INTRODUCTION

1. The Te Arawa Primary Sector (TAPS) Group was established in 2011 as a collective of Te Arawa organisations or individuals that own, control or administer over 30,000 hectares of land utilised within the primary industry sectors (agriculture, horticulture, forestry, geothermal and rural tourism) in the Bay of Plenty.

2. TAPS is currently made up of 23 member organisations: Ngati Whakaue Tribal Lands Inc., Pukahukiwi Kaokaoora No.2 Block Inc., Kokako Trust, Paehinahina Mourea Trust, Onuku Māori Lands Trust, Rotoiti 15 Trust, Kapenga M Trust, Parekarangi Trust, Rangatira E Trust, Tautara Matawhaura Trust, Pukeroa Oruawhata Trust, Rotohokahoka F9 Trust, Rotohokahoka F6 Trust, Waiteti Farm Trust, Te Paiaka Lands Trust, Te Tumu Kaituna 14 Trust, Waerenga East West Inc., Maraeroa Oturoa 2B Trust, Te Arawa Management Ltd (TAML), Whakapounakau Lands Trust, Rotoma No.1 Incorporation, Taumanu Trust, Tumunui Trust, Waipupumahana A1B2

4. Te Arawa Primary Sector Inc. is not a constitutionally mandated and legal iwi authority for the marae and hapū who comprise the Te Arawa confederation. Notwithstanding, TAPS has key objectives that reflect the broader aspirations of Te Arawa which will directly affect the future prosperity of our region, and, because of its combined asset base, is both a major contributor and enabler of the local economy and its future growth.

5. TAPS was constituted to support its members to lift the performance of their respective Te Arawa Primary Sector organisations by working collaboratively and increasing the profitability and sustainability of its members while being environmentally sustainable and responsive to their owner’s needs. To
achieve TAPS’ primary objectives, the members access information, expert capability and technologies to improve the utilisation of their primary sector assets and other natural resources; enable the sharing of information between all members of TAPS; and identify and create opportunities to partner with industry, Government agencies and research and development organisations to access technologies and innovation to benefit its members.

6. TAPS members have multiple interests in, and a range of views on land use. At the heart of the relationship with whenua is the ongoing rights and responsibilities of kaitiakitanga and whanaungatanga. These reciprocal obligations for whānau and whenua create a natural tension between on the one hand ensuring future generations are sustained in the same way that generations before them have been sustained; while also protecting whānau from the impacts of policy settings that are aimed at creating a low-emissions economy.

GENERAL POSITION STATEMENT

3. For more than 100 years, iwi, hapū, whānau, along with Māori landowners throughout the country, have been strongly articulating to central and local government, and the courts, the urgent need for reform of water-related law and policy.

4. We acknowledge and endorse the work and submissions from the Te Kahui Wai Māori, the New Zealand Māori Council and National Iwi Chairs Forum, in striving for a better system of care and respect for water in this country.

5. TAPS conditionally supports the Action for Healthy Waterways proposed objectives to:

   i. **Stop further degradation** of New Zealand’s freshwater resources and start making immediate improvements so that water quality is materially improving within five years.

   ii. **Reverse past damage** to bring New Zealand’s freshwater resources, waterways and ecosystems to a healthy state within a generation.

   iii. **Address water allocation issues** having regard to all interests including Māori and existing and potential new users.

   We however, have the following conditions/recommendations.

Māori Rights and Interests

6. One of the principles underpinning the Essential Freshwater work programme is to address “the rights and interests of Māori in freshwater and the development aspirations of owners of Māori freehold land, consistent with the Crown’s Treaty obligations.” However, these Reform Proposals fail to offer any commitment to resolving iwi rights and interests other than an indication that the Government will
continue to work with Māori to address their rights and interests in freshwater, particularly in the context of addressing allocation issues.

7. We recommend that these Reform Proposals are presented against the backdrop of the Waitangi Tribunal’s Wai 2358 Stage 2 Report on the National Freshwater and Geothermal Resources Claims (Stage 2 Wai 2358 Report), which was released in pre-publication form in August 2019. This report questioned whether the current law in respect of freshwater and freshwater bodies and the proposed reform package is consistent with the principles of the Treaty of Waitangi.

8. TAPS recommends that Māori proprietary and co-governance rights, interests and obligations be resolved by the Government, within a timeframe of three years; and that the resultant recognition of those rights is consistent with the principles of the Treaty.

Te Mana o te Wai and Mana Whakahaere

9. Te Mana o te Wai has a set of core principles, one of which is Mana Whakahaere or governance. Mana Whakahaere is the rights and obligations of mana whenua inherited through whakapapa to the land and water, when exercising their authority, ability and freedom to implement their values and realise their aspirations as guaranteed by Te Tiriti o Waitangi/Treaty of Waitangi.

10. While Section 3.3 of the NPS-FM outlines tangata whenua roles and the requirement for Regional Councils to engage with tangata whenua to involved them in freshwater management and decision making we believe that this does not go far enough. We support the Waitangi Tribunal recommendations that Section 3.3 needs to ensure that iwi and hapū must be directly involved in freshwater decision-making and that Māori values, rights and interests are recognised and provided for in decision-making.

