

*Nō mātou te wai.  
Nō mātou te kōrero*



# NGĀTI RANGIWEWEHI

## Te Mana o Te Wai Case Study

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### TE PŪTAKE: PURPOSE OF THE CASE STUDY

This Case Study explores how Ngāti Rangiwewehi incorporates its own mātauranga-a-lwi when it comes to the way the lwi looks at its historical, current and future relationship with its waterways. It also explores the approach to practical implementation of *Te Mana o Te Wai* and freshwater management with regards to water take at Te Waro Uri within Te Wai Mimi o Pekehāua (Awahou Stream) one of its most significant spring and waterways that has provided social, cultural, economic and environmental context for the lwi.

### WHAKARAPOPOPOTANGA: EXEC SUMMARY

*Ko te whiu o te kōrero*


*I whiua ki Tarimano*

*Ko Te Aongahoro ko te ruahine a Tawakeheimoa*

*Kia rere ki mua ko Rangiwewehi e!*

Ngāti Rangiwewehi belongs to the Te Arawa Confederation of tribes, a rohe that extends from the north western shores of lake Rotorua and extends all the way to the coast at Maketu. Sitting at the māhau of our paramount marae, Tarimano Marae in Awahou, you see Te Wai Mimi o Pekehāua (Awahou River) traversing past and into Lake Rotorua, out to the Ohau Channel, making its way by Lake Rotoiti, then to the Kaituna River and eventually onto Maketu at the Coast. Its shape created by the journey of the great taniwha Pekehāua who was brought to his home at Te Waro Uri by our tupuna Ruaeo.

It's our whakapapa to our wai that has made the lwi position on *Te Mana o Te Wai* simple. Any decision made for Ngāti Rangiwewehi wai, needs to be made by Ngāti Rangiwewehi on Tarimano Marae, within our Tupuna whare, Tawakeheimoa at Te Awahou. This bottom line was the basis for the lwi position at Environmental Court in 2008, Tiriti o Waitangi settlement negotiations, the negotiation for



the return of Te Waro Uri with the Rotorua District<sup>1</sup> Council, the iwi's GNS Science relationship and subsequent 'Ka tū te Taniwha, Ka Ora te Iwi' and 'Kaitiaki Flows' cultural monitoring programme.

Ngāti Rangiwewehi have demonstrated actualisation defined in *Te Mana o Te Wai* through our mātauranga Māori based models; we have provided for the life sustaining force of wai, we have allocated and provided for the needs of our community and we will consider the allocation of our water for other purposes as they arise. '*Te Mana o Te Wai*' for Ngāti Rangiwewehi is the ability to continue our mana whakahaere and our role and responsibilities as kaitiaki of the waters within our rohe; this includes the needs of our community and our mokopuna.

Although *Te Mana o Te Wai* is now not a new concept, there still seems to be little clarity and consistency as to how it will be approached, regionally applied, or how Iwi will have its true values, characteristics, attributes and mātauranga applied in action. Council's existing relationships, cultural capacity, cultural capability and timeframe constraints are a potential and real risk. These shortcomings cause concern in understanding how Councils will provide for Iwi voices to be included and applied to a National Policy Statement that purports to stand for and uphold *Te Mana o Te Wai*.

The new and impending Three Waters Reform Programme, with its 'bottom line of public ownership' is disconcerting. The effect this will have on *Te Mana o Te Wai* and tāngata whenua water rights, is unclear and a cause for caution. With these two programmes rolling out in parallel there are even more water issues to keep abreast of. We are concerned that at the heart of this reform is a positioning for a level of government privatisation, which we do not condone.

If you ask any Ngāti Rangiwewehi uri about the importance of Te Wai Mimi o Pekehāua, we will say "Ko te Awahou mātou, ko mātou ko Te Awahou" and "Nō mātou te wai, nō mātou te kōrero". If you ask Ngāti Rangiwewehi uri what we want for our wai, we will tell you "we want our awa, Puna and roto - strong, clear healthy and free.... our traditional mahinga kai re-established and flourishing... and the life supporting capacity and mauri maintained for current and future generations".

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<sup>1</sup> Known as Rotorua Borough Council, prior to official status of Rotorua District Council – (1979-2013) operating as Rotorua Lakes Council in 2014. [https://en.wikipedia.org/wiki/Rotorua\\_Lakes\\_District](https://en.wikipedia.org/wiki/Rotorua_Lakes_District)

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*Ko Tiheia te maunga  
Ko Te Wai Mimi o Pekehāua, ko Te Kaikaitahuna, Ko Hauraki, Ko Mangorewa me Onaia ngā awa  
Ko Pekehāua rāua ko Hinerua ngā tīpua  
Ko Tarimano te Marae  
Ko Puhirua me Ōrangikāhui ngā moenga o ngā Tūpuna  
Ko Ngāti Rangiwewehi te Iwi  
Ko Te Arawa te waka*

1. This pepeha signals Ngāti Rangiwewehi connections to people, to place and to time. It locates the Iwi in a set of landscapes and identities that have been framed ‘geographically, politically and genealogically’<sup>2</sup> Ngāti Rangiwewehi belongs to the wider Te Arawa confederation of tribes [Iwi]. Te Arawa Iwi occupy the Bay of Plenty region of Aotearoa New Zealand, from Maketū on the east coast, to Tongariro Maunga in the centre of the North Island.

#### NGĀTI RANGIWEWEHI - IDENTITY AND ROHE

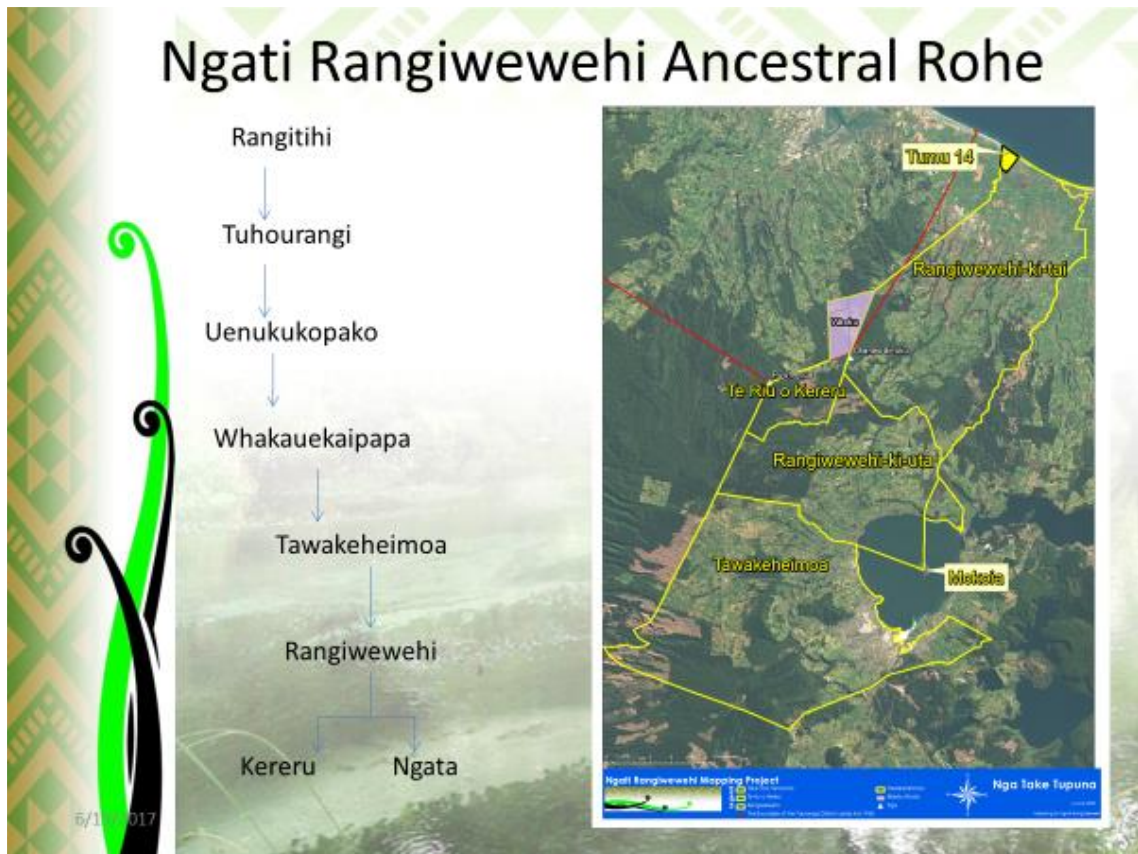
2. Ngāti Rangiwewehi trace our origins to Ohomairangi, a tupuna of Hawaiiki from whom all of the Te Arawa confederation descend. Ngāti Rangiwewehi closely identify with those Iwi/hapū that descend from the eight children of Rangitihi known as Ngā Pūmanawa e Waru, the eight beating hearts of Rangitihi. Ngāti Rangiwewehi whakapapa traditions record that Tūhourangi, one of the children of Rangitihi, had a son named Uenukukōpako, who in turn had a son called Whakaue-Kaipapa. Whakaue Kaipāpā joined in union with Rangiuru, a woman of rank from Tapuika and their eldest son was Tawakeheimoa. In time, Tawakeheimoa joined in union with Te Aongahoro, and from their unification, the hapū, whānau and united tribe of Ngāti Rangiwewehi was established.
3. Ngāti Rangiwewehi have lived and co-existed within the Mangorewa Kaharoa ngahere and rohe/area since the time of Whakaue-Kaipapa, a seventh generation descendent of Tamatekapua, the captain of the Te Arawa canoe.
4. Figure 1 illustrates the Ngāti Rangiwewehi area of interest within the Te Arawa rohe that starts at the apex of Te Motu Tapu a Tinirau/Mokoia Island and extends out toward the north-western shores of Lake Rotorua. Bordered to the south by the Waimihia Stream which feeds into Te Rotorua-nui-a-Kahu, Ngāti Rangiwewehi lands take in Te Awahou travelling east toward Puaraurewa, a lake edge boundary point with Ngāti Pārua to the east, forming the north-eastern

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<sup>2</sup> Smith, L. 1999, Decolonising Methodologies. University of Otago Press.

boundary of Te Waerenga. Given whakapapa linkages to inland and coastal areas, Ngāti Rangiwewehi ancestral boundary interests are also overlapping with other Iwi and hapū.

Figure1: Te Rohe o Ngāti Rangiwewehi



*Ko Tawakeheimoa te tangata  
Ko Ngāti Rangiwewehi te Iwi.*

Rangiwewehi and his three wives; Whakakahu, Hinekurarangi, Kuranonoiao had seven children. From this whakapapa, all the next generations of Ngāti Rangiwewehi descend.

**Rangiwewehi Whakapapa**

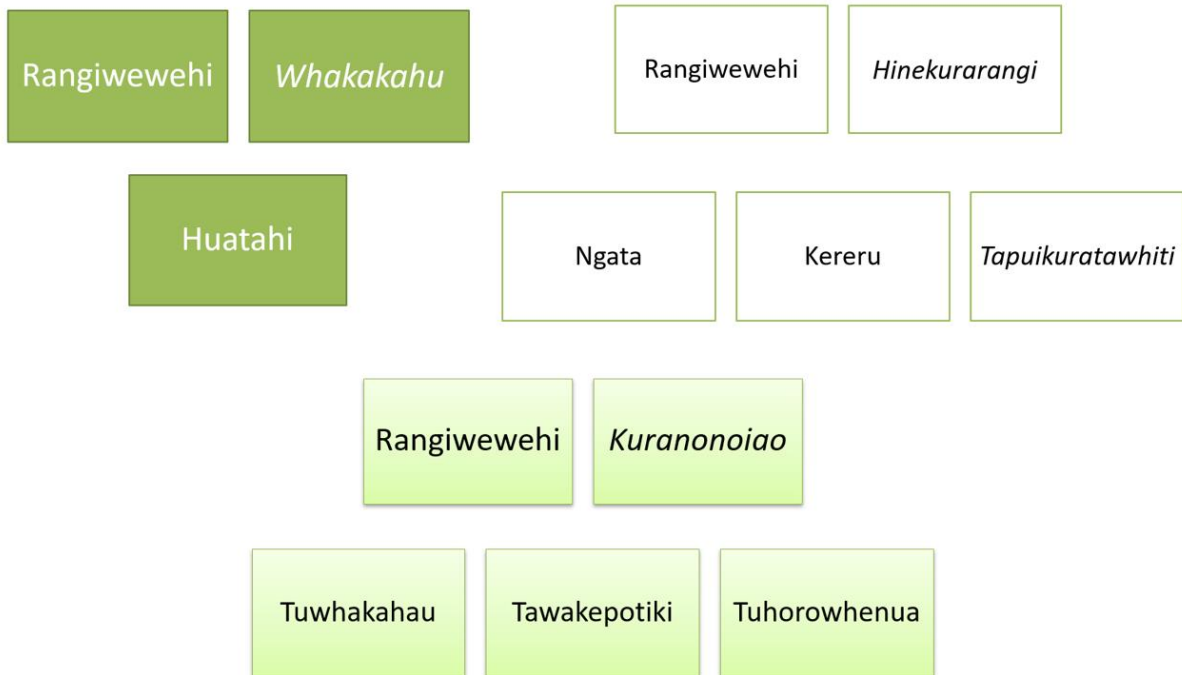


Figure 2: Whakapapa o Ngāti Rangiwewehi

5. Tarimano Marae is the home of Ngāti Rangiwewehi people and identity and is situated on the north-western shores of Lake Rotorua, next to Te Wai Mimi o Pekehāua, the Awahou Stream. The stream runs from Te Puna a Pekehāua - Te Waro Uri, into Lake Rotorua, out to the Ōhau Channel, making its way to Lake Rotoiti then onto the Kaituna River and eventually out to Maketu, at the Coast.
6. Ngāti Rangiwewehi is recognised by the Crown and other Iwi and is a member of The New Zealand Māori Council, Te Ohu Kai Moana (Waitangi Fisheries Commission), Te Tatau o Te Arawa, Te Arawa Lakes Trust Board and Te Kotahitanga o Te Arawa Fisheries Trust Board, Te Matatini, and has protocols with Rotorua Lakes Council, Te Maru o Kaituna, Minister of Conservation, Minister of Crown Minerals, Ministry of Education and relationship agreements with Te Manatū Taonga, and GNS Science.



