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Ministry for the Environment
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Via email: consultation.freshwater@mfe.govt.nz

Tena Koutou

TE ARAWA LAKES TRUST SUBMISSION TO ACTION FOR HEALTHY WATERWAYS PACKAGE OF PROPOSALS

Mai Maketu ki Tongariro
Ko Te Arawa te waka
Ko Te Arawa māngai-nui ūpoko tū-takitaki

From Maketu to Tongariro
Te Arawa the canoe
Te Arawa the determined people

Introduction

Te Arawa Lakes Trust welcomes to opportunity to submit on the Action for Healthy Waterways package of proposals.

Te Arawa Lakes Trust is the governance entity mandated to represent all registered members of Te Arawa. The Te Arawa Lakes Trust is established under the Te Arawa Lakes Deed of Settlement and the Te Arawa Lakes Settlement Act 2006.

While Te Arawa Lakes Trust is the governance entity for its members, its decisions are informed by hapū and iwi whose contributions to decision-making are delivered to Te Arawa Lakes Trust through their respective Trustees. Te Arawa Lakes Trust supports the separate submissions made by Te Arawa hapū and iwi. Te Arawa Lakes Trust also supports the submission made jointly with our partners in the Rotorua Te Arawa Lakes Strategy Group (the Bay of Plenty Regional and Rotorua Lakes Councils).

Te Arawa hapū and iwi 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. Te Arawa continues to occupy, own, use and manage lands, areas of significance and resources across our rohe. Te Arawa remains connected to our ancestral lands, waters, wāhi tapu sites and other taonga, even if these may now be in the hands of others and maintain our rights and interests in them. The relationships of Te Arawa with our ancestral lakes has been recognised by the Crown through to the Te Arawa Lakes Deed of Settlement 2004, Te

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. It has been adopted by Te Arawa Lakes Trust as the key guiding framework for management of the Te Arawa Rotorua Lakes for the Trust and others to follow.

The three strategic goals of Te Tūāpapa o ngā Wai o Te Arawa are:

1. *Ka rongo te Ao i te Mana o Te Arawa.*
   The authority of Te Arawa is readily recognised by all.

2. *Te mā o te wai e rite ana kia kite i ngā tapuwae ā te koura.*
   The quality of the water is such that you can see the footsteps of the kōura.

3. *Whakapakari ake i te waka kia pae ki uta.*
   TALT is well equipped for the journey ahead.

To give effect to Te Tūāpapa o ngā Wai o te Arawa, and Te Mana o te Wai, Te Arawa Lakes Trust makes the general submission points below and the specific submission points in the attached table. Te Arawa Lakes Trust also endorses the report and recommendations of Kahui Wai Māori.

**Overall Objectives and Allocation**

In general, Te Arawa Lakes Trust supports 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 Te Arawa Lakes Trust 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. Te Arawa Lakes Trust joins the voice of Te Kāhui Wai and other iwi in stating that the Crown must recognise and resolve hapū and iwi customary title and rights in water now.

**Te Mana o Te Wai**

Te Arawa Lakes Trust supports 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 Lakes rohe. It is for hapū and iwi of Te Arawa 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 hapū and iwi with all local authorities, not only regional councils. This reflects the partnership of the Rotorua Te Arawa Lakes Strategy Group established as a result of the Te Arawa Lakes Settlement Act 2006.

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 hapū and iwi to engage in the new freshwater planning processes. Te Arawa Lakes Trust 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 Rotorua Te Arawa lakes has been exhausting and expensive for Te Arawa hapū and iwi and now must continue.

In addition to resourcing an equal say for Te Arawa hapū and iwi 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% hapū and iwi appointed, and 50% Council/Crown appointed.

**Mahinga Kai and Tangata Whenua Values**

Te Arawa Lakes Trust supports 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

Te Arawa Lakes Trust conditionally supports 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 Te Arawa Lakes Trust. 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.

Ngā mihi, nā

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