that while some hapū or marae have limited knowledge or manpower, others have dynamic professionals who only require adequate resourcing. They all, however, had the same goal.

#### CHALLENGES

It was highlighted, once again, that the discord between te ao Māori and the Western world view are often where issues originate. This lack of understanding of perspectives shows up in various ways. Zonya recalls how, during one hui in particular around sewage leaking into the harbour, it was proposed to mana whenua, by specialists, that instead of dispersing waste products into the harbour, a solution could be to put it on a land mass instead. "They did not understand that the land mass they were talking about was sacred. It was not received well. In fact, it was quite insulting."

There are also practical issues on the ground to be taken into account. These include the logistics of access to waterways and plants; isolation and slips can be a real issue. Although the radius it not too large, it is still quite challenging.

Zonya acknowledges it can be challenging engaging with mana whenua, but believes that when you have the right people to assist with the engagement, with the right intentions, the outcome can be successful. Whanaungatanga and clear, transparent communication are key. In terms of Whītiki Ngā Punawai o Hokianga, meaningful relationships needed to be developed with each hapū as a collaborative approach as each hapū has different needs. Building the relationships through values such as pono and tika. Councils are continuing to engage with tangata whenua but are not resourcing them to engage. While haukāinga don't do it for the money, they need to have their time and expertise valued. Hapū need to be resourced, assisted and guided with that process.

Challenges also exist due to the system. When engaging with Council, WNPOH have found there is often little to no clarity when it comes to communication and engagement.

Another key challenge is the awareness that the hapū connected to the Hokianga have little to no council/government owned infrastructure. Due to this, it is very difficult for them to accept regulations and resource management consents from a body that does not financially support them or understand their particular needs. This is cause for strong resistance on the ground to regulations. Some feel micro-managed by government, they see funding absorbed in the regulation of decisions and structures which are managed from the top, with very little ending up on the ground to the kaupapa or people that make it happen.

Early on in the project, Zonya and her team recognised that the issues weren't caused solely by the underfunding and poor maintenance of the infrastructure, but also by the succession planning within hapū and the passing down the volunteer roles of operating and maintaining the water plants. A significant barrier has been the inability of hapū project teams to pay labour costs.



Due to the timing of the rollout, Covid19 was a major barrier, causing delays in the supply of products, lack of services on the ground as well as haukāinga/project leads being stretched thin.

“What is our succession planning for these volunteer jobs to continue within our trust? We need to understand the workload of what you do so we can plan for that in the future, know how much that will cost.”

“When you’re doing any sort of plan you have to know what it takes to implement it and the resources you’ll need to do it. That will take the fear, anxiety and pressure to comply out of it.”

Upon reflection, Zonya and her team are pleased with both the process and the outcome of their project. Gaining the confidence and trust of six hapū is no mean feat. Additionally, they were able to successfully repurpose funds that were underbudget (due to collaborative pricing), and rollout an extra papakāinga water tank trial.

#### ASPIRATIONS

Zonya is thoughtful when it comes to the aspirations of WNPoH. She believes they are twofold. First and foremost is the spiritual aspect of wai Māori and the deep-seated desire to have its mauri fully restored. For this purpose, hapū want control over the supply of water. They want the ability to exercise kaitiakitanga of their water sources, their whakapapa.

Secondly, there are the operational aspirations of Whītiki Ngā Punawai o Hokianga. These include the upgrading of all water plants within their system. They have big plans but are not currently funded enough to achieve them. “We have million-dollar water plants but they have ageing infrastructure and we are just not resourced well enough to fix and maintain these ourselves.”

And while they are aware they may eventually have to succumb to handing over the water plants to Council, that is not what they want.

A reduction in the intensity of labour, which includes barriers to physical access also features highly on the list.

When it comes to the operation and maintenance of the water plants, Zonya has identified that the voluntary system is not sustainable. These roles have so far been driven by the instinctive, survival need of access to clean, safe drinking water but relying on the goodwill of a few to manage the upkeep cannot be the long-term plan. These roles must receive adequate training and resourcing. “At the end of the day we don’t have the resources to manage.”

The supply of clean safe water must be sustainable and financially viable without having to increase rates, which would in turn increase the pressure on whanau.

The group wants to be resourced to properly to monitor the water and waterways, as well as have access to expertise and up to date data, which would include access to assessment tools to determine best practice and evaluate different ways of working.

Zonya found dealing with the six hapū an interesting experience, “we didn’t always agree on everything, but why should we? We are all connected and share the harbour, and at the end of the day we all want the same result.”



All the funding is dropping through a funnel onto haukāinga. They are not paid; they are wearing many hats. Yet we are continuing to engage with tangata whenua but we are not resourcing them to engage. Haukāinga don't do it for the money, but we need to have their time and expertise valued.

You have to understand what it's going to take to implement it and what resources they're going to need to do it. That will take the fear and anxiety to comply out of the equation.

KAITIAKI PERSPECTIVES | LYNETTE WHARERAU

Lynette Wharerau of Ngāpuhi descent, leads a collective, Tika Impact Ltd, which has the lofty goal to build 200 houses in the Hokianga, from papakāinga to single-family dwellings. She is also a member of TW-WAG, the Tangata Whenua Water Advisory Group for NRC. Although she is not a direct member of Whītiki Ngā Punawai o Hokianga, as mana whenua and someone with a distinct passion and commitment to the orange (life) of wai and the orange of her people, Lynette offers a key perspective. With regard to the rōpū, Lynette explained that "the hapū [within Whītiki Ngā Punawai o Hokianga] have an area of shared interest."

According to Lynette, to this day, up to 75% of the households within the boundaries of the Hokianga do not have access to reticulated water. "There is a real misconception that all houses in the Hokianga have access to waterlines," says Lynette, while in reality, many homes are still sourcing water from their awa or collecting their wai from the marae.

On top of this, with regard to water rates, she revealed there is a large inequity between east coast and west coast (three x the water rates) for a service that the does not support or supply the service. Lynette revealed there are major concerns about the indiscriminate charges enforced by the Far North District Council (FNDC). In terms of water rates, mechanisms need to be adjusted. Not all households are connected.

"Putting up fences isn't necessarily an accepted practice for us. Putting up a fence means you can get lazy and you're relying purely on the fence for preventing stock from getting into waterways. For large farms that may be a priority, but not for us."

A key aspiration of the rōpū, from Lynette's perspective, is to have infrastructure in place to provide clean and safe drinking water directly to homes within the Hokianga.

Fear around losing access to water with the way councils wield their power. Intergenerational fear connected to trauma that has occurred around loss of water source. Lynette believes that Māori must be front and centre in terms of the thinking or the decision-making for the conversations of climate change mitigation and adaptation as well as assessing impacts.

A little-known fact is that water crises include both droughts and floods. Occasionally, reticulated plants shut down during floods. Lynette explains that these crises can cause systemic roadblocks for whānau in rural and isolated areas. If whānau are waiting for MSD or a water tank provider to get back to them when they have access blocks, the entire chain presents issues because of their location and isolation. Mana whenua need to be resourced to help open up some of those lines and assist and manaaki whānau.



There's no point in having a strategy if it hasn't been designed by those on the ground. "There are strategic drivers in this space and it's about knowing what they are and knowing not to be overwhelmed by them."

#### CONCLUSION | FINDINGS

With regard to Whītiki Ngā Punawai o Hokianga, our kaitiaki identified conflicting world views always present issues. Tangata whenua view wai Māori as a taonga while Council and government appear to view it as an asset.

There is some resistance on the ground to working with Council. Prior relationships with Council and government have left hapū guarded when it comes to engaging with these groups and their representatives. They are cautious when it comes to sharing knowledge and mātauranga with outsiders. Trust and whanaungatanga are key values. However, it can be difficult to balance this caution with progress. These groups recognise that even if you don't agree with a system, you need to have a voice, you need to be heard.

In terms of collective projects like this, each hapū has different capacity, support, and access to resources. But at the end of the day, they all wanted the same thing. Support and resources to upgrade, operate and maintain their water plant as well as the opportunity to empower, employ and upskill their own people. Some feel micro managed by government, funding is absorbed in regulation of decisions and structures managed from the top, and very little ending on the ground to the kaupapa or people that make it happen.

#### REFERENCES

Goldworthy, L. & Wherry, Z. *The Creation and Continuation of Whītiki Ngā Punawai o Hokianga: Stories of Whītiki Ngā Punawai o Hokianga*.

Henwood, W., Brockbank, T., Moewaka Barnes, H., Moriarty, E., Zammit, C., & McCreanor, T. (2019) *Enhancing Drinking Water Quality in Remote Māori Communities: Climate Change, Microbes and Mātauranga Māori*, Mai Journal, Volume 8, Issue 2.

Henwood, W. & Henwood, R. (2005). *Mana Whenua Kaitiakitanga in Action: Restoring the Mauri of Lake Omapere*. Massey University.

Foote, J., Hepi, M., Rogers-Koroheke, M. & Taimoana, H. (2005). [\*Urban Water Decision Making Project: Learning From the Stories of Nga Puna Wai o Hokianga\*](#). Foundation for Research, Science and Technology.

Wharerau, L. (2019). *Tika Kāinga Approach to Climate Change*. NZAIA



## AUPOURI AQUIFER

*“Oranga whenua, oranga tangata”*  
– Mariameno Kapa-Kingi, CEO, Te Runanga o Te Aupouri

This chapter focuses on the Aupōuri Aquifer and the resource consents granted by the NRC to applicants who requested to access and take water from the aquifer to supplement commercial aspirations through horticulture ventures (such as avocados and coffee beans). A literature review was conducted, based on publicly available literature, articles and recorded interviews. An interview was then conducted with Penetaui Kleskovic, Te Aupōuri Development Ltd.’s Operations Manager. This interview discussed the involvement of the Iwi in the consenting process as an applicant to access and extract water as well as lessons and learnings from the case.

## INTRODUCTION

The Aupōuri Aquifer system is located north of Kaitiaia and covers approximately 788 square kilometres (78,808 ha) along the Aupōuri Peninsula. The groundwater system is a valuable source of water for municipal, domestic, and stock supply, plus irrigation water for agriculture and horticulture. Avocado growers, landowners and tangata whenua found themselves in court in 2018 over resource consents that were granted to access and take water from the Aupōuri Aquifer. The controversial consent has created tension between locals, tangata whenua, and orchardists based on differing perspectives.

## HISTORY

In February 2018 and August 2019, 24 applications were received by NRC. The consents, in total looked to take 4.5 million cubic metres of water from the deep shell bed aquifer of the Aupōuri Peninsula to enable irrigation of avocado orchards (existing and proposed) and horticultural/ cropping activities at multiple locations between Ngataki and Ahipara. Five of the applications were lodged by existing consent holders seeking increased volumes of water.

As per standard requirements, each application (for a consent to take water from the aquifer) was accompanied by an individual Assessment of Environmental Effects (AEE). While each AEE measured the impacts of the intended take, they failed to measure and communicate the impact of the cumulative impacts of all of the consents. Over the period which the applications were received, the methodology used to assess potential effects on the environment evolved, with emphasis on the potential cumulative effects of the combined applications. NRC commissioned two planning and hydrological consultants, Stephanie Kane and Brydon Hughes, to prepare a section 42A report. The report provided consolidated assessment of all of the applications, reviewing the AEEs using a regional-scale numerical groundwater model. This assessment included an evaluation of the cumulative effects of all existing and proposed groundwater takes across the entire Aupōuri Aquifer Groundwater Model (AAGM) domain.