7. The following paragraphs describe the issues, objectives and policies that Ngāti Rangiwewehi consider will promote that its role as kaitiaki is enabled to ensure the sustainable management of the natural and physical resources in a culturally appropriate manner that recognises and provides for the customary rights and interests of the Iwi now and into the future.

## MANGOREWA KAHAROA

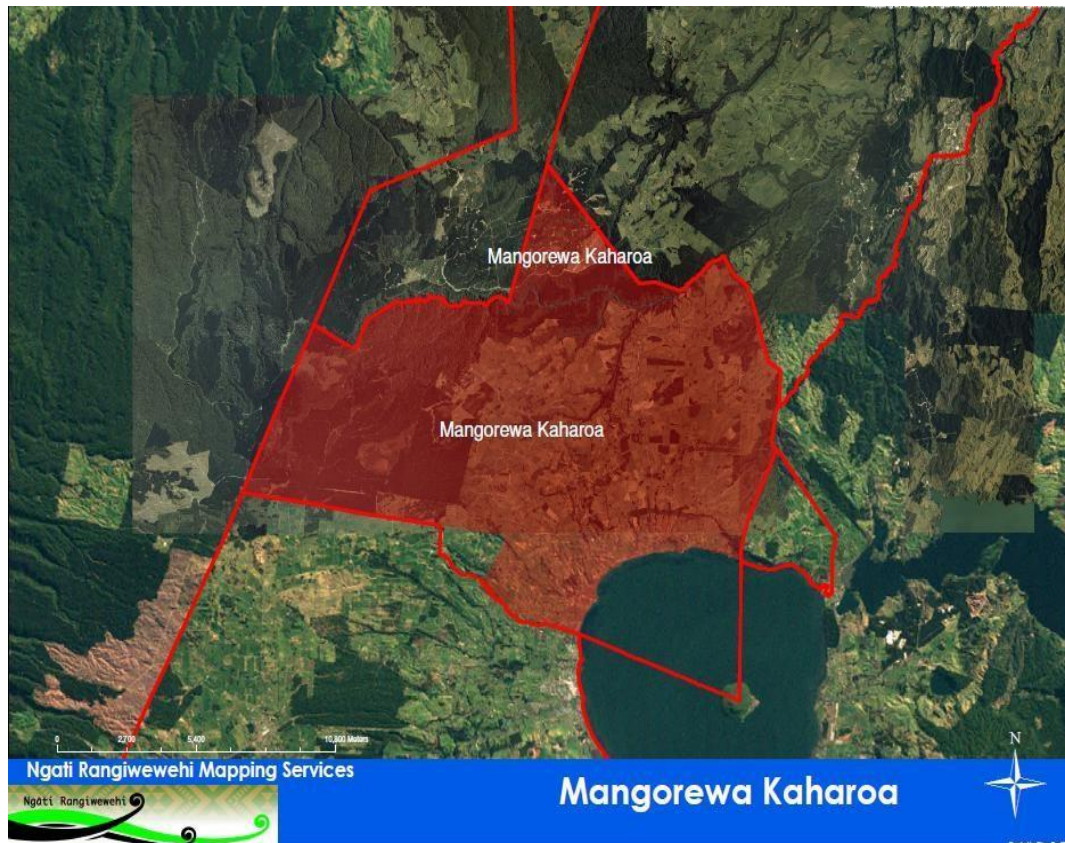


Figure 3: Ngāti Rangiwewehi ki Uta

8. Since the time of Tawakeheimoa, Ngāti Rangiwewehi have resided at and occupied the area known as Mangorewa Kaharoa. Mangorewa Kaharoa was historically known as Te Riu o Kererū: the realm of Kererū an auspicious ancestor. A name that was never challenged by other hapū or Iwi, which guaranteed mana whenua resided with Kererū for the benefit of Ngāti Rangiwewehi. These areas were a fertile and resource-rich area that provided plenty of food, travel routes and a wide range of natural resources for Ngāti Rangiwewehi.
9. The Mangorewa River and Onaia Streams that bordered the area teemed with eel, native fish, freshwater crayfish (koura) and waterfowl. Whānau groupings would establish wharau, (shelters) food cultivations, and bird snaring sites in these areas, enabling them to gather food and to sleep overnight if needed. The bushlands equally provided an abundance of native birds, rats, seeds,

berries, and leaves for medicine and food. Other resources such as flax were cultivated for trade. Historic pā sites were also established by Ngāti Rangiwewehi in these lands.<sup>3</sup>

10. Ngāti Rangiwewehi tūpuna had considerable knowledge of the lands throughout the Mangorewa Kaharoa area, its history and the many traditional walking tracks that were important factors in maintaining identity and connections to whenua. Rangiwewehi tūpuna knew the best places to gather food and other resources; how to gather and prepare them according to tikanga ensuring long-term sustainability of the resource. These values remain important to Ngāti Rangiwewehi today.
11. Consequent historical 'acts of the Crown' and some rather dubious turns of the Native Land Court facilitated in the loss and fragmentation of the Mangorewa Kaharoa ancestral block.
12. Through these processes, a significant proportion of the Mangorewa Kaharoa was converted into 'general land' title and subsequently is now in private ownership. In the early 1800's the main settlement areas for the tribe were based around Hamurana, at the eastern side of the block, and at Te Awahou on the Western side of the block. Today, the main tribal base for Ngāti Rangiwewehi is at Te Awahou, with the larger area surveyed and now private land holdings at Hamurana. These lands are highly sought after for their significant aesthetics and fertile lands.


#### TE PUNA O PEKEHĀUA

13. Ngāti Rangiwewehi proclaim a unique relationship with Pekehāua Puna Reserve. Ngāti Rangiwewehi mana over the whole of the Mangorewa Kaharoa whenua is what forms the basis of the right of Ngāti Rangiwewehi to exercise kaitiakitanga over the lands and natural resources. The Ngāti Rangiwewehi view is that we hold traditional customary and ongoing contemporary rights in relation to this land, it is our intergenerational exercising of these rights which underpinned our traditional resource management systems, to ensure that resources were protected as reflected in our pepeha, purākau and waiata.
14. Te Puna o Pekehāua - Te Waro Uri has great spiritual and cultural significance for Ngāti Rangiwewehi. It was once the home of the great Taniwha Pekehāua<sup>4</sup> who was slain by Pītaka (also known as Pītaua) and his friends. Pekehāua made his lair in the main spring, Te Waro-Uri ('the dark chasm') and stories of the taniwha are central to Ngāti Rangiwewehi traditions and identity as an Iwi. Commonly known as Te Waro Uri, the puna is linked by deep underground channels to other waterways and Pekehāua used these channels to visit Hinerua, the benevolent

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<sup>3</sup> Te Maru o Ngāti Rangiwewehi. (2012). Ngāti Rangiwewehi Iwi Environmental Management Plan. Awahou, NZ.

<sup>4</sup> <https://www.gtas.nz/pekehaua-and-the-awahou-river>



female taniwha of Hamurana Springs, a site also sacred to Ngāti Rangiwewehi.<sup>5</sup> The Iwi knew of these connected underground pathways prior to science confirmation.

15. Stories like the killing of Pekehāua add to Ngāti Rangiwewehi's strong sense of self identification and mana associated with Te Waro Uri, its flowing river and surrounding freshwater springs. Te Wai Mimi o Pekehāua or Te Awahou (river) was named by the illustrious ancestor - Ihenga.
16. According to Ngāti Rangiwewehi kaumātua, 'life springs forth for the tribe' through the river that emerges from Te Waro Uri. At one time, Pekehāua Puna Reserve was also a significant tourist attraction, that saw visitors from all parts of the world come and appreciate its environmental surroundings. Ngāti Rangiwewehi leased the land to the commercial tourism operator and was actively involved in the business in a number of roles, including cultural experiences.

*"The water...the giver of life for the existence of all humans. The importance of this water Te Awahou is that it has a spirit which is embodied in the whole area in which it travels through the land ....in essence it is the tikanga of the hapu of Ngāti Rangiwewehi. It transfers itself through the whenua on both sides of the awa, through whānau Ngāti Mohi, Ngāti Hakopa as it journeys on its course to Rotorua-nui-a-Kahu, the great lake of Rotorua....This river Te Awahou has mana that is of great importance, the spirit inside of it is still alive this day I talk to you. From time immemorial as far back as I can remember...it has been said by my old people that it is through this river that life springs forth for the tribe...The water is the life of the people, therefore...our tupuna...made his kainga Tawakeheimoa ki te taha i te awa"*

*– George Flavell*

17. Te Waro Uri and Te Wai Mimi o Pekehāua has always had an important recreational value for the many generations growing up in the area who connect, collect kai, play and swim in and around the springs. Given the significance Te Wai Mimi o Pekehāua played in the lives of Ngāti Rangiwewehi children it is important to note that no child has ever drowned in these waterways, which has been attributed to the relationship between the taniwha and Iwi.
18. The river was at one time full of koura and its banks were normally lined with an abundance of watercress. In 1888, there were 150 brown trout introduced into the Awahou, Ngongotahā and Ūtuhina streams and flourished over the next ten years. In recent times the Awahou has also provided a constant supply of trout. The negative effects of introducing trout into the waterways and the inevitable supplanting of our native fish has been a matter of concern for the Iwi.
19. The tranquillity of Te Waro Uri is renowned, not just to Ngāti Rangiwewehi but worldwide and this is evidenced by the thousands of tourists who have over the years travelled to Awahou to experience the beauty and spirit of Te Waro Uri when it was operating as a commercial tourist activity.

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<sup>5</sup> Thompson, M. & Bidois, T.R. (2005). Joint statement of evidence in relation to Taniwha Springs on behalf of Ngāti Rangiwewehi, Wai 1200 F2, pp.4-5.

20. Our role as kaitiaki over our traditional ancestral lands continues, despite our historic loss of land and ownership title that was a result of colonial/settler events several generations ago coupled with Public Works land and water takings that have occurred within living memory. As kaitiaki we are responsible for the protection and restoration of the health of the land, water, mahinga kai, biodiversity and whakapapa. It is important to note, that the responsibility has increased due to restricted access, degradation due to pollution and land intensification as well as under-resourcing from local government.



Figure 4. Pekehāua Puna Reserve

#### TE PUNA O PEKEHĀUA – TE WARO URI

21. The Pekehāua Puna Reserve was originally part of Mangorewa Kaharoa 6E Sec.3 No.2. The Māori Land Court refers to the original block as the ‘parent block.’ Ten acres was cut out or ‘partitioned’ from Mangorewa Kaharoa 6E Sec.3 No.2 following an Appellate Court hearing on the 10th August 1912. The ‘new’ block was then renamed or given the new title Pekehāua Puna Reserve<sup>6</sup> There were 109 shares which were distributed equally amongst the 110 (Ngāti Rangiwewehi) people entitled to their own shares in the new block at that time. (Note: 2388 owners as at 2021).

<sup>6</sup> MLC Ref: Partition Order dated 10 Aug 1912

22. The Pekehāua Puna Reserve is a 3.6507-hectare block of Māori freehold land that is administered by the Pekehāua Puna Reserve Ahu Whenua Trust. There are currently eight (8) trustees on the Trust, appointed by the Māori Land Court in 2016.
23. Pekehāua's presence is still very much evident today. Ngāti Rangiwewehi associates Te Waro Uri with the infamous taniwha Pekehāua, insofar that today Te Waro Uri is often referred to as Te Puna o Pekehāua, and the awa also known as Te wai-mimi-a-Pekehāua.
24. Ngāti Rangiwewehi believe that the Awahou river is a place of healing, protected by the taniwha Pekehāua. We continue to tell these stories for perpetuity and have retold our Pekehāua story as a scrolling digital story book available as digital download. The story includes parallax graphics with follow along text and waiata which is available in Te Reo Māori and English. It was made in association with the Ministry of Education as part of the Te Aho Ngārahu curriculum resources<sup>7</sup>.



