



# WAIAPU KOKA HUHUA

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## HAPŪ LEADING TE MANA O TE WAI

A MANA WHENUA CASE STUDY PREPARED FOR POIPOIA LTD  
GIVING EFFECT TO TE MANA O TE WAI | OUR LAND AND WATER SCIENCE CHALLENGE,  
JULY 2021

## **Cover Page**

Waiapu River taken from above the Rotokautuku Bridge looking south west towards Hikurangi Maunga (Eruera Walker, 2021)

Research Delegation viewing the Blue Slips, Waiorongomai Stream, (He Oranga Trust, 2017)

Kahlia Richards swimming at Te Mata (Ashlee Keelan-Richards, 2017)

GIS Wananga Hiruharama Pa (Manu Caddie, 2015)

Ko Waiapu Te Awa Art Competition Entry – G. Tuhura (He Oranga Trust, 2004)

This report is written by Pia Pohatu and Kate Walker.

This case study was prepared under contract to Poipoia Limited for the Giving Effect to Te Mana o te Wai project and cannot be used for any other purpose without the express written authorisation of Pia Pohatu.

All cultural information contained in this report, including all mātauranga Ngati Porou is the intellectual property of hapū who whakapapa with the sites, oral histories and traditions described herein.

## EXECUTIVE SUMMARY

1. Hapū and whānau of Ngāti Porou hold customary authority for all natural and spiritual taonga through whakapapa and as te ahikaaroa mai Potikirua ki Te Toka A Taiau.

Hapū and whānau of Ngāti Porou uphold their whakapapa and mana in and with Wai through the day-to-day and generation by generation relationship and reliance on their wai for life, sustenance, livelihoods, ceremony and enjoyment. Wai and whenua are intrinsically part of identity, belonging and ways of living, knowing and being. With benefit and privilege comes obligation and duty.

Ngāti Porou understandings of mana – enshrined within our mātauranga Ngāti Porou - will inform how Te Mana o Te Wai be given effect to within te rohe o Ngāti Porou and for such reasons Te Mana o Te Wai is able to strengthen the ability of hapū and iwi to lead in freshwater management.

2. Key relevant parties in freshwater management in the Waiapu are hapū/ mana whenua associated with their wai, Te Runanganui o Ngāti Porou; Gisborne District Council and various Crown agencies such as Ministry for Primary Industries and Department of Conservation.

Relationships between the relevant parties is important for freshwater management. The mana whenua – Council relationship is critical for Te Mana o Te Wai. In the Waiapu there is evidence of goodwill and intent for partnership and effective working relationships between the executive and operational levels of GDC, TRONPnui and other Crown agencies. However, relationships alone will not guarantee mauri ora outcomes for our wai.

3. Ngāti Porou have numerous provisions in place (Waiapu Accord, Waiapu Koka Huhua Restoration Program, Joint Management Agreement, statutory acknowledgements) with further recognition by way of the Tairāwhiti Resource Management Plan (that has the status of the Regional Policy Statement and Regional Plans). These establish working foundations for mana whenua decision-making in freshwater management. Te Mana o Te Wai can only strengthen this foundation and mana whenua as decision-makers.
  4. The Ngāti Porou Joint Management Agreement can (and will be used to) guide and inform the development of the Waiapu Catchment Plan. These together with ngā whānau, hapū o Ngāti
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Porou leading the determining and implementation of Te Mana o Te Wai is ideal and the best way forward for ngā hapū o Ngāti Porou.

We believe focusing on mana whenua relationships with wai and others who have whakapapa to wai is the key to transforming freshwater management. What do whakapapa-based cultural monitoring regimes look like? What do whakapapa-based objectives, policies and limits look like? What does the freshwater management planning process look like if we aligned it with mana whenua relationships to wai? Further wananga are required and is a key focus for ngā Hapū o Ngāti Porou going forward.

#### FRESHWATER MANAGEMENT – CHALLENGES WITH CURRENT PRACTICE

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5. Hapū participation in recent and proposed resource consent applications provides this case study a means to evidence the processes used by applicants to engage Hapū, as well as Council's administration of the statutory processes. Comparing current practice in freshwater management with a TMOTW lens provides some initial indication of key shifts required by applicants, Council, TRONPnui and to achieve or at least progress towards Te Mana o Te Wai outcomes.
6. There is a dearth of data and information relating to the freshwater systems of the Waiapu. Council does not coordinate the location of monitoring sites or the type of information collection or the results of that information with Ngāti Porou. Research is commissioned against Council priorities. There is little investment in translating results with Ngati Porou communities. This is unsatisfactory.

Ngāti Porou demand partnership in all research undertaken with/in Ngati Porou. Any environmental research (and therefore decisions informed by that research) carried out within our rohe must recognise our Mana Whakahaere and the relationship we have with the Taiao and Wai.

7. Monitoring - Ngāti Porou recognise that cultural monitoring can address the dearth of data and information in the Waiapu catchment and will seek to implement a monitoring regime where:
    - a) Water quality and ecosystem health monitoring sites be identified in partnership with mana whenua interests.
    - b) Wānanga be conducted with hapū so that the data can be better understood and inform the Waiapu Catchment Plan.
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- c) Ngāti Porou values are used when designing monitoring regimes so that they inform an assessment of mauri within the waters in the Waiapu Catchment; and
  - d) Mātauranga-informed cultural monitoring be implemented and integrated with science.
8. Procedural harassment has been experienced by hapū practitioners in policy hearings and resource consent processes. The practice adopted by Council in relation to statutory acknowledgments, where a non-response is translated as “effects are less than minor”, is unsatisfactory. Prolonging consent condition negotiation between applicant and hapū through facilitating repetitive phases of engagement with no change in outcome or acknowledgement of the capacity required by hapū (in their voluntary capacity/ ies) to participate in these processes is undermining. Council advising on their “discomfort” with eligible Ngati Porou commissioner/s due to their activism rather than their qualifications and expertise to preside over notified hearings is poor form. This is in discord with the partnership provided for under Te Tiriti o Waitangi, the Waiapu Accord and the Joint Management Agreement.

Neither partner has taken responsibility to troubleshoot as to why their current practice and processes were failing to effectively administer the special mechanisms legislated for and recognised in key planning documents. Hapū have been key in seeking to resolve and improve these matters.

9. Water Allocation - Existing allocation frameworks based on a “first in, first served” basis conflicts with Ngāti Porou values. The Waiapu is one of very few catchments within New Zealand that is under-allocated (less water takes than water available). Ngati Porou are concerned with the risk of the impacts of increasing water demand before appropriate measures can be put in place. It is unsatisfactory that allocation limit setting be based on limited data - a precautionary approach is required.

A regenerative framework to govern all water take and use is preferred aligning with Te Mana o Te Wai and we do specify a distinction between Ngāti Porou customary and commercial practices and other users.

10. Water Storage – is important indicating water takes be aligned to season or rainfall/ availability as well as water storage, conservation and recycling practices are proposed as standard information requirements for all water take applications.
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11. Freshwater Management Units (FMU) – are important to wananga as they underpin the current process for catchment planning, however, the FMU Unit is a concept that requires further “translation” around where it resonates and diverges from “mana whakahaere”.

There are many values that are generally consistent across the entire Waiapu Catchment. Together with an objective to achieving integrated management (ki uta ki tai) supports the context for the Waiapu Catchment being managed as one FMU. However, the dynamics of 25 hapū with mana whakahaere across five roheinga tipuna requires the need for a tailored engagement process with whanau, hapū and landowners to inform the setting of FMU/s.

Mapping focused wananga are being planned to facilitate whanau, hapū and landowners in determining values, resource use pressures and preferred management methods that will then inform FMU/s. An overlay approach versus an overlapping approach is in consideration. Capability and capacity to enforce management regime/s established is critical also.

12. Capability and Capacity Building – Given the Joint Management Agreement was signed in 2015 provisions aligned with Te Mana o Te Wai were available to Ngāti Porou six years ago. Limited capacity and capability has seen limited implementation.

Growing capacity and capability needs to include expertise and resourcing as well as enabling infrastructure indicating the need for transformational change. The current institutional systems, culture and attitudes of all parties is inadequate to facilitate transformational change. This will need to accommodate Ngāti Porou specific and tailored solutions and a willingness of Council to partner in implementing a Tiriti-led delivery of the planning and freshwater management regime.

