

To be read in conjunction with
the tabled evidence/statement



**HEARD BEFORE JUDGE D SHEPPARD (CHAIR), MR K PRIME,
DR J HARDING AND MRS J VERNON, MEMBERS OF THE BOARD**

TUESDAY 8 SEPTEMBER 2009

HELD AT TAIHOA MARAE, WAIROA

HEARING OPENED [11.10 am]

APPEARANCES

Mr M Black, Mr M Apatu and Ms O Manual, Ngāti Kahungunu Iwi Incorporated

Audio file: dpm0146

(Welcome Mihi Whakatau from 11.10 to 11.20 am)

(Morning tea from 11.20 – 11.54 am)

RESUMED [11.54 am]

CHAIR: Tēnā koutou katoa. Good morning. Thank you very much for your generous welcome. We, on this side of the table, have been given a task to listen to people who would like to tell us about a proposal that the Government has made in its proposed National Policy Statement for Freshwater Management. Now, there have been a number of submissions about this document from all around the country and we're in the process of going to various places and listening to people who have made submissions so that they can tell us about them before we start to prepare a report to the Minister about the improvements can be made to the Minister's proposal. Now, Ngāti Kohungunu iwi have made a submission and it was a great pleasure to read your submission and we have come today so that you can speak to it and make sure that we can understand it clearly. Now, it's not to say that it isn't clear as it is, it's very well written and easy for us to understand and it's right on the point, but you should have the opportunity and we come for the purpose of hearing what you have to say about it. Now, I'm not quite sure which of you is going to speak first. Morry Black here is one of the people who signed it and perhaps he will make a start.

MR BLACK: I'd like to hand over to Marei Apatu if I may, just to open us up?

CHAIR: Yes.

MR BLACK: Kia ora.

MR APATU: Thank you Judge.

(Karakia)

MR APATU: At this particular point in time I just want to acknowledge and add on to the greetings that was given by the (inaudible) from our Rangatira and that I have arrived from Hastings here to Taihoa and that I'm somewhat being put to task over – and support, giving support to Morry Black that's here today. And so on our behalf I have just allowed us to go through our tikanga in a way that we acknowledge ourselves going through. I'm now going to hand the time over to Morry to present out submission. Morena, Tēnā koutou, Tēnā koutou katoa.

MR BLACK: Kia ora tatou. If it's all right with the Board that we can take the Iwi's submission as read and the further submission likewise. What I would like to do is instead of going through it piece-by-piece is perhaps adopt a – like a series of themes, if you will. Some of them may come under different groupings of (inaudible), so the first one I would like to address is tikanga Māori and the enabling of kaitiakitanga. I went through the discussion document that came out. Some of the stuff in there I found quite worrisome I guess because where – one of the objectives was to allow for or to permit further allocation where back down in Heretaunga and some of the places in the Wairarapa there we find that our awa are already over-allocated. So, having a provision or an objective in the National Policy Statement – the proposed National Policy Statement that is going to enable a greater amount of water take, to me, there are instances within – throughout the Kahungunu (inaudible) that would be, I think, folly.

Tikanga Māori is founded in a sustainable manner. It is put there through – learnt by (inaudible) practices that have been carried on over time. It allows for integrated management, it is sustainable in its own right.

Under the auspices of the RMA, a lot of so-called sustainable management is not so. But once something is in a regional plan then it's

there for quite a while, and it's very hard to claw back over-allocation, competing pressures, I guess. But, our main problem is that the RMA says it will recognise and provide for the culture and traditional relationships with Māori with the taonga.

I think the recognition is there, partly, but the provision for those relationships definitely is not. We have been fighting different water laws and in fact for the last 150, 160 years. Government fails to address the ownership issue despite the treaty clauses that prescribe – well, I'm not going to go into to a treaty debate; I just want to point that out. That possession of taonga should include governance and management of that taonga from that flows. (inaudible) which from that flows kaitiakitanga which has - because of its spiritual phase, it has an ethical background to it. You treat water in a way because it's a taonga to (inaudible); it is God given; it is there to be treated with respect.

Often we, through policies and stuff that come down to local government, we find that what is left in our awa is - well, some of it's in a mess. We are getting species - species change I guess.

My river is the Tukituki. We have three sewage ponds discharging into our river. We have diffused run-off, we have proliferation of algae, and then further downstream we have people taking water out of it to water their grapes to produce export wine.

To me that is it (inaudible). There is 1.3 million cubic metres of water allocated from my river every week. A lot of it is not used, so there is a difference between what is allocated and what is used.

When - there is one stretch of the Waipawa River- when I was a kid, we have a stretch of about three kilometres that would dry up perhaps once

every five or six years. We now have a stretch of 14 to 17 kilometres that runs – is dry every year. So over-allocation is a constant problem due to different pressures on the waterway.

