



DISCUSSION PAPER



# *Reflecting tangata whenua values and interests*

on fresh water and freshwater ecosystems in the Rangitāiki, Kaituna-Pongakawa-Waitahanui water management areas.

December 2019



## ***Na ko Parawhenuamea koia te matua o te wai<sup>1</sup>***

***“Ki ētahi iwi, ko Parawhenuamea kē te matua o ngā wai katoa. Ki iwi kē, ko Parawhenuamea te matua o te wai māori anake.”***

*For some tribes, Parawhenuamea is the ancestor of all water. For other tribes, Parawhenuamea is the ancestor of fresh water only.*

***“Ko wai a Parawhenua, Parawhenuamea. Ko Parawhenua te Tāne rāua ko Hinepū-Pari-Maunga. Ka moe e ia a Kiwa, te kaitiaki o te moana.”***

*Who is this Parawhenuamea or Parawhenua? She is [the child] of Tāne (Forest) and Hinepū-Pari-Maunga (Mountain Maiden). She married to Kiwa (Ocean), the guardian of the sea.*

***“Ko Parawhenua me Rakahore te hononga o te wai. Ka rere ngā wai o Parawhenua ana, ki te kore a Rakahore, kahore te pai ki a Parawhenua te haere. Otirā te rere o tōna wai, ka noho te whenua e pēnei i te koraha. Ko te tikanga hoki tēnei, ko te whakapapa o Te Wai.”***

*Parawhenua (Water) and Rakahore (Rocks) are linked by water. As the water of Parawhenua flows, without Rakahore (Rocks), that is no good with Parawhenua’s travel. As her water rushes, the land turned into barren land. The principle is so, the genealogy of the water.*

<sup>1</sup> Narration by Erina Maata Kauī, captured in 2014 Treaty claims meeting at Te Wairoa. For the Bay of Plenty context and details, ask us for *Parawhenuamea*, collated by Ngāpera Rangiaho.

# Mihi

*Ngā mihi ki ngā iwi, ngā hapū me ngā hāpori e tō koutou kaitiaki te rohe o te Rangitāiki Water Management Area (WMA) me te Kaituna-Maketū-Pongakawa-Waitahanui WMA. Ko kaitiaki koutou. Tēnei te mihi ki a koutou mō tō koutou kaitiakitanga, whanaungatanga, manawanuitanga me tō koutou aroha nui mō ngā awa.*

*Ngā mihi ki ngā kōrero me ngā whakaaro e ngā rāngatira mō ngā wai. Tēnei te tuhituhi he whakaaro me he whakararama o ngā kaimahi a Toi Moana mō ngā kōrero haere tonu.*

*Nā, ngā kaimahi Freshwater Policy i a Toi Moana*

*Our heartfelt thanks to the iwi, hapū and communities who look after fresh water in the Rangitāiki and Kaituna-Pongakawa-Waitahanui water management areas with love, passion and patience.*

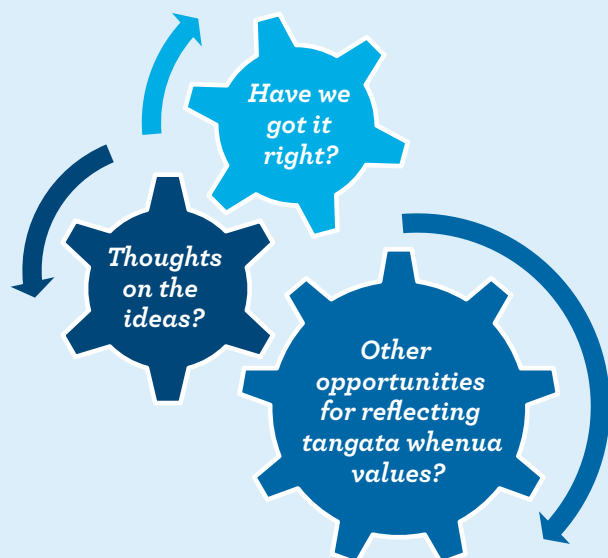
*Many thanks also to those leaders for generously sharing their thoughts and guidance. This discussion paper is to support our further discussions.*

*From Freshwater Policy team of Toi Moana the Bay of Plenty Regional Council*

*Mō tātou, ā, mō kā uri ā muri ake nei.  
For us and our children after us.*

# Invitation

*We invite you to share your views. Our goal is to effectively reflect tangata whenua values and interests in fresh water and freshwater ecosystems in the Rangitāiki and Kaituna-Pongakawa-Waitahanui, and therefore uphold Te Mana o te Wai.*



## WE WOULD LOVE TO:

1. check if we've correctly captured the key messages from your kōrero to date
2. hear your thoughts about some ideas
3. seek your views on how to best reflect your values and interests in freshwater management.

*Information about the engagement process can be found on the inserted pamphlet.*

## Te aronga – Purpose

Toi Moana Bay of Plenty Regional Council is working to improve the management of freshwater in two water management areas; Kaituna-Pongakawa-Waitahanui and Rangitāiki, through changes to the Bay of Plenty Regional Natural Resources Plan.

This discussion paper informs the development of those plan changes. Toi Moana is seeking feedback, to check that the information gathered to date about tangata whenua freshwater values and interests in the Rangitāiki and Kaituna-Pongakawa-Waitahanui water management areas (WMAs) has been captured and understood correctly. We hope it will stimulate further korero and feedback that will help Toi Moana to ensure its plan change development recognises and provides for Te Mana o te Wai; the integrated and holistic well-being of water.

This plan change is being prepared under the National Policy Statement for Freshwater Management (NPSFM) framework. The NPSFM recognises Te Mana o te Wai as an integral part of freshwater management. Te Mana o te Wai incorporates the values of tangata whenua and the wider community in relation to each water body.

Iwi and hapū involvement and addressing tangata whenua values and interests across all well-beings in the overall management of fresh water, are key to giving effect to the Treaty of Waitangi/Te Tiriti o Waitangi.

The content of this discussion paper is not necessarily current Council policy or proposals, but will be used to inform those as plan change development work, consultation and decisions progress.