While the consent application was part of a Limited Notification process which meant the general public and other interested parties could not make a submission on the applications, Council still received submissions from 113 potentially affected parties (property owners, governmental bodies and occupiers). In general, the submissions received addressed a broad range of issues including;

- Potential well interference effects from groundwater drawdown;
- Risk of saline intrusion into the aquifer;

- Reduction in surface water baseflows and water quality concerns;
- Perceived lack of consultation and impacts on community aspirations;
- Impacts on sensitive ecological and natural environments; and
- Adverse effects on the overall sustainability of the groundwater resource, particularly in relation to the effects of climate change.

The Council considered that the potential adverse effects of the 24 groundwater takes on the environment, including saline intrusion and surface water features such as wetlands, to be no more than minor. However, the combined additional water taken by the 24 applications could potentially lower groundwater within the Aupōuri Aquifer to a level that may adversely affect the ability of some people in the area between Ngataki and Ahipara to take water from an existing bore or surface water body. It would be decided that the timing and magnitude of this potential adverse effect would be dependent on bore depth and construction, the nature of the surface water body from where water is being taken, and the severity of any drought that may be occurring.

The case was heard in Environment Court and granted - a decision made by Independent Hearings Commissioners David Hill and Peter Callander.

#### LITERATURE REVIEW

A literature review of the Aupōuri Aquifer case revealed substantial research completed as a part of the court proceedings including the AEEs and commissioned reports (Section 42A for example) however there is little available content beyond this. It also revealed research reports commissioned by NRC that analysed available hydrological and geological data for the Aupōuri Aquifer. Furthermore, there are even fewer documents prepared by Māori or sharing a Māori perspective. Worth noting is the lack of research commissioned for and conducted by mana whenua and tangata whenua groups including a general Cultural Impact or Values Assessment report that considered the impact of the consents on the cultural value of the Aquifer in relation to all of the resource consents.

The Summary Document provided by the NRC provides a clear overview of the timeline for the Environment Court case.

The section 42A report outlines the issues for Applicants and Council and concludes that in light of all the information and the current National Policy Statement for Freshwater Management 2020 (NPS) and the National Environmental Standards for Freshwater 2020 (NES) that Council maintains its position that the applications for consent can be granted, subject to conditions consistent with those agreed during planning conferencing phases. The conditions are considered broadly consistent with the management of the Motutangi-Waiharara Water Users Group abstractions previously granted and enable Council to move toward a consistent monitoring and management approach for large-scale groundwater takes in Te Hiku. The report's overall conclusion was "the effects on the Aupōuri Aquifer and its composite sub-zones, existing users, communities and the environment concludes that the proposed water takes can occur in a manner that will not compromise the overall sustainability of groundwater resources within the Aupōuri Peninsula, will maintain the life-supporting capacity of the environment, and will meet the reasonably foreseeable needs of future generations. The proposals are broadly consistent with the relevant objectives and policies of the relevant statutory documents, along with the provisions of relevant non-statutory documents."

The comprehensive decision document can be located on the NRC website (<https://www.nrc.govt.nz/>) and has an extensive explanation for the decisions made and conditions applied to the consent holders. In short, the conclusion is that “while the sun total abstraction determined by us (i.e c4. 52 million m<sup>3</sup>/pa) is large in terms of pure quantity, the evidence clearly indicates that it is relatively small in comparison to the annually available “throughput” of the aquifer and is sustainable from that point of view”.

KAITIAKI PERSPECTIVES | PENETAUI KLESKOVIC

Te Aupōuri Commercial Development Ltd. is a commercial arm of Te Aupōuri, one of five iwi of Muriwhenua in the Far North. Te Aupōuri owns, operates and leases out Te Raite Station at Houhora in the Far North (Appendix 4a). Te Aupōuri Commercial Development Ltd. plans to convert approximately 260ha of the farm into horticulture, cropping and market gardening, all of which require a reliable water supply. The original application for the organisation was to install new bores at Te Raite Station with provisional groundwater abstraction plan that identified the northern-most irrigation areas have aquifer depth constraints. The application favoured the installation of multiple bores with a maximum capacity up to 10 L/s. Further south within Te Raite Station, where the aquifer deepens, an application for an enhanced bore yield and individual maximum bore capacities between 15 L/s and 30 L/s was applied for.

Penetaui Kleskovic is the Operations Manager at Te Aupōuri Commercial Development Ltd, filling the role in June 2021 to present (2022).

The Aupōuri Aquifer covers a land area of 75,322ha, and extends along the whole length of Ninety Mile Beach on the west coast, and from Kokota (The Sandspit) to Waimanoni on the east coast (appendix 2b). It also includes the low-lying land between Waimanoni and Ahipara. The aquifer is for the most part a deep sandy coastal system that has formed as a tombolo between islands of basement rock. Although it is a sandy aquifer, it also contains a significant proportion of clay and peat deposits that have formed between sand dunes. In particular, there is an extensive horizon of low permeability at approximately sea level, which acts as a confining layer to the deeper sediments. Most boreholes tap the more permeable shell-rich marine sands found at the base of the aquifer, although almost all of the water for these bores is provided by leakage from the overlying sands during pumping.

The locals within the community have, for years, believed the Wagners (a local whanau) were responsible for finding the aquifer but it was, in fact tupuna Māori who discovered the aquifer generations before the arrival of pakeha in the north. Over the years, as land was lost, stolen, and sold, the amount of land Te Aupōuri owned dwindled in respect to its original span. While Te Aupōuri Development Ltd. own the 1849ha at Te Raite Station, the Iwi organisation understands it has an obligation to deliver better outcomes for its uri through the expression of rangatiratanga, kaitiakitanga and by generating wealth, jobs and opportunity for its people. The Iwi own the land, however there is no access to the abundant aquifer.

The Iwi, therefore, is essentially rendered powerless in the absence of water – there is no ability to irrigate, plant, garden or create jobs to build or maintain those things.

Te Aupōuri Development Ltd. lodged a consent to access the aquifer in 2018. This was appealed by the Department of Conservation (DOC) and Forest and Bird and the consent was declined. At this point however, 22 other resource consents had been granted. After spending near \$500,000 on litigation and employee labour time, Te Aupōuri's consent was granted. The consent however, has many conditions – additional conditions to the



consents that were previously granted to other applicants. The Iwi has an adaptive management programme to monitor water use, however if the total water take that is granted isn't used in one year, the Council will reduce the allowed amount the following year – disincentivising the sustainable and careful use of this resource.

#### CONCLUSIONS | FINDINGS

The allocation of water is a contentious and important issue for many, and is central to the case of the Aupōuri Aquifer. With many water resources being viewed as overallocated, the granting of resource consents to access water will always command the attention of mana whenua. For as long Iwi and Māori are bound to participate in the Council-led consenting process of accessing water resources, Iwi, hapū and Māori will be in an oppressed position.

Navigating the consent process is morally challenging. Iwi should not have to ask for consent or permission to access water that is theirs by right through whakapapa and was promised through Te Tiriti. The Iwi has aspirations to create jobs, drive economic wealth and providing housing opportunities while connecting the people to the whenua. These things are impossible without access to water. An Iwi having to apply to a Crown agency for access to any of their taonga create inequities for mana whenua and is a breach of Te Tiriti. The consenting process as it stands undermines the mana of the iwi and their ability to practice kaitiakitanga and rangatiratanga in their own way for their own taiao. There is no tikanga Māori in the consenting process and it is left up to non-Māori to essentially decide how we access our own resources. Māori organisations are (generally) set up with the capability and capacity to engage in Crown processes the same way Crown organisations are. The processes are lengthy, legal and laborious. While the people of Te Aupōuri are resilient and resourceful, they will find a way but the constant setbacks and litigations are frustrating.

Currently, the Iwi is limited with its inhouse capability and capacity. There is not much they can leverage, nor have the skillset to do so and this is what the lawyers are doing for them. It is difficult, however for non-Māori lawyers to truly understand what the whanau, hapū and Iwi are feeling and therefore they are unable to communicate this effectively and clearly in the legal proceedings.

Te Aupōuri doesn't utilise any of the tools that NRC (through the RMA) has available. There is no Iwi Environmental Plan, Mana Whakahono a Rohe agreement or Transfer of Powers and the tools for gaining access to the water is limited to consenting and court hearings which are time consuming, expensive and require a specialised skillset. None of these have been effective for the Iwi as they are all designed by a Crown agency without any through to tikanga Māori or Te Tiriti.

The success in getting access to some of the water that it applied for means Te Aupōuri is able to begin its journey to fulfil its aspiration to farm Te Raite Station land. While there was a reduction in the allowed take limits, the Iwi still sees this as a win as it can begin to exercise its right to rangatiratanga and kaitiakitanga. Te Aupōuri are absolute in their obligations as kaitiaki, te mana o te wai is, for them, the wellbeing of the water and the life force it sustains. Without water you cannot grow or sustain anything.

From this process, the Te Hiku water study was developed and launched in October 2022. The water study is co funded by NRC and will help improve the understanding of the Aupōuri Aquifer. The Iwi and community driven project is designed to improve the

understanding of; what the aquifer looks like, how the aquifer connects to wetlands, lakes and streams, the meeting point between groundwater and seawater (and therefore risk areas to salt-water intrusion) and how the groundwater is replenished. This will drive greater environmental protection, sustainable growth, resource consent management and water supply to the local community. The study involves surveying the aquifer using a range of ground-based and aerial methods and the Iwi is very much looking forward to the results. There is an aspiration for a Kaitiakitanga Licencing Agreement with other users where Te Aupōuri will maintain data sovereignty and will manage how the data is used.

Klescovic adds that the whole process took too long for the Iwi. As there were no interim options for the Iwi to access the water it meant their aspirations were put on hold until the hearing was completed and a decision made. In his opinion, Councils and Council processes can be challenging for Māori to navigate and there would be value in designating a highly skilled and respected Māori 'task force' to help bridge the two bodies and support Māori in navigating Councils. There needs to be more resourcing to support the continuous upskilling of our people to be able to confidently participate in processes in a timely manner and educated way.