Up the road here we have the Taharua; a beautiful river, the Taharua. Over the last decade 9,000 dairy cows have gone in there. Because it has pumice soils, pumice base within the river periphyton and that does proliferate in there because of nitrate runoff; it gets scoured off and it washes down, so you don't actually see much of it.

But once the Taharua touches the Mohaka, then you notice all the weed. We're having changing of natural character which changes the relationship that the whanau have with those rivers.

I think that those sorts of things are here and now; before we get to water allocation, I think we need to address the current problems first.

Recognising and providing for the relationship they might have with their particular awa, their particular river, their particular (inaudible), the springs that feed our streams.

Ground water allocation is, particularly on the Heretaunga has gone to the state where people's wells are running dry; they have to truck in water. Some of them rely up here, I think the same problem, Te Mahia the same; it affects the social fabric of our hapu.

[12.10 pm]

When you are constantly having to bath your kids from the bucket, go down the marae, get some water, bring it back, it creates pressure and

social disharmony amongst whanau, those sorts of things that's caused by over-allocation of water use.

Sometimes we get told put in a deeper well, because there are different layers of aquifer, on the Heretaunga there's three layers.

Back in 60s and 70s the whanau were plugged in to the top layer. Then different enterprises, agriculture, viticulture, farming activity came along. They were in the top layer too and that started to run out so they went down to the next layer.

I guess what I am pointing out is they are all the one aquifer. There's hydraulic connections between different layers of aquifer that are not recognised. And it's a bit – it's hard on the whanau when their well has run dry and then you can look down the road, across the paddock there's a huge (inaudible) going most hours of the day pumping out thousands of gallons and you have to get a truck to fill up your water tank, so there's those problems.

I guess they are all related. I was supposed to be talking about tikanga Māori and kaitiakitanga on this first theme, but that's what happens. How can you express your kaitiakitanga, your relationship with the water resource if it ain't there, or if it's diminished in value or because it's contaminated; it's impacted on so it's hard to teach somebody how you went eeling, if the eels aren't there because of the change in habitat. Go white baiting, sorry there's a dry stretch there the whitebait cant' get past that dry stretch anymore. So that is a – it's a social sort of breakdown or passing on that traditional knowledge, that matau ranga to your kids, to your mokopuna.

Kaitiakitanga is about looking after, taking care of, teaching the next generation how to do the same thing. I think lately what has been happening it's been paid lip service. It is not actually being included in the statutory plan. There's some fancy words around - I know the RMA changed the definition and it is a bit more stronger now with the provision in the RMA and kaitiakitanga but somewhere along the line between MfE, RMA, lower level statutory documents, plans and that it gets lost, it gets diverted, it loses its force.

Would you like to say anything about the water issue Marei at Heretaunga?

MR APATU: My apologies I haven't made a written submission, so I'll just add my whaikōrero today.

In terms of my role and position I guess, to a certain degree by default I happen to be working for the tai whenua and of course one of our greatest one with our desires is to ensure whanau, hapu and iwi are kept in good stead, and of course that presents huge challenges not only in their daily lives but also the environmental impacts that descend upon and impact our people in the various roles that they undertake and they perform and Morry has just touched on one of them in terms of their kaitiaki.

Just in the last 12 months, Hawke's Bay regional council's resource consents on the Tukituki, the Karamu River and also the Ngaruroro have gone through their stages of hearings as we were key submitters to those respective processes.

With regards to the Karamu River, I live on that particular river, and so I see it on a very regular basis and that it was shocking for us to find that the allocation of that particular water on that river was 1800%

over-allocated. 1800% and that; I guess the dictating process that the regional plan takes its guidance from, of course, is the group – is the National Policy Statements and the National Environment Statement Policies. And so, I think it's very important upon those of the whanau that have come here today to understand and, I guess, to a huge degree we've been challenging that process at the regional plan stage knowing that they take their song and verse from these National Environmental Standards and this is our opportunity to kōrero today in terms of the very issues that are affecting us all, and that's I came. Notwithstanding, I was mistaken in thinking that this was a bi-Māori hui today and came prepared for that to a certain degree, but now that I know that I'm here I think I am in a position to give you some feedback with regards to the nature and extent of our experience over having to constantly hit the regional plan, and what that represents. And as I have just made a statement with regards to the heavy over-allocation of the Karamu river; what we've found as submitters to the hearing process was that most regional plans, district plans fit under National Environmental Standards and National Policy Statements. And so, in order to give effect to what we believe back down into the regional plan, which we think that regional plan is flawed in many ways; and that you also have councils officers who are also saying that the plans is flawed in parts as well, such as the setting of allocation and the setting of minimum flows; allocations and the instruments and tools that they use to determine those things. It doesn't have any tikanga Māori it doesn't have any Māori perspective in that and I would implore that we are going to be presenting submissions in this basis that you, the Commission, need to take on board that there is a very barren space.