# Contents

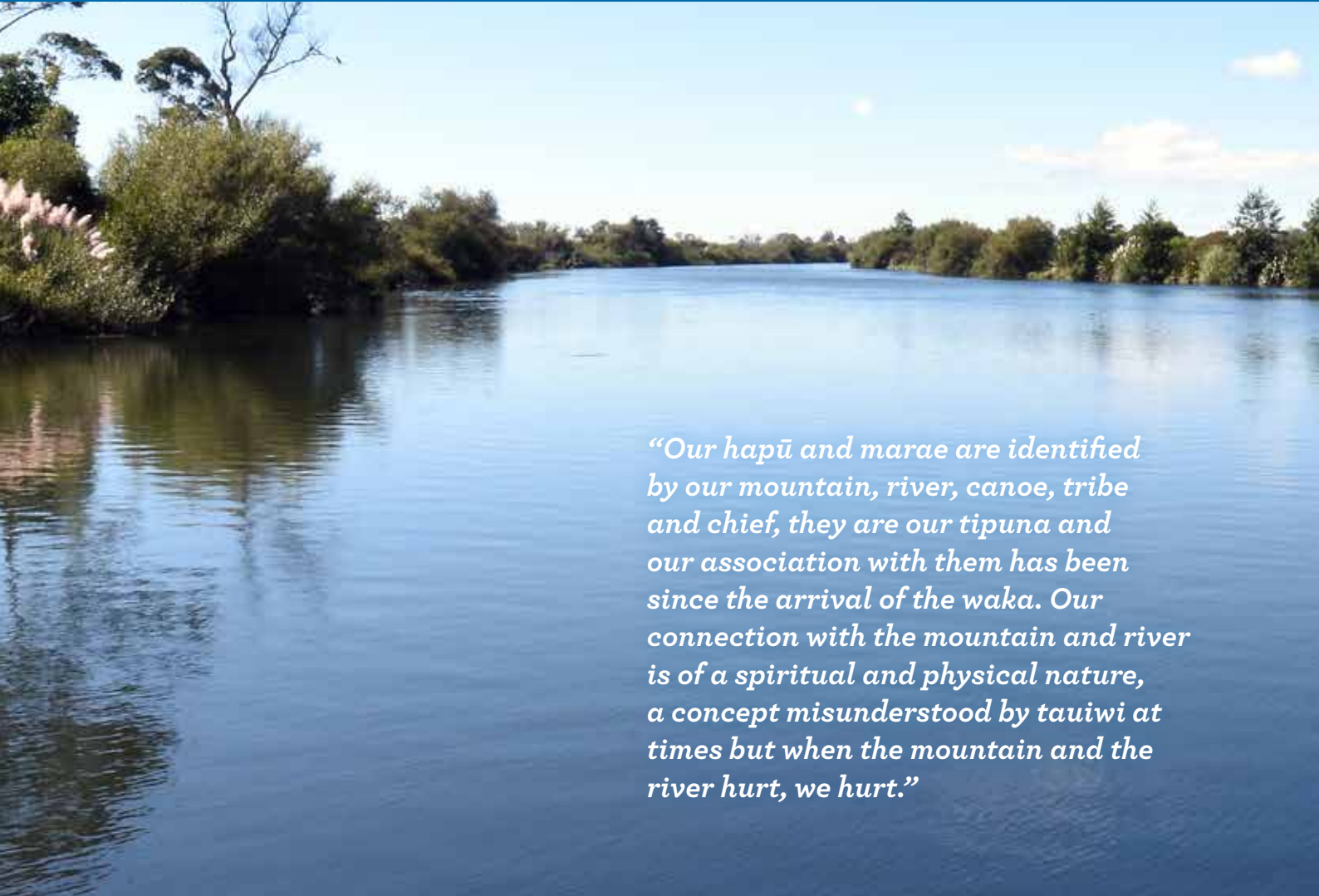
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*Part 1: Kupu whakahoki*  
What we heard from tangata whenua

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*“Our hapū and marae are identified by our mountain, river, canoe, tribe and chief, they are our tipuna and our association with them has been since the arrival of the waka. Our connection with the mountain and river is of a spiritual and physical nature, a concept misunderstood by tauiwi at times but when the mountain and the river hurt, we hurt.”*



# Water plays a central role in Te Ao Māori as the essence of life

It is essential to consider tangata whenua values and interests in fresh water from a Māori world view, because Māori view the natural environment as sentient and a valued, living taonga. Māori call on these taonga to spiritually entrench the depth of their ancestral connection. Their unique relationship with fresh water is based on kinship and common descent. Whakapapa reinforces the obligation tangata whenua have towards each other.

## TANGATA WHENUA IDENTIFY WITH THEIR ANCESTRAL WATERS

Tangata whenua are known by the unique characteristics of their ancestral waters. This is evident through iwi and hapū kōrero (conversations), pepeha (mottos), mōteatea (chants), whakataukī (proverbs) and pūrākau (stories).

Rivers, lakes, springs and wetlands provide essential sources of kai, medicine and materials that are only available in certain environments. Tangata whenua's role as kaitiaki over natural resources stems from ancestral knowledge, whakapapa and living on the land. The very meaning of being tangata whenua is linked to the health and wellbeing of the environment.

Care, guardianship and obligation towards the natural environment - kaitiakitanga - sit at the core of the spiritual and physical wellbeing, identity and culture of tangata whenua. Whakapapa connections come with the responsibility of looking after the ancestral fresh water and its associated ecosystems.

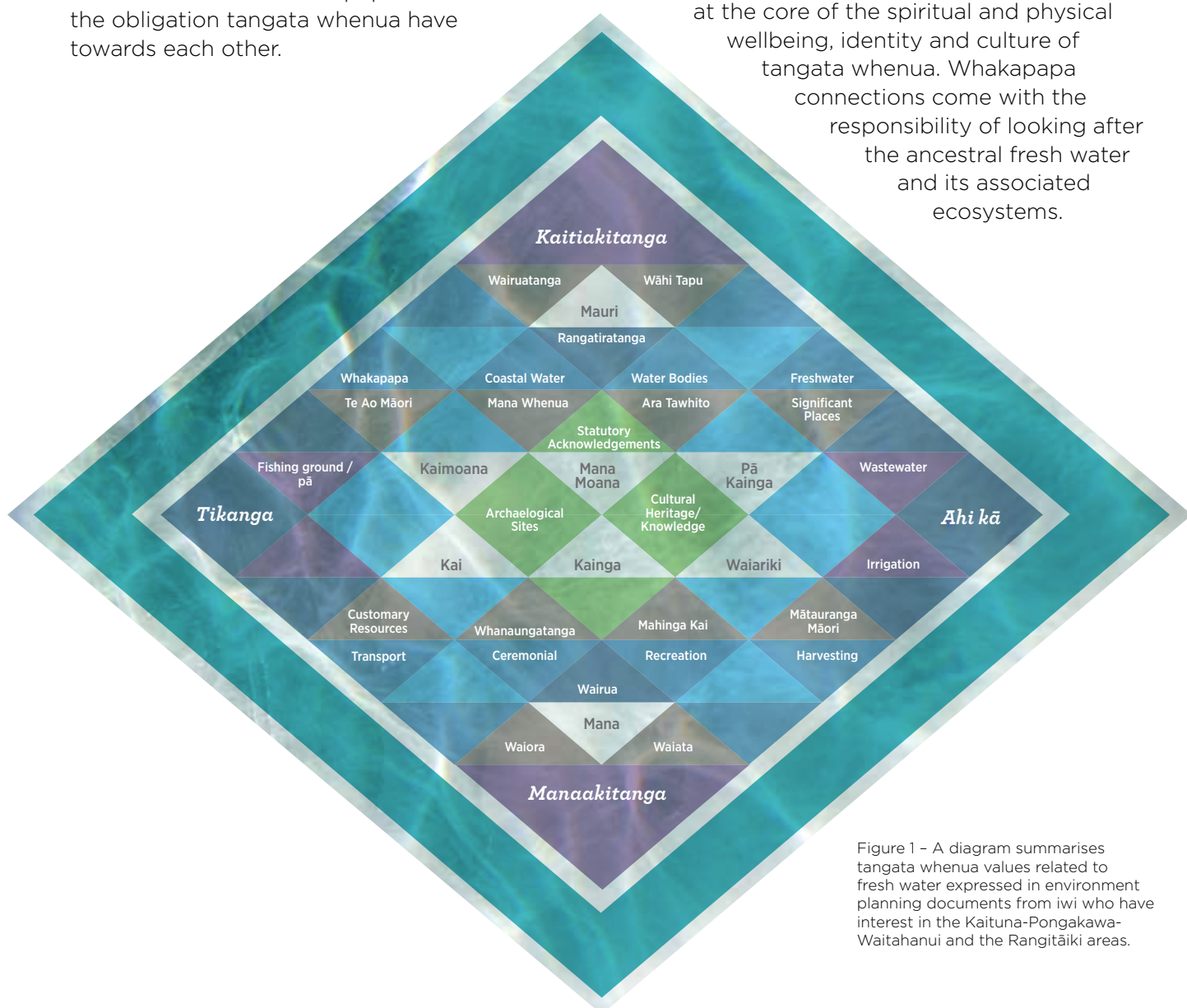


Figure 1 – A diagram summarises tangata whenua values related to fresh water expressed in environment planning documents from iwi who have interest in the Kaituna-Pongakawa-Waitahanui and the Rangitāiki areas.