#### REFERENCES

<https://www.nrc.govt.nz/media/b1klh3z2/supplementary-s42a-by-s-kane-and-b-hughes.pdf>

<https://www.nrc.govt.nz/consents/resource-consent-hearings-documents/limited-notification-24-groundwater-takes-from-the-aupouri-aquifer/>

Summary Document for 24 Applications for New Groundwater Takes from the Aupouri Aquifer. <https://www.nrc.govt.nz/media/kr2hjivz/nrc-summary-of-applications-inc-maps4.pdf>

<https://www.teAupouri.iwi.nz/>

<https://www.teAupouri.iwi.nz/wp-content/uploads/FINAL-Annual-Report-Book-2019-1.pdf>

<https://tehiku.nz/te-hiku-tv/haukainga/30557/the-Aupouri-aquifer-water-study-commences-for-the-next-month>

<https://www.nrc.govt.nz/media/ol4iekm1/Aupouriaquifergroundwatermodelfinalreportjune2015website.pdf>

<https://www.wvla.kiwi/post/Aupouri-aquifer-groundwater-model-provides-detailed-scientific-water-analysis-1>

<https://www.nrc.govt.nz/media/fcvok1uh/aawug-decision.pdf>



#### TE MANA O TE WAI PROJECTS

*Ko te mana o te wai, he mana taketake. Mā wai e kawē, e hiki i te mana o te wai Māori? Mā tātou. Water has always had mana. Who will uplift and carry the mana of the freshwater? We all will.*

Te mana o te wai fund was introduced in 2014 and funded \$6 million in national freshwater improvement projects in 2015 and 2018. As part of the Government's response to COVID-19, the multi-agency Jobs for Nature Programme was established, with a round of te mana o te wai funding offered as part of the programme.

The Ministry for the Environment administers the fund, with the goals to:

- Support Māori to improve the health of the freshwater bodies of importance to them
- Create nature-based employment opportunities
- Build capacity and capability for Māori to participate in and make decisions for freshwater management (including in the implementation of the Essential Freshwater reforms).

The fund focuses on the freshwater aspects of sustainable land use, climate change, and biodiversity.

Six organisations in Te Taitokerau were awarded funding. They were all approached to participate in this case study work and we were privileged to work with three of them:

- Patuharakeke te Iwi Trust Board
- Ngā Kaitiaki o Ngā Wai Māori
- Te Rarawa

PATUHARAKEKE TE IWI TRUST BOARD

*Ko Manaia te Maunga*  
*Ko Whangarei Terenga Paraoa te Moana*  
*Ko Takahiwai te Marae*  
*Ko Rangiora te Whare Hui*  
*Ko Patuharakeke te Hapu*

INTRODUCTION

Patuharakeke te Iwi Trust Board (PTB) has existed since 1990 when it was formed to take care of the interests of the hapū. With a vision to enhance the social and economic development of Patuharakeke hapū while holding fast to the tikanga and kaitiaki values, PTB has a strong reputation of being skilled and astute advocates. Its rohe stretches from north of Mangawhai Heads to the entrance of the Mangapai River just south of Whangarei. (The rohe extends inland to include the Brynderwyn (or Piroa) and Kakanui Ranges).

In the Environmental Management Plan the organisation acknowledges wai Māori as a precious taonga. The quality and quantity of the wai is a key management issue and obligation for the hapū. The hapū have continuously been staunch advocates for the improvement of the water quality in the area and acknowledge the historical changes to the taiao that has had negative implications on the resource.

Through their passion for wai Māori, Patuharakeke seized the opportunity and were awarded funding through Te Mana o te Wai. The project has four components:

1. Building better relationships with Whangarei District Council to identify the best way forward regarding the Takahiwai Dam (appendix 5a). This includes exploring options such as co-governance and co-management.
2. Governance training for senior leaders in the Trust Board. Including providing training and opportunities to develop skills to engage in negotiations with Councils.
3. Update the Hapū Environmental Management Plan to align with the National Policy Statement
4. Restoration of tributaries to Takahiwai Dam

HISTORY

In 1965, under the Whangarei Harbour Board Vesting and Empowering Act 1963 surplus to 238 acres of Māori land including parts of the Pukekauri and Takahiwai Blocks was taken and vested in the Whangarei Harbour Board. Part of this land development included the construction of the Takahiwai Dam which was the central purpose of the land acquisitions. The Dam has since been declared surplus to requirement. At the time, the land was vested for the 'Harbour Works' but was in fact to supply water for the Marsden Point Oil Refinery.

Because it has not been accessed or used, the dam is in (near) pristine ecological condition. Despite the hapū's ongoing advocacy and efforts to see the land returned to them, the Council still claims ownership of the Dam. It wasn't until 2017, 52 years later that the Council considered a need to do 'something' with it. Currently, options such as co-governance and co-management with the hapū are being considered.

LITERATURE REVIEW

The following content is from a brief literature which review was conducted to provide support and context to the Patuharakeke te mana o te wai project.





The Hapū Environmental Management Plan 2014 clearly outlines the position of the hapū in regards to wai Māori. The misuse of wai Māori and the historical disenfranchisement of the hapū to their water resources by the Crown has been well documented. Water allocation in the rohe is also a major issue for mana whenua. Indicative allocation levels calculated using the proposed National Environmental Standards on Ecological Flows and Water Levels shows much of the Whangarei Harbour catchment is highly allocated. Water permits are effectively treated as property rights and the resource managed as though it is infinite. The alienation of tribal lands and waters along with a history of Crown agency assumption of water rights has meant that Patuharakeke have lost control and management of principal water bodies that have since been exploited by successive agencies for the economic benefit of others. Pukekauri Dam is a prime example, having been acquired under the Public Works Act in the mid 1960's to supply water for the Marsden Point Oil Refinery. Some years ago WDC decided it was surplus to requirements but negotiations for its return have had little progress." (HEMP, 2014).

A brief of evidence by Guy Gudec to the Waitangi Tribunal Paparahi o Te Raki Inquiry provides clear background to the Public Works takings in the area as described in the above history section. The background to the project is important as the Takahiwai Dam is central to the Patuharakeke project.

#### KAITIAKI PERSPECTIVES: SHEILA TAYLOR

Sheila Taylor speaks to us about her mahi for the Patuharakeke te Iwi (PTB) Te Mana o te Wai project. A strong advocate for the hapū, her breadth of experience and depth of passion for the taiao is obvious as we korero about the history of her papakainga and the aspirations of her and her whanau.

There have been ongoing discussions between the Councils and Patuharakeke that date back to the initial acquisition of land in 1965. Currently, the future of the 'human built' dam is central to the conversations as returning the taiao to its pre-colonial state would mean the destruction of the dam and the surrounding ecosystem. Questions considering what is best for the surrounding environment and with a western and mātauranga view being taken, these questions may continue to be considered for some time.

The initial driving force of the project came from the hapū's aspirations of realising critical success, their steadfast commitment to te tiriti and whakaputanga and the ability for Patuharakeke to practice mana whakahaere. The frustrations of the hapū in regards to the land acquisition purpose (to develop the dam for water supply to the refinery) followed by the Council's failure to utilise it for this purpose is evident. If the land is not being used for the better of the wider community and the purposes it was initially taken for, it makes little sense for the Council to maintain claim to ownership of it. Patuharakeke Te Iwi Trust Board (PTB) has a strong history of advocacy and involvement in taiao issues relating to the hapū. It does however see itself in a reactionary state of kaitiakitanga as it is forced to predominantly work in and respond to te Ao Pākehā and Crown processes. Taylor shares "because of this reactionary state, kaitiakitanga is constrained in this space – the ability to really realise kaitiakitanga is constrained. We spend time building and maintaining relationships in this te Ao pākehā space. We are currently spending more time with stakeholders, Te Tiriti based relationships (Councils/ and Government) than we are with Māori, including our own hapū, whanau, other iwi and other indigenous peoples."

Given its limited resources, PTB also has challenges adopting and leveraging new technology. Conversations regarding the development of and access to technology often



happen in isolation of the hapū, with the sharing of information happening without Māori. Barriers regarding access to funding to meet the needs of a full-scale restoration of the tributaries to the Takahiwai dam continue to limit the effectiveness of that component of the project. While PTB have had many meetings with NRC and were all but guaranteed the funding, the application for funding was rejected despite not being given a clear criterion for funding “this was, as you could imagine, frustrating for us as we had poured a lot of resource into developing what we thought was a good application. Had we been provided with a clear criterion we could have made sure we met all the targets NRC wanted to see.” Taylor shares. Despite this, the hapū have had a few successes even in the early stages of the project, including effective engagement with rangatahi of Patuharakeke through wai Maori focussed wananga. The hope of these wananga is to reconnect with the future leaders of the hapū and bring them home.

Patuharakeke are one of only two hapū in Te Taitokerau to have a Mana Whakahono a Rohe agreement with NRC. This agreement tool available through the RMA is designed to provide parties with the opportunity to work collaboratively in a way that they see fit within the RMA framework (MfE, 2017). In practice the agreement hasn’t been as effective as the hapū wanted and the inequities created by the Council are perpetuated when the hapū are powerless to enact the agreement. Taylor urges the Council to be more proactive in their funding for Māori as the mere fact that Māori as a Te Tiriti partner is required to apply for funding to a Council (who she sees as an extension of the Crown and not the Crown in itself) then these inequities will continue to exist.

Taylor leaves us with her aspiration for the hapū “Patuharakeke (whanau, uri) are interacting with the taiao in a way that builds on the mana and mauri of the taiao, tangata and Ātua. The measure is that our taiao isn’t sitting there in isolation of tangata, but we’re engaging with it daily.”

#### CONCLUSIONS | FINDINGS

The Patuharakeke Te Mana o te Wai Project, while still in its early stages is seeing success through its rangatahi Māori reconnecting project and through the relationships being built between the Council and the hapū through ongoing conversations.

Inequities through the Councils positioning and control of funding frustrate the hapū who are doing their best to work within a system for better outcomes for the taiao and specifically wai Māori. The RMA continues to provide empty tools for the hapū and while they have positioned themselves well to exercise available tools within the legislation, the Councils are still in the position of power while they refuse to share the control of any resource and land.

Patuharakeke Te Iwi Trust Board have highly qualified and organised staff and have strongly advocated for their taiao for years on limited resource. The main challenge to overcome is accessing resource and navigating the Crown systems. Staff lack of understanding of and bureaucracy within the Councils frustrate the hapū who, if they had the resource without having to work through the Council processes, would prefer to be working with other Māori organisations and building better relationships with the whananunga across Aotearoa.

Navigating the Council processes and building stronger provisions into the Mana Whakahono a Rohe agreement to enable this to be enacted on by the hapū is a strong theme for the hapū. Better organising the Te Mana o te Wai application to include support



for strategic planning for the future of the hapū and provide more clarity around what 'restoration' may mean as it is multi-faceted and mātauranga is a living component that needs flexibility Crown processes are not yet providing.

#### REFERENCES

<https://www.patuharakeke.maori.nz/about-us>

Chetham, J., Pitman A., Patuharakeke Te Iwi Trust Board Working Party (2014).

Patuharakeke Hapu Environmental Management Plan

Chetham, J (2019) Statement of Evidence of Julianne Chetham on behalf of Patuharakeke Te Iwi Trust Board

<sup>1</sup> Justin Murfitt (Policy Programme Manager NRC) pers. Com

<https://www.nrc.govt.nz/news/2020/december/patuharakeke-councils-sign-important-resource-management-agreements/>



#### NGĀ KAITIAKI O NGĀ WAI MĀORI

This chapter details the background, projects and aspirations of Ngā Kaitiaki o Ngā Wai Māori.

#### INTRODUCTION

Kia whakahokia mai te mauri ki ngā awa.

Ngā Kaitiaki O Ngā Wai Māori – Te huarahi hei whakahokia mai te mauri o ngā awa.

Care takers of fresh water rivers and tributaries – A pathway to return the essence of life to the waterways.