There is no cultural, aspects, standards that are, from what I understand, imbued (inaudible) the National Policy and National Environmental Standards. And it is very important and critical, and as we've heard from my friend here, the basis by which intergenerational - that that currency of

knowledge, that knowledge base is passed on. And that, in this regard, our environment has been heavily impacted on, then obviously the difficulties that are going to be incumbent upon our mokopuna and on ourselves today in trying to wrestle with the issues beforehand.

But there's one thing that is happening back down in Heretaunga, there's no mystery, it is the proliferation of course of the population based. There is demand on the resource, and of course a demand of activities; these role out being the types of resource consents. My understanding that just the one river of the Ngaruroro River contributes something in-between 15 to 20% of the local GDP. And so the commercial side of the propositions that are often put to decision makers within council, particularly when they are applied – re-applying for their resource consents, are commercially driven.

Well, we know these conglomerates comes and go; but we're here forever and so we need to establish a very clear process which enables us to perform our duty as responsible kaitiaki. And that it is incumbent upon this Commission that in order to give effect to the district and regional plans that set the process for decision making, and if we're saying they're flawed they are highly inadequate in places, then we believe those changes need to be made.

[12.20 pm]

Just in saying to you also, it wasn't too long ago, in terms of the 1960s and for those of you who have not travelled through Heretaunga, when you either leave or come into Hastings, there's a place called Pakipaki and the motorway now cuts across the (inaudible), in that direction. I undertook oral history interviews with their community kaumatua about four or five years ago, and the purpose of that oral history exercise was to obtain from

them their oral history of knowledge of course, and of course their – they turned to what they recollect during the 1960s; we are only talking 40 years ago, whereby at least four or five different species of fish were available in that particular area. Now somewhat at a distance from any estuary or any great lake, although I will say that the (inaudible) Lake is probably about halfway inland, this would be about, maybe about 20 kilometres away from the sea and from any major estuary; but it is a river waterway. And the purpose of me saying this is that I know that we have the ability to rehabilitate some of these streams, and of course the detrimental aspect that is bestowing us at this time, of course, is this taonga called water; and that their community has been left wrecked because in our custom those people used to go down and get their kina, which they still do, but not in the quantities that there are there, their flounder, the (inaudible) and also some freshwater mussel. It has been replaced by a motorway that passes through here.

And so these sorts of developments, if I just hark back to saying that our waterways just seem to be an item for commercial conglomerates and the thinking that is going on. I will just implore that you, as the potential to give effect to any immediate change within the policy, reflect on this.

I don't believe that co-management is working back down at the other end of the scale in terms of how decision makers are moving into that mode of trying to best manage their particular resources.

I think that a traumata grouping needs to be set at the very highest level, at this National Policy setting level that gives equal weight in terms of representation of Kiwi Māori because they're, from what I understand, there is none of that input happening to shape those policies.

One such policy, back down in the regional plan as I have alluded to, has been the, is it the IFIM? Are you going to touch on that?

So I think I will just leave it at this particular point in time, I'm on the back foot actually trying to think of things. So kia ora tatou.

MR BLACK: Marei touches on the IFIM, I suppose you are familiar with the In-stream Flow Incremental Methodology. This was a system that was adopted from North America. We had an Englishman from Manchester. We had a hydrologist from Colorado. And adopted this process from North America and brought it to New Zealand; it was modelled on North American trout habitat curves. They applied it to my river - they applied it to the Ngaruroro actually, it was Marei's river.

What happened, they – was a construct of flow, velocity and depth. And from that methodology, they determined what minimum flows should be in the Ngaruroro River. They then correlated that with the average flow over the irrigation season and the gap in-between the habitat requirements of North American trout and the average flows that was there for 95% of the time during the summer irrigation season, that was the allocatable volume – was determined to be the allocatable volume. So that was set into the plan and then, by default, that same methodology was applied to the Tukituki, to the (inaudible) and to some of the major streams within the Hawke's Bay region to determine allocatable volumes.

What has happened since then, which was 1999-2000; since then they've found that hey, North American trout are smaller than New Zealand trout, therefore they require less water; therefore the whole presumption or whatever it is that was used to – the whole methodology that was used to determine allocatable volumes throughout the whole of the Hawke's Bay region is faulty.

The guy from Manchester, he is no longer working for regional council, he's gone home. The guy from Colorado, Tom someone, Colorado where the mighty Colorado carved out the Grand Canyon, no longer reached the sea; he is no longer working in Hawke's Bay.

We are as Māori, as whanau, we're stuck with that policy until we can change it.

This is one of the issues that really rarks me up where we have policy people, scientists come in and tell us about our river, what is the best for it, applying western science methodologies; failing to listen to our kaumatua who have been here for years and years and years and then well, we are left with the result?

