1. Introduction and Background

1.1. Te Kotahitanga o Ngāti Tūwharetoa

1.1.1. Te Kotahitanga o Ngāti Tūwharetoa ("Te Kotahitanga") was established under the Deed of Trust of Te Kotahitanga o Ngāti Tūwharetoa, 2017. Its primary responsibility is the implementation of the cultural redress provided for in the Ngāti Tūwharetoa Claims Settlement Act 2018.

1.1.2. The purpose of Te Kotahitanga is to receive, manage, hold and administer the Trust's assets for its members. It has a wide range of other purposes including to protect te Arikitanga (comprises the 26 hapū of Ngāti Tūwharetoa as named in the Deed of Settlement). Purposes that are directly relevant to responsibilities relating to the Resource Management Act and freshwater management include;

1.1.2.1. to protect and enhance the mana and rangatiratanga of Ngāti Tūwharetoa and the exercise of kaitiakitanga over the taonga tuku iho;

1.1.2.2. to protect and uphold the kawa, tikanga, whakapapa, mātauranga and reo of Ngāti Tūwharetoa;

1.1.2.3. to implement the cultural redress provided for in the Deed of Settlement and the Settlement Act, including;

1.1.2.3.1. Appointing members of Te Kōpu a Kānapanapa;

1.1.2.3.2. Administering Te Piringa Partnership with the Department of Conservation.

1.2. The Area of Interest ("Rohe") of Ngāti Tūwharetoa (Refer Appendix 2) exhibits a diverse and extraordinary array of natural biodiversity, geological, historical, cultural features that are intrinsic to the identity and livelihood of Ngāti Tūwharetoa and hapū at place. For over 600 years of intimate contact, accumulative knowledge, wisdom and experience, the hapū of Ngāti Tūwharetoa have maintained their role as the customary kaitiaki (stewards and guardians) of these taonga and everything associated with them. Ensuring present and future protection and nurturing of these taonga, in accordance with tikanga, continues to be a powerful aspiration of Ngāti Tūwharetoa hapū.
1.3. To ensure that hapū maintain their role as kaitiaki over the whole Rohe, post settlement resource management structures and processes have been developed for their direct participation in the Lake Taupō Catchment (Te Kōpu a Kānapanapa) and over the largest public land holdings within and external to the Taupō Catchment (Te Piringa – Partnership with Department of Conservation).

1.4. Te Kotahitanga acknowledge the importance of the natural resources and features within the Rohe of Ngāti Tūwharetoa to all its inhabitants and to sectors of interest and members of the general public. This is demonstrated by the long-standing access arrangements for public recreation and enjoyment special taonga (Lake Taupō, Lake Rotöaira, rivers, wetlands, forests and maunga). A large number of special and ad hoc entities are responsible for the use and regulation of these taonga. Te Kotahitanga will liaise with these organisations to discuss their objectives and explore efficient and effective future arrangements for the alignment of kaitiaki objectives and roles.

1.5. A critical issue affecting Ngāti Tūwharetoa and its hapū has been the destructive impact of ‘public good’ projects. While many of these schemes intended to benefit New Zealand’s production and enhance its GDP earnings, they imposed direct, adverse and profound long term, environmental, social and cultural impacts. Important taonga tuku were alienated from Ngāti Tūwharetoa’s customary authority by the Crown’s historical acquisition policies. Included were nga maunga tapu, the bed of Lake Taupō, several areas of geothermal activity, vast areas of native forests, natural vegetation and riparian lands. These actions served to galvanise Ngāti Tūwharetoa’s aspiration to seek new arrangements to enable hapū, as kaitiaki, to exercise their mana and kaitiaki over their taonga and to restore those that had been afflicted, protect those that were potentially and actually under threat and to enhance and nurture the mauri, mana and wairua of all taonga tuku iho.

1.6. Through its settlement process Ngāti Tūwharetoa hapū agreed on a model that embodied new baseline requirements for environmental management within the Rohe of Ngāti Tuwharetoa. The key elements of this model are:

- Protect and enhance the mana and rangatiratanga of Ngāti Tuwharetoa
- Protect and uphold the kawa, tikanga, whakapapa, mātauranga and reo of Ngāti Tūwharetoa.
- Enable hapū to exercise their customary role as kaitiaki over all their taonga tuku iho
- Provide for active and meaningful engagement of Ngāti Tūwharetoa hapū in decision-making, planning and in the gathering, research and assimilation of information
• Prepare and implement an environmental plan that delivers the kaitiaki vision of Ngāti Tūwharetoa hapū.