#### HISTORY

Formed in response to concerns about the Hikurangi Swamp pumps and the impact on tuna, Ngā Kaitiaki o Ngā Wai Māori (NKO NWM) is a collective initiative which aims to restore waterways and address resource management issues within the rohe. Triggered by conversations within Ngāti Hau about what they were experiencing with regard to their waterways alongside the fact that they were no longer seeing tuna in the numbers they had in their youth, local hapū drew together acknowledging there is strength in numbers. The group of hapū include Ngāti Hau, Ngāti Kahu o Torongare, Te Orewai, Te Urioroi, Te Parawhau, Te Kumutu and Ngāti Hine.

Driven by te ao Māori values, the rūpū aims to achieve the restoration of their waterways through methods such as riparian planting and fencing, actively measuring and sampling water quality, ensuring a water monitoring plan is in place, active participation with key stakeholders (which included Māori, non-Māori, WDC, NRC, Fonterra, DOC etc).

The group seeks partnership, relationship with other stakeholders in the region, and sends the strong message that hapū want significant improvements in the management and restoration of freshwater and estuarine environments to help support the taonga species that live within them.

The rūpū acknowledges that taonga species such as tuna (freshwater eel), kōura (freshwater crayfish) and kākahi (freshwater mussels) are central to the identity and wellbeing of many Māori communities. With this in mind, manaaki tuna is one of their key activities. This support of tuna includes assistance with their whakaheke (migration) and is actualised as fish ladders and passes in place at power stations and pumps, annual tuna transfer plans, monitoring in place for tuna and other tuna friendly options.

According to documentation by NIWA, over the last decade, NKO NWM has worked with Northpower, NIWA, Ministry for Primary Industries, DOC, and other agencies to move juvenile eels over the Wairua Falls power station as they swim upstream as part of their life cycle.

#### LITERATURE REVIEW

Our literature review revealed that while there was minimal literature focused solely on the rūpū and their activities, there was quite a range of literature which mentioned Ngā Kaitiaki o Ngā Wai Māori.

As a key undertaking of NKO NWM is in their manaaki tuna mahi, we identified literature pertaining to the relationship between Māori and tuna as a taonga species and a bioindicator of hauora for waterways.



Dr Jacques Boubée explained that tuna populations are “faced with a multitude of challenges during their long and complex life cycles,” which are made even more difficult by the myriad of barriers they face in water systems within the scope of NKO NWMhapū.

As we will point out further down, Ruka (2021) echoes kaitiaki concern about the challenges the rūpū faces in terms of legislation by pointing out his apprehension with tuna legislation and its effects on Māori and particularly mana whenua. He states, “commercial fisherman from all over the country can come into Tai Tokerau rivers and streams and fish for tuna – catching for other quota holders who are also not from our region.” Furthermore, he goes on to point out that “there is no requirement for commercial fisherman to liaise with local hapū to ensure that eels are not taken from traditional customary fishing locations. There is also no regard for hapū environmental management plans or the recent 2017 ‘Mana Whakahono a Rohe’ legislation” (Ruka, 2021).

“Ngāti Hine reported that they had studied eels intensively to determine life cycles, ages, and habitat and migration patterns. They were able to learn the animals’ life cycles, how old they would live to be, what habitats they preferred and their migration patterns. This knowledge helped determine how many eels they could take for food before depleting numbers to a dangerous level. Eeling would occur at special times of the month and year according to a range of environmental indicators e.g., lunar cycles.

Ngāti Hine studied eels for generations this was not a result of simple curiosity, but of respect. Ngāti Hine understood that their survival was interlinked with that of the eels. They played a pivotal role in Ngāti Hine’s history, culture and survival, not only for sustenance but because these creatures were an apex predator and extremely important in a freshwater ecosystem.

In working with groups such as NKO NWM, Dr Erica Williams believes it is about valuing mātauranga Māori alongside other science knowledge systems. “It is also about taking every opportunity to build shared experiences, where hapū become comfortable working with scientists, and both partners build mutual understandings and capacity.” (NIWA, 2012)

#### KAITIAKI PERSPECTIVES | CHANTEZ CONNOR-KINGI

Chantez Connor-Kingi (Ngāti Kahu o Torongare) has been engaged with NKO NWM since its inception and has whakapapa connections to the many catchments the rūpū encompasses. In establishing the rūpū, Connor-Kingi believes there was mana in collectivising the hapū, with the understanding that there is strength in numbers. “There were, of course, other whanau and hapū engaged in this space before... but the idea was if there are more of us, we would hold more power and the council would have to engage.”

Driven initially by Allan Halliday and Hori Tuhiwai, kaitiakitanga is a central concept for NKO NWM, with its members possessing a keen holistic awareness for the hauora of our taiao. Each hapū of NKO NWM have at least eight waterways to care for with Ngāti Kahu o Torongare, from whom Connor-Kingi descends, has 14. She explained that the aronga of NKO NWM has many focal points, recognising the interconnected nature of te ao Māori which dictates that whakapapa connects us all and we cannot view things in isolation. To this end, while the group’s key focus is wai Māori, or fresh water, they recognise that



maunga, marae, awa, moana, whānau, hapū are not separated. Their mahi involves finding solutions to all aspects of the taiao and through this, the state of water.

“Taiao is a reflection of oranga mō ngā tangata me ngā kaitiaki. Nothing is separated. When we are monitoring our waterways, we are monitoring its habitat, its ngahere, its fish life. If the water is not well and the habitat is not well, then we’re not going to be well as a people,” Connor-Kingi.

With this in mind, NKoNWM view tuna as a reflection of the wellbeing of its environment, and views its decline as a major concern. The rūpū practices traditional conservation by using mātauranga Māori such as reading maramataka and other relevant Māori knowledge with regard to monitoring the supply of eels and informing sustainable harvesting of tuna.

As passionate advocates for ngā wai Māori, there are many ongoing stresses and pressures of championing and achieving change for the environment of the area. This relates to such things as the Hikurangi Swamp Scheme and the swamp pump stations. Connor-Kingi explained that the aspiration of the Ngarara-i-tunua community is to see the Hikurangi repo return to its natural state as wetlands. But in the meantime, she acknowledges it’s about finding solutions, which could be as simple as planting more trees or fencing off the waterways to keep stock away from the water. She is also keenly aware that not every solution can be achieved because they require partnerships that so far do not exist. Previously though, a Waimā Waitai Waioira partnership has allowed them to fence waterways.

“We can only do so much in the repo. We can already see what Mother Nature is crying out for it to do, and that’s for it to go back into a repo.”

A key challenge identified by Connor-Kingi is legislation. She believes there is no strong advocate for our wai within legislation when it comes to a te ao Māori or mātauranga Māori perspective. In her view, the Hikurangi repo is a great example of the failings of fish passage legislation. DOC and regional councils have been responsible for managing fish passage in our waterways under the Freshwater Fisheries Regulations 1983 and the Resource Management Act 1991 (Department of Conservation). Since the existence of this piece of legislation, consents within Te Taitokerau have been issued by NRC and enforced by DOC. From NKoNWM’s perspective, this legislation has achieved nothing. They believe it is useless and has no applicable function in its current form. “The challenge in that, for us as kaitiaki, is that we can see no one is enforcing this legislation. We could alert the authorities that there are issues with fish passage, but no one is able, or perhaps willing, to fix it. They do not have the capacity.”

Whanaungatanga, or relationships, is another area that NKoNWM believes is vital for their success. With regard to the Hikurangi repo, it has taken years for NKoNWM to engage and build relationships with the farmers. “In our view it is not yet a partnership, but we have worked through the challenges of trying to develop relationships and advocate for the removal of the pumps. But if you don’t create those intergenerational relationships, or if those you have built relationships with sell their land, or if you don’t maintain or retain those relationships, the challenge is you won’t be able to access the waterways.”

“We see it as our right to be able to access our waterways, but we acknowledge non-Māori landowners may not feel the same way.”



A key mechanism the rūpū would like to see change would be for water monitoring rights to be returned to mana whenua. Currently, NRC holds monitoring rights for the water, not hapū, and NKO NWM believes they should be resourced to do this mahi. "Who better cares about their awa than the people who live – and whakapapa – there?" This also presents another challenge – data sovereignty. If the council, or other crown agencies, are the ones collecting the data, that data is often not made readily available to hapū groups.

Connor-Kingi shares an example "we continue to engage with MPI and request data, specifically what their commercial take is. However, the data we are provided with is outdated, often 4 to 9 years old. What this tells us is they don't even know. [It tells us] That our tuna don't have a voice and are in a position they can easily be taken advantage of."

There is also the view that those implementing the RMA have not always met the commitments explicitly provided for tangata whenua to participate in RMA processes. This has impacted on mana whenua ability to action their roles as kaitiaki. "They are breaking us down as Māori. You have NPS, then the Climate Change Resilience statement, then the RMA reform. Challenges in this space are in allowing us as Māori to interact at all levels. We need to have more people on the ground to be in all those rooms. We currently don't have those people with the required skillsets available to feedback though, and as kaitiaki, we are stretched thin and are unfortunately time poor."

As Ngā Kaitiaki o Ngā Wai Māori, the rūpū hasn't used available council tools, as they believe the mana to assert those lies within each hapū or Iwi. They see their role as a mechanism to apply for and hold funds for hapū to undertake kaitiaki activities within their own rohe, while also capturing the data which can then be used to create informed decisions and informed arguments.

"What we have learned in terms of those tools, however, is that they can be good to have if you have the capacity and if you know that that document will be honoured and used." Hapū have, in the past, been left in despair after seeing management plans ignored or forgotten about, having experienced government agencies trying to work out who mana whenua is when there has been a management plan developed years ago that they haven't even looked at.

The NRC has supported NKO NWM in the past by making staff and resources available, including the use of vehicles and machinery. This was quite empowering for the hapū, having access to tools through this relationship. Connor-Kingi also believed is allowed the Council to see that partnerships between Crown agencies and mana whenua can work. In this regard, she believes Councils are making progress. However, there are also frustrations within the relationship. Having to engage, repeatedly, with different people from the Council can get tiresome. Connor-Kingi believes succession planning within the agency needs to be improved so relationships can be maintained. "With mana whenua, our whakapapa keeps growing every nine months, but within government agencies, their employees keep changing."

"We understand that we can agree to disagree. Not everything is going to benefit all of us. All our hapū have different kawa and we respect that. Working with government and with the crown, their beliefs are things can be made to a template where we know this is not the case."



There are mechanisms that could make the rōpū function more efficiently. Additional resourcing of mana whenua representatives and the provisioning for training and education for freshwater monitoring roles would enable more effective decision making to occur.

#### FINDINGS | CONCLUSION

Ngā Kaitiaki o Ngā Wai Māori has seen much success throughout its years and has grown to be a well-oiled operation with efficient systems for assisting tuna whakaheke. Their successes are due in large part to their commitment to their kaupapa and the relationships they have developed with the Council and local farmers over the years.

Their aspirations are lofty, with the goal of seeing the Hikurangi repo returned to its natural state as well as the ability to manaaki whanau, manaaki manuhiri through sustainable catchments of tuna. Mana whenua needs to not only engage, but interact at all levels, from on the ground to legislation. Authentic 50:50 partnership would achieve this but in order for this to happen, they believe the Council needs to relinquish some control. There is mistrust on the ground because of mismanagement in the past. Council has management plans but these are not always honoured. The partnership needs to be based on pono and tika to achieve active participation at all levels.