Greater acknowledgement by Council, as the agency tasked with implementing TMOTW, of the need to appropriately resource the partnerships entered into and be prepared to do things differently.

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TE MANA O TE WAI – SHARING POWER

13. Te Mana o Te Wai requires wānanga – deep, inquiry-focused, mana enhancing open engagement and korero to discover innovative ways of responding, addressing and leading change to complex challenges.

The processes Council have are not established with this in mind so are not equipped to deliver Te Mana o Te Wai. A fundamental shift towards sharing power “*ways of doing*” is what is required.

14. It is the ability afforded to Ngāti Porou to “hold the pen” as plan makers that exerts most influence over how decisions will be made. For the Waiapu, the development of the Waiapu Catchment Plan - relating to land and water use in the catchment - is the essential “next step” in this journey towards mana motuhake.

Initial feedback from engagement in Te Mana o Te Wai and the Waiapu Catchment Plan are that ***mana whenua seek – the mauri be restored, our people are able to be sustained; our wai, whenua, ngahere and moana is abundant and te reo me ona tikanga o Ngāti Porou is thriving.***

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## 1 Navigating this Case Study Report

### 1.1 Purpose and focus of this case study (CSE 2)

WAIAPU KŌKĀ HUHUA: Hapū Leading Te Mana o Te Wai seeks to gain insights into how Te Mana o Te Wai (TMOTW) would be influenced if hapū lead that process. In this case study we gather perspectives of hapū members who lead kaupapa Taiao for and with their respective hapū. The voluntary nature of hapū participation in freshwater management means many of the challenges are well known however the reactionary contexts hapū find ourselves in requires a level of analysis and facilitation in order to ensure a state of mana whakahaere – across all Taiao matters and specifically with TMOTW.

The outcomes sought are to:

1. Grow hapū understandings of Te Mana o Te Wai;
2. Clarify roles required to enable hapū to lead in Te Mana o Te Wai (TMOTW). This refers to arrangements within hapū and hapū collectives;
3. Clarify roles of other relevant parties, that is, Te Runanganui o Ngāti Porou (TRONPnui) and Gisborne District Council (GDC), should give effect to;
4. Inform the enabling infrastructure hapū require. There is an identified need for agreed hapū collective decision-making frameworks and processes; the availability of technical support to hapū and resourcing to grow and sustain this improved capability.

### 1.2 Report Structure

The report is divided into six sections with the Case Study Elements 1-22 being detailed across Sections 3-6. The key approach of this case study is to review hapū participation in resource management generally and freshwater management specifically. The focused discussion of Te Mana o Te Wai occurs after introducing the key players and reviewing freshwater management as it is currently practised by applicants, Council, Te Runanganui o Ngāti Porou and Nga Hapū o Ngāti Porou.

The case study report sections are summarised below:

1. Section 1: Navigating this Case Study Report and Methodology (CSE 2)
2. Section 2: Hai Timata – an introduction of the customary authority that is the foundation of mana whakahaere that Ngā Hapū o Ngāti Porou protect and practice in regard to Wai (CSE 1)
3. Section 3: Purpose, Relevant Parties in terms of the entities that practice freshwater management and whose practice and experience has informed this case study (CSE 1-4 & 16)
4. Section 4: Freshwater Management (CSE 8-15)
5. Section 5: Te Mana o Te Wai – Understanding, Aspirations and Solutions (CSE 3-7)
6. Section 6: Engagement, Partnership & Decision-making (CSE 16-22)
7. Conclusion and Summary

### 1.3 Methods

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#### HAPŪ WĀNANGA

As part of this case study, a wānanga was held at Kariaka Pa (Ngāti Porou Marae) on 19 June 2021 with members from most Hapū within Ngāti Porou present. Although the wānanga was held with the purpose of informing this case study (TMOTW within Waiapu Catchment), the invitation was extended to Hapū outside of the Waiapu to participate. The purpose of the hui was to gain perspectives from Hapū members of their current understanding and aspirations relating to TMOTW.

The wānanga was well attended and the level of engagement amongst the attendees clearly indicated that there is great interest in the Waiapu Catchment and greater Ngāti Porou rohe in progressing Mana Whenua/Hapū aspirations for freshwater management. The wananga supported the continuation of a hapu wananga series to support and prepare hapu participation in kaupapa Taiao generally and freshwater management specifically.

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#### REVIEW OF HAPŪ PARTICIPATION IN FRESHWATER MANAGEMENT TO DATE

A review of Hapū participation in freshwater management to date was carried out by the authors reflecting on their own experiences representing hapū in resource consents. One author is a trustee of Hikurangi Takiwā Trust (HTT) who has represented them on multiple resource consents and has led many Taiao initiatives on behalf of the trust. The second author has recently been appointed by HTT to assess, advise and respond to resource consents on behalf of HTT and represent them regarding RMA matters.

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#### INTERVIEW WITH GISBORNE DISTRICT COUNCIL (GDC)

As part of this case study, GDC senior policy staff were interviewed for the purpose of informing case study elements 8-15. This interview occurred on 28 May 2021 with a Senior Policy Advisor and the Strategic Planning Manager. The interview covered GDC perspectives of freshwater management in the Tairāwhiti Region, how Ngāti Porou currently participates in freshwater management and discussions on how Ngāti Porou can participate in the future.

## 2. Hai Timata – CSE 1

Mauriora kia Ranginui  
Ko Io Matua Kore anake  
Tawhirimatea e muia nei i tona koka i te waiora,  
Mauriora kia Papatuanuku  
Ko Ngāti Porou tangāta, Ko Ngāti Porou whenua, tona taiao, tona  
tūrangāwaewae, tona papatipu.  
I te hītangā ake o Maui Tikitiki a Tarangā i te whenua nei  
Whakaeteteete mai Ko Hikurangi  
Ka tau tona waka a Nukutaimemeha ki te roto o Hinetakawhiti kei ngā  
tihi tapu o Hikurangi, ara, Te Tone o Houku me te Tipi o Taikehu, e  
rangona nei te whakatauaki,

**“Ko Hikurangi te maungā, Ko Waiapu te awa, Ko Ngāti Porou te iwi”**

Ko te waiutangā mai i Potikirua ki te Toka a Taiau, atu i te Raukumara  
ki te uru, whakawhiti ki te hikumutu ki te rawhiti  
Ko te tuanui o tona kaingā Ko Ranginui, a Ko Papatuanuku tona papa  
Ko te wai te toto o Papatuanuku i roto i tona tapu me tona noa.

He wai mou!, He wai mau! Hei whakaora i te ngākau o Porou

Ngā Hapū o Ngāti Porou establish their authority, rights and interests  
in the Wai through descent from Ranginui, Papatuanuku and  
Tawhirimatea and their uninterrupted occupation of the Eastern  
seaboard lands between Potikirua and Te Toka a Taiau since Maui  
fished up his great fish- Te Ika a Maui. The Wai is the life blood of the  
land with its ritual and sacred elements and its functional, daily  
elements. Our relationship and association with the Wai is recorded in  
our waiata, whakatauaki, the names of our children, rivers, streams,  
creeks and puna and in our everyday practice.

Hapū and whānau of Ngāti Porou uphold their whakapapa and mana in and with Wai through the day-to-day and generation by generation relationship and reliance on their wai for life, sustenance, livelihoods, ceremony and enjoyment. Wai and whenua are intrinsically part of identity, belonging and ways of living, knowing and being. With benefit and privilege comes obligation and duty. Policy reforms focus on allocation – at its centre the necessary basis for the commodification of water – that displaces whakapapa (relationship/s) to and mana (authority) for and with the wai. Ngāti Porou legislation enacted post-settlement is premised on customary authority and where still remaining, customary title. This premise is critical to designing and building effective infrastructure to strengthen the capacity and capability of hapū and iwi representations of Ngāti Porou to align with Te Mana o Te Wai (TMOTW).

## 2.1 Ngāti Porou Rights and Interest in Wai

Following a series of Wai Māori hui (TRONPnui, 2014) Ngā Hapū o Ngāti Porou assert their right to:

- A say over wai in their rohe;
- Protect, nurture and care for the wai in their rohe;
- Access and use of the wai for all purposes that contribute to the wellbeing of the wai and in their rohe; and
- Develop the wai in their rohe.