1.7. Te Kotahitanga represents all 26 hapū of Ngāti Tūwharetoa. One of its key roles is protecting and enhancing the mana and rangatiratanga of Ngāti Tūwharetoa and exercising kaitiakitanga over the taonga tuku iho of Ngāti Tūwharetoa and its hapū. The individual and collective decisions of hapū provide a unique and powerful mandate for management of natural resources within the Area of Interest of Ngāti Tūwharetoa (“Rohe”). In meeting every calendar month, Te Kotahitanga addresses hapū issues in ‘real time’. A prime responsibility of Te Kotahitanga is to protect and uphold the kawa, tikanga, whakapapa, mātauranga and reo of Ngāti Tūwharetoa. “Nga Pou e Toru” represents the three pillars of the Ngāti Tūwharetoa claims settlement. It is the foundation and agreed basis for ensuring the protection, enhancement and restoration of the well-being of all taonga within the Rohe.

1.8. ‘Nga Pou e Toru’ are the three pillars that inspired the pathway and completion of the claims settlement process. These Pou embody the vision, identity and aspirations of Ngāti Tūwharetoa hapū and mirrors Ngāti Tūwharetoa’s pepeha:

“Ko Tongariro te Maunga
Ko Taupō te Moana
Ko Tūwharetoa te Iwi
Ko Te Heuheu te Tangata”

Diagram 1: Nga Pou e Toru o Ngāti Tūwharetoa
Te Pou Tuatahi: Tongariro te Maunga – Tongariro is the sacred mountain of Ngāti Tūwharetoa. "Tongariro" symbolically includes the three peaks of Tongariro, Ngauruhoe and Ruapehu including Pihanga, Tauhara and the pae maunga of Hauhungaroa and Kaimanawa. Te Pou Tuatahi also represents the permanent and sacred connection of hapū and whanau with Ranginui (sky parent) and Papatuanuku (earth mother), all ancestral guardians and the natural, physical and metaphysical phenomena within these realms.

Te Pou Tuarua:

Te Mātāpuna o Te Wai – This pou signifies the importance of the vital, life-giving waters sourced from the sacred pool of Io that flow between Ranginui (Sky parent) to Papatuanuku (Mother Earth). These waters flow from the taumata of Tongariro maunga and the pae maunga of Ngāti Tūwharetoa to nurture the land and all living things. From the guardianship of Ngāti Tūwharetoa, waters flow to all other destinations in the North Island.
**Te Ahi Tāmou** signifies the legacy of Ngatoroirangi, this famous and revered ancestor of the iwi of Te Arawa and Ngāti Tūwharetoa. He called forth the geothermal fires from Hawaiki to enable him to survive the icy winds of Tongariro. Ngāti Tūwharetoa’s dependence on the life-enhancing properties of this resource and the ensuing legacy confirms the geothermal resource as a special taonga to be nurtured and protected by Ngāti Tūwharetoa. The kawa, tikanga and associated mātauranga are firmly and deeply imbedded within Ngāti Tūwharetoa customs.

**Te Pou Tuatoru: Tuwharetoa te Iwi, Tuwharetoa te Hapū** – Throughout the claims settlement process, this pou signifies that the strength of Ngāti Tūwharetoa is manifest in the unifying consciousness and the physical, moral and spiritual strength of its hapū. Ngāti Tūwharetoa’s mauri (life force and vitality), mana (intrinsic prestige and authority), wairua (unifying element of moral, conscious and physical life) is sustained by its hapū, each respecting, protecting and nurturing nga taonga tuku iho and collectively maintaining its kawa and tikanga under the Arikitanga - the collective of Ngāti Tūwharetoa hapū. The Ariki, Ta Tumu Te Heuheu maintains responsibility for the well-being of the mauri of Te Arikitanga.