*“We want our tīpuna awa to be healthy, clean, and abundant with kai tūturu that our tīpuna lived on and hopefully forever remaining for our uri in years to come”.*

A key concept of Māori connectedness to their rohe is ‘ahi kā’, a demonstration of continual occupation, maintaining traditional practices and knowledge of the environment. It is of utmost importance to Māori that they visibly maintain their own distinct way of life within their rohe, as a crucial element of mana whenua.

The ability to feed and nurture one’s own people and their guests embodies the ethic

and practice of manākitanga – the ultimate expression of mana. It is expected of a hapū or iwi, who is well known for providing certain types/species of food, to provide for (or seem to) their own people as well as guests. For many tangata whenua in Rangitāiki and Kaituna-Pongakawa-Waitahanui, tuna (eels) and inanga (whitebait) are precious life-givers and taonga.

Many iwi and hapū have a strong desire to maintain this unique and intimate connection to water and the inseparable traditional practices and way of living. Practices such as mahinga kai (gathering of food), kohinga rawa taiao (gathering natural resources) and the requisite tikanga and karakia (prayer) are considered as the birth right of future generations.

## *Proprietary interest in clean fresh water*

The distinctive tangata whenua interests in fresh water recognised in many Waitangi Tribunal reports are summarised succinctly in a current claim<sup>1</sup> as:

1. The water resource has been relied upon as a source of food.
2. The water resource has been relied upon as a source of textiles or other materials.
3. The water resource has been relied upon for travel or trade.
4. The water resource has been used in the rituals central to the spiritual life of the hapū.
5. The water resource has a mauri (life force).
6. The water resource is celebrated or referred to in waiata (songs).
7. The water resource is celebrated or referred to in whakataukī (proverbs).
8. The people have identified taniwha as residing in the water resource.
9. The people have exercised kaitiakitanga over the water resource.
10. The people have exercised mana or rangatiratanga over the water resource.
11. Whakapapa identifies a cosmological connection with the water resource.
12. There is a continuing recognised claim to land or territory in which the resource is situated, and title has been maintained to ‘some, if not all, of the land on (or below) which the water resource sits’.

Tangata whenua values and interests in freshwater have been expressed through numerous documents and processes, examples include the Wai 4 Kaituna River Report (1984), Te Ika Whenua Rivers Report (1993, 1998) and the Mataatua Declaration on Water (2012).

Waitangi Tribunal investigations have found that tangata whenua have a ‘proprietary interest’ in waters, akin to ownership.<sup>2</sup> However, this acknowledgement is not yet part of the freshwater and resource management legal framework.

<sup>1</sup> Wai 2358 Stage 1 report, 2012, page 51 - 61

<sup>2</sup> Wai 2358 Stage 1 report, 2012, and Wai 212 report, 1998





## Visions for the rivers

Co-governance bodies are in place to protect and enhance the health and wellbeing of the Kaituna and Rangitāiki awa. They are partnerships established under Treaty of Waitangi settlements, for iwi authorities and local governments to formally work together.

Te Maru o Kaituna River Authority sets the vision for the Kaituna River.

*E ora ana te mauri o te Kaituna, e tiakina ana hoki mō ngā whakatupuranga o nāianeī, o muri nei hoki.*

*The Kaituna River is in a healthy state and protected for current and future generations.*

The Rangitāiki River Forum further adopts Te Mana o Te Wai principles, indicating that the first right to water is to the water. The Forum provides a voice of the wai, for restoring Te Mana o te Wai.

The Forum describes their desire for the Rangitāiki River for the future generation as:

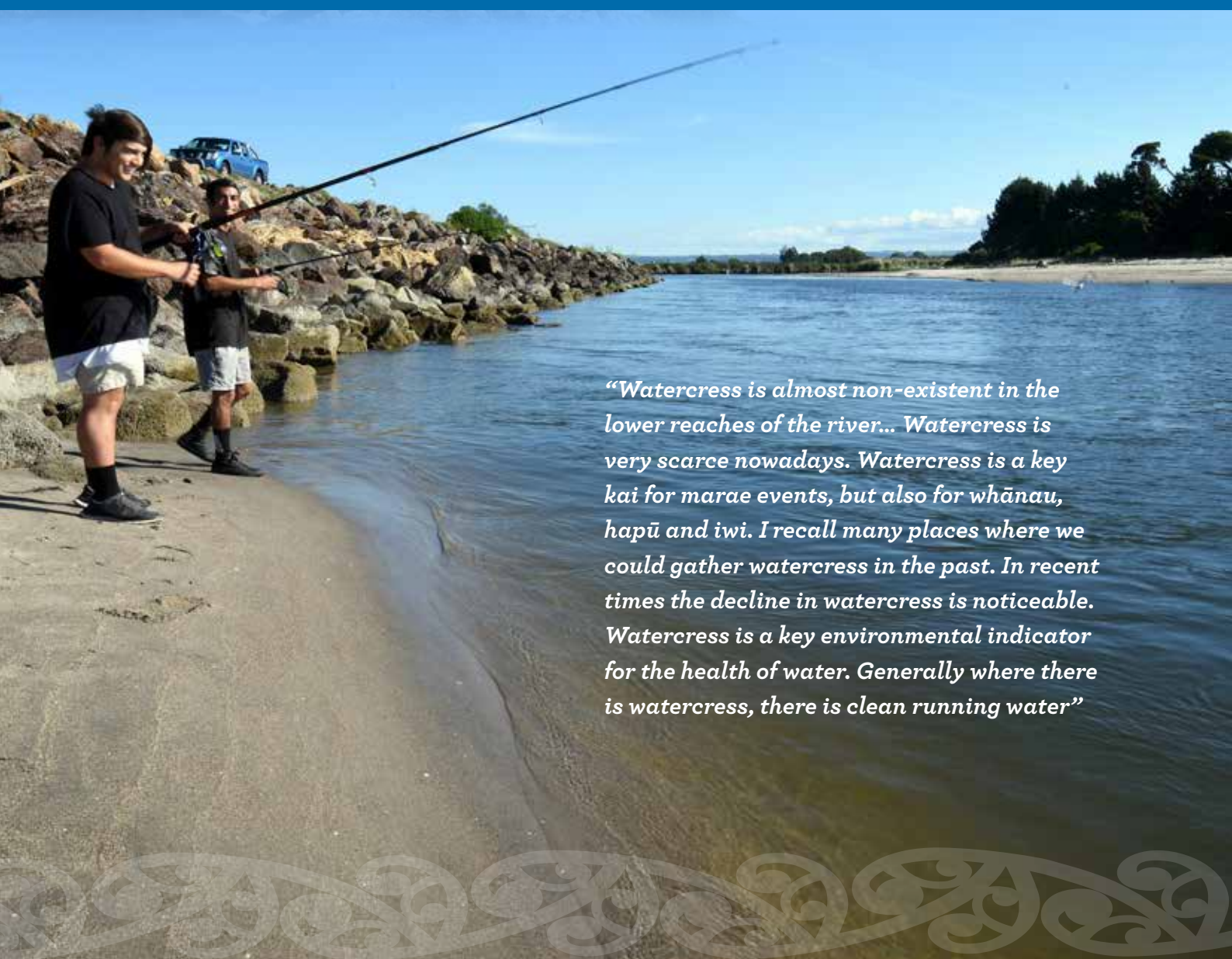
- a clean and healthy environment, characterised by clean water, healthy ecosystems and the return of some threatened species.
- bountiful rivers that people cherish, where the native species including whitebait and tuna abound, and native habitats and customary practices sustain.
- where people have balanced, connected and respectful relationship with the rivers. The water is enjoyed by people for their spiritual, cultural and recreational needs and to celebrate its heritage with pride.