I would like to – there is a chance to, you know, have another go at it, but over the ten years in the interim, 12 years by the time they get around to changing the plan, our kids are being raised with the waterway and it's degraded and they come to think that that is normal. The potential within tikanga is not being realised. So I get annoyed about that.

I would like to pass on now to another theme, which is treaty issues. If I may, may I check the time with somebody, I know you have to catch a plane. 2 is it, 2.30?

CHAIR: It's now 27 past 12 and we don't want you to be pressing you too hard.

MR BLACK: No, I would just –

CHAIR: But we would expect that you would probably finish in another half an hour. Is that about right?

MR BLACK: I'll try sir. Okay, I'll just get on to treaty issues.

I know different iwi have settled their treaty claims, their grievances; these settlements have come down, they've adopted better relationships on council boards and things like that. And some of them, like Tainui in particular went for co-management. I have to say I've got friends within the Tainui waka who are very disappointed with the co-management model. I would just like to support what Marei says; we are still going through the treaty planning process. We don't want to adopt a co-management model if it doesn't work. I mean, it would be silly to do so. So as Marei said, we have got to develop a governance level and a management input, plus advisory-type of situation. So that is one thing.

But the National Policy Statement needs to have a systems approach across the whole of Aotearoa, we realise that; but again, it needs to allow for the difference in (inaudible) within our hapu, so that the appropriate people are being consulted to help set policy within different hapu rohe. That's a right and I think that needs to be taken on board.

[12.30 pm]

There isn't a specific treaty objective. I would like to see one in there in the Policy Statement on freshwater management; and attached to that several policies relating to protection and enhancement of Māori – give effect to the principles of the Treaty of Waitangi; things like that. The reason why I am going a bit stronger than RMA themes, is because this is a whole government (inaudible) it involves Ministry of Foreign Affairs and Trade because of the commercial element; (inaudible) to be derived from water use; MfE, the EPA that's been formed or whatever it is at the moment; Ministry of Agriculture, Ministry of Fish; Ministry of Conservation.

So that's a whole of government thing that is to do with water. Somehow I would like to see integration between those Ministries or make them (inaudible) or have them to adhere to the National Policy Statement as it comes through.

Again, often we are called – our hapu are called stakeholders, but we're not, we're treaty partners. That's been expressed through treaty advocacy, so that's all I'll do on that, on the treaty.

Allocation and contamination – so I guess this is more about land use intensification and its effect on the awa.

When so much water is taken out of some of our rivers – not all of them, some of our rivers have been managed all right because they have the volume to cater for – to dissimilate contaminants, but when the flows are low and you get that first flush of storm water or rain and you get a lot of contamination going into a stream; so it's more when there's a shower and we get runoff from the land. We also get sedimentation which effects the in-stream ecology; the (inaudible) communities and things like that, (inaudible).

I would like to – I support the proposed cap that the National Policy Statement said about aquifers. I think there was a quantity issue in there. Only X amount of water can be taken out of an aquifer, or a ground water resource. I think that's a good idea. At the moment, our major aquifers don't have a cap on them, so I'd like to support that. The reason being that we have a - there's a 3 to 5 metre fluctuation in our main aquifer in Hawke's Bay. Back in the early 80s the powers that be got very worried about it, because we had an extremely dry year, then another reasonable year, and then the next one was another dry year, and suddenly they were

worried about so much water coming out, and not so much recharge going in.

Now that was in – I think the recharge thing that they built was commissioned around 1986 or 1987. Since 1987, 13 - 22 years, you know, there's something like five million cubic metres per week have been allocated over and above what was being taken in 1987. So it's continual demand, an increase in demand and less water going in due to our changing climate patterns.

I don't support the thing that was in the National Policy Statement, from memory it was about where flows have already established and plans have been through due process, therefore they should be given significant weight. I think I got this from somebody else's submission who was supporting. So we lodged a further submission against that (inaudible).

Local planning and decision making I guess Marei touched on that, but the Hokianga (ph) needs to have input into something that effects their resource. I guess I'll leave it at that and willing to answer any questions. Does anyone else want to touch on any issue that I raised? You're welcome to if you want.

MS MANUAL: I would like to just say something else other than touch on what the iwi have said.

MR BLACK: I guess if it's to do with the National Policy Statement, yeah fine.

MS MANUAL: Kia ora. My name's Oha Manual and I'm from this marae. I didn't know what this meeting was all about until today. Well even just now, sort of just catching up. So I feel as though there is a lot of hapu in this area that have been put back – are on the back foot here. But the

kaitiaki of the freshwater of the Wairoa and the area (inaudible) opportunity to read the proposed National Policy Statement for the Freshwater Management. So therefore, some of us haven't had the opportunity to prepare submissions for today. So I'd like to ask you whether your Board will provide the opportunity for kaitiaki to do so in the future? Is that a possibility?