Ngā Hapū o Ngāti Porou also identified the following mechanisms for recognising and give effect to their rights and interests:

- A key role in decision making;
- A key role in planning and management of waimāori in their rohe, through development of hapū freshwater management plans inclusive of whānau specific requirements in relation to the puna and aquifers on their lands;
- A freshwater management regime that reflects Ngāti Porou rights and interests. Including recognition and protection of customary and proprietary rights and interests in wai in the Ngāti Porou rohe;
- Leading the development of a freshwater management plan inclusive of catchment specific plans for the Ngāti Porou rohe; and,
- Direct negotiations with the Crown in respect to Ngāti Porou customary and proprietary interests in wai.

## 2.2 Ngā Hapū o Ngāti Porou

|      |  |
|------|--|
| hapū | <b>“Te hiatotangā o ngā uri whakaheke mai te tipuna ngātahi”<br/>(Nanny Kate Walker, Ruatorea, 2003)</b>   |
|      | 3.(noun) kinship group, clan, tribe, subtribe - section of a large kinship group and the primary political unit in traditional Māori society. It consisted of a number of whānau sharing descent from a common ancestor, usually being named after the ancestor, but sometimes from an important event in the group's history. (H. M. Ngāta, 1993) |

For Treaty settlement and deliberating the place of Hapū representation within the post settlement governance entity, Ngāti Porou decided to cluster as Hapū. The Takutai Moana negotiations had positioned a strengthened platform for Hapū to express their mana over their respective rohe moana. Hapū and marae collectivised and established rohenga tipuna also referred to as Hapū clusters. Traditional relationships strongly influenced these arrangements. These decisions were made as Hapū on their respective marae.



Figure 1 - Map of Rohenga Tipuna and Marae Map ([www.Ngāti porou.com](http://www.Ngāti porou.com))

These Hapū clusters are best illustrated by Figure 1. Under the Ngā Rohe Moana o ngā Hapū o Ngāti Porou Act 2019, management arrangement trusts have been established to facilitate the governance and decision-making authority provided for in the Act. Hapū clusters have also established Hapū entities (usually with charitable status) to progress collective aspirations. Marae remain as strongholds within this socio-cultural infrastructure and are autonomous in their collaboration across this landscape.

Within the Waiapu catchment – there are five rohenga tipuna with area of their respective Takiwā within the Waiapu catchment (Rohenga 2-6 in Figure 1 above) clusters. Table 1 summarises the hapū clusters further.

| <b>Table 1: Rohenga Tipuna, Hapū and Marae within the Waiapu Catchment</b>               |                           |                                    |
|--|---------------------------|------------------------------------|
| <b>Rohenga Tipuna</b>  | <b>Marae</b>              | <b>Hapū</b>                        |
| Whangaokena ki Waiapu  | Putanga                   | Te Whānau a Takimoana              |
| <b>Hapū Cluster Entity/ ies</b>  | Kaiwaka                   | Te Whānau a Tapuhi                 |
| Te Riu o Waiapu  | Rahui                     | Te Whānau a Te Uruahi              |
|  | Taumata-o-Tapuhi          | Te Whānau a Tinatoka               |
|  | Hinepare                  | Te Whānau a Rerewa                 |
|  | Ohinewaiapu               | Ngāti Hokopu                       |
|  | Karuai                    | Te Whānau a Rakaimataura           |
|  |                           | Ngāti Putanga                      |
|  |                           | Ngāti Nua                          |
|  |                           | Te Whānau a Ngāi Tāne              |
|  |                           | Te Whānau a Hinepare               |
| <b>Rohenga Tipuna</b>  | <b>Marae</b>              | <b>Hapū</b>                        |
| Pohautea ki Onepoto  | Tikapa (Pokai)            | Te Whānau a Karuai                 |
| <b>Hapū Cluster Entity/ ies</b>  | Te Horo                   | Whānau a Hinerupe ki Waiapu        |
| Te Wiwi Nati   | Waiomatatini (Porourangi) | Te Whānau a Rakaihoea              |
|  | Kakariki (Rakaihoea)      | Te Whānau a Pokai                  |
|  | Tinatoka                  | Ngāti Horowai                      |
|  |                           | Te Whānau a Mahaki                 |
|  |                           | Te Whānau a Uruhonea               |
|  |                           | Te Whānau a Hineauta               |
| <b>Rohenga Tipuna</b>  | <b>Marae</b>              | <b>Hapū</b>                        |
| Onepoto ki Rahuimanuka   | Reporua                   | Ngāi Tangihaere                    |
| <b>Hapū Cluster Entity/ ies</b>  | Umuariki                  | Ngāti Rangi                        |
| Te Papatipu o Uepohatu   | Ruataupare                | Ngāti Uepohatu                     |
|  | Mangahanea                | Te Whānau a Umuariki               |
|  | Uepohatu                  | Te Whānau a Ruataupare ki Tuparoa  |
|  | Te Heapera (Mangarua)     | Te Whānau a Hinetapora             |
|  | Rauru (Taumata o Mihi)    | Te Whānau a Hinekehu (Rauru Marae) |
| <b>Rohenga Tipuna</b>  | <b>Marae</b>              | <b>Hapū</b>                        |
| Rahuimanuka ki Mataahu   | Kariaka                   | Te Aitanga a Mate                  |
| <b>Hapū Cluster Entity/ ies</b>  | Hiruharama                | Te Aowera                          |
| Hikurangi Takiwa   | Te Aowera                 | Te Whānau a Hinekehu               |
| Te Aitanga-a-Mate, Te  | Whareponga                | Te Awe Mapara                      |
| Aowera, Te Whānau-a-   | Rongoitekai (Penu)        | Te Whānau A Rakairoa               |
| Hinekehu Kaitiaki Trust  | Rongohaere (Pahou)        |                                    |
| <b>Rohenga Tipuna</b>  | <b>Marae</b>              | <b>Hapū</b>                        |
| Mataahu ki Kokoronui   | Kie Kie                   | Ngāi Taharora                      |
| <b>Hapū Cluster Entity/ ies</b>  | Taharoa                   | Te Whānau a Iritekura              |
| Nga Hapū o Waipiro   | Iritekura                 | Te Whānau a Rakairoa               |
|  |                           | Te Whānau a Te Haemata             |
| Ngāti Ira is ratifying<br>NRMONHONP Act 2019<br>presently.<br>Pakirikiri (Marae) Wananga | Te Ariuru                 | Te Whānau A Te Ao Tawarirangi      |
|  | Waiparapara               | Te Whānau A Ruataupare ki Tokomaru |
|  | Pakirikiri                |                                    |
|  | Tuatini                   |                                    |

2.3 Ko Waiapu te Awa



Figure 2 The Waiapu River with Maunga Aorangi, Hikurangi and Taitai in the background (looking south from Kainanga)

The Waiapu catchment is of great spiritual, cultural, physical and economic significance to Ngāti Porou. Originating in the Raukumara Ranges including ngā maunga tapu o Hikurangi, Aorangi, Wharekia, Taitai, Te Ranganui A Toi and Whanakao (or Honokawa). The Waiapu River forms at the confluence of the Tapuaeroa and Mata Rivers, which originate in the headwaters of the Raukumara Range.