Within the paradigm of Nga Pou e Toru, an open invitation and opportunity exists for the active participation of non-Ngāti Tuwharetoa stakeholders and externally based individuals and organisations. Tikanga-based systems are not exclusive and there is no public prohibition on the information about them. They are inclusive and emphasise holistic richness across the broad range of natural, physical, metaphysical, and human phenomena. Te Kotahitanga encourages the sharing of diverse beliefs, customs and technologies in the hope that we will all create a progressive dynamic from which will emerge an outcome that will be treasured with pride by the generations that follow us.

1.1. **Recommendations**

1.1.1. That Government acknowledge the unique status of Te Kotahitanga as representing the 26 hapū of Ngāti Tūwharetoa and thereby establishing within the Rohe of Ngāti Tūwharetoa an authority that is mandated by all hapū to uphold their kawa and tikanga. We emphasise that Te Kotahitanga is directed by its hapū, collectively or individually, to uphold, promote, and advocate tikanga and kawa in decision-making, policy developments, formation of structures, planning and in the implementation of all matters relating to the environmental, cultural and spiritual well-being of taonga tuku iho of Ngāti Tūwharetoa.

1.1.2. That Government note the significant long-term benefits that the public of New Zealand has received from the utilisation and enjoyment of the most highly revered and special taonga tuku iho of Ngāti Tūwharetoa. These include its sacred maunga – Tongariro, the Tongariro National Park, Kaimanawa
Forest Park, all waterways including Lake Taupō, Lake Rotoāira, Tongariro and the Waikato River including the geothermal resources and its manifest attractions. Furthermore we ask that Government note that the environmental programmes confirmed through the Ngāti Tūwharetoa Claims Settlement are driven by principles and values that promote shared responsibilities and benefits, and respect for the environment and are designed to protect, enhance and restore the environmental and ecological well-being of taonga tuku iho for the sustainable utility and enjoyment by Ngāti Tūwharetoa and the public of New Zealand and overseas visitors.

1.1.3. That Government support and provide adequate resources to implement Te Köpu a Kānapanapa, Te Piringa and related environmental programmes arising from the Ngāti Tūwharetoa Claims Settlement.

1.1.4. That Government support the right of Ngāti Tūwharetoa hapū to actively and meaningfully engage in decision-making at all levels and in all matters affecting their well-being. We ask that Government acknowledge this as a core tenet of the affirmation that Ngāti Tūwharetoa hapū are free to determine their political status and pursue their economic, social, environmental and cultural development embodied in their right to Mana Motuhake (self-determination) and their right to development.

2. ACTION FOR HEALTHY WATERWAYS

2.1. Te Kotahitanga supports the Action for the Healthy Waterways proposed objectives:

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

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

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

3. Role for iwi Māori and that their broad aspirations for freshwater

3.1. Te Kotahitanga acknowledges and generally supports the aspirations of iwi for freshwater as set out in “Shared interests in Freshwater” – released in October 2018

3.2. Te Kotahitanga presents the following additional objectives:

3.2.1. Promote the understanding and utilisation of mātauranga Māori: Both mātauranga Māori and modern science may be combined to provide a powerful knowledge base for innovative solutions and resilient outcomes.

3.2.2. Promote the utilisation and better understanding of kawa and tikanga relating to freshwater: Kawa and tikanga provide time-tested, universal, diverse, holistic, inclusive and unifying principles that enhance the authenticity and viability of resource management tools and processes in
achieving sustainable resource management and ecosystem diversity.

4. **Crown follow up on existing Treaty settlement obligations**

4.1. We note that the Ministry for the Environment has undertaken an initial analysis to ensure the proposed policies on Essential Freshwater are consistent with existing treaty settlement obligations.

4.2. Freshwater management continues to be an issue of paramount concern to Ngāti Tūwharetoa and its hapū. For over 600 years, Ngāti Tūwharetoa hapū have been the kaitiaki of this highly valued, life-giving resource. While it is acknowledged that the quality of the waters of Lake Taupō and most rivers and streams within the Taupō Catchment is generally of a high standard, hapū continue to witness serious, increasing and unmitigated pressures on the waterways, freshwater and their associated landscape entities and values. This amplified pressure is created by more intensified development and the sheer number of users to which these taonga are being subjected. These trends demand that Ngāti Tūwharetoa hapū have more effective, active participation, in the decisions that shape and implement policy, strategy, planning, monitoring and management of the mauri of their taonga tuku iho.