Volunteer roles are not sustainable. Whanau are time poor, wearing many pōtae and stretched across many kaupapa. These important roles must be valued and resourced accordingly.

An unsurprising change NCoNWM would like to see is more stringent monitoring and enforcement into breaches.

The rōpū will continue to work tirelessly for their waterways.

#### REFERENCES

Edwards, H. (2017). *Nga Kaitiaki o Nga Wai Māori*. <https://tehiku.nz/te-hiku-tv/haukainga/5796/nga-kaitiaki-o-nga-wai-maori> (accessed September 2022)

Egan, E., Woolley, J.M., & Williams, E. (2020). *Climate Change Vulnerability Assessment of selected taonga freshwater species technical report*. Prepared for Te Wai Māori Trust

Fear, A. (2021) *Protecting our taonga together*. NIWA <https://niwa.co.nz/news/protecting-our-taonga-together>

Shortland, T. & Thomas, T. (2019). *Inventory of Iwi and Hapū Eel Research*. Fisheries New Zealand.

Tuhiwai, H., Tipene, S., Ruka, M., Halliday, A., Nehua, T.R., Crutcher, J., Shepherd, R., Paul, F., Paul, N., Hall, M., & Kauwhata, T. (2012). *Ngā Kaitiaki o Ngā Wai Māori Strategic Plan*.

Tuna Conference Asset (2017)



Williams, E., Boubée, J., Halliday, A., Tuhiwai, G. (????). *Tuna Populations in the Wairua and Mangakāhia Rivers*. Prepared for Ngā Kaitiaki o Ngā Wai Māori, Northland Regional Council.

Franklin, P., Gee, E., Baker, C. & Bowie, S. (2018). *New Zealand Fish Passage Guidelines*. National Institute of Water & Atmospheric Research Ltd

Ruka, M. (2021). *Māori and Tuna in this Contemporary World*. Environment River Patrol Aotearoa.

Ministry for the Environment. (2018). *Mana Whakahono ā Rohe guidance*. Ministry for the Environment.

TE RARAWA — ME HE WAI

*Te kaha o te wai,  
Te tapu o te wai  
Te whakapapa o te wai  
To horonga o te wai  
Te mana o te wai*

#### INTRODUCTION

Te Runanga o Te Rarawa was first established in 1986 off the back of a historical year in Aotearoa. The organisation represents the people of Te Rarawa who whakapapa back to the time of Tarutaru and the waka Tinana and Māmari. The organisation has large and ambitious goals for its people, stemming from modest beginnings and transforming into the well organised, self-sufficient entity it is today. Te Rarawa and affiliated hapū assert tino rangatiratanga and practice kaitiakitanga in and around the Hokianga, Whangapē and Owata Harbours, Te Oneroa a Tohe, Tāngōngē and areas lying inland to the Maungataniwha ranges (Muriwhenua Report, 1997).

At the conclusion of the \$1b tree project Te Rarawa was actively involved in; the Iwi was successful in receiving resource from the Te Mana o te Wai funding for the project Me He Wai.

#### HISTORY OF THE PROJECT

Me He Wai (be like water) has been developed to build capacity and capability for Māori to participate in and make decisions for freshwater management, and to help Māori improve the health of the freshwater bodies of importance to them in the Te Rarawa rohe (North Hokianga to Kaitiaki area). The purpose is to support improved water quality, to mitigate climate change impacts, to stimulate economic development and to build community capacity and capability

The Te Rarawa Project Me He Wai has two objectives:

1. Support tangata whenua to build capacity and capability in and make decisions for freshwater management.
2. Improve health of freshwater bodies of importance to tangata whenua and create nature-based employment opportunities.

The project delivery will span between 2022 and 2025 and cover the rohe of Te Rarawa. The National Policy for Freshwater, Te Mana o Te Wai and resulting Regional Freshwater Plan will be the guiding documents to provide the standards for the freshwater status. Through Me He Wai, the organisation promises to:

- Implement a monitoring plan around hapū and marae aspirations

- Build a data resource that helps the people of Te Rarawa understand the environmental health of the Te Rarawa rohe
- Support restoration efforts through monitoring, fencing, trapping and planting.
- Be a part of progressive mahi, developing a new approach to Māori and Crown engagement

#### LITERATURE REVIEW

A brief literature review was conducted where we researched some of the many waterways in the rohe o Te Rarawa. The information is vast and many of the documents we discovered share similar stories about the degradation and current state of the large catchments in the area. The Me He Wai project aims to start supporting the return of the mauri to these catchments.

A Cultural Impact Assessment crafted for the Far North District Council by Waikare Gregory and Tui Beddgood shares rich history of Te Rarawa and their connection and affiliation with wai Māori. "Although histories differ from one mana whenua to another, there are fundamental beliefs and values associated with the natural environment which are shared. These values make up the way Te Rarawa interacts with the environment and cares for their taiao" (Gregory and Beddgood, 2021). The document goes on to share the disappointment in the Crown when the health of the waterways began to degrade through ongoing breaches of Te Tiriti o Waitangi. "Te Tiriti o Waitangi promised Crown protection of Māori custom and cultural values – a right that extends to the protection of tino rangatiratanga. However, these rights have not been held by local Council(s) in the rohe. Despite this loss of customary right, wai remains an integral part of tangata whenua life. Wai is a taonga tuku iho – a resource, which is still integral to tangata whenua customs and traditions. Maintaining and enhancing the health and wellbeing of wai is an ongoing concern for ahi kaa (mana whenua)."

*"The Awanui river catchment was central to the wellbeing and survival of tupuna living in the rohe. Rivers provided natural pathways for accessing inland areas, where many resources could be gathered."*

The document goes on to assert the importance of the catchment for the survival of mana whenua. "The whole catchment was important for harvesting resources – from the mountain streams and lakes, the river valleys, wetlands, waipuna, ground water (aquifer) and the river mouths – where many of the permanent settlements were located. Customs and cultural values associated with wai (water) were an integral part of traditional life; maintaining the life supporting capacity of wai remains central to the lives of present-day mana whenua. Rivers are important geological markers for mana whenua to explain where they come from – rivers provide a link between the past and the present."

Tāngōngē, near Kaitaia (appendix 6a) was also once a significant lake and wetland area. It held perennial surface water that grew large plantations of taro. It was the rippling and swaying effect of the tall taro in the wind that gave the awa its name:

*"Anō te māra taro a Taiawarua, me ngā koroī o Hotu, ka pūhia te hau ka Tāngōngē noa."*  
(Hongi 1930, Graham 1991).

Tāngōngē is regarded as one of the most historically important mahinga kai of Te Hiku o te Ika where several hapū used and managed the freshwater fishery, bird life, gardens and



other resources that contributed to vast economic growth. Inanga, kēwai and tuna were commonly fished along rivers and streams into Tāngōngē and at the lake itself.

However, Council discharge practices and methodologies has meant a rāhui to fish for inanga downstream from the waste water treatment plant (WWTP) and the Waihou floodgate, and this has remained in practice almost 40 years after treatment was first applied. The development of the WWTP further aggravates the condition of the awa, especially since the decommission of the Awanui effluent disposal system in 2013 (Brockback et al, 2014).

Sedimentation in the Whangapē Harbour has been a subject of interest for the NRC with data readily available on its website. In a report released by the NRC in 2013 it details the sedimentation profile of Whangapē. The Harbour covers 850 ha and is north of Hokianga Harbour on the west coast of Northland. It is made up of 53% mudflat, 28% subtidal and 19% mangroves (Morrison 2005). The harbour is the result of two river arms meeting; the Awatoa awa and the Rotokākahi awa. Both estuaries have subtidal channels lined with mangroves. The harbour entrance is recorded to have medium to coarse sand carried in from the open coast and then a large expanse of shell gravel from living and dead pipi (Haywood et al. 1994 in Morrison 2005). Historically (7000-700-year BP) the land surrounding the harbour has been mixed conifer and hardwood forest with regular fires (both natural and anthropogenic). More recently as in the Hokianga, the Kauri forests have been logged out, increasing erosion and causing on-going sedimentation problems. The sediment loading has been offset by the narrow harbour entrance which helps to discharge sediment in large plumes.

It is such documentation that provides context to the issues faced by the Me He Wai project for Te Rarawa.

KAITIAKI PERSPECTIVES: KELLY MURPHY

Pukengaire te maunga  
Nga Tororangi te awa  
Ngāti Whakaue te hapū  
Te Arawa te iwi

We had a korero with Kelly Murphy, the Programme Manager for the Me He Wai Project. Her Whakapapa is in Te Arawa but her heart and her home is nestled in the chest of Te Rarawa. Graphics Designer by trade it is obvious her talent and passions lead far further than this.

Murphy has been one of the key drivers of the Me He Wai project. She noticed that the current state of the wai Māori in te rohe o Te Rarawa was “looking pretty sad” with a number of significant issues impacting the water. From sedimentation in Whangape, the impacts of intense farming and land use, impacts of flooding and climate change to the community wastewater treatment plant discharging straight into the Tānonge and Awanui catchments, the concoction of issues that have contributed to the sad state of the water are vast and difficult to treat. Armed with a team of passionate uri, Murphy works within Te Runanga o Te Rarawa to start to address some of these issues.

The Me He Wai project has the needs of hapū and marae at the heart of it with a significant part of the programme dedicated to engagement. The team have a thorough engagement process which includes an initial “seed planting” or he kākano stage as well as a facilitated wananga at each marae to understand the needs, aspirations and mātauranga



at each of the 23 marae. Understanding the goals of the marae is imperative as the monitoring, environmental management dashboard and plans will be developed around these goals.

The challenges of the hapū have been many, with Murphy sharing the ones that are top of mind for the team; resource, mindset (including a reliance on dairy farming and fisheries), capacity of marae, lack of trust and how to enable each marae to realise their aspirations. The team work closely with the NRC and part of the project is to demystify government for Māori, and Māori for government. The ability for each world to coexist and operate is important to realise the outcomes for wai Māori in Te Taitokerau (and beyond). Murphy and her team work to understand how to take the hapū aspirations and turn them into reality through council policy, planning and rules. Turning these back into actions for marae and hapū members to realise better outcomes for wai Māori is equally as important.

Successes in the project are few as the project is in its beginning phase, however standing up a ream of passionate people and developing the taiao strategy and Iwi Environmental Management Plan is going positively.

The team has had a positive relationship with staff at the NRC. The Policy team have been especially hospitable and open to dialogue about the Freshwater Plan Change. The Runanga has yet to explore any tools from within the RMA including Mana Whakahono a Rohe agreements and a Section 33 Transfer of Powers, but positioning the Iwi to be able to move forward with enabling these things is within the strategic priorities moving forward. Murphy shares the frustrations with all of the current changes and the stretch the team is already feeling “we want to be everywhere but just don’t have that capacity at the moment so we have to prioritise and do our best”. When discussing the effectiveness of Crown-based tools (through legislation and Policy) Murphy shares her wish for government to be less mysterious and difficult to navigate for whanau on the ground. “The need for our people to be able to understand the difference between rules, plans, policies and how they relate to the environment is high”. She also states the need to include intrinsic water values in Plans and ensure the health of the water aligns with indigenous values and local mātauranga.