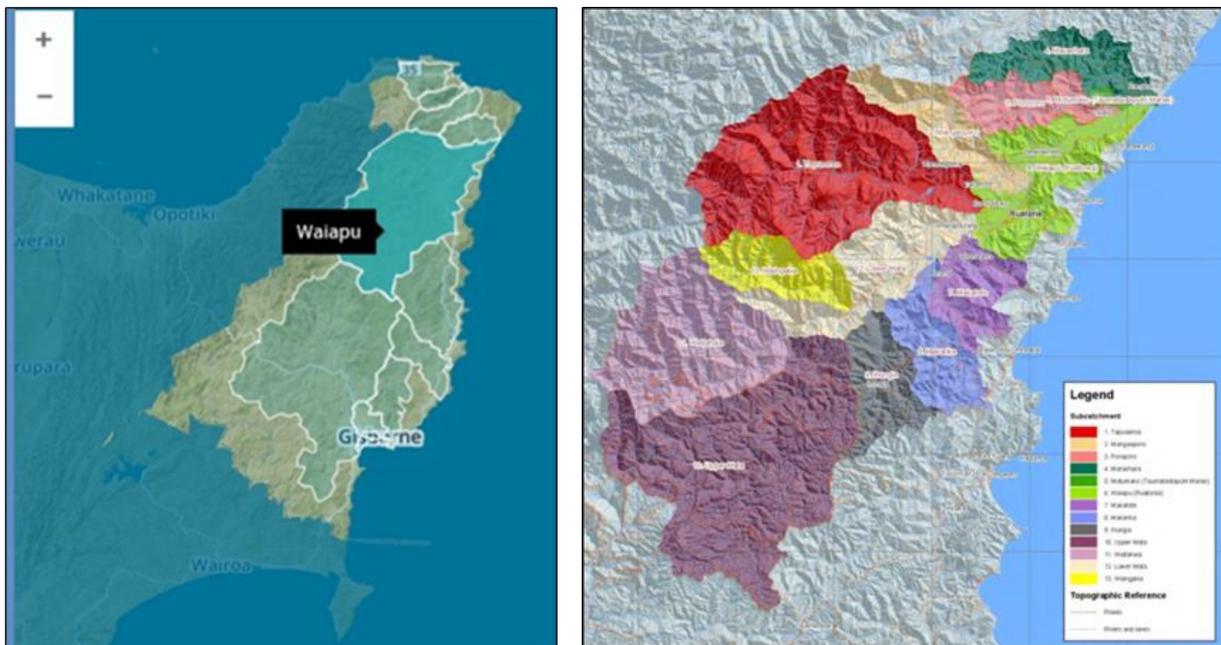


Figure 3 (left) Map of the Waiapu catchment within the Gisborne region ([www.lawa.org.nz](http://www.lawa.org.nz)) and Figure 4 (right) Map of Subcatchments of the Waiapu River catchment (Harmsworth et al., 2002)

The Waiapu Catchment (Figure 3) is the largest river catchment within the Ngāti Porou Iwi rohe and the second largest river catchment in the Gisborne-Tairāwhiti Region. The major Subcatchments (Figure 4) of the Waiapu are the Mata (including Waitahaia, Ihungia, Waingakia, Makarika and Makatote tributaries), Tapuaeroa, Mangaoporo, Poroporo and Maraehara. Generally, the rivers flow east and northeast meeting the Pacific Ocean at the Ngutu Awa at Rangitukia.

Other relevant biophysical and demographic characteristics include (Harmsworth *et al.*, 2002):

- i) **Altitude:** 500m in the Raukumara Range to hill country at 500m-100m then to terraces and flood plains near sea level.
- ii) **Extreme erosion:** At 23.97Mt/ year has the highest sediment yield of any river in New Zealand. Rapid land clearance circa 1890 -1920 has caused gully erosion contributing 49% of the sediment yield. This is exacerbated due to complex rock type patterns, dynamic tectonic settings (due to subduction of the Pacific Plate beneath the Australian plate at a rate of 47mm/yr) and climatic settings influenced by the El Nino/ Southern Oscillation (ENSO) where the catchment experiences intense rainfall and severe and prolonged drought.
- iii) **Climate:** warm temperate maritime, with warm moist summers and cool wet winters. "Rainfall varies from 1600 mm/yr at the coast to >4000 mm/yr in the headwaters Strongly influenced by the El Nino/Southern Oscillation (ENSO).
- iv) **Landcover:** In 2008 indigenous forest and scrub 35%, planted forest 25%, grassland 35%, and other 5% (Barnard et al, 2012).
- v) **Demographics:** At 2013 the population was 2088 centred around Ruatoria net loss migration of 10% (Census 2013)

#### 2.4 Role of research in the Waiapu

A Public good Science Funded project "Māori Community Goals for Enhancing Ecosystem Health" was established in 1999 from Te Whare Wānanga o Ngāti Porou and led by Pia Pohatu (1999-2000) and Tui Warmenhoven (2000-2004) in partnership with Garth Harmsworth of Manaaki Whenua Landcare Research Limited. Its primary focus was to better understand the catchment valuing Ngāti Porou participation in the research and seeking ways to integrate Mātauranga Ngāti Porou and biophysical science to propose strategies and solutions for improved management of the catchment resources and environmental enhancement and restoration. This research project (published as Harmsworth *et al.*, 2002) has informed further research projects within the Waiapu, including this case study.

Catchment restoration as a facilitator of kaitiakitanga and the critical role that hapū play in that has continued to sustain a kaupapa Māori, community and environmental-focused research capability from Ruatorea since 1999 to the current day. This capability is growing with multiple organisations and individuals of Ngāti Porou whakapapa undertaking research to return direct benefit back to the Ngāti Porou communities that the research takes place in. Much research has been focused on the Waiapu but

not all has been commissioned by or led by Ngāti Porou. Not all research is undertaken in a collaborative manner or even shared with Ngāti Porou once it is completed. Other issues have arisen when research has been carried out with Ngāti Porou involvement with little benefit to Ngāti Porou hapū and whānau and therefore using up the little capacity and/or capability whānau and Hapū have to work on kaupapa Taiao. What good is research if it is not informed by the communities it is conducted in? How can outsiders understand the challenges and livelihoods that their research should be benefitting without engaging the communities' where their research is taking place?

Ngāti Porou demand partnership in all research undertaken within our rohe. Any environmental research (and therefore decisions informed by that research) carried out within our rohe must recognise our Mana Whakahaere and the relationship we have with the Taiao and Wai. This is essential to giving effect to TMOTW.

# KO WAI TĀTAU?

## 3. Relevant Parties and Current Understandings of Te Mana o Te Wai - CSE 1-4 & 16

In order to detail the key parties who are central to this case study and evaluate their current understandings of Te Mana o Te Wai, Section 3 is in response to Case Study Elements 1-4 and 16. The preferred outcome is to clearly articulate the positions of hapū participating in freshwater management, Te Runanganui o Ngāti Porou whom together have established the Ngāti Porou partnership with Council – Gisborne District Council (GDC). Applicants are not detailed as a key party although this case study recognises that effective implementation of TMOTW requires consideration for “applicants”.

Discussing the interface of the Ngāti Porou Treaty Settlement and TMOTW enables a better understanding of the provisions and mechanisms strengthened through Treaty Settlement process and the guidance this provides to strengthen relationships and establish infrastructure as well as evaluate progress of the partners/ key parties. To this end the Waiapu Accord – Memorandum of Understanding (MOU), Waiapu Koka Huhua – 100-year restoration program plan and the Joint Management Agreement (JMA) are introduced and summarised here. They are referred to throughout the report as the respective case study element/s interacts or is informed by these important documents.

### 3.1 Hikurangi Takiwā Trust

Hikurangi Takiwā Trust (HTT) is a charitable trust established 2012 to support and progress the collective interests and responsibilities of Te Aitanga-a-Mate, Te Aowera, Te Whānau-a-Rākairoa and Ngāti Hinekehu hapū. These hapū are affiliated to lands of the tributaries of the Mata River including Whakapaurangi, Hiruharama, Makarika, bound by Hikurangi inland and the tributaries flowing directly to sea at Whareponga. The six pa of this Takiwā are Kariaka, Whareponga, Whakapaurangi, Hiruharama, Penu and Te Pahou (Rongohaere Marae). Refer also to Rohenga Tipuna 5 or Rahuimanuka ki Mataahu in Figure 1 and Table 1 above.

The key purposes/s of the Trust are to enable whānau to act collaboratively and respond collectively to issues affecting hapū and to promote Mana Atua, Mana Whenua, Mana Moana, Mana Tangata, Mana Matauranga and Mana Reo of hapū. To this end the Trust is involved in planning, advocating for and leading cultural, social, economic and environmental wellbeing initiatives within the rohe.

The Trust is comprised of 12 trustees appointed by the six pā and convenes hui frequently (rotating between all six pa). Hui are open to our whānau and hapū members and we invite members of other rohengā tipuna to share capability development opportunities (training and workshops). For further information on HTT refer to [hikurangi.wordpress.com](http://hikurangi.wordpress.com).



Figure 5- Intro to Water Monitoring at the Makatote Stream: Wānangā Rangātahi ki Hiruharama, 2016 (Source: Manu Caddie)

In terms of kaupapa Taiao, HTT leads wānanga to develop capability and engage with whānau, Hapū and landowners on environmental matters. HTT also has participated in policy reform (like those for NES-Forestry, Regional Freshwater Plan) and resource consents. Capability and capacity is driven by interest, passion and networks of key individuals who are active at the landowner, whānau, marae and Hapū levels. This is voluntary in nature and so is unsustainable. HTT seeks sustainable resourcing to participate and support whānau, landowners, marae and Hapū.

