Tena koe

Te Rūnanga o Ngā Wairiki Ngāti Apa: - Submission to the Proposed National Direction for Essential Freshwater

Background of Ngā Wairiki and Ngāti Apa

Ngā Wairiki and Ngāti Apa are based on the west coast of the North Island from Motu Karaka (approximately 10 kilometres south of the Whanganui River mouth) to Omarupapako (10 kilometres north of the Manawatū River mouth) and inland to include the lower reaches of the Whangaehu River, Mangawhero River, Turakina River, Rangitīkei River and the Oroua River. We also have several inland lakes and numerous remnant dune lakes and wetlands along our coastal area. We settled our treaty claims in 2008 and we have worked extensively since settlement with Horizons Regional Council, Whanganui District Council, Rangitikei District Council and the Manawatū District Council. This is alongside the Department of Conservation, the Ministry for the Environment and the Ministry for Primary Industries in all matters of resource management and sustainable land development. We have also worked in collectives with our whanaunga iwi partners in a number of taiao initiatives over the last 8 years. Consequently the National Policies for freshwater reform are of utmost importance to our whānau, hapū and iwi.

Overview of the proposed reforms / Structure & allocation first — then water quality

Firstly by way of a general response to the reform proposed, Te Rūnanga o Ngā Wairiki Ngāti Apa is supportive of much of the intent portrayed in the Kahu Wai Maori Report to the Ministry for the Environment as they have advocated for many points and initiatives that we uphold in our work with the agencies and partners noted herein. We do agree that there has been reform in the past that has promised much but delivered little. Upon reflection we concur that there needs to be some
structural reform and matters such as the allocation of water rights needs to be addressed prior to water quality reforms if any measures are to be successful.

We are anxious that government is unlikely to take up the recommendations’ of the Kahui Wai Report in full and potentially could cherry pick aspects of the report to appease whānau, hapū and iwi.

So in terms of structural reform our suggestions are basic as we have had little time to consider such matters. Clearly there needs to be Tiriti based partnership at a national level such as the Iwi Leaders forum as we participate in this forum and with the advent of Post Settlement Governance Entities throughout Aotearoa it appears to be a simple yet compelling proposition for accountability if the government is genuine about its commitment to Te Tiriti o Waitangi.

At a local level we will look to partner with our Regional Council as well the Department of Conservation under our DOC protocol in our settlement (which we are already doing) and this can be done in partnership with our whanaunga iwi, particularly where we share rivers and other fresh water resources. Through the legal status afforded to Te Awa Tupua, and the statutory recognition given to Te Waiū-o-te-Ika, Ngā Wairiki and Ngāti Apa is actively engaged with Whanganui Iwi and Ngāti Rangi in greater legal recognition of our status and role in catchment management, and these types of redress mechanisms emphasise the need for structural changes to now accommodate these mechanisms, and bring our iwi through into decision making and co-management in these catchments.

These structural reforms are crucial to gain successful outcomes for freshwater in order for each of us as Tiriti partners to be accountable for our respective actions or inactions.

More specifically to the detail of the proposed reforms there are four areas upon which we would like to make comment from the perspective of Te Rūnanga o Ngā Wairiki Ngāti Apa.

**Te Mana o Te Wai as a central concept for the bicultural governance, care and respect for fresh water in Aotearoa.**

This concept of the elevated status of freshwater in itself is important. We have dealt with streams that are dammed for local municipal water supply and the notion of allocating some of this water to the stream itself had been rejected and instead focus was put on increasing water quantity for stock water systems instead of its own natural downstream watercourse.

We therefore support the concept of Te Mana o Te Wai, but we need assurances that we will be directly involved in the upholding of this concept so that it is not marginalised intentionally or by general community misinterpretation. We also support the accompanying attributes of Mana whakahaere, kaitiakitanga and manaakitanga. We also refer to the Te Waiū o te Ika section of the Ngāti Rangi Claims Settlement Act 2019 that describes Ngā toka tupua o Te Waiū-o-te-Ika which are the intrinsic values that represent the essence of the Whangaehu River. One of the values is: “Hapū, iwi and all communities are united in the best interests of the indivisible river as a gift to the future prosperity of our mokopuna”. Another value is: “Uplifting the mana of Te Waiū-o-te-Ika in turn uplifts the mana of its hapū and Iwi, leading to prosperity and growth for hapū Iwi”.

The ability to uplift Te Mana o te Wai is inextricably linked to active Iwi participation at all levels of analysis and decision making affecting wai.

**The Mahinga Kai value**
‘Mahinga kai was deliberately chosen as a compulsory value by Te Kahu Wai Maori because it is comprised of multi-faceted and integrated indicators that address both kai being safe to harvest and eat, and ensuring the mauri of the wai is intact.’ (P.48 Te Kahu Wai Maori Report)

This quote sums some of the features we feel strengthens the introduction of Maori values to freshwater management and will likewise require iwi Maori involvement to uphold the value and compulsory measure in the local context. As noted in Kahu Wai Maori Report this is seen as a way of strengthening te mana o te wai.

Central Government Investment is crucial to implementation of the reforms

With the strengthening of rules in regional plans directed by the NPS FM reforms it is likely that the subsidy mechanisms at regional level will disappear. This is clearly why dairy platforms do not receive subsidy for riparian planting and fencing as they are required to do it under the clean streams accord.

So, with the introduction of Te Mana o Te Wai and Mahinga kai as a compulsory measure for freshwater quality, these concepts need to be crafted with a process driven by tangata whenua and this needs to be resourced. Many of the other values in freshwater management based upon western science have been funded large sums over the years and now it’s time to do the same for these concepts.

Other mechanisms to consider with reference to certainty regarding the uptake of iwi values in resource management is the role of the independent Maori statutory board in the Auckland Council which ensures resourcing for Iwi Maori.

Finally, We support the statement that ‘Local and central government could establish schemes that devolve or provide first rights of refusal to contracted land and water management, such as restoration and maintenance work. Resourcing should also be considered to empower Kaitiaki to be active wardens on the water.’ (pg. 10 Kahui Wai Report)

Maori Land Development Flexibility Provision

There needs to be flexibility as many of our Maori land owners have lands that are undeveloped and are now faced with the fact that they will be thwarted in their desire to develop their assets whilst general landowners have already achieved a developed state and will have those rights embedded moving forward.

This process also needs to protect existing Treaty settlements and the potential future ones as well.

We have lands that have taken out of plantation forestry and are being looked at for horticulture including strawberries in poly tunnels, irrigated Mānuka for Mānuka oil production and so on. The reforms essentially cap all nutrient allocation which in turn marginalises us from developing land received in our Treaty settlement and lands held by Māori owners which remain undeveloped.

Kahui Wai Maori state that there is a need for the creation of headroom to provide for the development of under-utilised Maori Land. This is by re-allocating discharge capacity (and water allocation) from existing users to the owners of under-utilised Maori land.

We also note the ‘Maori Treaty Settlement Land Provisions’ noted in the Plan Change 1 process with the Waikato Regional Council. There is a great deal of material in the Section 42A report for this process which clearly identifies ‘historical and contemporary legal impediments to the use and development of Māori Land.’ (p. 152 S.42A Report for the WRC)
Thank you for this opportunity for Te Rūnanga o Ngā Wairiki Ngāti Apa to submit its position on these proposed freshwater reforms.

Heoi anō

[Signature]

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