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<sup>7</sup> [https://play.google.com/store/apps/details?id=com.metiainteractive.pekehaua&hl=en\\_US&gl=US](https://play.google.com/store/apps/details?id=com.metiainteractive.pekehaua&hl=en_US&gl=US)

25. We also hear Pekehāua embodied in our Tamariki Mokopuna of our local kōhanga reo and captured in their haka as outlined:

## Te Puna o te Taniwha

I haere mātou ki te Puna o te Taniwha mihi ai ki te kainga noho o Pekehaua. Ko Pekehaua te taniwha kaitiaki o Te Awahou.

He Haka. Nā Uncle Mur.

Ko wai te Taniwha? Ko Pekehaua!

Ko wai te Taniwha? Ko Pekehaua!

Nāna i kauria te wai o Te Awahou

Noho ia ra Te Waro Uri!

Ko Pekehaua e ngunguru nei!

Hi au! au! Aue ha! Hi!

Ka nui ngā manu Tīrairaka e rere ana i runga, i rere ana i raro. E rere harikoa ana ki te rapu kai.

He waahi whakahirahira tēnei ki a mātou. Konei te wāhi e rere ai Ngā wai mimi o Pekehaua



Figure 5: Extract from Tarimano Kōhanga Reo Whānau Stories 2020

### TAKING OF TE WARO URI

26. In 21st December 1966 an area of 3 roods and 6 perches (almost an acre or 1,011 square metres) which contained the sacred spring Te Waro Uri, was taken by the Rotorua Borough Council under the Public Works Act for waterworks, as part of the network supplying fresh water to the Ngongotahā area including Awahou<sup>8</sup>. Awahou village homes collected their own water from the river up to this point or maintained their own water pumps for domestic water use.

<sup>8</sup> MLC Ref: Title Notice 6022 & NZ Gazette Notice 82 page 2228 dated 21 Dec 1966

27. Once the land was taken by Public Works, these water sources were deemed to be illegal and were bulldozed by the then Borough Council without consultation with the Iwi homeowners. In addition to these grievous actions, the dwellings within Awahou were not provided access to the supply in a fairly distributed manner; and due to the rural designation, residents then began being charged for their water usage, whereas the Ngongotahā residential properties located within the nearby 'Urban Fence' were not rated for their water usage. This continues to be a source of discontent for Ngāti Rangiwewehi to this day.

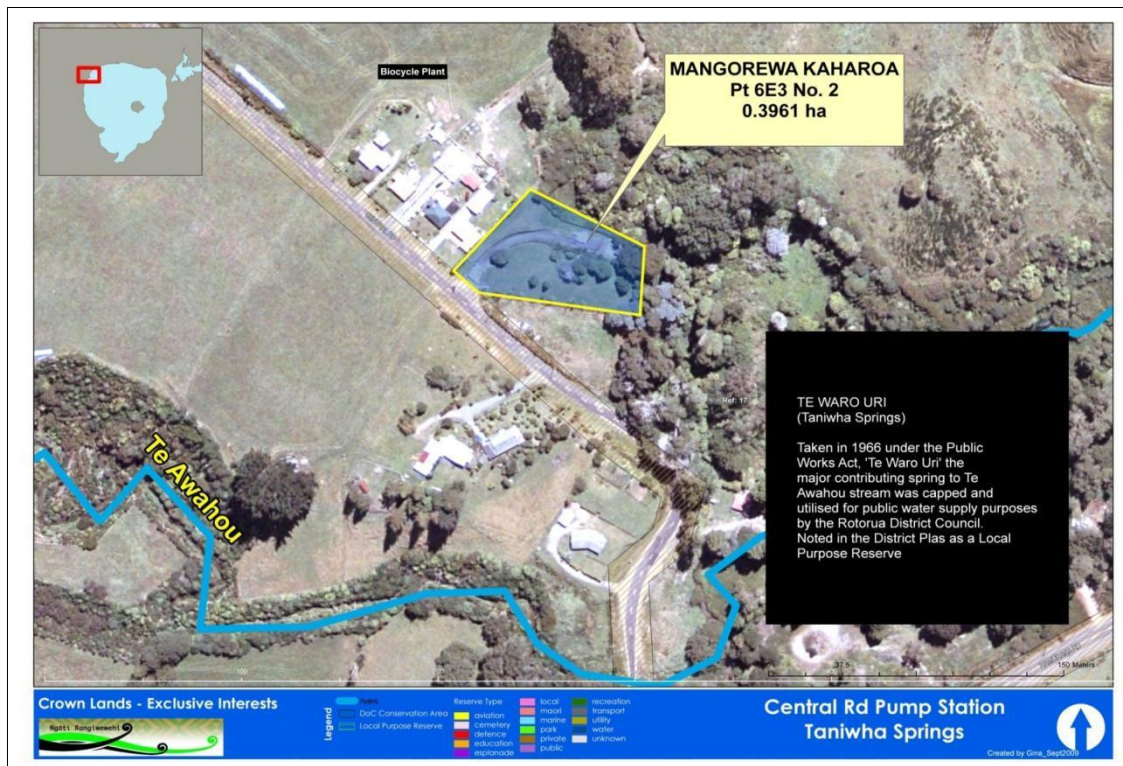


Figure 6: Rotorua Lakes Council Central Rd Waterworks / Ngongotahā Municipal Water Supply – Te Waro Uri

28. Uppermost in the minds of Ngāti Rangiwewehi is the desire to maintain control and possession over their cultural relationship to taonga, people and place. Ngāti Rangiwewehi view the alienation of Te Waro Uri as well as the subsequent loss of control over all freshwater springs associated to the land taken, as a physical, spiritual and cultural assault to the very heart of Ngāti Rangiwewehi identity.

PĀTAI 3. A SUMMARY OF HOW TE MANA O TE WAI IS CURRENTLY UNDERSTOOD BY RELEVANT PARTNERS.



Figure 7: Waterways within the traditional tribal boundaries of Ngāti Rangiwewehi

29. The waterways (\*noting not all Ngāti Rangiwewehi waterways of cultural significance are depicted in Figure. 6) within the tribal boundaries of Ngāti Rangiwewehi hold considerable significance to the Iwi, with particular reference to the Awahou, Hauraki and Hamurana Streams (including the spring’s source); and Lake Rotorua-nui-a-Kahumatamomoe, into which these tributaries flow.
30. Below are the key policies and assertions that Ngāti Rangiwewehi actively promotes. While these were penned in 2012 and were based on wānanga that took place in and around the home of the Iwi at Awahou, very little has changed. There are additional layers of detail that promote the following policy elements that respond to various Plan Changes and consent applications. An additional key statement that Ngāti Rangiwewehi actively promotes is “Nō mātou te wai, nō mātou te kōrero”.



NGĀTI RANGIWEWEHI IWI ENVIRONMENTAL MANAGEMENT PLAN – WATER CHAPTER  
(Rangiwewehi, Iwi Environmental Management Plan, 2012):

TABLE OUTLINING SUMMARY OF HOW *TE MANA O TE WAI* IS CURRENTLY UNDERSTOOD BY RELEVANT PARTNERS.

ROOPU / PARTY	POSITION
Ngāti Rangiwewehi Iwi (represented by Te Maru o Ngāti Rangiwewehi)	<p>“Nō mātou, te wai, nō mātou te kōrero”, “Ko Te Awahou mātou, ko mātou ko Te Awahou” are frequent and fixed statements of the Iwi. For Ngāti Rangiwewehi, Kaitiakitanga is a role and responsibility that is in play at all times. It is about asserting rangatiratanga over water taonga sources that the Iwi are associated with and safeguarding their health and wellbeing for future generations. Sustainable management and use of natural resources are paramount. It is about ensuring mana and mauri of our taonga are maintained, restored or enhanced - as required and often due to external factors out of the Iwi influence and control. A research program Ngāti Rangiwewehi (in partnership with GNS Research) have developed, formulates a framework that brings together relevant scientific, planning and mātauranga-a-Iwi (traditional knowledge and cultural significance) information and data for natural freshwater resources. Ngāti Rangiwewehi actively participate in submissions, long term plans, hearings and plan changes that assert this position and request resourcing to allow the Iwi to action its kaitiakitanga responsibilities to respond to these functions.</p>
Rotorua Lakes Council (RLC)	<p>Lakes are acknowledged as treasures of the Bay of Plenty region. RLC are partners of the Rotorua Te Arawa Lakes Programme, a partnership with Rotorua District Council and Te Arawa Lakes Trust, to preserve lakes for present and future generations. Under the Rotorua Te Arawa Lakes programme, land use change agreements with landowners to reduce contaminants entering the lakes and establish permanent land use change have been set up. Implementation of engineering solutions, including phosphorous locking treatment, to remove nutrients from Lake Rotorua as well as recognising and providing for <i>Te Mana o Te Wai</i> (the intrinsic value of water).<sup>9</sup></p> <p>The Iwi have experienced extended bereavement due to the then County Borough taking the land and then the sacred spring of Te Waro Uri to supply water to communities beyond Te Awahou. Since the success of the Environment Court Appeal in 2008, and through the drafting and progressing of a co-joint municipal water consent application with Ngāti Rangiwewehi, both parties are now at the table negotiating as mana whenua and Council.</p> <p>Ngāti Rangiwewehi have a “Protocols Arrangement” with the District Council. This provides the forum to discuss any issue of relevance between the two parties.</p>
The Crown (Central Govt)	<p><i>Te Mana o Te Wai</i> refers to the vital importance of water. When managing freshwater, it ensures the health and well-being of the water is protected and human health needs are provided for before enabling other uses of water. It expresses the special connection all New Zealanders have with freshwater. By protecting the health and well-being of freshwater it aims to protect the health and well-being of people and environments. Through engagement and discussion, it is Regional Councils, communities and tangata whenua who will determine how <i>Te Mana o Te Wai</i> is applied locally.<sup>10</sup></p> <p>The Ngāti Rangiwewehi position is the assertion that “Nō mātou te wai, nō mātou te kōrero” “ Ko Te Awahou mātou, Ko mātou ko Te Awahou”. To understand the details of these statements, the Crown are welcome to come and talk to Ngāti Rangiwewehi</p>

<sup>9</sup> <https://www.boprc.govt.nz/environment/fresh-water/lakes>

<sup>10</sup> <https://environment.govt.nz/assets/Publications/Files/essential-freshwater-te-mana-o-te-wai-factsheet.pdf>

	<p>kanohi ki te kanohi. At the time of writing this, <i>Te Mana o Te Wai</i> discussions have not been held with the Iwi-Crown / Agent of the Crown.</p> <p>The legislation to soon replace the Resource Management Act 1991 is yet to come into action. The Natural and Built Environments Act (NBA) as recommended by Randerson will give effect to Te Tiriti and recognise mātauranga Māori. The newly introduced Te Oranga o te Taiao indicates a commitment to Te Taiao and the role of hapū and iwi. We are yet to experience how this legislation will advance the environmental aspirations of Ngāti Rangiwewehi.</p>
<p>Bay of Plenty Regional Council (BOPRC)</p>	<p>Regional Council is required by law to process a completed consent application for any kind of water use. Each consent application is assessed and considered on a case-by-case, and first in-first served basis<sup>11</sup>. We do not feel that Iwi / mana whenua rights are taken into high regard when making these decisions e.g. Mana o Te Wai has not been set, but water consents are still being granted.</p> <p>Te Hononga is the Māori relationships and engagement plan for the National Policy Statement for Freshwater (NPSFM) work programme. It is an action aligned with 'He Korowai Mātauranga' focused on building relationships with Māori and provides a pathway to support the implementation of the NPSFM 2020. Te Hononga recognises that Iwi and hapū across the region have different interests, different levels of readiness, and varying ranges of capacity and capability to participate in planning processes. Its response is a flexible approach in which various options for involvement are made available, individually or in combination.<sup>12</sup> At the time of writing, we have not yet been engaged directly in this process and await the discussions to be held.</p> <p>Ngāti Rangiwewehi have participated in a number of council exchanges including Environmental Hearings, Environmental Court of Appeal, lodging Iwi Environmental Management Plans, submissions to plan changes, consent applications, long term plan submissions, as well as hosting council staff cultural competency experiences to promote better understanding of perspectives, both Western Science and mātauranga Māori.</p>

**PĀTAI 4. CURRENT STATE OF THE RELATIONSHIP THAT NGĀTI RANGIWEWEHI HAS WITH THE COUNCIL REGARDING THE MANAGEMENT OF FRESHWATER.**

31. The relationship between the Rotorua Lakes Council and Ngāti Rangiwewehi has been fraught with tension and legal action, eventually leading to a collaborative approach with freshwater management. To understand the relationship, firstly it is important to acknowledge key actions taken since Te Waro Uri was taken in 1966, to today.