4.3. The Claims settlement process has raised the bar of expectation for Ngāti Tūwharetoa. Under the leadership and direction of hapū, Te Kotahitanga has fiduciary responsibility to ensure that it will support and uphold the Settlement enabled, kaitiaki role and paradigm of hapū. **Critical to the achievement of this paradigm is the assurance of the Crown that Te Kotahitanga and hapū have sufficient resources to enable the effectively exercise their customary kaitiaki responsibilities.**

4.4. Resources that were once available to support parallel settlement initiatives prior to 2018. There was provision to apply for funding under freshwater programmes including Te Mana o Te Wai. These have since been discontinued or are no longer available and no alternative sources exist. This is a major issue for Ngāti Tūwharetoa whose settlement date was March 12, 2019.

4.5. We note that the community of interest including iwi associated with the Waikato River catchments have received significant post settlement resources to provide for the protection, restoration and enhancement of the mauri, mana and wairua of the Waikato River. We note that these extensive resources have been utilised successfully by River Iwi to allow them to participate fully in the decisions affecting their happy and in the implementation of protection and restoration projects that meet the funding requirements. A parallel or similar funding source is not available for similar hapū led projects for the Taupō Catchment.

4.6. **Te Kotahitanga recommends that an appropriate allocation of funds be made available to iwi and hapū who are Kaitiaki of the freshwater taonga within the Lake Taupō Catchment, particularly where these are extended to implement the “new paradigm” for the active and meaningful engagement of hapū in the protection,**
restoration and enhancement of the mauri, mana and wairua of the waterways within the Taupō Catchment.

4.7. Te Kotahitanga recommends that funding be made available to assist the following:

4.7.1. Improve the sharing of information
4.7.2. Improve notification by local authorities and other agencies of plans, plan changes and variations, applications for consent,
4.7.3. Improve the preparation by hapū, of responses to plans and applications,
4.7.4. Improve understanding of the RMA and water management systems and processes by holding wānanga for hapū and staff/councillors/professionals
4.7.5. Improve the effectiveness of hapū for pre-hearing and post-hearing interventions,
4.7.6. Preparation of reports on taonga tuku iho, their identification and nature and the relevance of cultural and spiritual values in the protection, enhancement and restoration of these taonga.
4.7.7. Preparation of cultural mapping formats and practical guidelines for their implementation in the identification of taonga, including risk and impact assessment profiles, opportunity assessment profiles, monitoring regimes and relevant cultural indicators.

4.8. We note that there is a general expectation by Government that councils will provide the resource requirements for tikanga based environmental management as a 'normative' function. Te Kotahitanga, however, contends that the requirement on district councils, in particular, to address this tikanga-based paradigm, is a major departure from what councils have, hitherto, demonstrated any depth of responsibility. The following statements highlight the critical starting point for effective recognition and response to a tikanga-based approach:

4.8.1. Councils, as a matter of national interest must provide for the relationships of hapū with their taonga tuku iho as prescribed in Section 6 (e) of the Resource Management Act 1991. In order to meet this requirement Councils must first identify taonga tuku iho, their location and their attributable environmental, cultural and spiritual values to hapū. Cultural mapping is the methodology that is employed to identify and register the existence and location of taonga. These formats records iwi/hapū connection to place.

4.8.2. Identifying the special features and values of each taonga may require considerable research, archival searches of several cultural, historical, archaeological and land records, surveyor manuscripts including whānau files, waiata and stories. These may be supplemented by oral interviews. This information may be transcribed into digital form and presented in selected databases.

4.8.3. The selection of database is important because hapū and whānau may require sections of information or the total script have restricted disclosure and particular conditions to ensure its archival security.

4.9. An important objective of Te Kotahitanga is to advocate for and support hapū to
assume direct responsibility for the health and well-being of waterways and their ecological systems. Ensuring the well-being of the mauri, mana and wairua od waterways ensures there sustainability to provide food, health or healing products, spiritual or cultural sustenance, recreation, agriculture, horticulture, manufacture or processing. In this regard hapū will require funding to enable them to:

4.9.1. prepare resource management plans, risk and opportunity analysis and evaluations;

4.9.2. identify well-being indicators and establish monitoring regimes for each waterway.