These visions provide the ultimate goal for freshwater management.




## Part 2: *Ngā wero* Challenges

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*“Watercress is almost non-existent in the lower reaches of the river... Watercress is very scarce nowadays. Watercress is a key kai for marae events, but also for whānau, hapū and iwi. I recall many places where we could gather watercress in the past. In recent times the decline in watercress is noticeable. Watercress is a key environmental indicator for the health of water. Generally where there is watercress, there is clean running water”*



# *Freshwater health below expectations*

## **SOME TANGATA WHENUA HAVE CONCERNS ABOUT FRESHWATER HEALTH**

Tangata whenua fear water's mauri and mana-enhancing qualities are becoming increasingly vulnerable in the face of modern pressures. These eroding factors degrade both the water itself and the wellbeing of tangata whenua, whose identity relies on healthy fresh water.

Many iwi and hapū members have told us that in some places:

- the mauri of fresh water has degraded, and many inherent values have eroded.
- a decline in freshwater health has resulted in loss of mātauranga, and harmed the special identity and relationship of iwi with these waters.
- mātauranga Māori, key Māori concepts and iwi interests were not appropriately recognised when managing water.

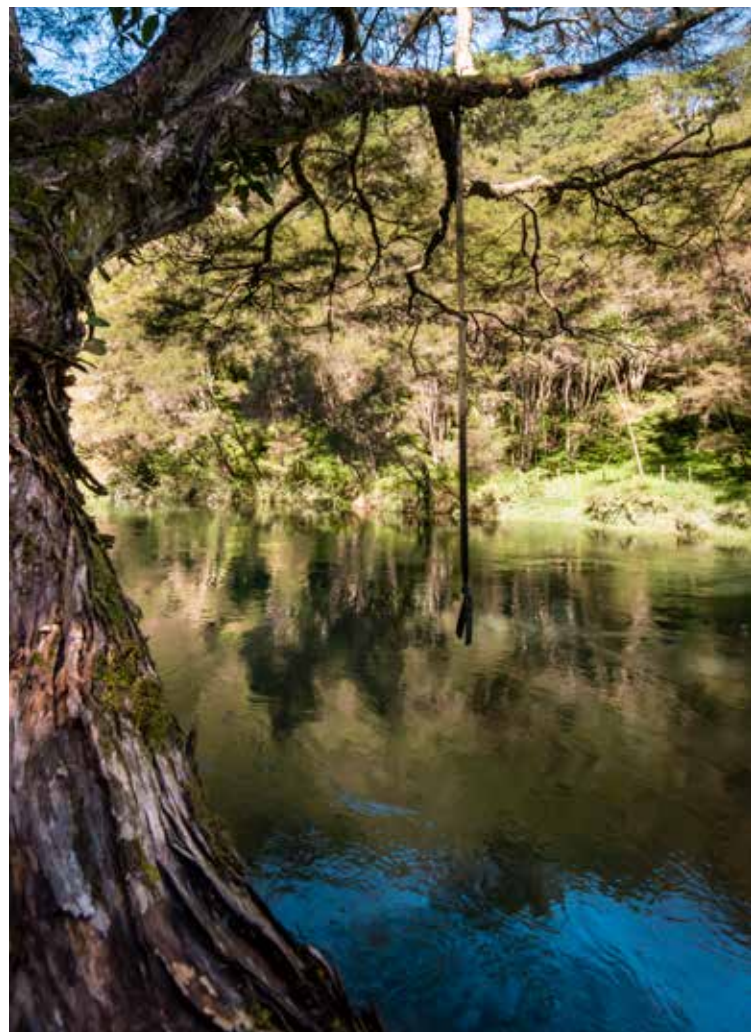
Visible examples of damage to freshwater health and cultural values include:

- decreasing quality, volume and size of taonga species.
- infrastructure on the river (e.g. fish passage barriers) impacting on cultural needs.
- rubbish in the river, indicating disrespect.
- increased recreational and commercial use, together impacting on river mauri.
- poor state or a lack of wetlands.
- flood events causing erosion and debris issues, changing the river course, and changing swimming locations.

Iwi and hapū have repeatedly voiced concerns about the fragmented and narrow approach to monitoring and managing fresh water. Many feel water management practices are largely disconnected from tangata whenua expectations.

## **DECISION-MAKING AFFECTING TANGATA WHENUA RELATIONSHIP WITH FRESH WATER**

Many tangata whenua consider past decision-making has prioritised economic returns over cultural, customary and environmental needs. Many iwi and hapū members consider negative impacts on fresh water stem from a lack of oversight or concern for tangata whenua issues. The general feeling is that this issue remains unaddressed.



## *Iwi and hapū experienced barriers*

Many iwi and hapū seek to be actively involved in the governance and management of waterways as an essential part of their identity. Iwi expectations of what this looks like have been framed around the following key requirements:

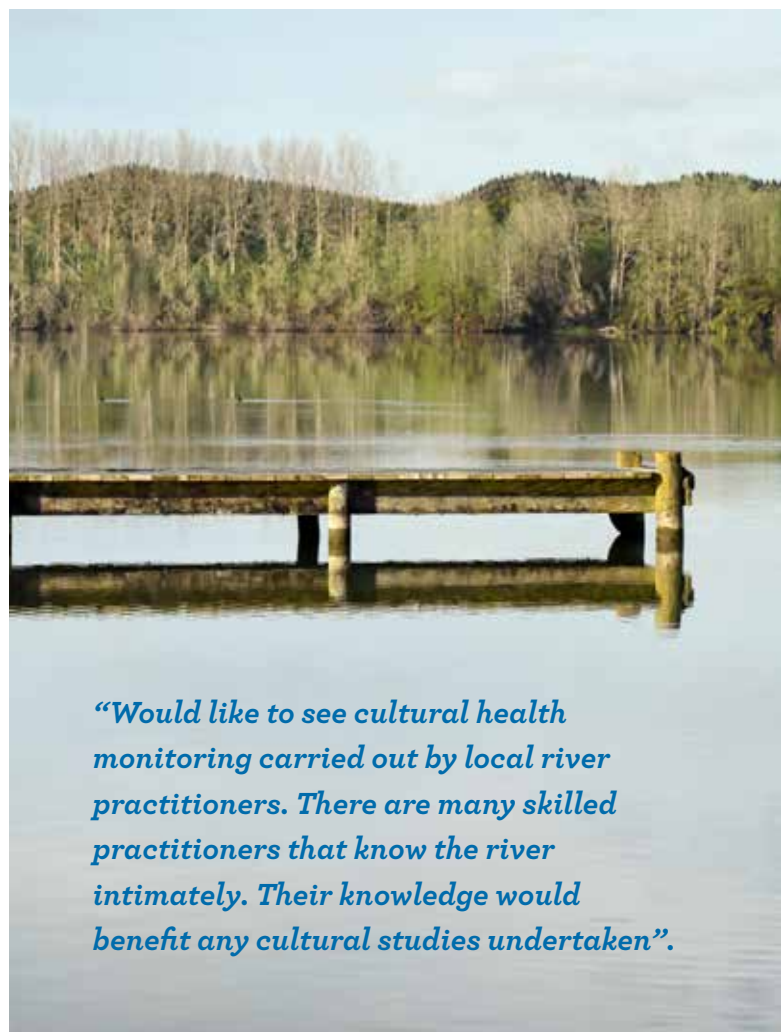
- recognition of the strong bond between tangata whenua and the environment.
- acknowledgment of tangata whenua kaitiaki responsibilities.
- respecting and acknowledging the equal status as Treaty partners and working towards partnership in decision-making.
- respecting and protecting tangata whenua heritage.