**ENVIRONMENT COURT**

32. After 38 years of taking water from the Central Road Waterworks site (including and adjacent to Te Waro Uri), in 2004 the Rotorua District Council applied for resource consent to increase the amount of water it used from the Central Road Waterworks site, Ngāti Rangiwewehi united as a people and rallied against the application to triple the existing water take volume. The Iwi requested that the subsequent Environment Court Appeal [2008] ELRNZ 331 be held at Tarimano Marae in Awahou, our tūrangawaewae, which was in our view critical to what was considered a

<sup>11</sup> <https://www.boprc.govt.nz/environment/fresh-water/water-use>


<sup>12</sup> <https://www.boprc.govt.nz/your-council/working-with-lwi/engaging-Māori>

favourable outcome for the tribe. Having the Court Commissioners present at the marae in close proximity to Te Wai Mimi o Pekehāua, was advantageous for the Iwi as the commissioners were able to personally experience the relationship ngā uri o Rangiwewehi have with their awa throughout the duration of the hearing. The manaakitanga extended by Ngāti Rangiwewehi to not only the Commissioners, but also the other appellants, specifically the Rotorua District Council's legal team and expert witnesses, was a key factor in ensuring these visitors felt an overwhelming sense of welcome and understanding within an environment they were largely unfamiliar with. Thus ensuring the mana and mauri of the Iwi was seen, felt and maintained in spite of the differing positions between Ngāti Rangiwewehi and Rotorua District Council .



Figure 8: Te Wai Mimi o Pekehāua comes forth from Te Puna o Pekehāua - Te Waro Uri, also known as Taniwha Springs, out to Lake Rotorua.

33. The hearing took three days for all the evidence to be heard, the Iwi submissions included oral presentations from various tribal members; rangatahi who spoke about the importance of the awa to them as a source of recreation and tribal identity; kaumatua who recounted their childhood memories of growing up beside what was once a deep and fast flowing river, that provided them with physical sustenance and strength; the oral traditions that detailed the cultural and historical significance of Te Waro Uri as a source of spiritual sustenance that was intergenerational; and also expert evidence from academic and expert tribal members that endorsed and reinforced the significance of what had been said by anecdotal submitters.

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34. External expert witnesses appeared on behalf of Ngāti Rangiwewehi, two of which played a crucial role in influencing the Court’s final decision: a Groundwater Hydrologist who presented evidence on alternative options that had not been considered by the Councils engineers as well as an Economist who provided expert evidence on the financial impact of the taking of Te Waro-Uri on the commercial tourist activity that was in operation at the time, including an assessment of the inadequacy of the token payment made to the Iwi by the then Borough Council. The --- collaboration of historic, cultural, academic and scientific evidence provided the Court a raft of information upon which they were able to make a balanced decision.<sup>13</sup>
35. The Environment Court decision in *Te Maru o Ngāti Rangiwewehi and Anor v Bay of Plenty Regional Council ENV A095/2008* determined that the Council be granted a 10-year term of consent based on findings that:
- Taking water from the springs would have a significant adverse effect on Ngāti Rangiwewehi’s identity which could not be addressed by conditions of consent, reducing, abstraction or maintaining a certain minimum flow as effects on cultural values “do not necessarily rise or lower proportionate to the amount of abstraction”;
  - The effects of the abstraction on Ngāti Rangiwewehi were matters of national importance under Section 6(e), as well as Section 7(a) and Section 8;
  - The Council’s consideration of alternative sources in this application was “cursory at best”;
  - The Court did not have jurisdiction to direct the Council to establish an alternative municipal supply from groundwater (which was more costly than taking water from the springs) and noted it was conscious that costs incurred by public authorities for works were an “executive matter for which they have political responsibilities to their electorate”; and
  - Evidence showed that when alternative sources of supply were properly assessed according to their cost, technical feasibility, and cultural factors (i.e. impact on Iwi), a municipal supply from groundwater was preferable to taking water from the springs and could be established within 10 years.
36. This decision was considered a major win for Ngāti Rangiwewehi and initiated a process of restoration and healing for the Iwi that continued to mourn the loss of their sacred springs and established the platform upon which the Iwi was able to build on within their Treaty of

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<sup>13</sup> Ruru, Jacinta. (2009). *The Legal Voice of Māori in Freshwater Governance: A Literature Review*. Landcare Research, Lincoln.

Waitangi claim negotiations process. Indeed, this was the initiator of the eventual return the land taken in 1966 and most notably the return of Te Waro Uri to Ngāti Rangiwewehi.

#### TE HOKINGA MAI- RETURN TO NGĀTI RANGIWEWEHI

37. The taking of Te Waro Uri in 1966 has been a source of grievance for Ngāti Rangiwewehi for 55 years and was a core focus (along with the taking of Hamurana Springs) of the tribes subsequent Treaty of Waitangi Settlement.
38. During the Ngāti Rangiwewehi Treaty process, the Crown acknowledged the taking of the land was felt by the Iwi to be “the greatest grievance against the Crown”. Through intense negotiations with the Office of Treaty Settlement, a side agreement was reached that saw the Crown offer \$1.075 million (half of the estimated cost to relocate the Council’s infrastructure to an alternative site as detailed in the expert evidence produced at the 2008 Environment Court Hearing) to the Rotorua District Council to assist with establishing an alternative water supply.
39. In August 2015, Ngāti Rangiwewehi were present in the Council Chambers when the Rotorua Lake Council voted unanimously<sup>14</sup> to return Te Waro Uri to its traditional owners. This was with the agreement from Ngāti Rangiwewehi that Council would continue to take water from the Springs until it’s consent expired in 2018<sup>15</sup>. This gesture of goodwill from the Council opened the door for the commencement of a new relationship between the two entities, and via the development and ratification of a Memorandum of Understanding.
40. Celebrations were held November 2015, at a handover ceremony at Tarimano Marae to formally mark the historical occasion. While it was a joyous occasion, tears were also shed as the Iwi remembered the journey their people had to endure to arrive at this point, reminiscing of those who had passed and not lived to see this day.

#### JOINT APPLICATION TO BAY OF PLENTY REGIONAL COUNCIL FOR RESOURCE CONSENT

41. After a time of celebration and reclamation of our taonga (to be returned within the 10 year period instructed by the Court), the Iwi undertook further deliberation with their people. The Iwi ultimately determined it would work alongside the Council to find a place of mutual benefit for the water, Iwi and community.
42. In 2019, Rotorua Lakes Council and Pekehāua Puna Reserve Trust submitted a joint application for:
  - The taking of water from the Taniwha Spring for municipal supply to Ngongotahā year-round (and Koutu in certain emergency circumstances);

<sup>14</sup> <https://www.teaomaori.news/ngati-rangiwewehi-celebrate-return-pekehaua-springs>

<sup>15</sup> <https://www.nzherald.co.nz/rotorua-daily-post/news/council-wins-approval-to-continue-tapping-taniwha-springs/4TYIWGMUF6PK6SQCOGEPY7RDUQ/>

- Works in the bed of a stream to authorise the removal of the existing Pump House, and install new infrastructure including a new weir, underground pipe;
  - connecting the spring to the new underground Pump Station and restoration of the spring;
  - De-watering of the excavation for the installation of the proposed new Pump Station and ancillary structures; and
  - Land-based earthworks in the ‘Riparian Management Zone – Schedule 1 streams’ area.
43. The co-joint consent means that Ngāti Rangiwewehi will be closely involved at all stages of planning and development of the application alongside Te Puna o Pekehāua Trust and the Rotorua Lakes Council. They are equally responsible for all requirements of the RMA, in accordance with the outcome of the Court of Appeal, including regard for the mana, mauri and kaitiakitanga of Ngāti Rangiwewehi.
44. Te Maru o Ngāti Rangiwewehi (specifically the Tari Taiao) held the pen on a Cultural Impact Assessment for the application. Ngāti Rangiwewehi acknowledges this collaborative relationship between mana whenua and the Rotorua Lakes Council as an example of “Best Practice” for meaningful engagement with Tāngata Whenua that facilitates equity of decision-making and resourcing toward both Iwi and Public well-being and advancement.
45. Also, it was captured in the Official Journal of the Resource Management Law Association of New Zealand, that “...the recent Environment Court decision in Te Maru o Ngāti Rangiwewehi and Anor v Bay of Plenty Regional Council ENV A095/2008 the Court granted an existing municipal water supply a 10 year renewal of consent based on findings that the take had a significant adverse effect on the identity of local Iwi and that 10 years was sufficient time to establish an alternative supply from groundwater”. This article considers the key findings of the decision, and in particular how it sits with existing case law on the consideration of alternatives under the RMA. This article concludes that while the Te Maru decision is consistent with existing case law on the consideration of alternatives, it may signal an increased willingness by the Court to consider the merits of alternative proposals in deciding the term for which an existing consent will be renewed<sup>16</sup>.
46. At this time, this case signalled that the Iwi had made a shift in not only the decision of the consenting authority; but also how access to resources and co-management of consenting processes for taonga such as water sources; which could be based on equal input, partnership and guidance of mana whenua.

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<sup>16</sup> Bangma, W. and Grierson, S. (2009). The decision in Te Maru O Ngāti Rangiwewehi and the consideration of alternatives under the RMA. Official Journal of the Resource Management Law Association of New Zealand.

47. Ngāti Rangiwewehi has guided this process in line with its own 'Kaitiaki Flows' mātauranga-a-lwi model for ensuring sustainability of the wai and responsibility it has to the taonga tuku iho. The Kaitiaki Flows model is strongly aligned with the Mana o Te Wai principles. The cultural conditions of the consent have been set by the lwi joint applicant, which helps to ensure that the principles, values and mātauranga-a-lwi are given effect.
48. This consenting process is well on track and is now in its final stages with the Bay of Plenty Regional Council - the consenting authority who are working with the joint applicants; Ngāti Rangiwewehi and Rotorua Lakes Council. It is anticipated that the consent approval and any conditions would be finalised mid-2021. While the negotiations have taken time, the process has been done in an inclusive, compliant, legal and mana enhancing manner which has had all parties arrive at a positive space and outcome.



Figure 9: 2015 Transfer Ceremony (from left) Anaru Bidois, Louis Bidois (rear), Tom Bidois, Dave Foster (rear), Steve Chadwick and Dave Donaldson, at Tarimano Marae, Awahou.

49. The loss of Te Waro Uri has been mourned by Ngāti Rangiwewehi since it was taken by the then council in 1966. In November 2015, they celebrated its return alongside Rotorua Lakes Council and ally lwi, hapū and community.
50. Ms Chadwick, (RLC Mayor) stated "We know there are more effective ways for local government and lwi to work together than has been experienced in the past. This council has undertaken to work better with lwi and I have faith in the collaborative new relationship we've established with Ngāti Rangiwewehi....We're undertaking these discussions in good faith, exploring the potential

for solutions that would be good for both parties, but any final decision will rest entirely with Ngāti Rangiwewehi".<sup>17</sup>

51. Mr L. Bidois, (Chair, Pekehāua Puna Trust) stated, "The celebration of its return was a significant occasion. We see the springs as the life force of Rangiwewehi and placing a pump station over the top has been a cultural harm that runs deep...We recognise the value of the resource to Rotorua generally and to Ngongotaha and Awahou specifically. First we need time to grieve and to celebrate its return and what happens in the future will be for the Iwi to decide"<sup>18</sup>. This was a bittersweet victory for the Iwi and remembrance of those who have gone before us. The grief suffered through legislative theft, deprivation of cultural heritage and fight they endured so we could see the return of our taonga for perpetuity for our tamariki mokopuna.



Figure 10: Te Kānuka Pihera Ridge, 4 years old, spending time at Te Awahou, Te Wai Mimi o Pekehāua with his cousins from Tarimano Kohanga Reo.

<sup>17</sup> <https://www.nzherald.co.nz/rotorua-daily-post/news/ngati-rangiwewehi-celebrate-return-of-significant-taonga/GK7SZ654DR3XN73D7CPSBYBQ3M/>

<sup>18</sup> Ibid.



PĀTAI 5. THE PROCESS OF IDENTIFYING HOW TO ACHIEVE *TE MANA O TE WAI* FROM THE PERSPECTIVE OF NGĀTI RANGIWWEHI.

52. One of the key rationale that made way for Ngāti Rangiwewehi to support a joint application by the Puna o Pekehāua Trust and the Rotorua Lakes Council was a series of work that had been done to understand the intrinsic values of Te Wai Mimi o Pekehāua from a mātauranga Māori framework prior to considering options. This was undertaken through the development of the Iwi Environmental Management Plan (2012) which took place during the Ngāti Rangiwewehi treaty claims process.
53. The Ngāti Rangiwewehi Iwi Environmental Management Plan – is the Iwi tikanga Taiao Policy. The IEMP has been lodged with the District and Regional Councils confirming the Iwi taiao position. Thus, signalling to local, regional and national government, in accordance with Section 74 of the RMA 1991; to take into account any relevant planning documents prepared by Iwi (or hapū). The IEMP includes excerpts from other key Iwi historical account documents, wānanga, and pūrākau.
54. Ka Tū Te Taniwha, Ka Ora Te Tangata<sup>19</sup> and Kaitiaki Flows<sup>20</sup> projects were developed by Ngāti Rangiwewehi, alongside GNS Science.