4.10. A peculiar characteristic of the Taupō Catchment is the multiplicity of statutory entities with formal responsibilities for policy, regulatory and planning of Lake Taupō. Collaboration and negotiations with all stakeholders will be a time consuming and costly activity, nonetheless, it has to be carried successfully implemented to prevent costly overlaps of processes and that have failed to directly engage the several hapū who are its customary kaitiaki. Te Kotahitanga recommends that Government support and assist Te Kotahitanga to collaborate with all agencies to reconcile the complex and confusing overlap of interests to achieve an outcome which demonstrates that hapū are actively engaged in decision-making, that their tikanga and kawa is respected and clearly reflected in the policies, regulations, plans, and implementation of programmes and that a clear ‘line of site’ is established for hapū in the creation of benefits and opportunities arising from plans and programmes in the Taupō Catchment.

5. Proposed changes: Essential Freshwater Programme

5.1. We support the introduction of a new freshwater planning process that will require councils to have new plans in place no later than 2025. This coincides with the mandate and timing of the preparation and approval of Te Kōpu a Kānapana. Te Kotahitanga note that a desired outcome of the new process is for better, faster, more nationally, consistent, freshwater management plans and implementation.

6. Te Mana o Te Wai and Compulsory Māori values

6.1. We note that the concept of Te Mana o Te Wai and its application within the NPS-FM is unclear and inconsistent with a rational understanding and application of tikanga. We are concerned that while this confused state exists, there is considerable risk in requiring councils to give effect to Te Mana o te Wai within NPS-FM.

6.2. Te Kotahitanga, therefore, support the reframing of Te Mana o te Wai in the NPS-FM and clarifying its meaning. In this regard we support the proposal to clarify the descriptor of Te Mana o te Wai so that it more clearly underpins the whole framework of the regulation. We believe that this is a precondition to enable
6.3. Te Kotahitanga, within the precincts of its settlement redress, emphasise that the base descriptors for Te Mana o te Wai would be more clearly described by their inclusion within a framework that comprises mauri, mana and wairua o te Wai. In this framework the concept of mauri and its defined attributes would provide a priority context for the well-being of freshwater including its ecological relationship and utility. We welcome further detail and invite direct discussion on how the descriptors will be applied particularly to waterways within the our Rohe.

6.4. We support the proposal that regional councils will be required to consult with mana whenua hapū to determine local understanding of Te Mana o te Wai, however, we would prefer that this takes place after a wānanga has been held with Te Kotahitanga. Te Kotahitanga support the related proposals to:

6.4.1. establish a long-term vision and trajectory (multi-generational) for the waterbody to be articulated in regional policy statements and the steps outlined to achieve this.

6.5. We support the intention of Government to improve the ability of iwi and hapū to express their values in freshwater management and planning, and to strengthen and clarify requirements on regional councils to incorporate this information into regional freshwater planning processes. In this regard we confirm our support for the Waitangi Tribunal recommendations (Wai 2358 Stage 2 Report on the National Freshwater and Geothermal Resources Claims) 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. We believe that a wānanga with Te Kotahitanga would assist early clarification of these matters.

Key Recommendations – Te Mana o te Wai

6.6. Te Kotahitanga recommend that the Ministry for the Environment arrange a wānanga with Te Kotahitanga to discuss how Te Mana o te Wai should be described and embedded in policies for NPS-FM and applied to freshwater bodies within the Rohe of Ngāti Tūwharetoa. We believe that there is immense benefit in sharing hapū and the Governments views on what they want the waterbodies in their Rohe to look like in the future and what respective roles we may play in bringing these views to reality.

6.7. In recognition of the national importance of the waterways within the Rohe of Ngāti Tūwharetoa and their intrinsic value as special taonga tuku iho of Ngāti Tūwharetoa hapū and its customary role as kaitiaki of these waterways, we recommend that Government provide dedicated funding support for Te kotahitanga to enable Government and the hapū of Ngāti Tūwharetoa to progress the implementation of the Action for Healthy Waterways proposed objectives.
7. **Mahniga Kai and iwi values in the National Objectives**

7.1. We support the Kahui Wai Māori recommendation to amend the NPS-FM to elevate the status of mahinga kai from an ‘other national value’ to a ‘compulsory national value’ with the proviso that this not precede the wānanga recommended in paragraph 6.6 (above).