Murphy encourages Councils to be open and collaborative in their approach, consider facilitating Iwi and hapū taiao teams in the Council for a time like a secondment, and vice versa with environmental teams in iwi organisations. She continues to mention the resource consenting process and encourages councils to pay for Cultural Impact Assessments and Iwi and hapū involvement in the processes the same way consultants are remunerated.

Murphy’s aspirations for hapū around Te Mana o te Wai is self-actualisation of kaitiakitanga and rangatiratanga by practicing these values for their tupuna awa and wai Māori. She sees it partially as a training exercise to prepare whanau for when lands are returned as they are currently in worse condition than when they were acquired by the Crown. “We need to be prepared to restore the taiao when our whenua is returned to us and we would expect it to be resourced and so the Crown needs to be preparing for that handover now”.

#### CONCLUSIONS | FINDINGS

The Me He Wai project aims to enable whanau to assert tino rangatiratanga and kaitiakitanga in their own way, breathing life back into mātauranga of hapū and marae and providing positive outcomes for water bodies and catchments in te rohe o Te Rarawa. While the issues are well documented and vast, the Te Mana o te Wai project will see the people of Te Rarawa working with Councils to navigate systems and put the health of the water first.

#### CHALLENGES

While the project is still in its early stages the challenges have been identified as part of the strategy to ensure mitigation can occur where possible. Engaging with whanau and enabling them to better navigate a complex Crown system is one of the key outcomes of this project and demystifying the Crown for whanau will help this process. Co-learning with the Crown and sharing information on how to navigate te Ao Māori is also an ongoing challenge, however willing staff members within the Councils are making this process easier for the organisation. Future challenges around creating a sustainable programme through the taiao unit within the organisation are being considered and how to resource this still exists.

#### LESSONS LEARNT

The Me He Wai project is a collaborative approach across many hapū and marae and this was seen favourably when the team applied for the Te Mana o te Wai funding. A “better together” approach was preferred by the Ministry and while it has its challenges, the lessons around connecting on shared values and aspirations has seen early success for the team. Hiring passionate people has been a key success in these early stages and ensuring the team have connections with hapū, whanau and the wider community has helped. While this project has wai Māori at its core, the most important element in its success will be the people: He aha te mea nui o te Ao? He tangata, he tangata, he tangata.

#### REFERENCES

- <https://www.terarawa.iwi.nz/history/history-of-organisation>  
Muriwhenua Report, Waitangi Tribunal, 1997  
Gregory W., Beddgood, T. 2021. Cultural Impact Assessment, Kaitaia Waste Water Treatment Plant. Te Rarawa.  
Hongi, H. 1930, Ancient Māori history: recollections of a rambler, Wairoa Star Print, Wairoa, New Zealand.  
Graham, M. 1991, Whakapapa and historical notes and accounts (photocopy of MSPapers-4450), Collection Ed., Alexander Turnbull Library, Wellington, New Zealand  
Brockbank, T., Henwood, W., Gregory, W., Moewaka-Barnes, H, McCreanor, T. (2014) Ko Tāngonge te wai: Challenges of restoration and management of a flood plain lake. Far North Harbours Water and Sediment Quality Investigation. Northland Regional Council 2013.  
Morrison, M. (2005). An information review of the natural marine features and ecology of Northland. Prepared for the Department of Conservation. National institute of water and atmospheric research limited.

#### DISCUSSION

Throughout the case studies we can acknowledge key themes, frustrations and pain points kaitiaki are experiencing while attempting to work within the current system.



The core issue is well described in a quote from the Climate Aotearoa book, penned by Rod Oman “The te ao Māori view of stewardship of nature must displace the Western world view of dominion over nature (p.287). Humans have hit the limits in terms of exploitation and the belief that people can control ecosystems, we must seek better relationships with the natural world.”. The loose granting of resource consents by councils while hapū and Iwi voice has been avoided or ignored.”

For processes such as planning and policy development in relation to te taiao, it is important that a tikanga-led consultation process is followed. When discussing particular awa and/or whenua, conversations need to be had on the marae during times that whanau and hapū can attend. Consultation needs to be respectful and follow the instruction of the hapū and kaitiaki, tokenistic engagements are not fit for purpose and have only further disenfranchised mana whenua.

For those who are actively engaging in the consenting process, claims are heard that the resource consenting process is lengthy, legal and laborious and Crown biases seek to further displace Māori and detach them from the taiao. This is fundamentally problematic and discourages Māori from working with the system. This is evident in the lack of willingness by Māori to navigate the complex Crown system to utilise tools in the RMA such as Transfer of Powers. however this is something many hapū and Iwi aspire to complete.

Mana Whakahono a Rohe agreements, while in essence aim to provide Iwi and hapū with a stronger voice have only perpetuated inequities as Māori are unable to enact them. They are simply viewed as another Crown tool that was designed without tikanga Māori in mind.

Iwi and hapū struggle to keep up with large companies and withstand an expensive legal process due to lack of resourcing (that has usually stemmed from disenfranchisement of the people from their resources). This makes operating within the system something that many Māori do without financial resources. Resource consenting, engagements and consultation processes need to value the time of whanau, hapū and Iwi and resource this appropriately. The expectation that Iwi and hapū will engage with organisations through the consenting process for free shows a lack of respect for the mātauranga and mana of mana whenua.

#### RECOMMENDATIONS

From the korero we received we have crafted 10 recommendations for action for Councils to consider in its planning process.

1. Partner and engage with mana whenua early, respectfully and meaningfully  
Consultation processes need to be held at marae and on the whenua that is being discussed. This requires planning for longer time frames, resourcing meetings and honouring the mātauranga that is shared by implementing recommendations. Tangata whenua need to be engaged as the technical specialists that they are which means including them in key decision making steps throughout all processes.
2. Create a dedicated “bridging rūpū”  
The distance between Councils and Iwi/ hapū is large and requires bridging if the two worlds are to work better together. Resourcing a “bridging” rūpū to act as a conduit between Councils and mana whenua to support navigating both te Ao Māori and the Western system while Council and mana whenua group capability and capacity is built. Among other things this group would be tasked with removing





- or navigating barriers to implementing tools within the RMA such as Mana whakahono a rohe and transfer of powers.
3. Removing barriers and encouraging mana whenua groups to exercise transfer of powers  
Building capacity, measurements of monitoring (including Western and mātauranga Māori measurements) and resourcing are among some of the challenges mana whenua groups face when considering pursuing a transfer of powers.
  4. Create a dedicated fund for resourcing kaitiaki groups to work better within the RMA  
Funding could be sourced through a “rewards system” where those with water take permits (or other water focussed resource consents) pay a kaitiaki fee that is based on how much water they take (or don’t take) throughout the year. This would encourage sustainable use and implement better monitoring standards.
  5. Co-design, resource and support the implementation of a kaitiaki training programme where Māori are able to learn how to best operate within the RMA system and realise their rangatiratanga and kaitiaki obligations. There is a need to demystify government for Māori and te Ao Māori for government.
  6. Notified, limited notification and non-notified assignment to resource consents pertaining to water bodies require a te Ao Māori lens. The consistent application of “non notified” status to resource consents that are of high interest to mana whenua have caused ongoing grievances within mana whenua groups. By applying a te Ao Māori tikanga framework to the application of such status would have limited the amount of court appearances required (and resources redirected) by both mana whenua and Councils groups.
  7. Give effect to Te Mana o te Wai, He Whakaputanga and Te Tiriti o Waitangi. Regional and district Councils are viewed as an extension of the Crown and are therefore obliged to honour and give effect to the founding documents (He Whakaputanga me Te Tiriti) and documents since developed (Te Mana o te Wai) that will uphold the mana and return the mauri of wai Māori.
  8. Reduce resource consent time periods (to no longer than 15 years)  
This will enable review at shorter interims and therefore give Councils and mana whenua opportunity to ensure conditions within resource consents are being honoured and applicants will be encouraged to monitor the health of the waterway more regularly.
  9. Protect tangata whenua water sources to enable the use by marae, papakāinga and Māori landowners. Protection measures would need to be designed by tangata whenua and can include policy, legal and physical protection measures in alignment with tikanga.
  10. Encourage consent holders to build better relationships with local mana whenua. Include hapū and Iwi in the notification process, progress updates and reporting to encourage consent holders to build and maintain positive relationships based on respect and mutual agreement to baselines and monitoring protocol.

## REFERENCES

Hamer, P (2016) Porotī springs and the Resource Management Act, 1991-2015. Waitangi Tribunal, Te Paparahi o te Raki inquiry (WAI 1040). Uplifted from:  
[https://forms.justice.govt.nz/search/Documents/WT/wt\\_DOC\\_104351342/Wai%201040%2C%20A055.pdf](https://forms.justice.govt.nz/search/Documents/WT/wt_DOC_104351342/Wai%201040%2C%20A055.pdf)

Morrison, M. (2005). An information review of the natural marine features and ecology of Northland. Prepared for the Department of Conservation. National institute of water and atmospheric research limited.

Te Aupouri Commercial Development Ltd. – APP .039859.01.01 – Application and AEE.  
Uplifted from <https://www.nrc.govt.nz/media/rrzi5fv3/1a-te-aupouri-commercial-development-ltd-app0398590101-application-and-ae4.pdf>

Rangihīroa Panoho, Pao pao te wai, Waipao te awa. Canvas Art 2006

Roke, D.L and McLellan, C.H ( The Water Resources of the Maunu-Maungatapere-Whatitiri Area, pp 64, 71  
<https://www.nrc.govt.nz/media/3r4izlkn/waterresourcesofthemaunumaungataperewhatitiri1983web.pdf>

Ruka, M. (2019) Porotī Springs a Case Study for Kahui Wai Māori. Environment River Patrol Aotearoa – New Zealand.  
<https://environment.govt.nz/assets/OIA/Files/19-D-01552b.pdf>

TTMAC Terms of Reference 2019 –2022. <https://www.nrc.govt.nz/your-council/elected-members/council-and-committees/>

<https://waateanews.com/2021/09/02/Aupōuri-water-consents-unlock-tribal-lands/>

<https://www.nrc.govt.nz/news/2021/september/Aupōuri-aquifer-consents-granted/>

<https://www.teAupōuri.iwi.nz/>

<https://www.teAupouri.iwi.nz/wp-content/uploads/FINAL-Annual-Report-Book-2019-1.pdf>

<https://tehiku.nz/te-hiku-tv/haukainga/30557/the-Aupouri-aquifer-water-study-commences-for-the-next-month>

<https://www.nrc.govt.nz/media/ol4iekml/Aupouriaquifergroundwatermodelfinalreportjune2015website.pdf>

<https://www.wvla.kiwi/post/Aupouri-aquifer-groundwater-model-provides-detailed-scientific-water-analysis-1>

<https://www.nrc.govt.nz/media/fcvok1uh/aawug-decision.pdf>

Presentation by Hona Edwards and Allan Halliday – Ngā kaitiaki o ngā wai Māori. Māori Tuna Conference, 2017. Uplifted from <https://youtu.be/kUdX3V9xOWI>

Alexander, D. (2016) Porotī Springs. A spring of celebration, then a spring of conflict since 1973

Rangihīroa Panoho, Pao pao te wai, Waipao te awa Canvas Art 2006

Hamer, P. (2016) Porotī Springs and the Resource Management Act, 1991-2015

Carter, M., Ruka M., Paul, D. (2016) Te Urioroi Hapū Environmental Management Plan, Whatitiri Hapū Environmental Plan

Carter, M., Ruka M., Paul, D. (2016) Te Urioroi Hapū Environmental Management Plan, Whatitiri Hapū Environmental Plan

Hepi, M. Foote, J., Ahuriri-Driscoll, A., Rogers-Koroheke, M., Taimona, H., Clark, A. (2021) Enhancing cross-cultural evaluation practice through kaupapa Māori evaluation and boundary critique: Insights from Aotearoa New Zealand. Wiley Online Library.