In spite of these expectations, many tangata whenua have said they're frustrated with the barriers and hindrances encountered when seeking meaningful involvement in past plan changes. These perceived barriers include:

- tangata whenua advice not materialising in planning decisions.
- misinterpretation and misapplication of tangata whenua advice.
- tangata whenua advice and knowledge is considered and given weight only via judicial intervention or the threat of it.
- mutually respectful tangata whenua engagement approaches and best practice not being considered or adopted. Or less priority placed on culturally focused engagement.
- lack of recognition (and a reminder) that mātauranga Māori is unique and specific to each iwi and hapū and their respective experiences and values.

In fact, prior to 2017, New Zealand had a lack of statutory requirement for councils to establish working relationships with iwi. In the Bay of Plenty, iwi and council tried to overcome this shortfall through Māori constituencies, memoranda of understanding, Treaty of Waitangi settlement arrangements, and informal arrangements.

In 2017, a Resource Management Act (RMA) amendment enhanced the requirements for Māori participation in resource management processes.



*“Would like to see cultural health monitoring carried out by local river practitioners. There are many skilled practitioners that know the river intimately. Their knowledge would benefit any cultural studies undertaken”.*

## CONCEPTUAL BARRIERS AND PERCEPTIONS

Independent research<sup>3</sup> identified several conceptual barriers to tangata whenua engagement/participation in freshwater management decisions including:

- insufficient recognition of tangata whenua's unique status and position as Treaty partners.
- a lack of understanding and regard for Māori values. The consultation experience could leave participants feeling belittled.
- Iwi and hapū engagement often focusing only on cultural values and overlooking the need for economic wellbeing. However, decisions often favoured economic matters and over-looked spiritual and community wellbeing.

These conceptual barriers increase risk and affect goodwill in crucial relationships, creating perceptions that:

- previous court decisions drive the perceived council attitude towards protecting tangata whenua interests and relationship with the environment.
- Māori involvement and engagement is tokenistic and under-valued,<sup>4</sup> where Māori participation is only considered when convenient for the council.
- the tangata whenua relationship is driven by legislative and statutory requirements rather than goodwill and genuine partnerships.

## KIA KAHA, KIA MAIA, KIA MANAWANUI – TAKE HEART

While these barriers and negative perceptions are not ideal, there is a strong desire from tangata whenua to improve the relationship and process for healthy freshwater outcomes. Tangata whenua members have suggested:

- a dedicated approach to discussions and engagements that recognise their position and role as foundational Treaty partners.
- that engagement and discussions are held in culturally-supportive environments.
- They have confidence that future input, advice and constructive criticism from tangata whenua will have an effective bearing on reducing, minimising and eliminating unacceptable practices towards fresh water.

*Mā wai rā, e tourima  
Te marae i waho nei  
Mā te tika  
Mā te pono  
Me te aroha e*

*Who will stand to deliver  
On the marae now?  
Let it be justice, let it be the truth  
And let it be love*

<sup>3</sup> Dhaliwal, Rani (2018) Interim research findings: Toi Ohomai post-graduate student research, 2018

<sup>4</sup> Toi Moana Bay of Plenty Regional Council (2016) Iwi perception survey results, agenda report to Komiti Māori, 20 June 2016.  
Toi Moana Bay of Plenty Regional Council (2017) Regional Policy Statement Implementation – Mauri Model and Iwi Perception Survey, agenda report to Komiti Māori, 12 December 2017

## Resource management regime

Legislation demands that regional councils manage fresh water under the Resource Management Act (RMA) framework and requirements. The National Policy Statement for Freshwater Management (NPSFM) provides further guidance and obligations regarding fresh water.

Practitioners<sup>5</sup> have found that the RMA has not fully delivered on tangata whenua expectations, including a failure to provide sufficient priorities and protections to Māori customary values, and a failure to give effect to kaitiaki responsibilities.

Neither does the RMA address the proprietary interests (akin to ownership) of waters. This presents a stumbling block for tangata whenua and the outcomes they seek.

### INSUFFICIENT PRIORITIES AND PROTECTIONS TO MĀORI CUSTOMARY VALUES

Many iwi and hapū members believe a fairer freshwater management framework, that gives effect to the Treaty of Waitangi, would result in more sustainable outcomes for fresh water. However, in resource management processes, many iwi and hapū have often found themselves in a reactive resistant position;<sup>6</sup> struggling to extend iwi/hapū involvement beyond consultation. Tangata whenua have voiced concern that their specific interests may be diluted amongst wider community stakeholders.

Mātauranga Māori is likely to provide a more complete knowledge base from which to set water management limits. Māori kaitiaki practitioners<sup>7</sup> consider the National Objectives Framework (the framework) within the NPSFM gives insufficient regard to mātauranga-based measures. There are few opportunities to incorporate and apply mātauranga within the western science-driven framework, and councils have been slow to incorporate this knowledge.

In some cases due to various reasons, iwi and hapū may not have been ready to share their customary values, as for some this is their unique, distinct and fundamental knowledge. This presents a challenge to the comprehensive, effective and timely protection of freshwater values within the NPSFM framework.

*“There is no level playing field with other landowners who have already developed their land”.*



5 Fox and Bretton 2016, Joseph and Bennion 2015, Coffin 2015, Durette, Nesus, Nesus and Barcham 2009.

6 Waitangi Tribunal “Ko Aotearoa Tēnei” (2011) page 346 and 527.

7 Coffin, A. (2015) “Mātauranga Māori knowledge networks” Report No. HR/TLG/2015/6.7

Joseph, R. (2018) “The Treaty, Tikanga Māori, Ecosystem-Based Management, the RMA and Power Sharing for Environmental Integrity in Aotearoa New Zealand – Possible Ways Forward” University of Waikato, National Science Challenge

## FAIRNESS IN WATER ALLOCATION AND MANAGEMENT

Many tangata whenua consider freshwater decision-making has been unfair, to both them and to the water itself. A recent example of tangata whenua concern includes objections to the practice of allowing foreign-owned companies to export water. Many iwi and hapū members are concerned that such allocation could impact their connection to water, and the water stock available to support the future development aspirations of tangata whenua.

The NPSFM has not addressed the first-in-first-served freshwater allocation framework issue,<sup>8</sup> which is a disappointment to a number of iwi and hapū.

Members of tangata whenua have said that:

- the water-take consent process shows insufficient regard for the environment, at the cost of the mauri of the river. A more robust, transparent, fair system is needed to deal with allocation decisions and water use.
- no one should be able to trade water, as profit-making becomes the key driver behind these decisions. Those with excess water were allocated too much in the first place.
- it is unfair, when a drinking-water source within our rohe catchment is fully allocated to supply demands outside the catchment.

The Government has acknowledged that iwi/hapū have rights and interests in fresh water. It indicated in its “Shared Interests in Freshwater” document that it will work with Māori and regional councils to consider how water can be fairly accessed for underdeveloped Māori land, and how to best recognise these rights and interests in a contemporary freshwater management system.<sup>9</sup>

8 Fox, C. and Bretton, C. (2016) “Māori Participation, Rights and Interests” Resource Management Law Association (RMLA), updated online version extracted February 2019

9 Shared interests in Freshwater, MfE 2018

## COMPROMISING MĀORI LAND DEVELOPMENT POTENTIAL

Iwi who have had land returned via Treaty claims have reported the recognition of their Treaty partner relationship with this land has been inadequate.

The first-in-first-served resource consenting (resource allocation) approach, particularly when applied to long-term consents, or where priority is given to existing users, may limit future opportunities for iwi/hapū and local communities. Māori land owners feel unfairly disadvantaged, and want these types of inequities addressed.