7.2. We support the Kāhui position for inclusion of a tangata whenua freshwater values category within NOF and also support their proposal that this be in addition to and not in substitution for the mahinga kai compulsory value with the proviso that this not precede the wānanga recommended in paragraph 6.6 (above).

8. **Māori Rights and Interests**

8.1. We note the failure of successive governments to commit to resolving the outstanding issue of rights of iwi/hapū in respect of freshwater and geothermal rights. We urge government to proceed with urgency on this matter.

8.2. In this regard we confirm our general support for the findings of the Waitangi Tribunal’s contained within its Wai 2358 Stage 2 Report on the National Freshwater and Geothermal Resources Claims.

9. **Exemptions for Major Hydro**

9.1. Te Kotahitanga strongly opposes the exemptions proposed for hydro power generation. Within the Rohe of Ngāti Tūwharetoa, hydro power generation schemes have caused widespread and irreversible destruction to our taonga tuku iho including waterways, ecosystems and the livelihoods of hapū and whānau. There continued operations are inconsistent with the protection and enhancement of the mauri, mana and wairua of our waterways and the ecosystems and biodiversity associated with them.

10. **Raising the bar on Ecosystem Health**

10.1. We support the proposal that land and water resources will be managed so that in a generation our freshwater will be healthier for people, animals, native fish, trout and salmon, plants and other species that live in or alongside waterways. We note however that hapū within our rohe have clearly confirmed their aspiration for restoring indigenous fish species within certain water bodies and that this conflicts with the trout populations that currently thrive within them and are protected by regulation. We note further that the previous policy of Government was to protect threatened indigenous freshwater species. We therefore recommend that Government consult with Te Kotahitanga on this matter.

10.2. We support the previous policy to develop new attributes (indicators of ecosystem health), however, we note that these attributes did not identify values
related to the mauri, mana and wairua of freshwater and water bodies. We therefore, propose that Government develop appropriate and effective attributes to specify iwi/hapū values integral to the ecosystem health and well-being of water bodies in the Rohe of Ngāti Tūwharetoa.

10.3. We support the intention to provide a higher standard for swimming and to commit to a greater effort to reduce contamination where people want to swim. We highlight the fact that hapū have established a connection with certain water bodies over many generations and they have a preference and familiarity with certain locations on these waterways as swimming destinations of choice. There are clear benefits from maintaining these swimming areas of preference including health and safety and a known range of water related recreational choices.

10.4. We confirm that over the past generation, many of these areas have become contaminated with pollutants and weed or bird infested. The outcome is that they are no longer suitable for recreational swimming and other recreational pursuits including mahinga kai. We recommend that key areas such as Tokaanu/Waiah Bay, Motuoapa, Boat Harbour be subject to evaluation and government invest in the removal of aquatic weed and the upgrade of the water quality.

10.5. We note that many important wetlands, particularly those located at the southern end of Lake Taupō have been enhanced over the past 80 years by the artificial raising of the levels of Lake Taupō. A significant area of this land is still in Māori ownership and it was once extensively drained to enable the land to be utilised for productive purposes by its owners. We caution the implementation of a blanket ban on the draining of these lands and recommend that government engage directly with the land owners prior to enacting its proposal.

10.6. We support the provision of fish passages and the removal of barriers for fish that need access to the sea to breed.

11. Safe Drinking Water

11.1. We support tighter management of land use in areas that are sources of drinking water supply so drinking water is not contaminated.

12. Stormwater and Wastewater:

12.1. We raise serious concerns with the state of wastewater treatment and disposal in our Rohe. Waterbodies are precious taonga that are subjected to high risk of contamination by wastewater treatment plants. Almost all wastewater plants are located in close proximity to important water bodies. The town systems are designed to be gravity-fed to nearby waterways. When failures occur in the system or at the plants the overflow is discharged into these waterways.

12.2. We generally support the Proposed Wastewater NES and proposed Water Services Act as a positive step toward ensuring the there is less pollution of rivers, lakes, groundwater and the sea from stormwater and wastewater.

12.3. Te Kotahitanga recommends that wastewater and stormwater treatment
and discharge systems be reviewed in all locations and regions where they are at risk of polluting freshwater bodies, starting with those water bodies of high importance.

12.4. Te Kotahitanga recommends that Government establishes an effective budget to enable best practice, sustainable planning and construction to safeguard these waterways, beginning with those of high priority (We include Lake Taupō as one of these priority waterways) waterways from the risk of contamination from failures of wastewater and stormwater plants and systems.