Our experience in participating in various gravel extraction consents, namely the Waitahaia Gravel Extraction application is a key focus of inquiry in this case study and has been useful to work through Hapū-centred response/s in deliberating Te Mana o Te Wai and how it can be given effect to.

### 3.2 Te Papatipu o Uepohatu Trust

Te Papatipu o Uepohatu Charitable Trust was established in 2015 and is a collective of hapū representatives living in the Ruatorea community, working towards the objects of the Trust in relation to “our place, our people and community”. The objects of the trust are to promote and cultivate sustainable social, economic and environmental wellbeing for the community.

There are eight marae within the collective and the trustees are appointed by the hapū Ngāti Rangī, Te Whānau A Ruataupare ki Tuparoa, Ngai Tangihaere, Te Whānau A Umuariki, Te Whānau a Hinetapora, Ngai Rauru, Te Whānau A Hinekehu (Rauru). Also refer to Rohenga Tipuna 4 – Onepoto ki Rahuimanuka (Figure 1 and Table 1) above.

The Trust is instrumental in leading community engagement and participation in local government and resource management processes and providing services to the Ruatorea community including Covid-19 services.

### 3.3 Te Runanganui o Ngāti Porou (TRONPnui)

Ngāti Porou is represented by the Iwi entity Te Runanganui o Ngāti Porou (TRONPnui) established as the post settlement governance entity by the Ngāti Porou Claims Settlement Act 2012. Its mission is “Te whakapumau i te mana motuhake o Ngāti Porou mo ngā uri whakatipu” (to uphold the autonomy of Ngāti Porou for future regenerations).

TRONPnui administers a range of assets on the collective behalf of all Ngāti Porou. The Runanganui also advocates for the needs and aspirations of Ngāti Porou, and the East Coast district; and ensures the delivery of primary health care and social support services to Ngāti Porou whānau and East Coast communities.

Te Runanganui o Ngāti Porou Trustee Limited represents the collective interests of Ngāti Porou iwi members and is governed by 14 elected representatives. The board exercises strategic governance over its subsidiaries – Toitū Ngāti Porou, Ngāti Porou Holding Company Ltd and Ngāti Porou Hauora (NPH). Ngāti Porou Holding Company Limited is the economic and wealth generation arm of Te Runanganui o Ngāti Porou. It has five board members appointed by Te Runanganui o Ngāti Porou board. Toitū Ngāti Porou Charitable Trust is the cultural and wealth distribution arm of TRONPnui. It has five board members appointed by TRONPnui board. Ngāti Porou Hauora Charitable Trust provides health services to Ngāti Porou/ East Coast communities. It has five board members appointed by TRONPnui.

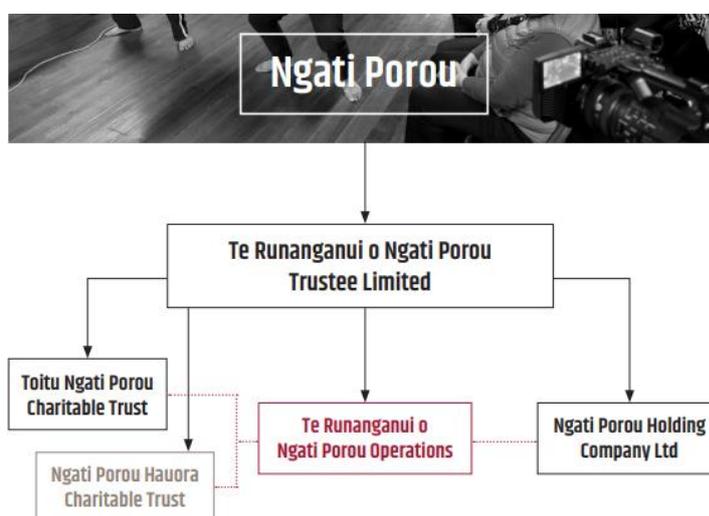


Figure 6 – TRONPnui Organisational Chart ([www.ngatiporou.com](http://www.ngatiporou.com))

### 3.4 Ngāti Porou Treaty Settlement (CSE-4)

In 2008 Ngāti Porou entered into direct negotiation with the Crown to settle historical Treaty grievances following a process of seeking mandate. Te Haeata, the negotiations subcommittee of Te Runanga o Ngāti Porou was formed comprised of representatives from ngā hapū o Ngāti Porou and three Runanga appointees.

In 2010 the Ngāti Porou Deed of Settlement was signed. The settlement is made up of an agreed historical account and Crown acknowledgements which form the basis for a Crown Apology to Ngāti Porou; cultural redress; financial and commercial redress and relationship accord/s.

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#### 3.4.1.1 CROWN ACKNOWLEDGEMENTS

The following Crown acknowledgements relate directly the Waiapu River (and erosion) and are significant to catchment management and planning:

*“The Crown acknowledges the special relationship Ngāti Porou have with the Waiapu River and that, in attempting to provide for the effective administration of the East Coast’s natural resources, it vested control of that river in the Poverty Bay Catchment Board without consulting Ngāti Porou”; and*

*“The Crown acknowledges that deforestation in the late nineteenth and early twentieth centuries fuelled significant acceleration of erosion and flooding that has had a devastating impact on Ngāti Porou rohe wide. It also acknowledges that the measures it adopted to address this problem failed effectively to resolve it”.*

*Ngāti Porou Claims Settlement Act, 2012, section 7 (20-21).*

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#### 3.4.1.2 CULTURAL REDRESS

These recognise traditional, historical, cultural and spiritual association of Ngāti Porou with places and sites owned by the Crown within the Ngāti Porou rohe – enabling a co-management and co-governance arrangement to be developed to protect and enhance conservation values associated with these sites:

- i) Strategic conservation partnership where Ngāti Porou and the Crown jointly develop Nga Whakahaere Takirua mo Nga Paanga Wehnuā o Ngāti Porou (a distinct section of the East Coast Bay of Plenty Conservation Management Strategy) facilitating Ngāti Porou input into strategic governance of specified public conservation lands within Ngāti Porou;
- ii) Fifteen sites of cultural and historical significance vested in Ngāti Porou, totalling approximately 5,898 hectares. The majority of these managed by the Department of Conservation estate and one site is Crown Forest managed by Land Information New Zealand. The following sites, Whanokao, Raparapaririki, Aorangi, Taitai and Te Puia, are within the Waiapu Catchment and to varying

degrees hapū have expressed their aspirations to be involved in the mana whakahaere of these sites.

- iii) Statutory Acknowledgement recognises the association between Ngāti Porou and a particular site or area and enhances Ngāti Porou’s ability to participate in specified Resource Management Act processes. The Waiapu and other River (Catchments within the Ngāti Porou rohe) and their tributaries are included in these provisions ([www.govt.nz/browse/history-culture-heritage/treaty-settlements/find-a-treaty-settlement/Ngāti-porou](http://www.govt.nz/browse/history-culture-heritage/treaty-settlements/find-a-treaty-settlement/Ngāti-porou))

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### 3.4.1.3 RELATIONSHIPS

The following provisions promote enhanced relationships with the Crown (and its various agencies) to achieve improved outcomes for Ngāti Porou:

- i) Letter of Commitment - Ngāti Porou, the Department of Internal Affairs (as a party on behalf of the National Library and Archives New Zealand), and the Museum of New Zealand Te Papa Tongarewa will enter into a letter of commitment to facilitate the care and management, access and use, and development and revitalisation of Ngāti Porou taonga.
- ii) Accord/s - The Crown and Ngāti Porou have committed to develop an enhanced relationship through an accord, which will be established to address contemporary issues within the Ngāti Porou rohe. The accord aims to deliver improved outcomes from government investment in the Ngāti Porou rohe. The accord also aims to strengthen Ngāti Porou input into priority setting and decision-making related to government funding and responsibilities within particular portfolios focused on erosion control, social services and public infrastructure. As the first stage of this relationship, the Crown will undertake commitments regarding erosion in the Waiapu River catchment and health services in the Ngāti Porou rohe. In the Deed of Settlement between Ngāti Porou and TRONPnui and the Crown, the Crown recognised the significance of the Waiapu River to Ngāti Porou and the impacts of erosion in the Waiapu catchment and acknowledged damage from deforestation, the exclusion of Ngāti Porou from historical erosion control and catchment management decision making, and the resulting damage to Ngāti Porou’s cultural, social and economic resources. The deed provides for a high-level Relationship Accord signifying a new era of collaboration between Ngāti Porou and the Crown and commits the Crown to working with iwi and landowners to “mitigate severe erosion in the Waiapu”.