# The dynamic iwi/hapū landscape

## IWI ARE AT VARYING STAGES OF ENVIRONMENTAL MANAGEMENT READINESS

Many hapū and iwi authorities have limited resources and availability to participate in council processes. Iwi are at varying stages of preparedness to engage and contribute towards the development of a freshwater management plan change. Ways that iwi and hapū differ from one another include:

- what stage in the Treaty settlement process they are at.
- the extent to which mātauranga Māori and associated practices and protocols are practised.
- their knowledge or records of wāhi tapu, culturally significant locations and features.
- capacity and skills in environmental planning and strategy development.
- how they articulate mana whenua, aspirations, iwi interests and productive economic opportunities.

This makes it difficult for Toi Moana to engage with all iwi and hapū consistently.

## FINDING PATHWAYS TO INCORPORATE MĀTAURANGA MĀORI

There are many different iwi and hapū who have interests in the Rangitāiki and Kaituna-Pongakawa-Waitahanui catchments; each brings diverse, rich and dynamic histories and knowledge.

Each iwi and hapū has a unique way of interpreting and applying mātauranga about fresh water. The challenge of incorporating mātauranga into water management decisions becomes apparent when contradictory views exist in areas with overlapping rohe and mana whenua claims.

## A CHALLENGE FOR REGIONAL COUNCIL

Tangata whenua have rich, long-running experience with their awa that provides deep insights into how and why things have changed. Diversity can undoubtedly provide a critical advantage of different perspectives.

This difference in preference and tikanga does, however, present unique challenges for Regional Council when working alongside tangata whenua to provide an efficient and consistent approach for involving iwi and hapū in freshwater discussions and plan-making.

*Māku rā pea, māku rā pea  
Māku koe, e awahi e  
Ki te ara, ara tupu  
Māku koe, e awahi e*

*Perhaps I will, perhaps I will  
Perhaps I will, guide you  
to the path, the pathway  
of growth, I will guide you.*

## WATER SUPPLY RETICULATION AND CHARGE

Issues of fairness and equity extend to tangata whenua feeling aggrieved that:

- Councils charge water rates to reticulated papakāinga and marae.
- Many papakāinga and marae do not have a reticulated, safe drinking-water supply.
- A marae and surrounding community may have their water use metered and paying water rates, while a neighbouring community does not.

These issues present a challenge for the Regional Council, as it holds conversations on freshwater management.

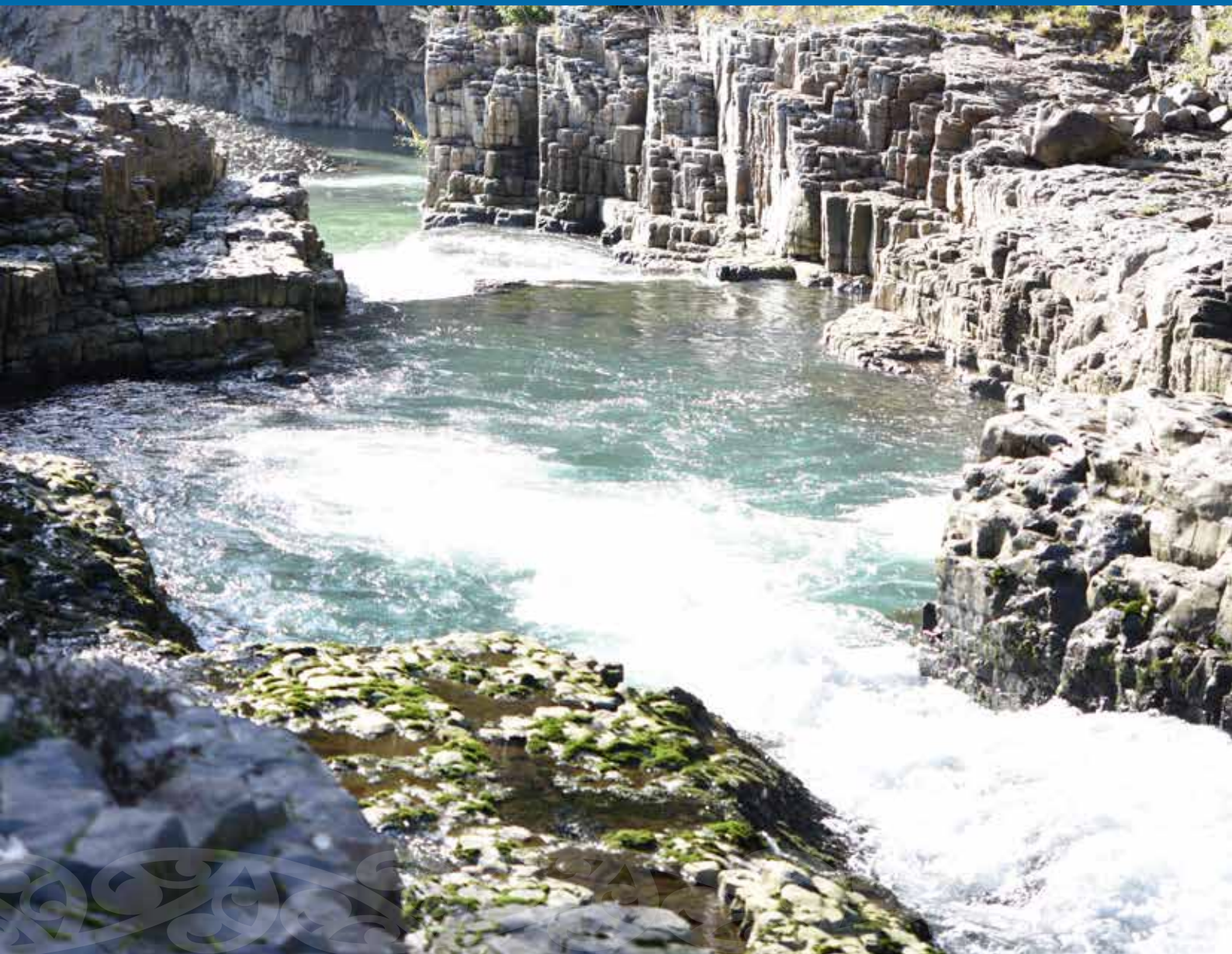
The situation is often difficult, because district councils retain full discretion over management of municipal water supplies. To fund infrastructure and services, household metering and water charge arrangements vary from scheme to scheme. Note that the charges are for service delivery; councils cannot ask anyone to pay for the actual water.





*Part 3: Ngā ara whakamua*  
Going forward

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# Work together

## PATHWAYS TO WORK TOGETHER

Opportunities exist to reflect tangata whenua values and interests in freshwater management by:

- working together,
- recognising mātauranga monitoring, and
- setting freshwater objectives together.

The Freshwater Policy team wants to engage effectively with iwi/hapū. The principles guiding our engagement with tangata whenua are to:

- build good relationships,
- give tangata whenua the space to speak, ensuring they can freely express their perspectives on freshwater,
- use clear language and concepts familiar to tangata whenua,
- pick up on what tangata whenua have already shared previously,
- engage the RMA contacts of each rūnanga early on a working draft and then open up to iwi/hapū suggestions, and
- provide consistent and regular responses, communication and feedback to iwi and hapū.

Iwi and hapū consistently reiterate the need to be treated and respected as independent entities. Some tangata whenua members suggest the following approach to facilitate this diverse range of views, engagement preferences and decision-making processes:

- tailor the approach to each individual iwi and hapū.
- gather cultural advice from all hapū and iwi with an interest in the area.
- ensure regular, ongoing follow-up from council with tangata whenua.
- maintain awareness of the political and relationship dynamics that influence tangata whenua contributions.
- utilise existing co-governance bodies.
- engage with the wider audience outside of rūnanga, to include hapū and Māori landowners.