CHAIR: Well I don't know that is really because we've come here expressly to hear from the Ngāti Kahungunu, at your request. And this is where we're at and next week we need to go somewhere else. We need to go to Whangarei, and Taupo, and Whakatane. So - then we need to make a report to the Minister. So this is the opportunity for you to tell us what you would like to.

And the submission that Mr Black has followed, Mr Hamilton had prepared on behalf of Ngāti Kahungunu is a very helpful submission and you of course are here to explain it and add to it if you'd like to. And as has been said, in addition, they have put in an opposition, or a further submission on some of the other submissions that have come in from other people. So it's quite an extensive document this, it's about 50 pages.

So that's what we've come here to do today. And hear what you say or what you'd like to say about it. And if you'd like to add something to what's already been said or say something new in support of it, of course we're here to listen to that.

MS MANUAL: Okay. With respect Mr Sheppard, some of us have not had the opportunity to read the proposal therefore we are unable to make comment of some substance.

CHAIR: Well if you don't feel able to make a comment. Thank you very much.
And we'll see if somebody else does.

MS MANUAL: But is there another avenue in which we can submit other than in
this forum.

CHAIR: Well the time passed in January for making a submission.

MS MANUAL: Is there no sort of leeway where for those of us who didn't know
anything about this?

CHAIR: Well I think your leeway might be to discuss that with Mr Black.
Because he obviously knew about it.

MS MANUAL: Well I feel it's really unfair on the rest of us here in Wairoa.
Those of us who knew nothing about this. And weren't fully informed.

CHAIR: Well I understand what you're saying. There's nothing I can do about
that.

MS MANUAL: Could you direct me to – or help us to be – tell us or direct us to
an avenue in which we can make this known to the government then, so
that they realise that some hapu from Wairoa did not know what was
going on here? And also I believe that this meeting wasn't advertised in
the local paper. I could be wrong, but it wasn't. I don't think it was.

[12.40 pm]

CHAIR: What has happened – and I'm trying to identify what has happened
here, is that when the proposed National Policy Statement was published,

and that would have been as I remember about September of last year, there was an invitation for anybody who wanted to make a submission.

And Ngāti Kahungunu Iwi Incorporated made a submission and I suppose that they did so on behalf of all of the people of Ngāti Kahungunu. And this is the submission that we've come to hear people speak about if they would like to and if that wasn't made known to the people of Ngāti Kahungunu, then perhaps that's a topic you might like to discuss with Mr Hamilton and Mr Black because they put – Miss Hamilton, sorry.

MS MANUAL: So just starting that we are told when to speak to (inaudible) I'm not saying that they will, but they say "well this is it". We have no input. Then what (inaudible) can we do as a hapu – the hapu here in Wairoa, what can we do if there's resistance from Ngāti Kahungunu Iwi Incorporated that we have a say.

CHAIR: Well I suggest you discuss that with Mr Black and Mrs Hamilton, because they're the ones who put this in on behalf of Ngāti Kahungunu.

MS MANUAL: And Ngāti Kahungunu Iwi Incorporated can just stop us from having a say as they so wish?

CHAIR: Well we're certainly not wanting to stop you and we're here now if you want to speak about it.

MS MANUAL: Like I say, it's unfair because I can't put much forward because we haven't had the opportunity to read the report.

CHAIR: Well thank you I understand that. I think we might as well use what's left of the time to hear from people who've got something that they have

prepared to say about it. Is there anybody else or shall we come to any questions?

MS PERE: Rose Pere. I want to support the submission that's been put in. I want to also add that we have the same challenges with Te Wairoa, this river out here. And Waikaremoana, let's get that one straight. And I want to make comment about the Department of Conservation. We've actually told them "you wouldn't know what conservation was if you tripped over it". Because we are here to conserve what is left and we hear about Ngā Wai Hone (ph) and then (inaudible) or Matangirau. Matangirau (inaudible), that's my link to this river. We've always been the guardians. My te puna (inaudible). We used to come down to this river to perform rituals and to do Karakia. Now our word for spirit is wairua which simply means two waters. One water's perfect, that is what we call waiora, 'cos that is the single (inaudible), the other one is wai tuiwi regards what we do in our lives. But make no mistake that we want to - (Speaking in Māori). And I wanted to mention Matangirau because we've always been the guardians of the river. And that river is in a mess. There's no question about that. We are always battling with the council and will continue to do so. So I'm just saying that I've got to go to court. You know, there's some things I've got to sort out there, so I'm not mucking around. I have to be there at 1 o'clock. But I just want you to know that I give full support because we did have a meeting here, at Taihoa here, and we did put our views forward at that hui. And that included Waikaremoana as well as this river out here. And there are other rivers – yeah I know that. But I'm talking about at the moment the Wairoa and Waikaremoana so just to support this kaupapa.

CHAIR: Kia ora and thank you very much.

MS PERE: Tikanga, that's right we are the kaitiaki. And we really need to get on with it. Okay? So that's all I have to say so I can get away. Kia ora (inaudible) tatou. We don't muck around, (inaudible) let's go.

