SUBMISSION TO ACTION FOR HEALTHY WATERWAYS PACKAGE OF PROPOSALS

Ngāti Kearoa Ngāti Tuara are a hapū of Te Arawa and are tangata whenua, hunga tiaki, and significant landowners over our rohe mai Maketū ki Tongariro. Te Arawa have occupied the area for many, many generations. Ngāti Kearoa Ngāti Tuara continues to occupy, own, use and manage lands, areas of significance and resources across our rohe. Ngāti Kearoa Ngāti Tuara remains connected to our ancestral lands, waters, wāhi tapu sites and other taonga even if these lands may now be in the hands of others. The relationships of Ngāti Kearoa Ngāti Tuara with our ancestral lands has been recognised by the Crown through the Ngāti Tūwharetoa, Raukawa and Te Arawa River Iwi Waikato River Act 2010 and in statutory acknowledgments in the Resource Management Act 1991.

As descendants of Te Arawa waka and part of the Te Arawa confederation we maintain the rights and interests of Ngāti Kearoa Ngāti Tuara in our wai – Lakes, streams, pun and geothermal waters.

Te Tūāpapa o ngā Wai o te Arawa is the values framework that encapsulates Te Mana o te Wai across ngā waiariki o Te Arawa. To give effect to Te Tūāpapa o ngā Wai o te Arawa, and Te Mana o te Wai, Ngāti Kearoa Ngāti Tuara make the general submission points below and the specific submission points in the attached table. Ngāti Kearoa Ngāti Tuara also endorses the report and recommendations of Kahui Wai Māori.

Overall Objectives and Allocation

In general, Ngāti Kearoa Ngāti Tuara Support the Action for Healthy Waterways proposed objectives to:

- stop degradation of freshwater resources and start making immediate improvement;
- reverse past damage in order to return freshwater resources and ecosystems to a healthy state; and
- address water allocation issues having regard to Māori rights and interests.

However, first and foremost Ngāti Kearoa Ngāti Tuara seeks to have allocation issues addressed. This includes addressing the long outstanding issue of Māori rights and interests in freshwater. Holistic management of freshwater cannot be achieved, and water quality issues cannot be addressed, without addressing allocation. Ngāti Kearoa Ngāti Tuara joins
the voice of Te Kāhui Wai and other iwi in stating that the Crown must recognise and resolve iwi and hapū customary title and rights in water now.

**Te Mana o Te Wai**

Ngāti Kearoa Ngāti Tuara **Support** identifying and strengthening Te Mana o te Wai, the hierarchy of obligations it entails, and the engagement with tangata whenua it requires, as the overarching framework for freshwater management. As stated above Te Tūāpapa o ngā Wai o te Arawa is the outcome framework that encapsulates Te Mana o te Wai across the Te Arawa rohe. It is for Ngāti Kearoa Ngāti Tuara to co-design the approach to give effect to Te Mana o te wai/Te Tūāpapa o ngā Wai o Te Arawa with Regional Councils at place.

Te Mana o te Wai can only be upheld through a process of partnership and genuine engagement. Therefore policy 3.3 setting out Tangata Whenua roles and interests must be retained in the NPSFM. The statements in policy 3.3 should be strengthened and applied to the relationship of iwi and hapū with all local authorities, not only regional Councils.

The concept of Te Mana o te Wai as fundamental to the freshwater planning process is weakened by its lack of visibility in implementation methods in the proposed NES and regulations. Freshwater Farm Plans are a critical implementation method but make no reference to cultural values. However, it is particularly at this on the ground and in the stream interface that cultural values including methods of mātauranga māori monitoring should and can be implemented. This must be remedied in the package.

Existing treaty settlement and RMA mechanisms that enable engagement and partnership must also be maintained in the RMA.

**New Freshwater Planning Process**

The implementation of Te Mana o te Wai also requires resourcing and time for iwi and hapū to engage in the new freshwater planning processes. Ngāti Kearoa Ngāti Tuara conditionally supports the new processes and timeframes dependent upon the role of hapū and iwi as co-decision makers and co-designers of the policy for their waters being provided for and resourced in the freshwater planning process. Engagement in the development of the Regional Plan provisions for the hapū and iwi of Te Arawa has been exhausting and expensive for Te Arawa iwi and hapū and now must continue.

In addition to resourcing an equal say for Te Arawa iwi and hapū at the decision-making table is required to give effect to mana whakahaere, hunga tiaki/katiakitanga and maanakitanga. Put simply commissioners making decisions on freshwater instruments should be 50% iwi appointed and 50% Crown/Council appointed.

**Mahinga Kai and Tangata Whenua Values**
Ngāti Kearoa Ngāti Tuara **Support** the strengthening and identification of mahinga kai as a compulsory value. Mahinga kai presents as an indicator across a range of values - Waiora, Wairua and Waiata in a Te Arawa context. At the same time the inclusion of other tangata whenua values is required to address all relevant values. The process must enable hapū and iwi to identify the appropriate mahinga kai and other tangata whenua freshwater values locally.

**Interim Controls and Development of Māori Land**

Ngāti Kearoa Ngāti Tuara **Conditionally Support** interim controls to halt the decline in water quality including restrictions on land use intensification. However, these restrictions cannot perpetuate grandparenting as an allocation method and must allow for appropriate development of māori land that has had historical constraints on development. The allocation of nitrogen in the Rotorua catchment through the Regional Plan has meant that some land owned by Māori does not have any allocation for development. This is not considered equitable across the catchment and in some cases intensification has been provided for to reduce the intergenerational impact of legislation and policy on Maori landowners. The overall nutrient budget will be met for the catchment and will provide for some intensification based on land use capability assessments. This provision for development must be retained.

**Conclusion**

The general direction of the Action for Healthy Waterways package of policy proposals is **Conditionally Supported** by Ngāti Kearoa Ngāti Tuara. This includes support for the strengthening of Te Mana o te Wai and Mahinga Kai as concepts in freshwater management. However critical matters in the package must be addressed. This includes partnership in decision making, resourcing in engagement and recognition of historical constraints on the development of Māori land.

Finally, allocation issues, including māori rights and interest in freshwater, must be addressed simultaneously with water quality issues and not delayed further.