## DECISION-MAKING AFFECTING TANGATA WHENUA RELATIONSHIP WITH FRESH WATER

For Council and some iwi/hapū, extra resource, time and skills need to be found to achieve the above. Some tangata whenua members have suggested that upskilling is needed to:

- increase council capacity to understand and recognise the Māori perspective and develop consultation protocols accordingly.
- acknowledge mātauranga Māori and enable the use of mātauranga Māori as a credible knowledge base, on an equal footing with western science.
- build Māori capacity to engage at the community level – be active and visible to the wider community.

In 2019, to build capability and ensure Toi Moana staff can more readily recognise mātauranga when working with tangata whenua, Toi Moana developed He Korowai Mātauranga (a mātauranga Māori framework). The framework seeks to incorporate Māori knowledge and values in Regional Council's work, to more explicitly and specifically provide for mātauranga Māori, by:

- kia Marama ai (improving understanding of Te Ao Māori).
- tūtukihia ngā whakaaro (bridging the gaps).
- whakaruruhaungia Te Mātauranga (recognising and protecting mātauranga Māori).

Toi Moana has also boosted the number of staff across teams who specialise in Māori values and knowledge, including through Pou Ngaio, Putaiao Mātauranga, Senior Māori Resource Management Advisor and Relationships and Co-Governance Principal Advisor roles.

Through these and other initiatives, pathways for working together to achieve outcomes towards our shared visions for water, land and people are being built.



## *Iwi and hapū suggestions for engaging with tangata whenua*

Members of iwi and hapū have made a number of suggestions on engaging with them to advance freshwater management discussions. Those suggestions include:

### **TE KIKO - THE ENGAGEMENT CONTENT**

- Recognise that many tangata whenua values have already been expressed through statutory acknowledgments.
- Observe all national and regional policy statement directions and demonstrate the ways those directions are being complied with, in relation to freshwater decisions.
- Better align regional and district plan policies and processes.
- Recognise and provide for river documents.
- Use plain language information.
- Effectively take account of iwi planning documents.
- Have a consistent engagement approach on freshwater planning.
- Streamline Māori participation by reducing data complexity, improving access to information and providing sufficient advance notice of events.
- Avoid blanket provisions because all areas are special and unique.

### **ME ĀTA WHAKARONGO - LISTEN**

- Understand and discern the difference between kaitiaki with ahi kā, and kaitiaki who represent iwi authorities and their respective knowledge bases.
- Have more marae-focused freshwater discussions with iwi/hapū/whānau.
- Establish clear, understandable and respectful protocols with iwi and hapū kaitiaki.
- Liaise directly with the rūnanga Environmental Officer when hapū members are familiar with Regional Council's work on fresh water and feel comfortable with this approach.
- Value tangata whenua kaitiaki, cultural advisors and their respective expertise.

## HE WHAKAARO – OTHER IDEAS THAT HAVE BEEN SUGGESTED

- Provide a clear role for iwi to provide advice and formal recommendations to council ahead of submission decisions.
- Develop resource consents consultation process agreements with iwi/hapū.
- Bring iwi representatives and freshwater community groups together to share information.
- Consider shorter-term permissions i.e. consent periods less than five, 10 or 15 years for water takes, pending further clarity on Māori rights and interests in fresh water.
- Add a new set of rules for delivering Māori objectives, cancel existing consents and re-allocate the water use according to new rules. (Note that a 2009 report<sup>10</sup> recognised that it would be more practical to apply new rules after existing consents expire).
- Water use should provide revenue to hapū, mirroring how fisheries are being managed. (Note that this would require law change, outside the local government mandates).
- Contracting opportunities should be provided to kaitiaki, to carry out works associated with monitoring and implementing consent requirements.

## NGĀ TUWHIRI - TIPS AND HINTS

We've heard the following tips from members of tangata whenua to date:

- Work positively towards clarifying and enhancing iwi role in decision-making processes.
- Form agreed actions instead of wish lists.
- Build relationships with iwi early in the process.
- Understand not all iwi are the same and may have differing priorities.
- Check with all relevant iwi when seeking cultural heritage advice, rather than relying on one iwi only.
- Treat Māori developers the same as any other developers.
- Provide an interactive environment that supports meaningful discussion.
- Prioritise culturally-informed engagement agreed by tangata whenua.
- Recognise that mātauranga Māori is unique to tangata whenua groups and location and that the collation, application and interpretation of mātauranga Māori must be tangata whenua-driven.

These suggestions and ideas are much appreciated. Although some of the tasks might be beyond Council's authority and current capacity, it is important to be open to ideas and creative solutions to overcome challenges.



<sup>10</sup> Durette, M., Nesus, C., Nesus, G., Barcham, M. (2009) Māori Perspectives on Water Allocation, prepared for Ministry for the Environment by Nesus & Associates Ltd

# How the plan writing could reflect the values and interests

Toi Moana Bay of Plenty Regional Council staff are working through options for designing the required Rangitāiki and Kaituna-Pongakawa-Waitahanui WMA plan changes.

Many opportunities exist to reflect tangata whenua values and interests when drafting the plan changes, and some that are being considered are outlined as (a) to (r) below.

Toi Moana Bay of Plenty Regional Council welcome your feedback on these options and advice on which ideas are more practical than others from a tangata whenua practitioner's perspective.

## IN THE PLAN CONTENT - GENERAL

- a) **Use of bi-lingual headings** – headings can be expressed in both te reo Māori and English.
- b) **Include a distinctive kaitiaki section in the regional plan** – use it to address the application of Treaty of Waitangi and Māori resource management principles.
- c) **Explain iwi planning document use** – describe how iwi and hapū environment management plans are to be used in resource management processes.
- d) **Make references to key documents:**
  - List all iwi and hapū management planning documents that apply to the catchment and are lodged with Regional Council.
  - Recognise and provide for river co-governance documents.
  - List relationship agreements, including Mana Whakahono a Rohe.
  - Make explicit reference to statutory acknowledgements.

## IN THE PLAN CONTENT - INTRODUCTION

- e) **Acknowledge iwi and hapū relationship in the catchment** – list iwi or hapū authorities that have responsibility to waterbodies in the catchment. Acknowledge the value of identity and the connection to mahinga kai in the catchment, and map sensitive sites.
- f) **Recognise spiritual value and ancestral connections to water** – ensure the 'ancestral and historical connections of tangata whenua with rivers, wetlands and springs' are recognised in the interpretation of Te Mana o te Wai.
- g) The regional plan could include content drawn from **iwi or hapū planning documents** where relevant and the iwi/hapū and council agree.

## IN THE PLAN CONTENT - SPECIFIC POLICIES RELATED TO SPECIFIC FRESH WATER BODIES

- h) **Take a multigenerational approach** – set multigenerational freshwater objectives,<sup>11</sup> with shorter-term targets that align with the ten year regional plan review period.
- i) **Include tāngata whenua specific freshwater policies** – focus on kaitiaki, wāhi tapu and wāhi taonga as well as mahinga kai related provisions. These policies can strengthen the water protection of sites identified in statutory acknowledgement and iwi/hapū environment management plan.
- j) **Prioritise kaitiaki at identified water bodies and sites**<sup>12</sup> – consider including schedules and maps of water bodies and sites that show where tangata whenua values have been identified. This would include:
  - Specific large water bodies across the region where 'iwi-led restoration initiatives are supported' and 'kaupapa Māori monitoring is implemented'.