Figure 11: Tarimano Kohanga Reo Tamariki Mokopuna connecting with their awa and helping to assess our Kaitiaki Flow

<sup>19</sup> Ngāti Rangiwewehi (2015). Ka Tū Te Taniwha – Ka Ora Te Tangata: Understanding the impacts of development in the Awahou groundwater catchment to ensure the health and wellbeing of the Ngāti Rangiwewehi people: Report 1. Ngāti Rangiwewehi, GNS Science and Bay of Plenty Regional Council.

<sup>20</sup> White, P. A., Bidois, L.-A., Mohi, G., & McGrath, W. (2020). Kaitiaki flow and management regime in the spring-fed Awahou Stream, Lake Rotorua. *Journal of Hydrology (New Zealand)*, 59(1), 63–78.

Figure: 12. Three Key foundational documents for assessing and managing our *Te Mana o Te Wai* Iwi aspirations.



55. Kā Tū te Taniwha and Kaitiaki Flows informed the approach to the application for water consent to ensure that in sustaining the water requirements of the wider community, we can ensure our wai is protected. It is our position that the Kaitiaki Flows model is a practical expression of ‘*Te Mana o Te Wai*’ particularly with respect to “the first right to the water goes to the water”.
56. Ngati Rangiwewehi’s water base flow parameter takes into account the concerns raised by the Iwi and ultimately led to the identification and development of our cultural-base flow parameter – Kaitiaki Flows. This project underwent a number of critical steps in order to understand the Ngāti Rangiwewehi position on how we wish to express our Kaitiakitanga in regard to our waterways combining both mātauranga Māori and western science methodology.

## PĀTAI 6. HOW THE COLLABORATIVE PROCESS WORKS OR DOESN'T WORK.

57. The Development of Kaitiaki Flows worked because it was led by Ngāti Rangiwewehi to have mana over its taonga. It is a framework that was determined by the people for the people and for those generations to come. The model was both qualitative and quantitative and provided an opportunity for Iwi members to participate and contribute on site at the water source as well as in wānanga settings. The determining of what *Te Mana o Te Wai* means to the Iwi itself was then modelled alongside western science data which proved to be complementary and established that the Kaitiaki Flows water management framework is valid and grounded in science and mātauranga.
58. Given the tikanga of the Iwi is that all decisions that impact on the Iwi katoa, shall be discussed and determined in the wharenui of Tawakeheimoa at Tarimano Marae. Te Maru o Ngāti Rangiwewehi (the Iwi forum) have its decision-making process based on all key decisions being presented to the forum with opportunity for all voices to be heard in support or otherwise. The Iwi Tari Taiao also has some mandate coverage, and will report back as is required, or seek endorsement to engage on behalf of the Iwi on larger scale requests.
59. Te Tari Taiao is made up of a group of Iwi members who have relevant skills, experience and passion for the Taiao, who gather on a voluntary basis and collectively contribute to the various environmental external requests, as necessary. Response and action are founded on the Iwi endorsed IEMP document and relevant new information pertaining to key policy or plan developments. This arrangement requires a reliance on Tari Taiao Iwi members, all whom have competing priorities which can limit how the Iwi can actively respond to the flow of environmental requests. The sustainability of operating without a paid position for Te Tari Taiao, is not ideal and avenues are regularly explored and lobbied to support how we can actively manage the plethora of activities required to support the environmental aspirations of the Iwi.



Figure 13: Ngāti Rangiwewehi Tamariki mokopuna ki te Ngutu Awa

## PĀTAI 7. DISCUSSION AROUND FRESHWATER MANAGEMENT UNITS.

60. Ngāti Rangiwewehi puna / spring sources are distinct in that they are clearly established within the rohe of Ngāti Rangiwewehi. What is also taken into consideration is the boundary of which the water shed collects the surface water that attributes to the water ways along with the water bodies that receive the puna water sources. This area is larger than the area that Ngāti Rangiwewehi asserts its mana whenua over, but maintains ancestral, historical and contemporary interests in these water boundaries. Traditionally, these extended boundaries were marked by landmarks, by mountains, ridges, natural water courses, commuting routes, trade and warfare.
61. These natural boundaries have now been determined by Regional Council Water Management Units (FMU) and are what the Iwi view as artificial boundaries. Like other Iwi and hapū, Ngāti Rangiwewehi interacts with their rohe interests holistically, but are found restricted to the administrative boundaries set by Council processes that align to FMU maps and priorities.
62. In accordance with the National Objectives Framework, each Freshwater Management Unit - in its region; sets target attribute states, and flows and levels, for waterbodies; develops interventions (limits specified in rules, or action plans) to achieve the target attribute states, flows, and levels; monitors waterbodies and freshwater ecosystems; and takes steps if deterioration is detected.<sup>21</sup> The boundaries set for the FMUs, do not appear to be founded on Iwi input or decision-making and therefore do not provide for appropriate cultural boundaries.
63. Ngāti Rangiwewehi are a member of Te Maru o Kaituna River Authority, a co-governance entity made up of iwi representatives from Tapuika Iwi Authority Trust, Te Kapu o Waitaha, Te Pumautanga o Te Arawa Trust, Te Tāhuhu o Tawakeheimoa Trust, Ngāti Whakaue, and council representatives from the Bay of Plenty Regional Council, Rotorua Lakes Council, Western Bay of Plenty District Council and Tauranga City Council. It is a permanent joint committee of the four Councils. The purpose of Te Maru o Kaituna is the restoration, protection, and enhancement of the environmental, cultural and spiritual health and well-being of the Kaituna River<sup>22</sup>. This co-governance model for managing the catchment of the river with the appropriate mana whenua and Council bodies had taken time to fully establish and evolve as an effective Board for our representatives to be heard and find common ground for cultural aspirations and negotiate management priorities.
64. While the lakes district freshwater management unit, is not over allocated, we feel there is work to be done by the consenting authority to identify consents that have not been active, or which

<sup>21</sup> Essential Freshwater: Mana o Te Wai Factsheet (2020). Ministry for Environment, NZ.

<sup>22</sup> <http://kaituna.org.nz/index.php/who-we-are>


are not regularly utilising the allocation, to review their status. Councils should ensure that consent holders are monitoring and reporting on their water extraction and that planning for water allocation required for Māori development be considered. We also consider a moratorium on water extraction consents until the NPSFM has been determined be put in place to ensure water takes will comply with cultural standards, that strengthen *‘Te Mana o Te Wai’* while enabling tangata whenua to share in its own taonga as per Te Tiriti.

#### PĀTAI 8. VALUE SETTING, LIMIT SETTING, ATTRIBUTES.

65. Our values for *‘Te Mana o Te Wai’* and *‘Mana o te Iwi’* are the first right of water, to the awa.
- a. Consenting conditions by way of an operational and tangata whenua plan are followed;
  - b. Science monitoring from sites that Ngāti Rangiwewehi have determined;

Mātauranga-a-Iwi monitoring using our own sets of formal and informal indicators including:

- c. Depth, flow and regeneration of the awa is told intergenerationally in an active not historical view;
- d. Overall wellbeing, including riparian, smell, clarity and visibility of the water source is not in decline;
- e. Rangatahi and resident’s recreational interaction with the waterway is an intergenerational experience;
- f. Mokopuna of our onsite Kohanga Reo, continue interacting with the awa which has the same or better qualities that their parents have experienced;
- g. The mauri of the wai is strong, its mana is maintained or enhanced, and we continue to share pūrākau and waiata that depict its mana and mauri;
- h. Visitors still want to experience the awa because of its positive attributes;
- i. The awa continues to be acknowledged and is made known that it is a taonga tuku iho and is cared for and respected by kaitiaki, ngā uri o Ngāti Rangiwewehi, and anyone who visits;
- j. The water flows swiftly out to Lake Rotorua, not upstream;
- k. The new co-joint water consent for municipal supply is applied and managed in a way that further enhances the physical and cultural attributes of the water source and outflow;
- l. That land use intensification is limited and mitigated to reduce further impacts of contaminants;


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- m. That Ngāti Rangiwewehi are resourced to ensure the mana and mauri of the wai is promoted, maintained, and endures positive intergenerational experience of cultural and physical qualities;
  - n. Watercress returns to the awa for the health and sustenance of the awa and the people;
  - o. Freshwater mahinga kai can be experienced intergenerationally on the awa;
  - p. Mana to call 'rāhui' or prohibit activities where necessary to uphold the tikanga, mana and mauri of the wai or aligning of events or monitoring according to maramataka;
  - q. The people of Ngāti Rangiwewehi and wider community continue to be proud of the water quality, quantity, spiritual and cultural characteristics of our awa;
  - r. Water regulation and policy statements that have influencing factors on the awa align with Iwi aspirations, tikanga and mātauranga-a-Iwi frameworks;
  - s. Rongoā Māori can continue to be expressed through the healing waters and associated flora and fauna that are supported by the mana and the mauri of the awa.

#### PĀTAI 9. MONITORING AND ENFORCEMENT.

66. The Iwi has been able to leverage the data provided in the Kaitiaki Flows project to formalise a monitoring and reporting tool at Awahou within the consent conditions as set by the Iwi Environmental Management Plan (and the aligned Cultural Impact Assessment) for the joint resource consent between Rotorua Lakes Council and Te Puna o Pekehāua Trust.

#### OPERATIONAL AND TANGATA WHENUA PLANS

67. An operation plan and a tāngata whenua plan are established as a condition of the Joint Consent. It is envisioned that these plans work in parallel with the operational plan focusing on the technical and regulatory aspects of the implementation of the resource consent; and the tāngata whenua plan will identify how the applicants will ensure accountability, communication to the Iwi and any cultural impacts are managed appropriately.
68. The agreed terms of the proposed joint consent, ensure:
- The recognition of Iwi kaitiakitanga responsibilities and oversight of the proposal as it goes through its phases of consent, and if achieved, monitoring and review conditions;
  - That Iwi work alongside RLC to ensure investigation and implementation of water conservation measures are undertaken. This could include education and awareness programmes, metering, and improvements in the municipal water supply networks;
  - Parties regularly monitor and periodically review the implementation of the consent conditions including: oversight of consent conditions; adoption of new technology; and



opportunities to conduct rituals, ceremonies and activities associated with the establishment, completion of works and start of operations.

69. The elements to be developed to achieve the consent condition of a Tangata Whenua Management Plan will likely include but not be limited to the following:

- Cultural Induction training prior to the commencement of construction
- Blessings & Ceremonies
- Cultural Monitoring - review of consent conditions and associated documents to identify any specific cultural requirements; ensure Cultural Monitoring Protocols (CMP) are followed: site monitoring; accidental discovery protocols; provide leadership to the project team and contractors
- Proposed monitoring and review: 12 months after the plan is signed off, then every 2 years until fully commissioned; post-commissioning every 5 years; future opportunities; if unforeseen issues are triggered

70. Within the Tangata Whenua Management Plan, the following sub-plans would be developed by Ngāti Rangiwewehi with the support of the Consent Holders.

**Tāngata Whenua Collaboration Plan:** To identify the process and extent of involvement by Tangata Whenua in:

- (i) Developing the detail of the restoration activities for the Project;
- (ii) The delivery of the restoration activities; and
- (iii) Monitoring the effectiveness of the restoration activities.

**Mauri Monitoring Plan:**

Objective: To identify whether a decline in mauri is occurring over time as a result of the Project.

Purpose: To identify the process and methods for monitoring the impact on mauri over time.

Aspiration: To ensure the mauri is maintained now and for future generations.

71. The Operational Plan dictates how the monitoring is undertaken and will be guided by the Kaitiaki Flows project which stipulates a strong requirement for:

- Different flow monitoring regimes at different parts of the awa (see Figure 14) to ensure a holistic approach to the wellbeing of the river are able to be captured;

- Monitoring regimes designed to account for the fact the flow naturally varies over different times (seasons) of the year;
- Monitoring of water levels that are appropriate to maintain the Kaitiaki Flow and will use this information as a key indicator of the health and wellbeing of the awa;
- A water quality monitoring programme (with agreed determinants and measurement interval) that allows water quality assessment in stream reaches immediately upstream and downstream (A and B respectively – Figure. 10) of the water supply.