### 3.5 Te Kaunihera o te Tairāwhiti – Gisborne District Council (GDC)

Gisborne District Council is a unitary authority with both regional and territorial authority functions and duties. The Gisborne region extends from Potaka and East Cape to the north and Wharerata in the south. Council comprises a mayor and 13 elected councillors from rural and city wards (see Figure 7 below). The appointed chief executive leads a team of seven directors and 300 staff.

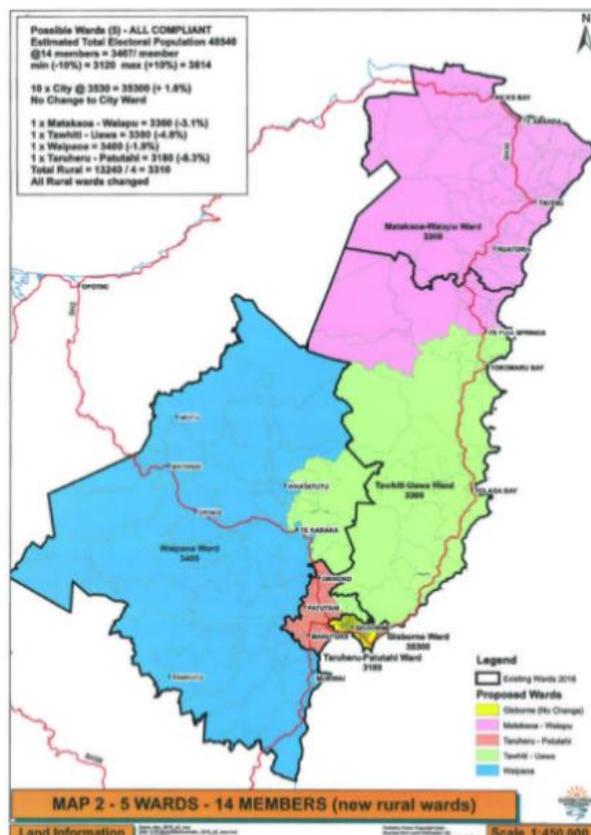


Figure 7 – Map of Gisborne District administered by Gisborne District Council, 2016 (Source: GDC, 2019)

The operations of Council are arranged across the following directorates:

**Community Lifelines** - Roads, 4 Waters - drinking water, wastewater, stormwater, land, rivers and coastal, Solid Waste, Civil Defence Emergency Management

**Environmental Services & Protection** - Consents - building and resource consents Compliance - environmental health, animal and stock control, parking, Compliance Monitoring and Enforcement; and Harbourmaster

**Liveable Communities** - Catchments and Biodiversity, Liveable Spaces - aquatic, amenity and horticulture, cemeteries; Community Assets and Resources and Community Projects

**Chief of Strategy & Science** - Strategic Planning and Environmental Monitoring and Science

**Te Kai Arataki Tuia Whakapakari** - Customer Service, Communication and Engagement, Culture and Development and Funding

**Internal Partnerships** - People and Capability - HR, Health & Safety; Democracy and Support Services, Cultural Activities - library and theatres; Legal Services; Information Services - Risk and Assurance

**Finance & Affordability** - Finance, Revenue, Planning and Performance, Internal Audit and Risk Support

In 2018 GDC established the Tairāwhiti Piritahi: Fostering Māori Participation in Council Decision-Making Policy 2018. Council-Iwi relationships are important and can be improved. Council acknowledges the following:

- Council will try their best to uphold and further develop relationships with Māori collectives in our region over the next 30 years; and
- Council will try to accommodate for and harmonise the cultures we have in Tairāwhiti to improve relationships and provide good outcomes for the community as a whole.

### 3.6 Ngāti Porou – Gisborne District Council – Ministry of Primary Industries

Key agreements and strategic and action plans have been developed between Ngāti Porou, GDC and Ministry of Primary Industries (MPI) from the settlement redress provisions. These provisions are summarised below.

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#### WAIAPU ACCORD - MEMORANDUM OF UNDERSTANDING

The [Memorandum of Understanding](#) and Joint Governance Group of Te Runanganui o Ngāti Porou, Gisborne District Council and Ministry of Primary Industries (MPI), is a tri-partite agreement established by the relationship accord in the Ngāti Porou Treaty Settlement and demonstrates a 100-year commitment to collaboratively work with landowners to address the health of the Waiapu River Catchment.

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#### WAIAPU KOKA HUHUA

“Ko te mana ko te hauora o te whenua, ko te hauora o ngā awa, ko te hauora o te iwi (healthy land, healthy rivers, healthy people)”

This is the vision for the [Restoring the Waiapu Catchment Program](#) and requires a partnership approach and the resources, skills and commitment from TRONPnui, GDC and MPI with support from other groups. The desired outcomes are – environmental restoration, economic profitability, cultural revitalisation and social prosperity. The desired outcomes are summarised further in Figure 8.



Figure 8 – Waiapu Koka Huhua Outcomes

### 3.7 Ngāti Porou – Gisborne District Council

#### JOINT MANAGEMENT AGREEMENT

The [Joint Management Agreement](#) over the Waiapu Catchment was signed in 2015 and enables Council and Te Runanganui o Ngāti Porou to jointly carry out the functions and duties under S36B of the Resource Management Act (RMA) and other legislation relating to all land and water resources within or affecting the Waiapu Catchment.

“...if the JMA is able to support the restoration, health and wellbeing of the Waiapu and its many tributaries, through sustainable freshwater and land management, then we will also be contributing to the improvement of the health and wellbeing of our whānau, hapū and communities...” (S. Parata, JMAF 18/5/2019)

The JMA builds on the work of the existing Waiapu Koka Huhua partnership between the Council, Te Runanganui o Ngāti Porou and the Ministry of Primary Industries to restore the Waiapu Catchment.

The JMA provides joint representation on Resource Management Act decision-making processes in the Ngāti Porou rohe (boundary), specifically at this stage in the Waiapu Catchment; in time applying the JMA to the entire Ngāti Porou rohe. Figure 9 summarises the JMA further.