<sup>11</sup> Example from Waikato Regional Plan Change 1 Waikato River and Waipa River catchments

<sup>12</sup> Example from Proposed Natural Resources Plan for the Wellington Region

- Specific sites with significant mana whenua value to each of the iwi.<sup>13</sup>
  - Clarifying tangata whenua involvement in management of water bodies, including requiring cultural impact assessment to address adverse effects.
- k) **Require assessment of effects on mahinga kai, wāhi tapu or wāhi taonga** – where these may be affected by activities proposed in water use consent applications.
- l) **Include tangata whenua narratives** – freshwater objectives specifically relating to tangata whenua values can be expressed as narrative instead of numbers, for example, *“freshwater mahinga kai species are sufficiently abundant for customary gathering, water quality is suitable for their safe harvesting and they are safe to eat”*.<sup>14</sup>
- m) **Include visible attributes** – freshwater outcomes could also include attributes that can be observed by the community, such as siltation cover and the colour of a lake.
- n) **Specify provisions for customary use**<sup>15</sup> – explicitly set minimum water quality standards for customary use (such as the maximum level for *E. coli*, cyanobacteria and pathogens) to protect ‘contact recreation’ and customary use together.
- o) **Address specific tangata whenua concerns** – examples include:
- Discouraging cross-catchment water mixing.
  - Restricting sewage and industrial discharges to water.
  - Avoiding over-allocation of surface and groundwater resources.
- p) **Provide land-use flexibility for Māori land** – such as including policies that provide future opportunities for the development of under-utilised Māori land in freshwater management.

## FRESHWATER PLANNING PROCESSES OR STEPS

- q) **Set principles to guide freshwater plan change development processes** – council can employ a set of principles to guide the development of plan changes. The principles used in developing the Wellington Proposed Regional Plans are: kaitiakitanga/guardianship, mahitahi/partnership, wairuatanga/identity, ki uta ki tai/interconnectedness and, tō mātou whakapono/judgement based on knowledge.
- r) **Kaitiaki group** – Wellington Regional Council set up a whaitua (catchment) committee for its catchment-based planning process. That committee existed to address ngā kawa, tikanga and tohu a iwi (iwi-specific constructs, processes and indicators) in respect to water quality and water quantity limits. Elements of the Wellington example include:
- establishing a kaitiaki group comprised of iwi kaitiaki.
  - employing two iwi kaitiaki to support engagement with mana whenua and Māori community.
  - input from specialist Māori advisors and local kaitiaki.
  - marae-based hui to inform mana whenua of water management area processes and to discuss ways their values could inform decision-making.



<sup>13</sup> Five iwi listed for the Wellington Region.

<sup>14</sup> Example from Canterbury Land and Water Regional Plan, cultural attribute for Te Roto ō Wairewa / Lake Forsyth, and cultural indicator for Selwyn TeWaihora Sub-region Rivers

<sup>15</sup> Example from Proposed Natural Resources Plan for the Wellington Region

## OTHER IDEAS - INCORPORATING A MAURI ASSESSMENT MATRIX IN THE REGIONAL PLAN

Various resource management practitioners have developed a range of mauri assessment methods. One that aligns well with the National Objective Framework was a mauri assessment matrix developed by Tina Porou. Her methods recognise that tangata whenua kaitiaki of a specific waterbody are integral to assessing the mauri of the water, utilising their own values and mātauranga-based measurement methods.

Landcare Research has also developed their 'Wai ora: A kaupapa Māori Assessment' freshwater management tool based on areas, attributes and measures determined by tangata whenua. This tool can be used to assess and articulate the conditions of a water body in a way that is consistent with the National Objectives Framework. It can also be used to measure and assess trends towards specific iwi/hapū goals and objectives,<sup>16</sup> or in relation to a stated outcome or vision for a waterbody or culturally significant area.

**Korero  
mai**

*Let us know your ideas on how Regional Council can reflect tangata whenua values and interests in fresh water and freshwater ecosystem management.*



<sup>16</sup> Paul-Burke, K. "Mātauranga Māori Literature Review" (2017) Report prepared for the Mātauranga Māori Project. January 2017. Whakatane, Bay of Plenty Regional Council

## *Kuputaka – Glossary*

<b>Ahi-kā</b> or <b>Ahi-ka-roa</b>	Burning fires of occupation, meaning continuous occupation – title to land through occupation by a group, generally over a long period of time. The group is able, through the use of whakapapa, to trace occupation back to primary ancestors who lived on the land.
<b>Hapū</b>	Kinship group, section of a large kinship group and the primary political unit in traditional Māori society.
<b>Iwi</b>	Extended kinship group, often refers to a large group of people descended from a common ancestor and associated with a distinct territory.
<b>Iwi Authority</b>	An entity which represents an iwi and which is recognised by that iwi as having authority to do so.
<b>Iwi management Plans</b>	Planning documents that are recognised by an iwi authority, relevant to the resource management issues of the region/district/rohe and/or lodged with the relevant local authority. Plans are given legislative mandate via the Resource Management Act (1991).
<b>Kaitiaki</b>	Trustee, minder, guard, custodian, guardian, caregiver, keeper, steward.
<b>Kaitiakitanga</b>	The exercise of guardianship by the tangata whenua of an area in accordance with tikanga Māori, in relation to natural and physical resources. Includes the ethic of stewardship.
<b>Mana</b>	Mandate, authority, control, power, influence, status, prestige, spiritual power, charisma.
<b>Manākitanga</b>	Hospitality, kindness, generosity, support - the process of showing respect, generosity and care for others.
<b>Mana whenua</b>	Customary authority exercised by an iwi or hapū in an identified area.
<b>Marae</b>	A fenced-in complex of carved buildings and grounds that belongs to a particular iwi (tribe), hapū (sub tribe) or whānau (family).
<b>Mātauranga Māori</b>	Generally describes the body of knowledge originating from Māori ancestors, including the Māori world view and perspectives, Māori creativity and cultural practices.
<b>Mauri</b>	Life-force, life supporting capacity.
<b>Rangatiratanga</b>	Chieftainship, right to exercise authority.



<b>Statutory acknowledgments</b>	A statutory acknowledgment is an acknowledgment by the Crown that recognises the mana of a tangata whenua group in relation to specified areas – particularly the cultural, spiritual, historical and traditional associations with an area. These acknowledgments relate to ‘statutory areas’ which include areas of land, geographic features, lakes, rivers, wetlands and coastal marine areas but are only given over Crown-owned land.
<b>Tangata whenua</b>	In relation to a particular area; the iwi or hapū that holds mana whenua over that area.
<b>Taniwha</b>	A water spirit or monster of Māori legend.
<b>Taonga</b>	Treasure, anything prized.
<b>Te ao Māori</b>	The Māori world view.
<b>Te reo Māori</b>	The Māori language.
<b>Tikanga</b>	Māori customary values and practices.
<b>Waiata</b>	Songs.
<b>Wāhi tapu</b>	Sacred place, sacred site.
<b>Whakataukī</b>	Proverbs.
<b>Whakapapa</b>	The genealogy, a line of descent from ancestors down to the present day.
<b>Whānau</b>	Extended family, family group.



## Kōrero mai

**This discussion paper contributes to our on-going korero towards tailoring the ways we manage fresh water to reflect what is important for tangata whenua, in Rangitāiki and Kaituna-Pongakawa-Waitahanui Water Management Areas.**

### *We would love to hear from you:*

1. Whether this paper captured the essence of korero to date on tangata whenua values and interests in fresh water and freshwater ecosystems in your view?
2. What are your thoughts on the Ideas listed for reflecting tangata whenua values and interests in plan writing? (pages 21-23)
3. What other opportunities exist to reflect tangata whenua values and interests within a regional plan change?

***Please look for the inserted pamphlet for more information about the engagement process.***





*For more information visit our website  
[www.boprc.govt.nz](http://www.boprc.govt.nz)*

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