13. Nitrogen and other nutrients reduction

13.1. Te Kōpu a Kānapanapa was set up under the Claims settlement Act to restore, enhance and protect the well-being of the Taupō Catchment. Consistent with this purpose Te Kotahitanga supports measures that would achieve a reduction in the levels of nitrate/nitrogen and other contaminants if these were found to be adversely affecting the well-being or mauri of Lake Taupō.

13.2. Te Kotahitanga maintains that Lake Taupō and its adjoining water bodies represent outstanding natural features that qualify them to be categorised as matters of national importance under section 6b of the RMA. Te Kotahitanga respects the status of these waters and supports initiatives that reduce contaminants from entering them.

13.3. Te kotahitanga, therefore, supported Variation 5 of the Waikato Regional Scheme (Chapter 3.10) which was implemented to remove 20% nitrate/nitrogen from Lake Taupō through a cap and buy rule, funded by regional and local authority rates and government funds. The two key processes set up under Chapter 3.10 to achieve the 20% target were:

- A cap on nitrogen from farming and wastewater sources
- Removal of 20% of nitrogen from the catchment by buying nitrogen and taking it out of the system

13.4. The Overseer model is currently used to determine the amount of nitrogen leached from each farm, however, the version of Overseer used in the Taupō rule (3.10.5.3) will expire in December 2020. We believe that a new model for determining the Nitrogen Discharge Allowance (NDA) needs to be in place before this date so that farmers can operate within the limits of a legitimate Nitrogen Management Plan.

13.5. Te Kotahitanga is concerned that there is insufficient information and research on the condition of the Lake and its adjoining waterways. We are concerned that this will limit the capacity to make informed decisions and achieve good planning outcomes. Currently Lake science indicates that Lake Taupō may be changing from nitrogen limited to phosphorus and nitrogen limited. Te Kotahitanga seek further information on this change and the implications that this information may have for future planning and response.

13.6. Te Kotahitanga acknowledges the commitment and efforts of farmers and
other land users for taking positive steps to reduce nitrates/nitrogen from entering the waterways of the Rohe. We also support the steps taken by the Waikato Regional Council in addressing the issue of contamination waterways within the Rohe and the benefit and alignment of these policies with the objectives and principles of hapū – Te manōki whenua and te tiaki i nga taonga tuku iho, particularly as this applies to our sacred waterways. We strongly recommend that Government continue its support and financial assistance for the protection, restoration and enhancement of the mauri of these taonga.

13.7. Te Kotahitanga notes that hapū members maintain ownership rights in land holdings used for agriculture. We note that the Variation 5 policies and rules included both a cap and buy mechanism to allow an exit option for farmers wishing to retire their enterprises. This option was not available to Ngāti Tūwharetoa landowners whose tikanga is to maintain collective authority over their lands in perpetuity. We, therefore, acknowledge the extraordinary steps that were taken by this group and similar farming enterprises that were able to continue farming while meeting the new requirements for reduced, farm nutrient, emissions.

13.8. Kotahitanga notes that, within the Rohe and Taupō Catchment, a disproportionately large area of land, owned by Ngāti Tūwharetoa members, is planted in exotic forests or remains covered in natural vegetation. We emphasise the value of these lands as providing a range of valuable ecosystem services that are incredibly valuable to the enhancement of our environment and of significant social, cultural and economic benefit. In respect of nitrogen and other nutrients, these lands act as ‘nutrient traps’.

13.9. Large areas of Māori land within the Rohe are covered in natural vegetation. While there is a general intention and political willingness to convert this land to productive uses, the owners of these lands face a plethora of difficult challenges. The status of these lands may be shaped by layers of historical, legislative and policy impositions that cannot be easily unravelled. Regional and local policies and rules developed and implemented to protect our taonga were the very instruments that created many of the unutilised land areas still in private Māori ownership. They cannot be developed because they have been assigned special status protection under local authority plans or they may have protective covenants due to the presence of certain species of flora or fauna or their proximity to waterways, natural hazard areas or unstable land.