CHAIR: Is there anybody else at this stage who would like to speak or shall we come to any questions that the Board might have? Yes?

MR COOPER: Kia ora. I just want to support what our speaker over here, what she had to say. I've had problems with this contamination of the Wairoa River. We hear of the contaminations and disrespect of the taonga that is in Hastings, but you haven't heard the disrespect for our (speaking in Māori) marae and I myself, I'm at work, I managed to squeeze off work to get here today to find out what it is, and how this is going on.

We are being disadvantaged again, I feel. And I know what you're saying Judge that there is a timeframe, but we've been waiting a long time to get our case across. Whereas your time is pushed to get it through and it's gone and it's forever.

I fought for the discharge of effluent into the Wairoa River. It was overruled because they say progress must progress. And we get to that aspect where Mr Black was saying that commercialism comes first. They say we need employment so we need this to make work. But the thing is that at the end of the day, when they've made their money, they're gone; our river's in a mess. The fish in the Waiora River are being deformed by natural attrition, because of the effluent that is flowing into this river.

We've been disregarded and we here today – well, there's a few of us here, we are concerned with this and I feel yeah, I've lost out. I've lost out. (Speaking Māori). We have an affinity with it and all it's uses. And

the water is more expensive than petrol, because you can't drink petrol. But you can drink water, but if the water is contaminated we have no life force here.

And I must say at this time, if there's no redress where we come back again (inaudible) what is already on the table now. But we're being - this - I don't know what's the word, it hasn't been invented, because it's not a good word I've got to say. And so I'm going to talk on here at the korero here and I'm sure there's a lot of people here who want to talk but feel (inaudible) and despair. Our river is our life force. It's not the life force of (inaudible) or any of those commercial aspects, but the - what do they - the lime and that is fading into the river. We're getting species of grasses growing in the river now and it's just (inaudible) never seen before. When we caught our kohiti (ph) to catch our Herons, no-one exists because the life form in the river has changed. And I'm not only talking about that life river force for us as Māori but for our Pakeha community also. We have one of the most wonderful running waterways in New Zealand and it's being contaminated because when the tide comes in, all the tutai, all the effluent comes up the river; they stop growing because it's unhealthy. And yet the Council tells us it's a safe river. They've just got recently a two orders for 16 years, to discharge for another 16 years, and these commercial aspect we're talking 35 years. (inaudible) over 16 years, one month of discharging effluent into the river is enough for me, to damage the system for all time. As I say, we're getting fish that's disturbed, even my cat won't eat it because it doesn't look like a fish any more and that was our food, our kai.

[12.50 pm]

I mean, I have to stand here and to voice my support here and you look here, these are the remnants if you can call it, but if you're going to put

this thing through and come back in another 20 or 30 years time, there's going to be nobody here to talk to you because the people, our people have lost the impetus of who we are as (inaudible) - as the lady just said as she walked out. They lose the impetus of who we are, we are the kaitiakitanga, that's - I whakapapa to them and everybody here whakapapa to the awa. And so you know, I (inaudible) this, but I've got to say at this time we tautoko (ph) I tautoko (ph) what Hasting is doing, but please Wairoa (inaudible), so please give us some consideration in that aspect.

Thank you.

MS HAMMOND: (Speaking in Māori) That is part of our pipiha and the reason I'm bringing that tuha is that we were talking about kaitiakitanga before. The waters of the Wairoa river originate, part of the waters from the Wairoa river originate from our (inaudible), which is our main mangahia (ph) here for this whole (inaudible). And to me the spirituality also comes from that mana. So you know us, as kaitiaki and for our awa, we feel very very strongly about our responsibility towards the waters of this river. To all of these rivers, even the rivers coming from (inaudible). So we - I feel that we have a right to say to you and to take (inaudible) that our kaitiakitanga our rangitiratanga over our waters is paramount in all aspects. They are our (inaudible) and some of our speakers here have spoken about how different species in the ecosystems in the water has changed. Up the rapu in our river would be (inaudible) my marae, further up in the rivers, our main life food supply from the river was the tuna. We had our own weirs our own pas set up there. Those numbers are diminishing. Why? Because they have to come through this cesspool of pollution at the beginning of the river to be able to get to the top of the river. All this pollution that has been put into this river here, we have seven wastewater wastages that are pouring into this river here of a short distance of maybe five times to the river. And all out here I mean, I

wouldn't even put my (inaudible) into this river some times because it is so badly polluted. And as I was saying, it's because of progress and commercialism and all of those aspects. That's why they allowed all this pollution to go in - to bring employment to our small town. And as they said, how long do they last for when they're gone? And we are left with the remnants of a river that is actually poisoned.

So that's my korero about my awa, our awa for this region. We want to save it for our mokopuna. We don't want to have to go and buy our water from the Arabs because they've got none, because our water's so polluted, so thank you very much.