Te Mana o te Wai Commission

11. TAPS support the Te Kāhu i Wai Māori recommendation to establish an independent national regulatory Te Mana o te Wai Commission that should be sustainably resourced to design and implement the Te Mana o te Wai Structure and System Reform that includes: setting national direction that promotes Te Mana o te Wai; calling-in applications at the local catchment level where appropriate; auditing water-related local government and catchment level processes and decisions; and bringing, and participating in, proceedings relating to local government and catchment level processes and decisions.
Resourcing Iwi and Hapū to Participate

12. Iwi and hapū should not be carry the cost of water governance commitments. Many have asset bases that originate in redressing acknowledged historical grievances, and those resources must be used to overcome the current conditions that have arisen.

13. TAPS recommends that Regional Councils and central Government resources be made available to iwi and hapū to support investments needed to provide for initiatives that restore, care and protect degraded water bodies.

SPECIFIC REFORMS

Māori Compulsory Values in the NPS-FM

14. TAPS supports the recommendation from the Kahui Wai Māori that the status of mahinga kai be elevated to a compulsory national value in the NPS-FM. This compels regional councils to support hapū /iwi to identify and articulate mahinga kai values and to incorporate these into freshwater planning documents.

15. Mahinga kai was deliberately chosen as a compulsory value by the Kāhui because it comprises multi-faceted and integrated indicators that address both kai being safe to harvest and eat, and ensuring the mauri of the wai is intact.

Exemptions for Major Hydro

16. TAPS is strongly opposed to the exemptions. Major hydro schemes are responsible for significant water degradation, and many are non-compliant with safe fish passage. This is a serious risk to our major rivers; is not consistent with Te Mana o te Wai and undermines the Essential Freshwater objective to stop further degradation and loss. Major hydro schemes need to address their contribution to fresh water decline. farm map identifying features such as waterways, critical source (discharge of contaminant) areas, highly erosion-prone areas, and other risks to the health of the freshwater ecosystem

Raising the bar on Ecosystem Health

17. TAPS supports all of the proposals for improving ecosystem health:
   o To shift the focus of national direction and planning to a more holistic view of ecosystem health, and require better monitoring and reporting.
   o To measure and manage the following new ecosystem health attributes: nutrients (nitrogen and phosphorus), sediment, fish and macroinvertebrate numbers, lake macrophytes (amount of native or invasive plants), river ecosystem metabolism and dissolved oxygen in rivers and lakes.
   o A higher standard for swimming in summer.
To protect urban and rural wetlands and streams: require councils to identify all existing natural inland wetlands, monitor their health, set policies to protect them, and think about how to make restoration easier.  
- Restrictions on activities considered the most destructive to inland and coastal wetlands.  
- A new compulsory national value for threatened indigenous freshwater species.  
- Require councils to provide for fish passage in line with established guidelines, both in plan-making and consenting, and in imposing design requirements on some types of new in-stream structures.  
- Improvements to setting minimum water flows and reporting on water use.

**Restricting further land intensification**

18. TAPS supports the Te Kāhui Wai Māori recommendation on a moratorium (prohibited activity status) on additional resource consents for consumptive takes and discharges for 10 years. This is primarily aimed at stopping fresh water allocation permits until Māori rights and interests have been confirmed; and it also stops commercial/industrial/municipal discharges into water bodies.

19. Alternative approaches such as: (1) to avoid grandparenting high contaminant loads from current intensive systems and penalising extensive farmers, that a moratorium on changes of land use that increase risks to freshwater quality be introduced; and (2) change of land use should be allowed under a non-complying activity consent if land users can demonstrate that there will no additional negative impact on freshwater quality consistent with the NPS-FM; are conditionally supported as permitted activities. If the more expansive Te Kāhui Wai Māori proposal is not accepted, we recommend a change from discretionary to non-complying activity status to reflect the in (2) above.

**Nitrogen Reduction**

20. TAPS supports interim measures to reduce nitrogen loss in high nitrate-nitrogen catchments with, until all regions have operative freshwater management plans. The current proposals involve setting a nitrogen cap (with reductions required to come under the cap), or FEP-based reductions.

21. In some highly-impacted catchments, it will take more than improving practices to achieve ecosystem health, and some land-use change will be required. TAPS supports interim measures to reduce nitrogen loss in high nitrate-nitrogen catchments with, until all regions have operative freshwater management plans.
Stock Exclusion

22. Restricting stock access to waterways is critical to upholding Te Mana o te Wai and protecting human and ecosystem health. Compliance, monitoring and enforcement will be critical to the success of this proposal. TAPS supports in principle the two-tier approach to the proposals:
   - National standards, enforced by regional councils for larger waterbodies; and
   - The use of farm plans to develop bespoke approaches for excluding stock from smaller streams and drains.

Controlling intensive winter grazing

23. TAPS is deeply concerned at the environmental and animal welfare impacts of poor winter grazing practices. This has a negative impact on Te Mana o te Wai. We want to see standards for all winter grazing (even if the activity does not require a consent) to include:
   - Provision for stock shade and shelter
   - Restricted activity on highly permeable soils where there is a high risk of preferential flow pathways (eg, mole and tile drains or gravelly soil).

24. TAPS support the following activities being classed as high risk and requiring regulation:
   - Irrigation on vulnerable soils; and
   - Winter grazing on highly permeable soils (such as gravels or river accretion) or mole and tile drained soils.

Feedlots and stock holding areas

25. TAPS requiring all feedlots to meet standards, as set out in a resource consent. Feedlots and stock holding areas create a higher risk of pollution (nutrients, pathogens and sediment) entering waterways and support requiring stock holding areas to be consented to meet set standards for permeability and managing effluent.