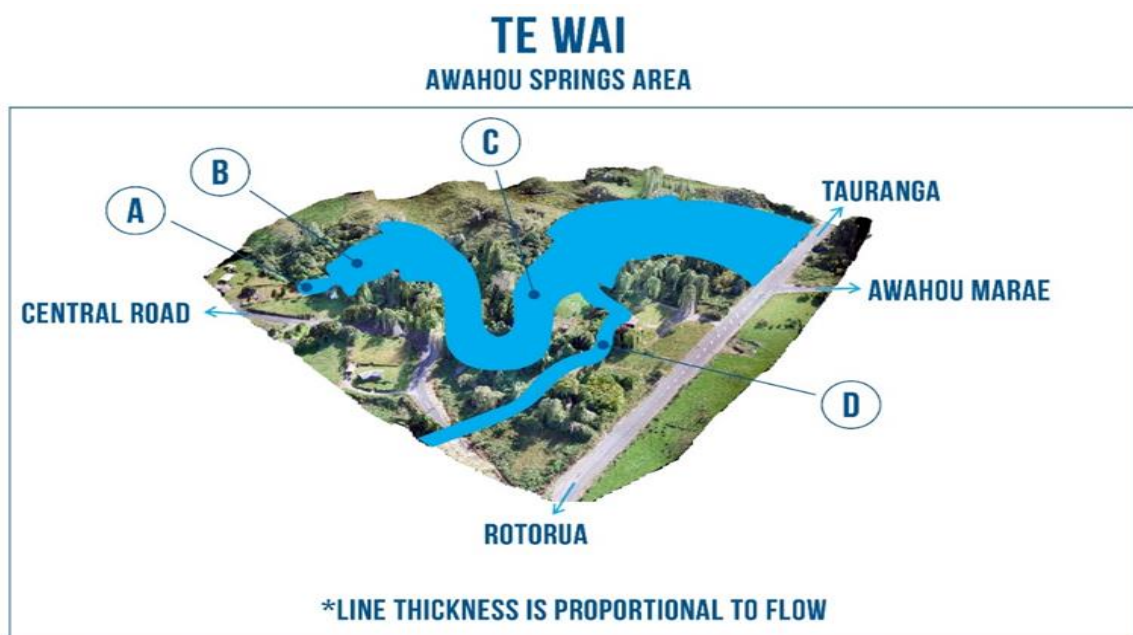


Figure 14: Iwi determined monitoring regime located at different parts of the awa.

72. The western methodology of identifying the ecological minimum flow as the baseline for water allocation models does not satisfy our cultural imperative of sustainable use and development. Recognition of the intrinsic value of our awa and puna through the development and integration of an additional water flow parameter that provides additional sustainability parameters when using and allocating water is considered to be a suitable method of recognising our precious water resource as a taonga-tuku-iho that must be protected, while also providing for social and economic use and development by and for Ngāti Rangiwewehi.
73. The Kaitiaki Flows Monitoring included in the operational plan includes:
  1. Having the Puna Reserve re-classified to recognise it as being the main tributary of the awa;



2. New Monitoring stations to be established at: (see Figure 14)

- |  |
|--|
| <ul style="list-style-type: none"><li>A. The source of the extraction – Te Waro Uri Puna</li><li>B. The Awatere Bridge Te Waro Uri– staff gauge/telemetric log</li><li>C. The Central Road bridge</li><li>D. SH 36 Te Wai Mimi o Pekehāua Bridge</li></ul> |
|--|

3. Provision of the summary of Kaitiaki flow: culturally derived flow regime including:

- Communications around the key features defined at Iwi workshops
- Clear recommendations from the Iwi

4. Monitoring provisions that include:

- surface water chemistry testing 3 monthly at Awatere Te Waro Uri bridge
- additional monitoring at Site A =80.3 L/s consent (inst. Flow rate)

5. Data collection and reporting:

- To an easy access/user friendly website data display and information hub;
- A 'graph: measured vs allocated flow overtime with Kaitiaki Flows limit constant

6. Water research opportunities / monitoring/ training/ internships opportunities are identified; and; Synchronicity with Resource Consent

7. A five-year review of:

- Rotorua Lakes Council volume including justified volume
- Cultural review: impact on Kaitiaki flows
- Staff gauge at Bridge designated site or Awahou village

8. Data Storage held by Rotorua Lakes Council displayed on website or another appropriate online platform

9. Emergency provisions such as:

- Triggers to initiate conservation measures
- Water Storage provisions, if any
- Clarity around Emergency take

10. Natural events, pipeline failures or other unplanned for circumstances, including as a temporary measure, when overall demand is high and cannot be or sustainably met by any other sources.

11. As a temporary measure, when overall demand is high and cannot be or sustainably met by any other sources.

## PĀTAI 10. SHARED DECISION MAKING: MĀTAURANGA MĀORI AND ITS USE AND APPLICATION / CHALLENGES AND POTENTIAL SOLUTIONS

74. While the Kaitiaki Flows project with GNS Research, determined the mātauranga and scientific rigor for theoretical and applied outcomes, progressing this with Council authorities is not a simple feat. Many hui have been held regularly to set and agree terms with some areas for negotiation and others that require a work around to ensure the essence of the agreed Iwi framework and conditions would not be lost in the system and processes required to reach consent approval. The formal research undertaken by Ngāti Rangiwewehi and GNS resulted in more in-depth data than most applicants would have available for detailed consideration by a consenting authority. Given Ngāti Rangiwewehi are undertaking joint consent with the District Council, maintaining relationships are required from all sides to reach a sustainable outcome for the water, Iwi and community benefit.

## PĀTAI 11. FRESHWATER MANAGEMENT

Figure 15: Ngāti Rangiwewehi TIKANGA, PŪNAHA, MAHI (TPM) MODEL

### **Tikanga: Values and Culture**

The overarching positioning and rationale for the way we approach our environment. As Tangata Whenua and Kaitiaki o Papatūānuku.

Tōku Rangiwewehitanga - Acknowledgement of our Mana Whenua as Rangiwewehi.

Acknowledgement that we are part of a structure that is overarched by Te Maru o Ngāti Rangiwewehi - Tikanga based entity.

### **Pūnaha: Policies and Principles**

Values behind our responsibilities as Tangata Whenua and Kaitiaki. This is where the interface between people, culture, environment and science based practice can begin.

Relationships and Chairs on various committees are also a reflection of the Pūnaha level.

Rangatiratanga over our waterways "Nō mātou te wai".

### **Mahi: Action and Practice**

Projects and Practices. Kaitiaki Flows reflects strongly how an Iwi are integral in the management and care of land or waterways in their rohe when barriers are removed and where resourced to do so.

Continuing to evolve and develop knowledge base of our taonga and practice of kaitiakitanga.

75. During the development of a hui held during the Kaitiaki Flows project, Iwi members designed what the Iwi refer to as the TPM Model – the Tikanga, Pūnaha and Mahi Model. The idea was to find a model that allowed the defining of Kaitiaki Flow, in which the first hui needed to start by first defining the way Ngāti Rangiwewehi interpret Kaitiakitanga, mātauranga Māori and Pūtaiao / western science – practices and knowledge.
76. The framework identifies that the interface between a western and Kaupapa Māori intervention of principle in “Ngā take Taiao” begins at Pūnaha level. As Tangata Whenua and responsible guardians of our lands, our tikanga practices of manaakitanga, aroha and kaitiakitanga will guide the process in ensuring the correct decisions and practices are followed. The model is simple and able to be applied to various environmental settings and programmes of work. It is bound to ngā tikanga of the Iwi, that is founded on the Iwi collective voice and decision making that is made by the people in the ‘house’ of Tawakeheimoa, Tarimano Marae<sup>23</sup>.

#### PĀTAI 12. WATER QUALITY, QUANTITY AND ALLOCATION.

77. The agreed conditions for the quality, quantity and allocation of water is being determined in the conditions of the joint consent. Ngāti Rangiwewehi have its own aspirations, some are explicit in the consent application and conditions and some are addressed internally:
- The flow regime should vary from place-to-place in the Awahou springs complex
  - The flow regime should vary over time, preserving the natural variability
  - Kaitiaki flow should be at least 90% of natural flow
  - Water quality should be preserved; therefore, land use should not be intensified in the Awahou springs catchment
  - That long-term sustainability of the springs are maintained
  - Iwi defining the cultural context of monitoring
  - Return the watercress and the raupo to the waterways
  - Monitor using tikanga and mātauranga in conjunction with science
  - Also flow- levels- sediment -quality
  - Whole of river focus for Ngāti Rangiwewehi
  - Watercress monitoring
  - Maramataka monitoring
  - Rangatahi involvement in monitoring and management

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<sup>23</sup> White, P. A., Bidois, L.-A., Mohi, G., & McGrath, W. (2020). Kaitiaki flow and management regime in the spring-fed Awahou Stream, Lake Rotorua. *Journal of Hydrology (New Zealand)*, 59(1), 63–78.

### PĀTAI 13. WATER STORAGE.

78. We acknowledge, that our first water ‘storage’ system is celestial, and has an Atua based connection to Ranginui and Papatūānuku and is a taonga tuku iho.
79. The terrestrial system is taking form in part via the following:
- a. Physical water storage is currently the groundwater puna source and managing this in a sustainable way is critical to Ngāti Rangiwewehi
  - b. Monitoring water take consents in the area and participating in the consenting process to ensure cultural impacts are considered for sustainable water extraction in the rohe of Ngāti Rangiwewehi
  - c. Onsite marae water tanks for current and future sustainable water management
  - d. Monitoring data of historical and current water-take by the current consent holder
  - e. Informed of data related to current and future water allocation required from the Puna o Pekehāua spring source
  - f. The water source ‘pump house’ is currently aesthetically offensive to the Iwi and a lot of exploring an engineered structure to ensure the functionality and cultural connectivity of the new – yet to be established pump house will be key to the success of the consent application and conditions.

### PĀTAI 14. WATER USE/TAKE (INDUSTRY USES).

80. For decades, the waters associated with Ngāti Rangiwewehi deriving from Te Puna o Pekehāua has been harnessed by the Council authority of the time, to extract water for municipal supply to surrounding communities. The land associated with the water source was taken (1 acre) to then supply water to surrounding communities. The land and therefore the water source was taken from the Iwi to supply communities while the Iwi village of Te Awahou, were and are still required to pay water rates, while the outlying urban fenced communities are not required to. While the take of water is municipal, over the decades, it is likely the water has been used for multiple purposes. With the proposed consent now based on joint-management (application still in progress at the time of writing), the anticipated joint-venture provides a significant shift in decision-making, management and monitoring including the Iwi co-designing the conditions of water use and water take.

### PĀTAI 15. LOCAL AUTHORITY DECISION MAKING.

81. The Ngāti Rangiwewehi Iwi Environmental Management Plan identifies that current regional minimum flow settings do not provide for the cultural values of the Iwi with little knowledge or data held on groundwater systems, mātauranga-a-Iwi and cultural perspectives. Ngāti Rangiwewehi consider that current water management strategies do not adequately address

the cultural values in managing water quality, quantity and allocation. Section 4 of the Ngāti Rangiwewehi Iwi Environmental Management Plan's water chapter gives further direction "*That in-stream minimum flows, flow regimes, and lake tributary levels which recognize and provide for the cultural values of Ngāti Rangiwewehi and the ecological health of connected ecosystems are promoted to Regional Council.*"

82. This said, Regional Councils are only required by the Resource Management Act to - *take into account*, Iwi Management Plans. This leaves much of the decision-making, regulations, conditions, rules, methods and implementation of policy in the hands of the council and consenting officers. This coupled with the financial resourcing to manage environmental resources primarily devolved to the council authority, has proven to disenfranchise the Iwi from participating fully in its role of kaitiaki.

#### PĀTAI 16. CAPACITY AND CAPABILITY TO ADDRESS FRESHWATER MANAGEMENT.

83. One of the outputs of Kaitiaki Flows was a water resources capability plan. This Capability Plan (the Plan) outlines the pathway to succession planning for Ngāti Rangiwewehi. The Plan includes an assessment of potential opportunities for Ngāti Rangiwewehi that aim to utilise the mātauranga gained from the Kaitiaki Flows project with a summary of feedback on these opportunities from a Ngāti Rangiwewehi hui held on 9<sup>th</sup> June 2019. The Plan also considers current Ngāti Rangiwewehi governance structures, internal processes and planning to determine the best structure and decision-making processes for this mātauranga to be utilised locally, nationally and internationally.

#### NGĀTI RANGIWEWEHI IWI STRUCTURE.

84. Ngāti Rangiwewehi has a unique Iwi structure. As is typical of most post-settlement Iwi structures, Ngāti Rangiwewehi has a multitude of entities all tasked with delivering specific tasks. This includes but is not exclusive to; the Post Settlement Governance Entity, Te Tāhūhū o Tawakeheimoa, the Rangiwewehi Charitable Trust (RCT), the Tarimano Marae Trust, the Tarimano Kōhanga Reo, the Awahou Activities club, the Pekehāua Puna Trust, Te Tari Taiao, our Iwi environmental unit and Te Maru o Ngāti Rangiwewehi (TMONR).
85. The role of our Iwi authority - Te Maru o Ngāti Rangiwewehi essentially acts as the voice of the people and determines how the Iwi engages on a political level with external organisations (e.g., with the Crown, local/regional authorities and other Te Arawa Iwi). Given our key Iwi entities report to TMONR, ensures accountability and consistency with decision-making and communication inside Ngāti Rangiwewehi and our approach with external organisations.
86. RCT is the operational arm of TMONR. As such, RCT provides a legal, governance and financial support as required by TMONR. Environmental issues have traditionally been

handled by Te Tari Taiao, our environmental unit on behalf of the Iwi which has continued following our Treaty settlement process. It remains a necessity to retain our Tari Taiao structure so that we as an Iwi can keep up to date on the on the issues, options and solutions that impact on our Taiao aspirations although the Tari Taiao now essentially operates on a nil budget and on a voluntary basis.