Māori Tuna Conference 2017 <https://www.youtube.com/watch?v=kUdX3V9xOWI>

(Ngā Kaitiaki o ngā wai Māori Strategic Plan, 20120-2016

<https://www.nrc.govt.nz/media/b1klh3z2/supplementary-s42a-by-s-kane-and-b-hughes.pdf>

<https://www.nrc.govt.nz/consents/resource-consent-hearings-documents/limited-notification-24-groundwater-takes-from-the-aupouri-aquifer/>

Summary Document for 24 Applications for New Groundwater Takes from the Aupouri Aquifer. <https://www.nrc.govt.nz/media/kr2hjivz/nrc-summary-of-applications-inc-maps4.pdf>

<https://www.patuharakeke.maori.nz/about-us>

Chetham, J., Pitman A., Patuharakeke Te Iwi Trust Board Working Party (2014).

Patuharakeke Hapu Environmental Management Plan

Chetham, J (2019) Statement of Evidence of Julianne Chetham on behalf of Patuharakeke Te Iwi Trust Board

Justin Murfitt (Policy Programme Manager NRC) pers. Com

<https://www.nrc.govt.nz/news/2020/december/patuharakeke-councils-sign-important-resource-management-agreements/>

0001..

<https://www.terarawa.iwi.nz/history/history-of-organisation>

Muriwhenua Report, Waitangi Tribunal, 1997

Gregory W., Beddgood, T. 2021. Cultural Impact Assessment, Kaitaia Waste Water Treatment Plant. Te Rarawa.



Hongi, H. 1930, Ancient Māori history: recollections of a Rambler, Wairoa Star Print, Wairoa, New Zealand.

Graham, M. 1991, Whakapapa and historical notes and accounts (photocopy of MSPapers-4450), Collection Ed., Alexander Turnbull Library, Wellington, New Zealand

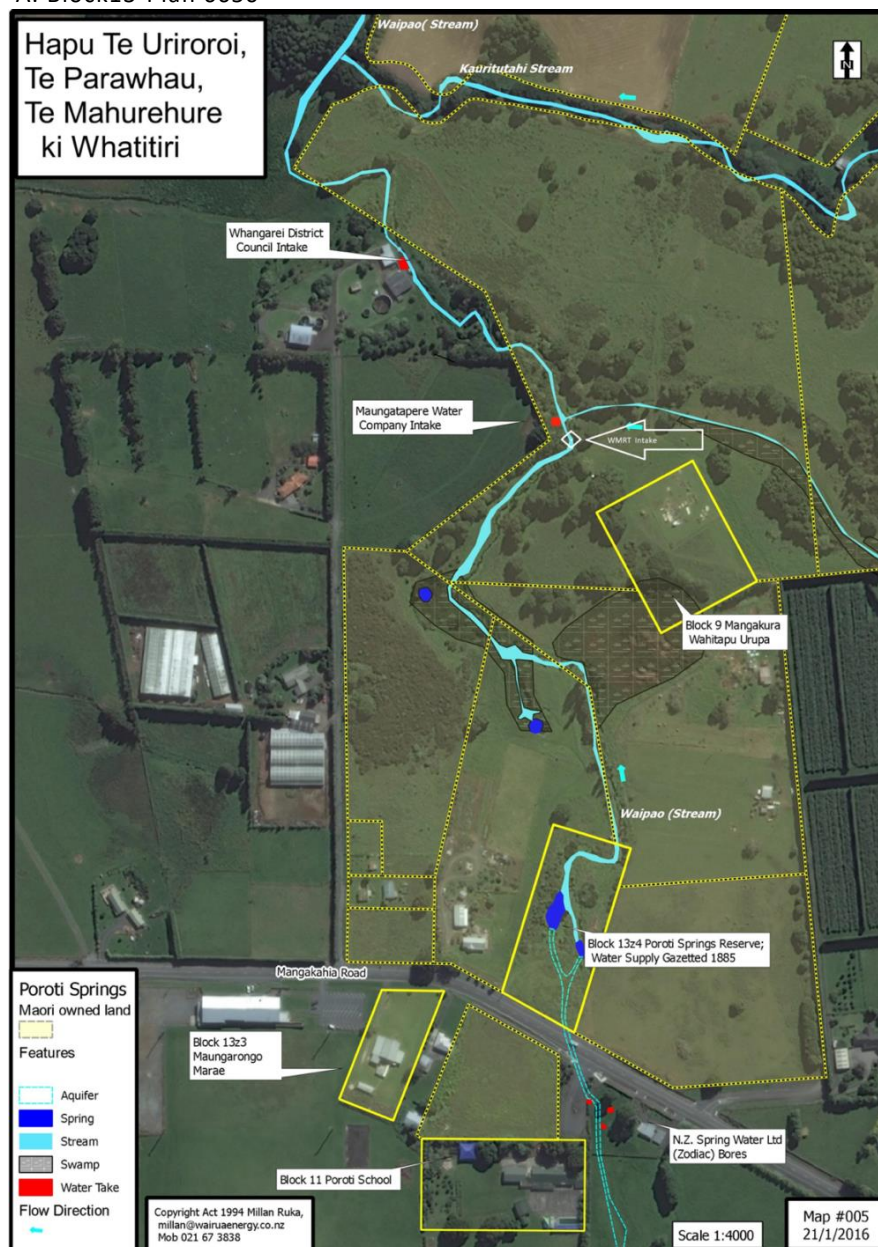
Brockbank, T., Henwood, W., Gregory, W., Moewaka-Barnes, H, McCreanor, T. (2014) Ko Tāngonge te wai: Challenges of restoration and management of a flood plain lake. Far North Harbours Water and Sediment Quality Investigation. Northland Regional Council 2013.

Morrison, M. (2005). An information review of the natural marine features and ecology of Northland. Prepared for the Department of Conservation. National Institute of Water and Atmospheric Research Limited