CHAIR: Well, that was an excellent summary of what we've heard from several of you and very fairly presented, thank you very much.

So have we reached the stage where it might be useful to see if members of the Board have questions of one or more of you? Because we have a few minutes left in which we could do that, if that's satisfactory to you. Mr Prime, do you have any questions?

MR PRIME: Yes, my first question is to Mr Black. When you were suggesting that the Treaty of Waitangi be recognised within the National Policy Statement, were you talking about just within Objective 8 or as part of the whole document?

[1 pm]

MR BLACK: Well, I would like to see a specific treaty of (inaudible), given the obligations of the Crown and the partnership model that is supposed to be there. And that's why I mentioned a taumata or like Māori refer to it as a taumata whereby we can have a higher-level governance role. Because

it's like elected officials, elected members of parliament, elected councillors, they represent communities of interest, but they don't actually represent the Māori interests. It's like me, sometimes I do work for Ngāti Kahungunu Iwi Incorporated but I do work for them, but not for Ngāti Kahungunu Iwi Katoa . I only act as the backstop to put something in, in case some of the whanau miss out or are not aware of it, so there's that element. So yeah I would like to see a governance role and also a lower level management role as well in the decision-making process through planning.

MR PRIME: Another submitter has suggested that the water be recognised as a taonga and I think she was suggesting not as part of Objective 8, but somewhere within the document as well. Do you have a comment on that?

MR BLACK: Māori have always recognised it as a taonga, it's just that – well, the treaty thing also recognises it as a taonga, and Waitangi Tribunal reports, the Mohaka River Report, the Ahurere Report, the Whanganui River Report, they all recognise water is a taonga and it's in its completeness, it's not just above the water, above the ground, it's the nga puna wai that (inaudible), that it's all connected and I see the aspirations within the NPS as promoting that integrated management and the concept from within Kahungunu is to treat it all as one entity anyway, or take consideration of all its constituent parts, not to treat one in isolation and say, hey we can take X amount from there and it's not going to affect the rest. So that integration needs to happen.

MR PRIME: The other question I had was pertaining to the comment that was made, wasn't by you, was it by Marei Apatu, about an over-allocation of 1,800% Now was that - was the basis for that, that I, if I -

MR BLACK: The - yes, yes it was. Because the flow setting and the allocatable volume was set on that model. Te (inaudible) is undergoing a bit of change as well. Our worry at the moment is that they - it's been treated as a storm water drain. Currently, they want to deepen it and widen it to allow for the run off from the urban development throughout the Havelock hills. So even that is sort of repugnant to me. I mean, it's going to - a river is supposed to be a river, it's got its own things. You know, it ain't a drain. Well it shouldn't be, but that allocation volume yes, it is over-allocated by approximately - was it 1,800? Yeah, 1,800% in terms of the plan.

MR PRIME: And just for clarification for me because I think I missed it, but pronunciation of that river was it Ngaruroro?

MR APATU: Ngaruroro.

MRS VERNON: Can I just say to you that thank you particularly for your further submission where you've gone to a of lot detail about other submitters and that it's actually been extremely helpful. That would be one of the best further submissions that we've received, so it was very, very helpful. Thank you.

MR BLACK: It's got to cover the bases.

MRS VERNON: No well it did, I just wanted you to be reassured that it did, thank you.

DR HARDING: I've just got a question, Objective 3 refers to improving freshwater quality and a number of people here today have talked about some pretty sad cases of water quality being reduced. The current objective talks about trying to progressively enhance water quality and in this submission here you've talked about well what we need are some

guidelines or some standards, or you indicated the ANZAC guidelines and that sort of thing. Some of the submitters we've had during the course of this hearing have said "oh, no we don't really want national standards, we want to be able to form our own". So am I correct in assuming that your view is that you would like to have some sort of national standards for water quality which would apply to all freshwater systems?

MR BLACK: Well, as a minimum, and if you get a river that is pristine like our Mohaka used to be, try and retain it in that condition. I notice that our regional plan up here and also down in Horizons territory, they have maintain and enhance as an objective, so maintenance and enhancement of water quality. But then when it gets down to the rules, you get into this debate, hey it ain't in the rules so therefore the objective doesn't matter. So - which is a strange situation to be in where they use one part of a planning construct to push something and then they ignore it in another situation. And that's why I thought a baseline level of guidelines as a minimum and then regional variation depending on the quality of the rivers within that particular region. So where something needs improvement or they can do that staged improvement over time, where something is pristine or close to pristine they can preserve it in that manner. Because at the moment it's steady decline in a lot of them and really with the result.