87. The project team believed there will be opportunity to further leverage the aspirations and mātauranga the Kaitiaki Flow project captured. Various workshops were held to understand what matters most when preparing to be co-joint applicants with management as well as a kaitiaki roles, over our taonga, Te Waro Uri - Te Wai Mimi o Pekehāua. Voices of the people involved across the various wānanga told us:



Figure 16: Ngāti Rangiwewehi tamariki mokopuna at their river, Te Awahou, Te Wai Mimi o Pekehāua

KAITIAKI CAPABILITY MODEL FOR WATER MANAGEMENT OF TE WARO URI:

<p><b>Water and Iwi Development</b></p> <ul style="list-style-type: none"> <li>• Building capacity to work with the wider Iwi</li> <li>• Apply what we have learnt in all waterways within the Rangiwewehi catchment</li> <li>• Intergenerational thinking and succession planning</li> <li>• Research and workshops to share knowledge within Iwi and others</li> <li>• Business plan that benefits the interests of the Iwis</li> <li>• Our own mātauranga-a-Iwi frameworks that are formal and informal in monitoring and managing for restoration and protection of our Taiao</li> </ul>	<p><b>Water Quality / Stream Monitoring</b></p> <ul style="list-style-type: none"> <li>• Regular monitoring by the Iwi, modern technology, multiple venues, of all our interrelated waterways</li> <li>• Return the watercress and the raupo to the waterways</li> <li>• Monitor using tikanga and mātauranga in conjunction with science</li> <li>• Whole-river focus for Ngāti Rangiwewehi - flow, levels, sediment, quality, mana, mauri</li> <li>• Watercress monitoring, mahinga kai thriving</li> <li>• Maramataka monitoring</li> <li>• Ngāti Rangiwewehi in conjunction with relevant expertise until we have our succession planning in place</li> </ul>
<p><b>Emergency Conditions</b></p> <ul style="list-style-type: none"> <li>• Allowing more access to communicate honestly with us. Include the Iwi on the long-term plan development (i.e. 10-20 years)</li> <li>• Emergency as determined by the consent</li> <li>• Criteria is regulated and monitored</li> <li>• Short term only weeks/months</li> <li>• Not detrimental to the quality of the water</li> <li>• Emergency conditions are not for development purposes</li> </ul>	<p><b>Capability Plan</b></p> <ul style="list-style-type: none"> <li>• Collaborative planning and working together is important for the treaty partnership</li> <li>• Succession planning and a skill base review is needed to support environment projects</li> <li>• Creating pathways for rangatahi into science through focused scholarships</li> <li>• Archiving of mātauranga a Iwi. Hard copies/digital</li> <li>• Whakawhanaungatanga - Ngā uri ō Rangiwewehi</li> <li>• Training and capability building for neighbouring Iwi/hapu/whanau and communities</li> <li>• Continue to inform, plan, review, and monitor needs and expertise into the future</li> <li>• Resourcing to enable capability and capacity</li> </ul>

88. After full analysis of the feedback received, we conclude that the final structure of Ngāti Rangiwewehi’s capability in water resources needs to be able to perform the following functions:

- **Advisory Role:** Have resources to enable the Iwi to actively advise and mitigate on kaupapa within the Ngāti Rangiwewehi catchment, including consent applications, input into plan changes, and influence on policy statements.

- **Tautoko – Support other Iwi:** To respond and assist with request that are made to Ngāti Rangiwewehi from organisations and interests outside of the Iwi, who seek support to work through similar processes to ourselves. To work with our whakapapa or connected Iwi / hapū to present our combined efforts.
- **Kaitiakitanga:** Robust monitoring of our flow regimes and water quality. Being robust in our role of kaitiaki and working with external environmental agencies to provide the best quality, and most effective, monitoring systems.
- **He Taonga Tuku Iho:** Developing succession planning in the form of scholarships, educational packages and resource kits that allow our knowledge to be shared with our tamariki mokopuna for intergenerational relationship and mātauranga related to our environment and aspire to raise Ngāti Rangiwewehi scientists/hydrologists and ensure the continued guardianship of our taonga.


#### PĀTAI 17. ENGAGEMENT APPROACHES.

89. The Kaitiaki Flows project has created opportunity to educate and support other Iwi in order to create better outcomes for our taiao locally and globally. The initial response team to carry this mahi forward, given the history and the strength of the Ngāti Rangiwewehi Te Tari Taiao, has remained with this team. While this ‘team’ was initially a team of 1.5FTE, due to funding constraints, has required an Iwi call to action, by way of a larger, but voluntary group of Iwi members with expertise and passion for the taiao. This provides both challenges and opportunities.
90. A strong functional environmental unit can help bridge gaps between both Iwi members and Iwi governance and make recommendations for the wider Iwi to consider when it comes to monitoring and evaluating the successful application of Kaitiaki Flows within the rohe.
91. We also want to benefit from the knowledge and the resources that are held with central and local government and are open to the opportunity of shared resources, capacity and capability that can be shared between the parties for improved environmental, social and cultural impacts.

#### PĀTAI 18. THE INTERFACE BETWEEN TREATY SETTLEMENTS AND *TE MANA O TE WAI*.

92. In a Treaty settlement context, as an Iwi who settled in 2014 who has invested largely in our Marae and future investments, our ability to engage is affected by resourcing and capacity. The ability to influence at a legislative and policy level is directly affected by our ability to be able to invest in relationships and attendance at the national level forums and conferences.
93. While the Treaty settlement itself did not return Te Waro Uri, there were admissions in the Ngāti Rangiwewehi Claims Settlement Act 2014: that ...“The Crown acknowledges that Taniwha





Springs/Pekehāua Puna Reserve is a sacred taonga to Ngāti Rangiwewehi and is central to Ngāti Rangiwewehi traditions and identity as an iwi... The Crown further acknowledges that the taking of the land at Taniwha Springs and the subsequent abstraction of water had a severe impact on Ngāti Rangiwewehi and are strongly felt by Ngāti Rangiwewehi to be the greatest grievances they bear against the Crown”<sup>24</sup>. The ruling of the Environment Court was also taken into account when the settlement was in process, with Government approving a grant of \$1.075 million to RLC to assist with establishing an alternative water supply.


94. Ngāti Rangiwewehi like other Iwi have had their explicit rights to freshwater ‘put on hold’ with the Government’s view that either no-one, or, everyone owns the water. Like the geothermal resource, the time to seek settlement over freshwater has not arrived.
95. Ngāti Rangiwewehi is a claimant to the Wai 2358 National Freshwater and Geothermal Resources claim. We are still waiting for the Crown to confirm our mana or rights and interests to our wai. In this regard we also have grave concerns about the Three Waters strategy being proposed by the Crown. All indications show that rights to the water will be transferred to another entity, which in our eyes amounts to nothing more than a modern-day form of raupatu. Our solution is simple, deal with the rights and interests kaupapa first, then sit down with us to wānanga the three waters kaupapa.
96. At any political level where Ngāti Rangiwewehi is represented, the iwi position is that – “Nō mātou te wai, nō mātou te kōrero”, which is simply a plain English term for a more complex and holistic Iwi relationship to the water. The other interchangeable high-level political statement being that, “only Ngāti Rangiwewehi will speak for Ngāti Rangiwewehi”.

#### PĀTAI 19. BARRIERS TO PARTNERSHIP APPROACHES: PROPOSE SOLUTIONS AND RESOURCING.

97. The biggest barrier to partnership approaches for Ngāti Rangiwewehi are:
  - a. Partnership has typically been based on consultation and not partnership of equal rights;
  - b. Capability at both ends need to be developed – Iwi could benefit from more technical skills in resource management planning, technologies, science monitoring, RMA, LGA, RPS Policy; and Council staff could improve on its relationships, cultural competencies and benefit sharing;

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<sup>24</sup> Ngāti Rangiwewehi Claims Settlement 2014. New Zealand Legislation.

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- c. Capacity of Iwi members to actively contribute to planning and decision-making is not consistent due to other competing matters, including Iwi priorities and ability to fully participate when working in a voluntary capacity;
  - d. Resourcing in general is held by the local government authorities who have staff to undertake all its functions. By devolving adequate funding to Ngāti Rangiwewehi to manage its own resources, or by appropriately share appropriate resourcing, local authorities would assist with above components.

#### PĀTAI 20. GUIDANCE FOR COUNCILS AND CENTRAL GOVERNMENT: SOLUTIONS, INCLUDING RESOURCING.

- 98. Ngāti Rangiwewehi require resourcing to build capability and capacity for the expression of Tiriti/Treaty Partnership and to enable the Iwi to fully participate in accordance with our rights, responsibilities, tikanga and kaitiakitanga roles, including but not limited to:
  - Development of planning documents
  - Participation in decision making
  - Implementation, monitoring and response
  - Maintain cultural relationship and continuation of connection to lands and waters
- 99. There is a plethora of contestable funds available for us to then “participate”, however this is a system that privileges those with time and existing resources to bid for this funding. It assumes the relationships are in place for partnership and expects the involvement of Councils or agencies with which relationships can be fraught are straight forward. Standing in our own mana is not considered enough. This resource is not equitably allocated to support the level of participation that works for all parties. Potentially, we could increase participation of our Iwi by 100% if we are resourced, versus someone who employs multiple persons and has little engagement, response or success.
- 100. Key items for framing a more equitable partnership with the regulating Council Authority, was submitted as part of the Ngāti Rangiwewehi submission to the BOPRC Long Term Plan (2021):
  - Ngāti Rangiwewehi maintain its rights and obligations to protecting and monitoring the mana and mauri of its sites of significance.
  - Funding for the management and monitoring of the Natural resources of Ngāti Rangiwewehi and tangata whenua should be built into the local authority levies or devolved proportionally to allow for appropriate mana whenua participation and kaitiakitanga over Treaty/Tiriti protected taonga.

- Incorporation of cultural resource management framework - including participation of Iwi and hapu at all levels of resource management.
- Komiti Māori to have more decision-making authority that consider tangata whenua aspirations for environmental sustainability, kaitiakitanga, hungātiaki and mātauranga Māori.
- Similar to biodiversity funds and *Te Mana o Te Wai* funds, an establishment of cultural management funding should be available for active participation for tangata whenua.
- Notify tangata whenua when consents are expiring, likely to be renewed, and undertaking a review. Provide this by way of visual and written data, for ease of tangata whenua consumption and response.
- By way of the Bay of Plenty Regional Council's - He Korowai Mātauranga - NPSFW engagement strategy: Te Hononga, that clear information to contribute into value setting is provided and support available is understood with Iwi participation compensated appropriately.
- Undertake a review to ensure that there is a demonstration of systemic commitment to providing appropriate opportunity for genuine participation, updates and feedback on all matters of resource management.

#### PĀTAI 21. IDENTIFICATION OF TOOLS TO SUPPORT THE REDUCTION OF BARRIERS TO *TE MANA O TE WAI*.

101. Through key discussions with Ngāti Rangiwewehi Te Tari Taiao and other engagements across the Iwi, the following tools that would reduce barriers to Te Mana o Te Wai in our rohe include:
- a. The Mana o Te Wai Capability Funding to provide practical solutions to supporting Iwi to navigate and set direction for genuine participation and visibility in the NPSFM process.
  - b. Technical support writers to compile historical and current works that the Iwi has developed that is appropriate and applicable to the Iwi position on its relationship with Iwi waterways for inclusion into decision-making.
  - c. Timelines that are not determined by Council, but that are appropriate to the significance of meaningful relationships, partnerships and water as a taonga.
  - d. Creative and culturally appropriate methods for engaging Ngāti Rangiwewehi on Mana o Te Wai, to maximise the experience, depth of knowledge, cultural vibrancy, intergenerational focus, political voice and mātauranga that the Iwi contribute.
  - e. Understanding how it's contributions will or will not be used in the process and provide transparency and scope of expectation that is reciprocal.

- f. Being kept in the loop with how planning decisions are being made will allow for more trust to develop in the process vs. consulting for process sake.
- g. Education tools for non-Māori who will be impacted by the higher threshold of protection standards, to understand their own rights and responsibilities to participate.
- h. Ensure staff are culturally trained and understand how Mana o Te Wai should be developed and applied for shared benefits.