## APPENDICES

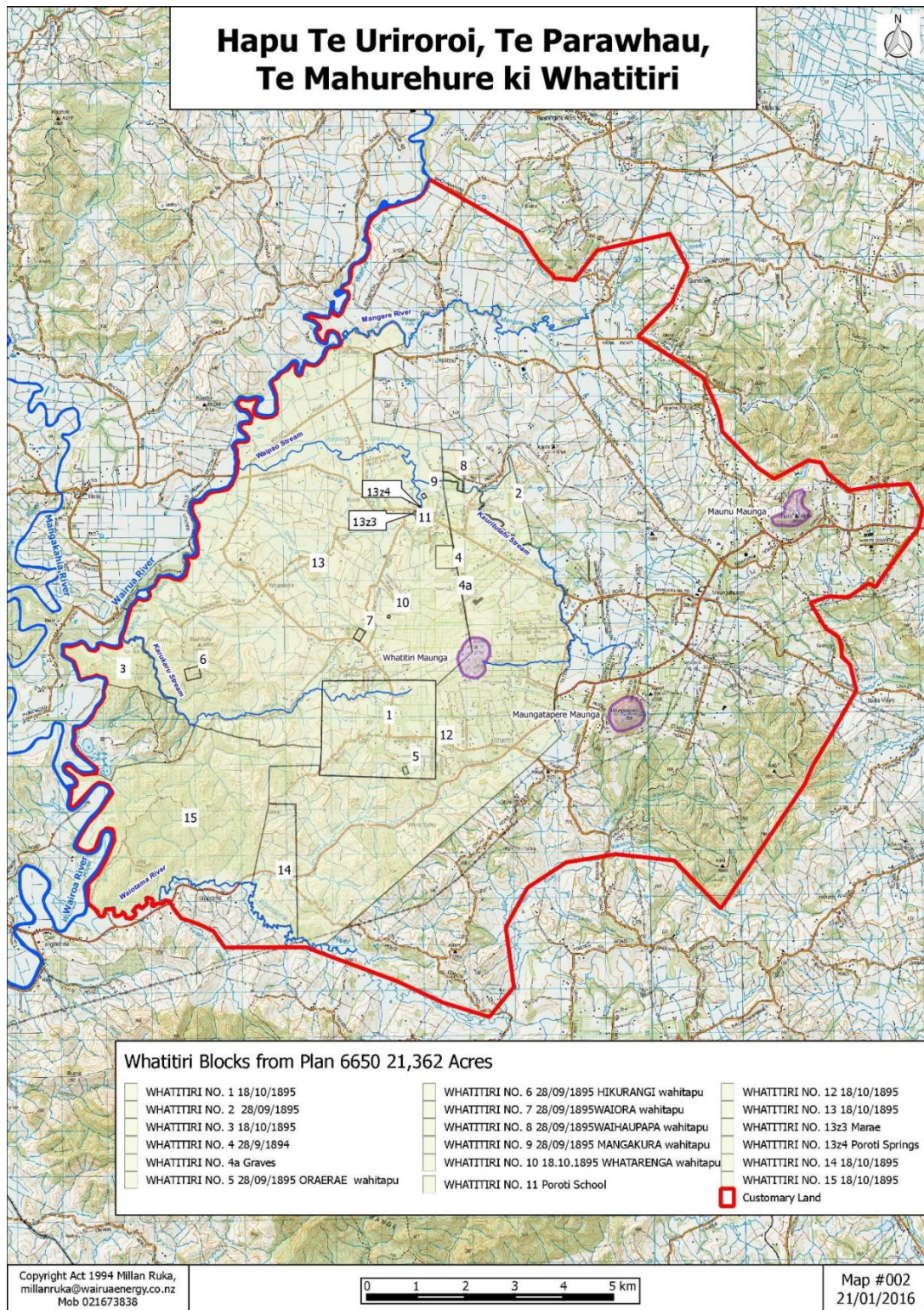
### APPENDIX 1: POROTĪ SPRINGS

#### A: Block13-Plan 6650



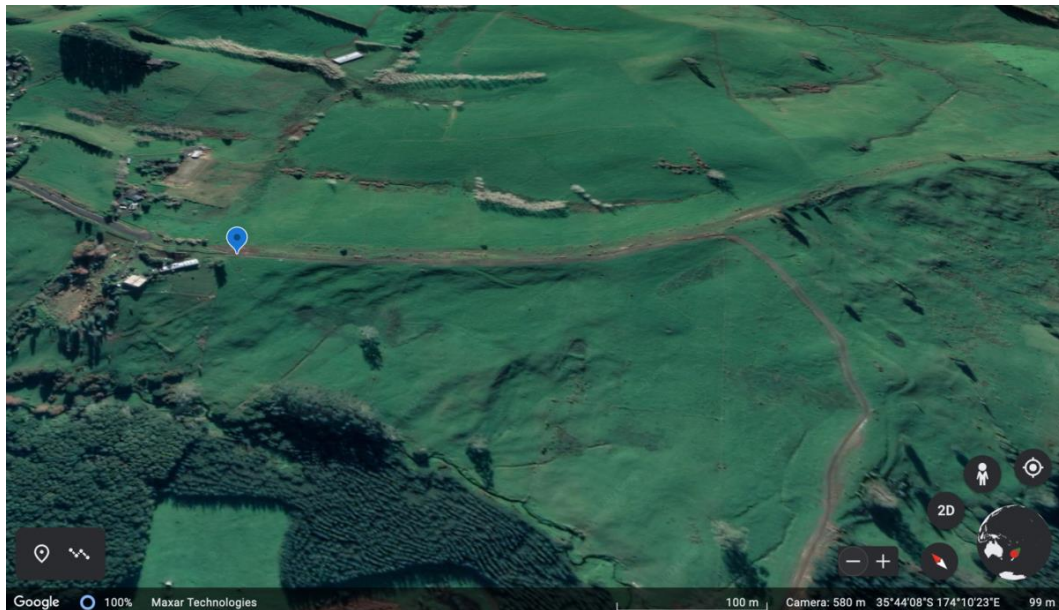


B: Hapu Te Uriroroi, Te Parawhau, Te Mahurehure ki Whatitiri





C: "The end of MacBeth Road" the initial papa kainga of Te Uriroroi. (Source Google Earth)



## APPENDIX 2: HIKURANGI REPO

### A: Hikurangi Swamp Scheme (wdc.govt.nz)





APPENDIX 3: WAIRUA RIVER

A: Map of the Wairua River (nzfishing.com)



#### APPENDIX 4: TE AUPOURI AQUIFER

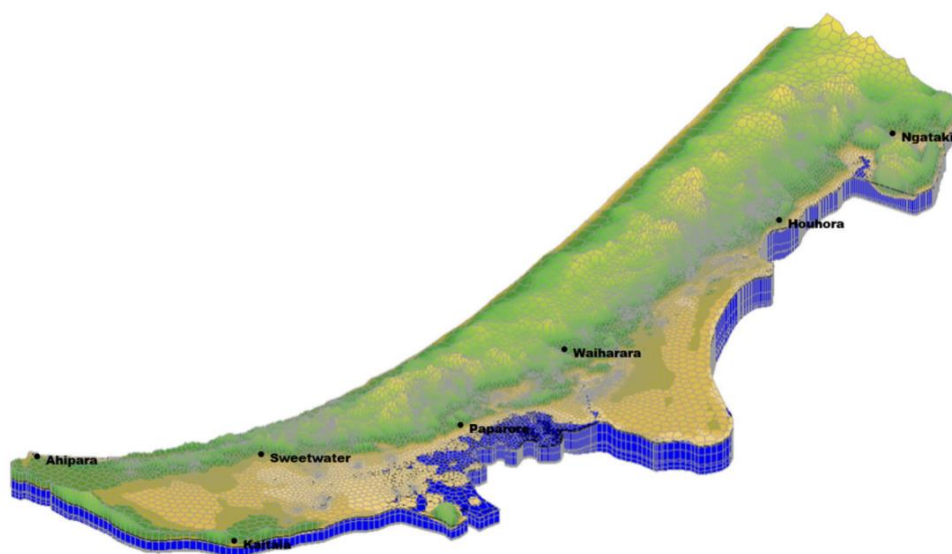
##### A: Te Raite Station location and boundaries



(source Google Earth)

##### B: Aupouri Aquifer groundwater model (source:

[https://www.nrc.govt.nz/media/gb4gv422/aupouri-aquifer-groundwater-model-development-report\\_2020.pdf](https://www.nrc.govt.nz/media/gb4gv422/aupouri-aquifer-groundwater-model-development-report_2020.pdf))



#### APPENDIX 5: PATUHARA KEKE TE IWI TRUST BOARD

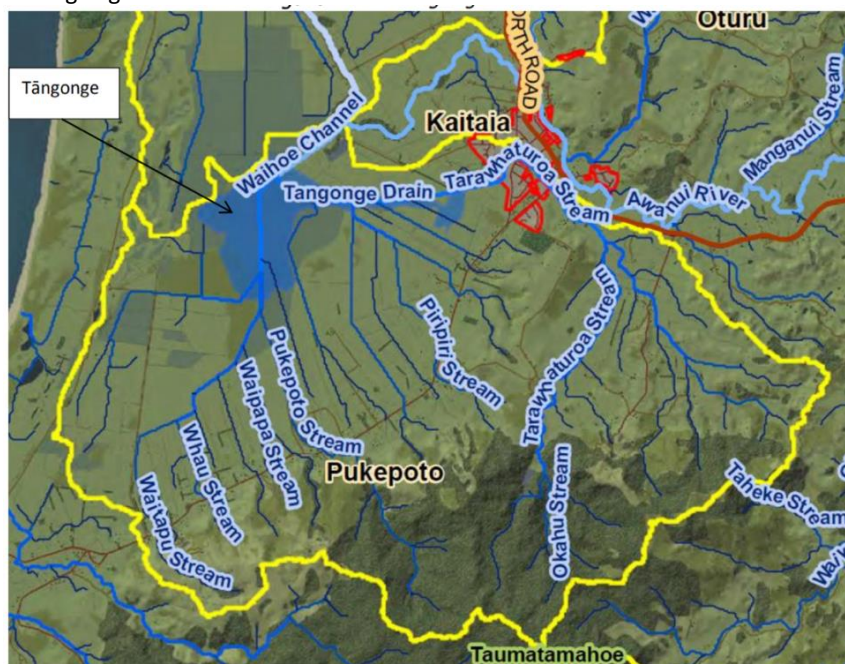
##### A: The Takahiwai Dam (source Topomaps.co.nz)





## APPENDIX 6: TE RARAWA: ME HE WAI

A: Map of Tāngōnge



APPENDIX 7: GLOSSARY

| Kupu Māori            | Translation  |
|-----------------------|--|
| ahi kaa               | Continuous occupation/ a person/ people who occupies the whenua and keeps the home fires burning for all descendants   |
| aronga                | direction  |
| ātaahua               | Be beautiful, pleasant   |
| Atua                  | Ancestor with continuing influence, god, deity   |
| awa                   | River, stream, creek   |
| awhi                  | To embrace, surround, hug  |
| hapū                  | Kinship group, clan, tribe, subtribe - section of a large kinship group and the primary political unit in traditional Māori society  |
| haukāinga             | Home, true home, local people of a marae, home people  |
| hauora                | Health, well-being   |
| He Whakaputanga       | The Declaration of Independence  |
| hui                   | Gathering, meeting, assembly   |
| iwi                   | Extended kinship group, tribe, nation, people, nationality, race - often refers to a large group of people descended from a common ancestor and associated with a distinct territory |
| kāinga                | Home, residence, village, settlement, habitat  |
| kaitiaki              | Steward, trustee, minder, guard, custodian, guardian   |
| kākahi                | Freshwater mussel  |
| karakia               | Incantation, ritual chant, pray  |
| kaupapa               | Topic, policy, matter for discussion   |
| kēwai                 | Freshwater crayfish  |
| koha                  | Gift, offering   |
| kōrero                | Speech, narrative, story, news, account, statement, information  |
| kōura                 | Freshwater crayfish  |
| Mahinga kai           | Food-gathering place   |
| mana whenua           | Territorial rights, power from the land, authority over land or territory, jurisdiction over land or territory - power associated with possession and occupation of tribal land      |
| manaaki               | To support, take care of, give hospitality to, protect   |
| manaakitanga          | Hospitality, kindness, generosity, support - the process of showing respect  |
| Mana Whakahono a Rohe | Iwi participation arrangement entered into under part 5 of the Resource Management Act 1991  |
| māngai                | Mouth or spokesperson  |
| marae                 | Courtyard - the open area in front of the wharenui, where formal greetings and discussions take place  |
| maramataka            | Māori lunar calendar, calendar - a planting and fishing monthly almanac  |
| mātauranga            | Knowledge, wisdom, understanding   |
| maunga                | Mountain   |
| mihimihi              | To greet, pay tribute  |
| ngahere               | Bush, forest   |

|                          |   |
|--------------------------|---|
| pākeha                   | New Zealander of European descent - probably originally applied to English-speaking Europeans living in Aotearoa/New Zealand.   |
| potae                    | Cap, hat  |
| puku                     | Centre, belly, stomach  |
| puna                     | Spring, pool, well, flow  |
| pūrākau                  | Ancient narrative   |
| pūtea                    | Fund, finance, sum of money   |
| rangatahi                | Youth   |
| rangatiratanga           | Right to exercise authority, chiefly autonomy, chiefly authority, ownership   |
| rohe                     | Boundary, district, region, territory, area, border (of land)   |
| rōpū                     | Group, party of people, company, association  |
| taiao                    | Natural world, earth  |
| tangata whenua           | People born of the whenua, indigenous people  |
| taonga                   | Treasure, anything prized - applied to anything considered to be of value including socially or culturally valuable objects, resources, phenomenon, ideas and techniques                          |
| tapu                     | Holy, sacred, prohibited, restricted, set apart   |
| tautoko                  | To support, agree   |
| Te Ao Māori              | Te Māori world  |
| Te Tai Tokerau           | Northland   |
| Te Tiriti o Waitangi     | The Treaty of Waitangi (Te Reo Māori version)   |
| Te Upoko o te Ika a Māui | Wellington area   |
| tikanga                  | Correct procedure, custom, habit, lore, method, manner, rule, protocol - the customary system of values and practices that have developed over time and are deeply embedded in the social context |
| tino                     | Very, quite, importance   |
| tuākana                  | Elder brothers (of a male), elder sisters (of a female), cousins (of the same gender from a more senior branch of the family)   |
| tupuna                   | Ancestors   |
| tūturu                   | Permanent/ committed/ devoted   |
| uri                      | Offspring, descendant, relative, kin, progeny, blood connection,  |
| wāhi tapu                | Sacred place, sacred site - a place subject to long-term ritual restrictions on access or use   |
| wai                      | Water, stream, creek, river   |
| Waima, waitai, waiora    | A unique partnership working with landowners and tangata whenua on sustainable land management practices informed by māturanga Māori  |
| wai puna                 | Springs/ spring water   |
| wānanga                  | To meet and discuss, deliberate, seminar, tribal knowledge, lore  |
| whakaaro                 | Thought, opinion, plan, understanding, idea   |
| whakaheke                | Migration   |
| whakapapa                | Genealogy, lineage, descent   |
| whānau                   | Extended family, family group, a familiar term of address to a number of people - the primary economic unit of traditional Māori society  |
| whanaunga                | Relative, relation, kin, blood relation   |