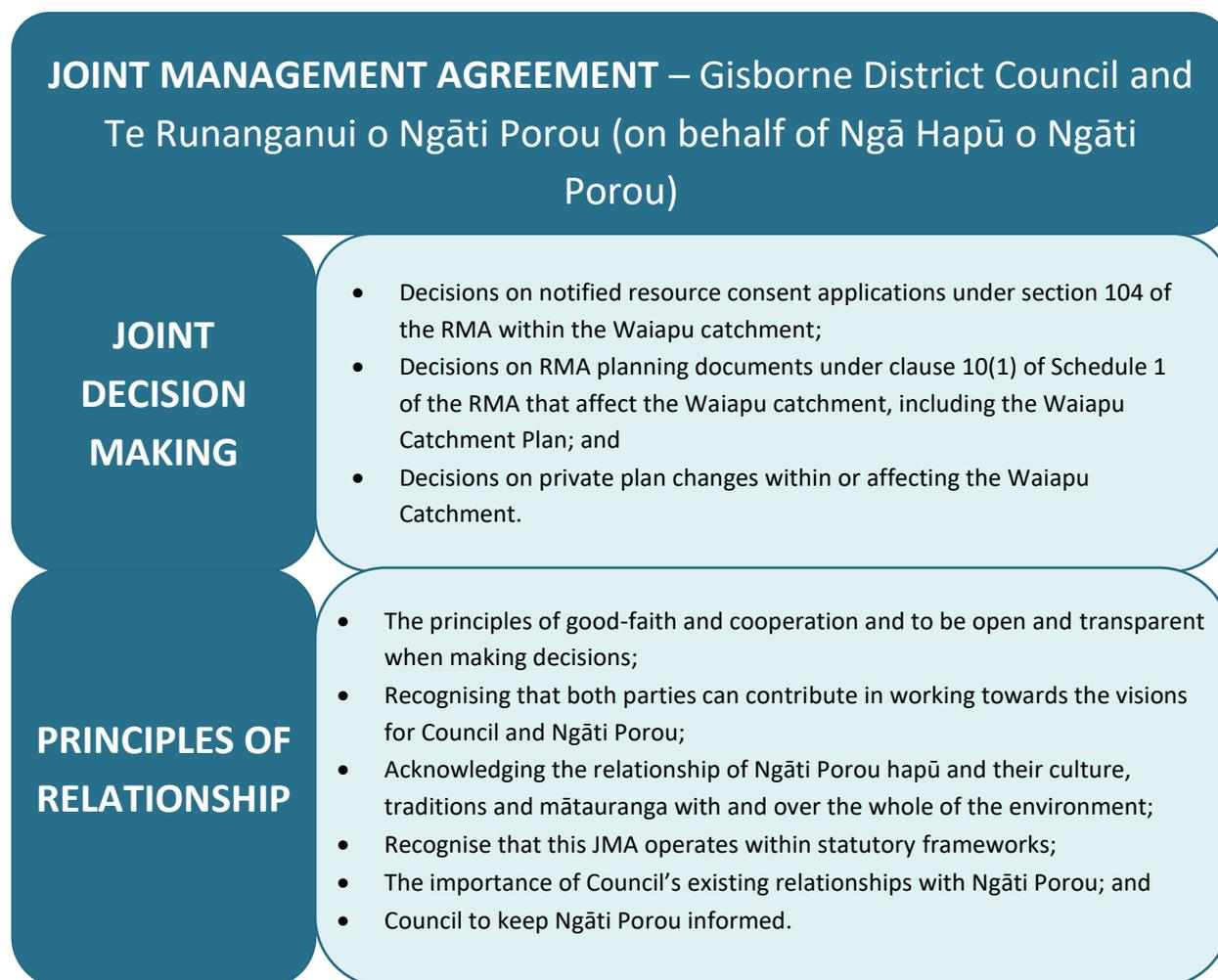


Figure 9 – Summary of the Joint Management Agreement – GDC and TRONPnui

*“We have much to gain in a true partnership that enables shared decisions and shared responsibility to our awa, and our whenua ... The chance to do things differently is before us, so we now have to make the most of this opportunity. We look forward to the mahi ahead to enable Te Mana o te Wai.” (S. Parata, Inaugural JMAF Hui, 18/5/2019)*

In terms of freshwater management, the Joint Management Agreement Forum (JMAF) supports the relationship element of the JMA. The inaugural hui of the Joint Management Agreement Forum (JMAF) was held 17 May 2019 with representatives of Council and Te Runanganui o Ngāti Porou (TRONPnui). This was a significant milestone for Council and TRONPnui, on behalf of Nga Hapū o Ngāti Porou, after signing the Joint Management Agreement (JMA) for the Waiapu Catchment in 2015.

The forum is co-chaired by the Mayor of GDC and Chairperson of TRONPnui – currently this is Mayor Rehette Stoltz and Chairperson Selwyn Parata. The members include Bill Burdett (Councillor for Matakaoa – Waiapu ward) and Tui Warmenhoven (TRONPnui director and was also critical to establishing Treaty settlement recognition of the Waiapu and the consequent MOU) and the respective Chief Executive Officers of GDC and TRONPnui. Currently this is Nadine Thatcher-Swann for GDC and George Reedy for TRONPnui.

The forum meets quarterly to discuss and guide the implementation of the JMA including resource consents and planning processes under the Resource Management Act (RMA) for the Waiapu Catchment and will develop the Waiapu Catchment Plan for freshwater.

“The ongoing development and work plan of the JMA is important to our relationship with TRONPnui,” (Meng Foon 18.5.2019).

There is goodwill and intent for partnership and effective working relationships between the executive and operational levels of GDC and TRONPnui. However, in regard to the Ngāti Porou side of the partnership engagement and participation by hapū is limited due to the lack of resourcing and/ or insufficient resourcing of key participants. This is further discussed in Section 5 and Section 6.

# FRESHWATER MANAGEMENT CSE 8-16

## 4. Freshwater Management – CSE 8 - 15

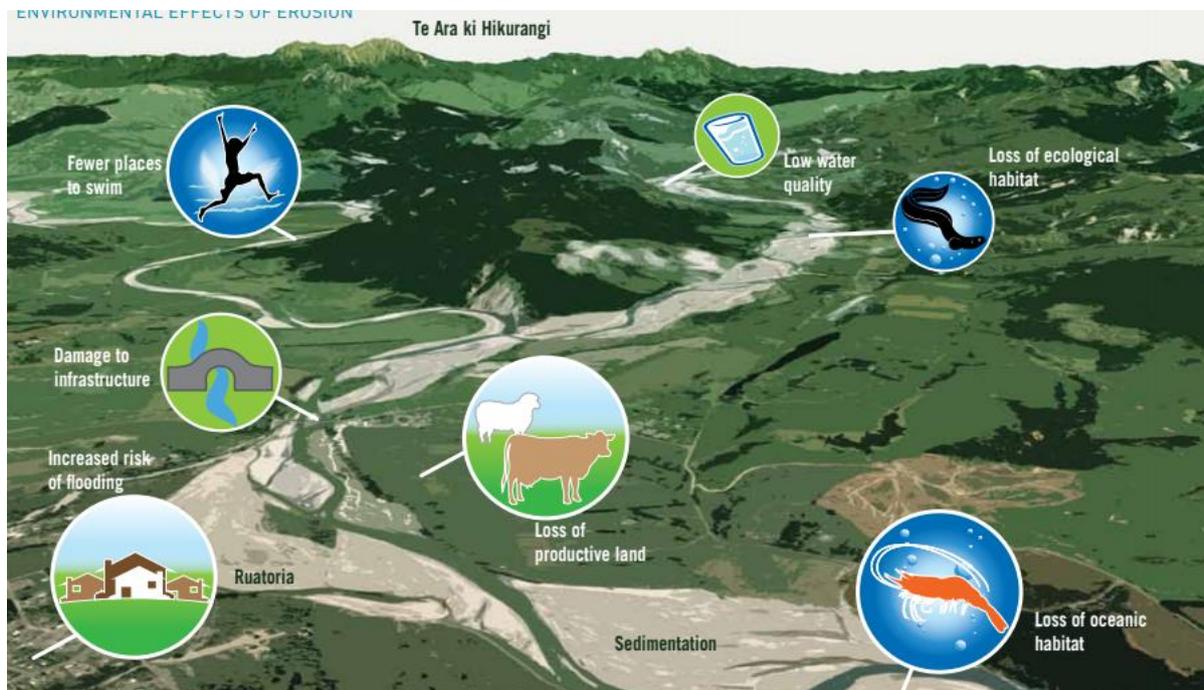


Figure 10 - A depiction of the need for catchment management ([www.mpi.govt.nz/restoring-the-waiapu-catchment](http://www.mpi.govt.nz/restoring-the-waiapu-catchment) cited 20/7/21)

In order to respond to the Case Study Elements 8-15 of the case study scope this section investigates Freshwater Management as it has been undertaken within the Waiapu Catchment. The reader will be better able to appreciate the planning context and we raise some key perspectives in regard to catchment planning and what Ngāti Porou aspires to in the development of the Waiapu Catchment Plan. We also cover the unique under-allocation setting in the Waiapu, and indeed is relative for the majority of most Ngāti Porou catchments.

Three recent and proposed consent applications are profiled reflecting hapū participation in these processes including their capacity, the status or outcomes of the applications, and to evidence the impact (or lack of) of post-settlement mechanisms like the JMA on freshwater management. The first consent profile relates to gravel extraction and is referred to as the Waitahaia consent. The other profiles are water takes and discussed in the Water allocation. These are the Ruabioscience and Racecourse Road consents (refer to Figure 12 for locations pertaining to these consents).

Gravel extraction consents that Ngāti Porou are the majority (by granted consent type) that Hapū have dealt with in the past 20 years. It is important to explore the pressures of that activity. In recent months and in preparation for the Waiapu Catchment Plan process some focus has been afforded to consider freshwater management unit/s (FMU/s) with hapū members. All learnings are informing the planned engagement with hapū and landowners for the Waiapu Catchment Plan set to commence in August 2021.

#### 4.1 Tairāwhiti Resource Management Plan 2020 – CSE 8

The Tairāwhiti Resource Management Plan (TRMP 2020) covers all of GDC's resource management plans including the regional policy statement, regional coastal plan, regional plan and district plan. The provisions relating to tangata whenua and their interests, aspirations and involvement in resource management are supported by more specific provisions embedded throughout the Plan; relating particularly to resources including freshwater, the coastal environment and air quality. Through the implementation of these provisions throughout the Plan recognises the importance of restoring and maintaining the mauri of the environment through kaitiakitanga. Sustainable management involves sustaining the mauri of natural, physical and metaphysical resources.