## PĀTAI 22. ANY OTHER MATTERS AND GENERAL CONCLUSIONS.

### THREE WATERS SERVICES BILL

102. The Government has recently determined that it will increase regulation for the provision of drinking water, waste-water services and storm water management. This regulation as it is currently being developed will breach Te Tiriti and the principles that the Government has committed to upholding. Ngāti Rangiwewehi consider the current reform programme as allocation by stealth and the gross privatisation of our taonga. It is the deliberate and systemic stripping away of the rights and interests that Ngāti Rangiwewehi has in our water resources. *Te Mana o Te Wai* for Ngāti Rangiwewehi is the ability to continue our mana whakahaere and our role and responsibilities as kaitiaki of the waters within our rohe and to maintain rangātiratanga as provided for in Te Tiriti. 'The 3 Waters' Water Services Bill impinges on this.

### PLAN CHANGE 9

103. Plan Change 9 proposed amendments to water quantity policy, objectives and rules in the Regional Council's Natural Resources Plan as part of a staged approach to the implementation of the National Policy Statement for Freshwater Management. Ngāti Rangiwewehi (alongside Ngāti Pūkiao Environmental Society & Others: ENV2015-AKL000331 named 'Group 1') were involved in the process that involved feedback, submissions, further submissions, Council hearings and in the pre-mediation workshop participation that led to the BOPRC withdrawing the Plan Change.
104. Extract from our Iwi submission on PC9: *"Kaitiaki (Water) Flows – Recognition of the intrinsic value of our awa and puna through the development and integration of an additional water flow parameter that provides additional sustainability parameters when using and allocating water is considered to be a suitable method of recognising our previous water resource as a taonga-tuku-iho that must be protected, while also providing for social and economic use and development for and by Ngāti Rangiwewehi. The flow on*

*benefit to the wider community over the long-term is an obvious positive outcome as global water reserves become limited or unusable due to poor water management practices.”*

105. Ngāti Rangiwewehi continues to engage in the PC9 appeals process joining Te Motiti Moutere Trust and Ngāti Makino, further challenging for the withdrawal of PC9. (CIV-2020-470-000111 - An application for judicial review concerning a statutory power of decision under the Resource Management Act 1991)
106. Ultimately, BOPRC and the (multi-organisation) *Groups 2-4* struggled and failed to come to agree to the terms of the concepts of actualising 'Te Mana o Te Wai'. The pre-appeal and Review Hearings process are now in progress. The Appeal and Judicial Review Hearings will take place in September 2021 at Hamilton High Court.

**Key Factors:**

107. Ngāti Rangiwewehi and other appellants from the original Group 1 workshops, proposed that the PC9 include and take into account:
  - Te Mana o Te Wai
  - Te Tiriti o Waitangi
  - Mauri Indicators be given same weighting as science indicators
  - Iwi Environmental Management Plans - recognition and practical implementation
  - Decision Making (applicable policies and rules)
  - Rights and Interests (applicable enabling policies and rules)
  - S33 Transfer of Rights (applicable policies and rules)
  - Mātauranga Māori / mātauranga a-Iwi taken into account
  - Sections 6, 7, 8, RMA taken into account
  - Grand parenting (1st in 1st served) be reviewed and other options provided
  - Māori Land development taken into account

## PLAN CHANGE 10

108. Plan Change 10 was a response to declining water quality introduced rules to limit the amount of nitrogen entering Lake Rotorua from land use, in order to improve water quality. The rules set out how Nitrogen Discharge Allowances will be allocated to individual rural properties and were developed in consultation with members of the Rotorua community, Iwi and the Rotorua Lakes Programme (Rotorua Lakes Council and Te Arawa Lakes Trust and Bay of Plenty Regional Council).

### Key Factors:

109. Land intensification, wastewater discharges and intensification of farming has over the last 40 years, had a significant impact on the mauri of Lake Rotorua. Ngāti Rangiwewehi joined the Appeal Appellants as Section 274 interested parties and progressed in a shared position (Natural Capital Group) and Mana Whenua (including Ngāti Makino, Tūhourangi Ngāti Wahiao, Ngāti Whakaue), CNI Holdings, Te Tumu Paeroa and Rotorua Lakes Council established common ground on PC10 [2019] NZEnvC 136<sup>25</sup> and [2020] NZEnvC 213<sup>26</sup>:

- Concern that the views of Mana Whenua had not been adequately considered
- The Grandparenting allocation model was considered inequitable in that it limits the ability of responsible landowners within the catchment who had historically, undertaken minimal changes to address environmental effects for improved wellbeing and that of future generations
- PC10 allows those who have a high nutrient discharge to continue to do so without requiring the cost of those activities to be addressed by the responsible party
- PC10 particularly impacts on land in Māori ownership in the Lake Rotorua Catchment; both those lands considered under-utilised and currently utilised land which will be locked into the current land use model despite having capability to have an alternative land use
- The economic outcomes for the District would be significant and the most impacted would be lands held in Māori ownership.

110. Plan Change 10, by way of the Environment Court final decision resulted in the approval for final wording with the final steps currently underway to set an operative date and updating the Regional Natural Resources Plan.

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<sup>25</sup> <https://www.environmentcourt.govt.nz/assets/Documents/Publications/2019-NZEnvC-136-Federated-Farmers-of-New-Zealand-Incorporated-v-Bay-of-Plenty-Regional-Council.pdf>

<sup>26</sup> <https://www.environmentcourt.govt.nz/assets/Documents/Publications/2020-NZEnvC-213-Federated-Farmers-of-New-Zealand-Incorporated-v-Bay-of-Plenty-Regional-Council.pdf>

## TE MANA O TE WAI AND KAITIAKI FLOWS

111. The National Policy Statement for Freshwater Management<sup>27</sup> incorporated Māori involvement in water management with *Te Mana o Te Wai* values that “must inform the setting of freshwater objectives and limits” and that link health (of the water body, the wider environment and the people) to policies (NPSFM Objective AA1).
112. In principle , we support the Mana o Te Wai hierarchy of obligations. This hierarchy means prioritising the health and well-being of water first. The second priority is the health needs of people (such as drinking water) and the third is the ability of people and communities to provide for their social, economic and cultural well-being<sup>28</sup>. We also take into account, the 6 principles; Mana Whakahaere, Kaitiakitanga, Manaakitanga, Governance, Stewardship, Care and Respect.
113. We welcome robust discussions with Regional Council on how *Te Mana o Te Wai* should be given effect in freshwater management in accordance to kaitiakitanga, tikanga, mana, mauri and mātauranga a-Rangiwewehi. We believe our standards are likely to set higher thresholds to the standards that the NPSFM will incorporate, which is concerning.

## TE KAIKAITAHUNA WATER CONSENT

114. It’s worth noting that in addition to the intrinsic regard to Te Wai Mimi o Pekehāua (Awahou Stream), the Iwi has also established a resource consent for a water take at Te Kaikaitahuna (Hamurana Stream). Te Kaikaitahuna Management Company Ltd (TKM) a subsidiary of Te Tāhūhū o Tawakehimoa Trust (the Iwi PSGE), is currently undertaking further due diligence prior to establishing a long-term partnership, to develop a water venture at Hamurana Springs located at the Hamurana Springs Recreation Reserve.
115. Hamurana Springs is a special place to Ngāti Rangiwewehi, with a rich history that is enjoyed by the Iwi and visitors to the reserve. Originally Hamurana Springs (known to Ngāti Rangiwewehi as Te Kaikaitahuna) was a tribal settlement of the Iwi. The Kaikaitahuna Stream is the result of 8 significant springs on the Hamurana Springs Reserve. The springs themselves were also used for healing during times of illness and warfare. The wider area was an important food supply for the tribe which included native fish, birds and pigs which were supplemented by fern roots and communal gardens.
116. The water at the proposed extraction site at Hamurana Springs is attributed from the Mamaku Plateau through underground aquifers which is a cumulation of between 50 – 100 years.

<sup>27</sup> National Policy Statement for Freshwater Management 2020. NZ Gazette.

<sup>28</sup> Essential Freshwater: Te Mana o Te Wai factsheet. (2020) Ministry for the Environment, NZ.

Through this journey, the water absorbs health, giving minerals from the underground rocks and lava rock. Our water source comes via the Mamaku Plateau as does the water source at Te Waihou Springs in Putaruru and is similar in their aesthetic characteristics. The Waihou Springs are estimated to supply approximately 70% of New Zealand’s bottled water<sup>29</sup>.

117. The existing Hamurana Water take by the Rotorua Lakes Council (RLC) takes up to 50 litres per second. This coupled with the iwi resource consent of 10 l/s provides for a remaining allocable flow of 77 l/s. This has been summarised in the following table:

Table 1: Remaining Allocable Flow at Hamurana Springs

	Existing RLC Water Take	Our Water Take	Allocable Flow	Surplus
Litres per second	50	10	137	77

118. While the table above indicates the potential for future growth, TKM has made it clear in its exploration that the sustainability aspirations of Ngāti Rangiwewehi around our rivers and waterways is paramount and is looking to apply our Kaitiaki Flows cultural monitoring tool as part of any future commercial arrangement for the wai.
119. Any commercialisation of our wai has always been contingent on our ability to ensure that the first right to the wai, goes to the wai. It is important to Ngāti Rangiwewehi that this model is applied to all water consents in our area of interest to determine allocations. Ongoing monitoring of the Kaitiaki Flow is also required as part of any water venture moving forward.

<sup>29</sup> <https://www.newzealand.com/nz/feature/te-waihou-walkway/>



*“Ko te whiu o te kōrero i whiua i Tarimano”  
“Ko Te Awahou mātou, ko mātou, ko Te Awahou”*



Figure 17: Ngāti Rangiwēhē Iwi awaiting the signing to return Te Waro Uri, Te Puna a Pekehāua, Nov 2015, Tarimano Marae. (Fairfax NZ)




Figure 18: Ngāti Rangiwēhē Iwi, members of Rotorua Lakes Council, whanaunga and supporters at the ceremony returning Te Waro Uri, Te Puna a Pekehāua, Nov 2015, Tarimano Marae. (Rotorua Daily Post)

*“Nō mātou te wai, nō mātou te kōrero”*

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## GLOSSARY

**Awa:** River, stream

**Awahou:** Referred to as the area of Te Awahou, location of Tarimano Marae and (Te) Awahou river

**Iwi/ hapū:** Tribes and grouping of whānau

**Iwi Environmental Management Plan (IEMP):** Ngāti Rangiwewehi Environmental Plan / Policy

**Ka Tū te Taniwha:** Mātauranga-a-Rangiwewehi Assessment Model for measuring and interpreting water data for Ngāti Rangiwewehi

**Kaitiaki:** Cultural and environmental caretaker

**Kaitiaki Flows:** Kaitiaki Cultural Flows regime to manage Ngāti Rangiwewehi water allocation using mātauranga-a-Rangiwewehi

**Mahinga kai:** Food and taonga resources

**Mana whenua:** Iwi/hapū with enduring connection with the land

**Mātauranga-a-Iwi:** Knowledge originating from the Iwi

**Mātauranga-a-Rangiwewehi:** Knowledge originating from Ngāti Rangiwewehi

**Mokopuna:** Grandchildren and next generations

**Pekehāua:** Tīpua – Ngāti Rangiwewehi Taniwha associated with Te Waro Uri

**Pekehāua Puna Reserve Trust:** Ahu Whenua Trust associated with the management of the Puna

**Puna:** Freshwater spring

**Rangatahi:** Young people

**Rangiwewehi Charitable Trust (RCT):** Enabling Rangiwewehi social, cultural, environmental, educational and other aspirations

**Rohe:** Area of significance

**Rotorua District Council:** Refers to: Rotorua Borough Council (pre-1979), Rotorua District Council (1979-2013), Rotorua Lakes Council (2014 onward)

**Taiao:** Environment

**Tamariki:** Children

**Tangata whenua:** People associated to the whenua

**Taonga tuku iho:** Treasures handed down

**Tarimano Marae:** Home of Ngāti Rangiwewehi ki ūta

**Tawakeheimoa:** Ancestor of Ngāti Rangiwewehi and ancestral meeting house of Ngāti Rangiwewehi

**Te Awahou:** Used interchangeably with Te Wai Mimi o Pekehāua (river)

**Te Maru o Ngāti Rangiwewehi (TMONR):** Ngāti Rangiwewehi Iwi Authority

**Te Tāhūhū o Tawakeheimoa Trust:** Ngāti Rangiwewehi Post Settlement Governance Entity

**Te Tari Taiao:** Ngāti Rangiwewehi Environmental Office / Team

**Te Tiriti:** Te Reo Māori version of the Treaty of Waitangi

**Te Wai Mimi o Pekehāua:** Used interchangeably with Te Awahou (river)

**Te Waro Uri:** The lair of Pekehāua and site of the historical and current water consent

**Tupuna:** Ancestor /ancestral



Figure 19: Mokopuna o Ngāti Rangiwewehi at Te Awahou, Te Wai Mimi o Pekehāua, Tarimano Marae.