13.10. Te Kotahitanga accentuates the negative externality that has been imposed on the owners of these lands. This unacceptable situation further amplified by the failure to recognise the ecosystem contribution that is provided by these lands and the positive, but unquantified benefits, that they provide for the public good and for the emitters of critical nutrients. The impression created is that Māori land owners and by implication, hapū members of Tūwharetoa appear to be subjected to a ‘double taxation’ particularly as this relates to nitrogen emissions
policy. The effect of nitrogen ‘nutrient traps’ created by unplanted lands and forestry, so that they maintain a lower nitrogen/nitrate threshold level or ceiling within the Catchment. This reduced ceiling reduces the overall burden of nitrogen that farmers are required to remove from their farms. Te Kotahitanga points out that, insofar as the full ecosystem values of natural vegetation and forestry landholdings of Ngāti Tūwharetoa owners remains unquantified and without proper valuation, the real costs to these owners of Government and local authority policy and regulation, could be substantial and is unknown and the actual benefit to the community, general public and to business sectors is unknown. Furthermore, we are of the view that the value of credits or rewards created and transferred within a system or rule require more robust evaluation and measuring techniques to ensure that contributions to ecosystem services receive fair recognition and the corresponding value of rewards is properly recognised. We believe that the latter is essential for incentivising improvements in the protection, enhancement and restoration of environmental and ecosystem health.

13.11. Te Kotahitanga is concerned that there is no commitment to quantify and/or evaluate ecosystem services (nitrogen and other contaminant trapping, biodiversity, carbon cycling, reduction in sediment transfer, etc.). We point out that the failure to implement proper evaluation is a failure to fairly and equitably recognise the full and real value of Māori land and tikanga within the Rohe of Ngāti Tūwharetoa.

13.12. Te Kotahitanga strongly recommend that Government implement a process to enable credible and reliable quantification and valuation of all ecosystem services associated with forests and unplanted lands within the Rohe and the Taupō Catchment.

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Appendix 1

1. Te Kōpu a Kānapanapa

1.1. Te Kōpu a Kānapanapa was established under the Ngāti Tūwharetoa Claims Settlement Act 2018 (“the Act”). It is a permanent, joint, committee of eight members representing Te Kotahitanga (4 members), the Waikato Regional Council (“WRC”) (2 members), and the Taupō District Council (“TDC”) (2 members). Members are appointed for a term of 3 years.

1.2. The purpose of Te Kōpu a Kānapanapa is:

   1.2.1. to restore, protect, and enhance the environmental, cultural, and spiritual health and well-being of the Taupo Catchment for the benefit of Ngāti Tūwharetoa and all people in the Taupo Catchment (including future generations); and
1.2.2. to provide strategic leadership on the sustainable and integrated management of the Taupō Catchment for the benefit of Ngāti Tūwharetoa and all people in the Taupo Catchment (including future generations); and

1.2.3. to enable Ngāti Tūwharetoa to exercise mana and kaitiakitanga over the Taupo Catchment, in partnership with the local authorities; and

1.2.4. to give effect to the vision in Te Kaupapa Kaitiaki.

1.2.5. In achieving its purpose, Te Kōpu a Kānapanapa must—

1.2.5.1. respect Ngāti Tūwharetoa tikanga; and

1.2.5.2. provide for the relationship of Ngāti Tūwharetoa and their culture and traditions with their ancestral lands, water, geothermal resources, sites, wāhi tapu, and other taonga.

1.2.6. Te Kaupapa Kaitiaki is the ‘Plan’ for the Taupō Catchment that Te Kōpu a Kānapanapa must prepare and approve.

1.2.7. Te Kaupapa Kaitiaki must identify and record the significant issues, values, vision, objectives, desired outcomes and other relevant matters for the Taupō Catchment.

1.3. Obligations on Local Authorities

1.3.1. A local authority must recognise and provide for the vision, objectives, desired outcomes, and values of Te Kaupapa Kaitiaki each time the authority:

1.3.1.1. prepares an RMA planning document; or

1.3.1.2. reviews or varies an RMA planning document.

1.3.2. A local authority must comply with Te Kaupapa Kaitiaki where it relates to RMA resource management issues in the Taupo Catchment and where it is relevant to the RMA planning documents.

1.3.3. Under the Act a local authority must, when preparing or approving any long-term or annual plan under the Local Government Act 2002, have particular regard to Te Kaupapa Kaitiaki to the extent that its content is relevant to any matter covered by the plan.