MS HAMMOND: Can I add to that? Here in the Wairoa River we have (inaudible). A question was put to their scientist, how do they test a river? And the specific area we were actually discussing was the effluent released from Affco into the river which is released there on the night tide going out, that's when it's released. And we asked in parliament how do they test for the levels of pollution in the river? They only come and test for the Affco effluent not for the majority of other effluent that is flowing into the river. Because of the cost Affco will pay the scientists to come up and do it for Affco, but all other effluent that's in the river, they don't test for it.

So it's a specific area that they actually testing for. And this is what was given back to us by their scientists here at Ruataniwha. So if any other parts of the river - effluent in the river that needs to be tested, we have to pay the scientists to come here to test it and that's a fact.

MR BLACK: I think I did raise something similar to that with cumulative effects; whereas you know we count this bit, that bit, but we don't count the continual run-off from pastoral land, you know, issues like that. And we're getting them – you know, someone else referred to these algae, that we're now getting, we're getting strange sorts of blue/green algae now that we never got before. So whether it's a climate change thing combined with the contaminant thing, combined with the low rate of extraction thing – you know, it's up in the air. But it's like scientists seem to be testing, testing, then they average, and they take the mid – middle line, and they say “the trend is thus”, whereas it's the peaks, and it's the troughs that causes effect to environmental issues.

CHAIR: Thank you. I need to understand a little better, the concern about the Havelock Hills. We all know that it's the nature of a river to drain its catchment, and indeed you can't stop it. That's what rivers do and that's how the land is formed. Now, I know that there's been some extension of the town of Havelock North into the hills, and I know that whenever you get storm water running off towns, and you get roofs, and concrete, and streets, and cars – the storm water that runs off it is contaminated. So is your concern really that you'd like to see any water that runs off the Havelock Hills treated so as to screen out the gravels, and perhaps to deal with any other contaminants like from the cars, the tyres, and so forth, before it reaches the river, is that what you're on about?

MR APATU: Yeah well what's happened, it's not just the hill run-off it's as the developments happened out there over the last 20, 25 years you're getting

new subdivisions with hard pan. Okay. So we're getting more cars, and more transport; there's access to the beaches out there, so that's – you know, heaps of transport going out there during the summer. We're getting PAH's, polycyclic – something, hydrocarbons – whatever it is, that's scientific speak, but they're going in there, so we would like to see swales, retention sort of things in there as well. But the main issue – another of the main issues there is that, that was one of the main waterways for the hapu way back when we had kaianga along the banks of that. With council deepening and widening it, what are they disturbing there that is of historical value to us? Anything to do with a waterway or its margins, I think the hapu Katoa would like to be involved in it, if it's within their specific rohe.

MRY BLACK: And just to add on to that as well. I'm sure as we have just heard today. There are responsible people that put themselves forward as kaitiaki and I think the touch point here is about having that level of discussion back down. Because when it comes to such things as putting conditions in around monitoring you need to talk with the home folk, in terms of how those standards are set. It's about best management, and adaptive management approach.

CHAIR: Can I just take that a little step further? Because I have in front of me what the Minister has proposed for us to report on, and see where it can be improved you see. And it says Objective 8, "to ensure that Iwi and Hapu are involved, and tangata whenua values and interests are identified, and reflected in the management of freshwater resources", including all of 1.7 which preceded it, do you agree with that?

MR APATU: Yes

CHAIR: Then in Policy 1 it says “G - guide and direct regional plans to restrict existing takes, uses, damming, and diversion in order to sustain notable values, and non-consumptive tangata Whenua values and interests in times of low flooding.” Do you agree with that?

MR APATU: Yes it was very good (inaudible) practised.

CHAIR: Then it says “identify tangata whenua values and interests in respect of all freshwater resources of the region.” We all agree with that?

MR APATU: Yes.

CHAIR: And I think there is another one – yes. “Every regional council must consider the following: Tangata Whenua values and interests. When preparing a district plan, or variation, or a change every territorial authority must consider the following: tangata whenua values and interests.”

MR BLACK: I guess the crux of matter there is not to consider and to take note of, or to – you know, there’s a difference between considering “yeah we considered it, but we found that – hey these other competing values overrode those of tangata Whenua, because there’s a thousand people over there, and there’s only X amount there.” There’s that sort of balancing act where the problem lies.

CHAIR: Well I don’t think what you want, or what we might want is a balancing – we don’t want a balancing, if it means that some of the things get overridden do we?

MR BLACK: Well that’s what our (inaudible) committee needs to -

To be read in conjunction with
the tabled evidence/statement

CHAIR: All right. Thank you, we've had many submitters who've said something to the same effect. So that's very helpful to us and we're grateful to you all for coming, and for taking part to the extent that you have, and this is a valuable part of our total task in considering all of the various submissions, about 250 of them, representing a whole range of groups, and then we have to make a report to the Minister, and particularly to suggest how the proposed freshwater management policies should be improved for the day. So we're very grateful to you and thank you very much indeed.

MR APATU: (Closing Karakia).

ADJOURNED [1.10 pm]