In addition to national regulations, freshwater management in the Tairāwhiti Region is regulated by the TRMP 2020. Council policy staff informed us that the policy priorities are delivery of the freshwater management planning programme (required by NPS-FM, 2020) and Tairāwhiti Resource Management Plan Review. Council have allocated funds in the Long Term Plan (LTP) to work on the TRMP over the next eight years.

The RPS has a significant Tangata Whenua chapter at the beginning, which addresses the following:

- B1.2 – Taking into account principles of the Treaty of Waitangi
- B1.3 – Having regard for Kaitiakitanga
- B1.4 – Recognising the relationships of Māori with their culture, traditions, ancestral lands, and other resource
- B1.5 - Tangata Whenua and Freshwater – He Taonga Tuki Iho

Sections B1.2-B1.4 include Objectives, Policies and Methods for implementation however the Section B1.5 does not. Section B1.5 refers to the existing mechanisms in which GDC recognise the relationship between Tangata Whenua and Freshwater Management, there are:

- Ngāti Porou Joint Management Agreement;
- Statutory Acknowledgement Areas; and
- Iwi Planning Documents (e.g. Iwi Management Plans).

Currently, Ngāti Porou does not have any Iwi Management Plans in operation.

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#### STATUORY ACKNOWLEDGEMENT AREA

The statutory acknowledgement area for the Waiapu includes the Waiapu River and its tributaries upstream of the coastal marine area. Yet over the years, most resource consents applied for within the Waiapu Catchment have been granted with little or no input from mana whenua.

Statutory acknowledgement provisions have not afforded further protection or consideration of hapū relationship and values associated with our wai. No pressure was put on the applicants to engage with

mana whenua prior to lodging consent applications, so mana whenua had limited opportunity to participate. The practice GDC adopted was to interpret any lack of response by TRONPnui to action or respond to resource consent applications as a basis to assess cultural effects as “less than minor”. This seems to have met their tests of having regard to the statutory acknowledgement mechanism. When HTT would engage on resource consents in the past, HTT was of the view that Council was unwilling to recognise HTT relationship with their awa and the cultural values they have. HTT felt concerns were not given due consideration, no opportunity was given to fully characterise cultural effects and that minimal effort was given to address concerns raised by HTT. HTT now receive statutory acknowledgements for resource consents however this has not yet led to outcomes that recognise and provide for hapū relationship and values associated with wai.

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#### STATUTORY TIMEFRAMES

Statutory timeframes and an imbalance in capacity to respond at the iwi and hapū level results in a recurring challenge for mana whenua participation in resource management. The practice adopted in relation to statutory acknowledgments is unsatisfactory and not an example of the partnership provided for under Te Tiriti o Waitangi, the Waiapu Accord – MOU nor the JMA. Neither partner has taken responsibility to troubleshoot as to why their current practice and processes were failing to effectively administer the special mechanisms legislated for and recognised in key planning documents. Hapū have been key in seeking to resolve and improve this issue.

The Ngāti Porou JMA can (and will be used to) guide and inform the development of the Waiapu Catchment Plan. The JMA can also strengthen and facilitate Te Mana o Te Wai with ngā whānau, hapū o Ngāti Porou as mana whenua. Since its signing, mana whenua have not been able to utilise and benefit from its’ full extent. This is an indication that it has not yet had the impact intended and led to transformative change/s in process and practice for all parties to the agreement. However, the development of the Waiapu Catchment Plan process will provide the opportunity, focus and juncture to implement the JMA. The place of TMOTW in NPSFM 2020 is significant. Hapū are influential in transforming the system going forward.

4.2 Resource Consents Within the Waiapu Catchment – CSE 8

Figure 11 summarises the resource consents issued in the Waiapu Catchment within the last 20 years. This shows around 40 consents have been granted within the Waiapu Catchment during this time. Of those, there are seven water take related consents (bore for irrigation, domestic bore, water take and hydropower scheme); there is one consented discharge in the catchment and 11 are shingle extraction consents.

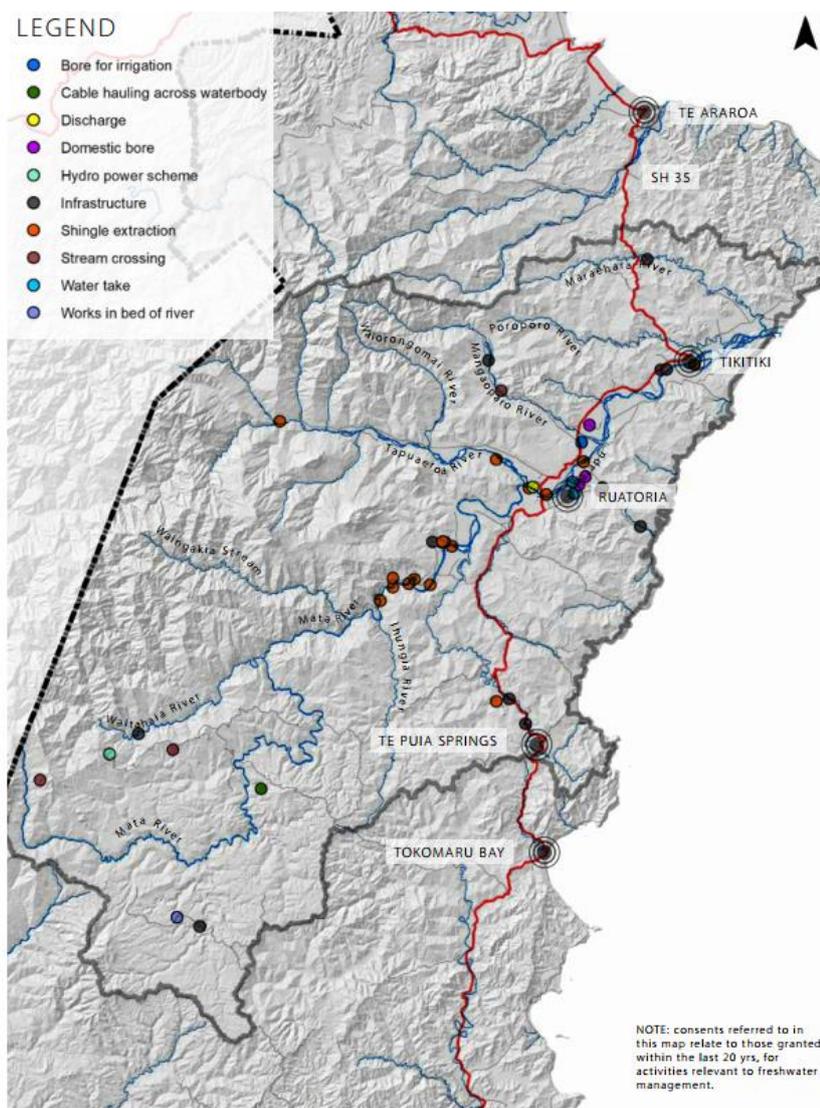


Figure 11 – Freshwater Related Resource Consents in Waiapu Catchment

Key assumptions contained within the regional plan provisions for freshwater recognise the dearth of data and information applicable to the Waiapu Catchment and the diametrically opposite contexts of the planning regime required for the Waipaoa River Catchment as opposed to that of the Waiapu. Resource consent applications within the Waiapu Catchment generally lack sufficient technical information to support the application. Assessment of effects carried out by both the applicants and GDC planners generally do not include all potential effects on the environment and commonly default to “less than minor” because the number of any particular activity is considered relatively low in comparison to the

size of the Waiapu catchment (or even the sub-catchments that the activities may occur in). GDC has commonly defaulted to limiting the consent duration to a five-year period when dealing with resource consent applications of limited technical information / assessment of environmental effects, or when hapū have raised concerns. Little effort has been made to restrict or make changes to the activity as suggested by hapū or to ensure applicants have provided sufficient technical information and assessment of effects. In recent years there have been improvements regarding this however more work is required to ensure the resource consent process with the Waiapu Catchment (both pre- and post-lodgement) give effect to Te Mana o Te Wai. The Waiapu Catchment Plan will address these issues, however both GDC and applicants need to be more willing to work with hapū during in the interim.

Figure 12 illustrates the resource consents we have reviewed as part of this case study.

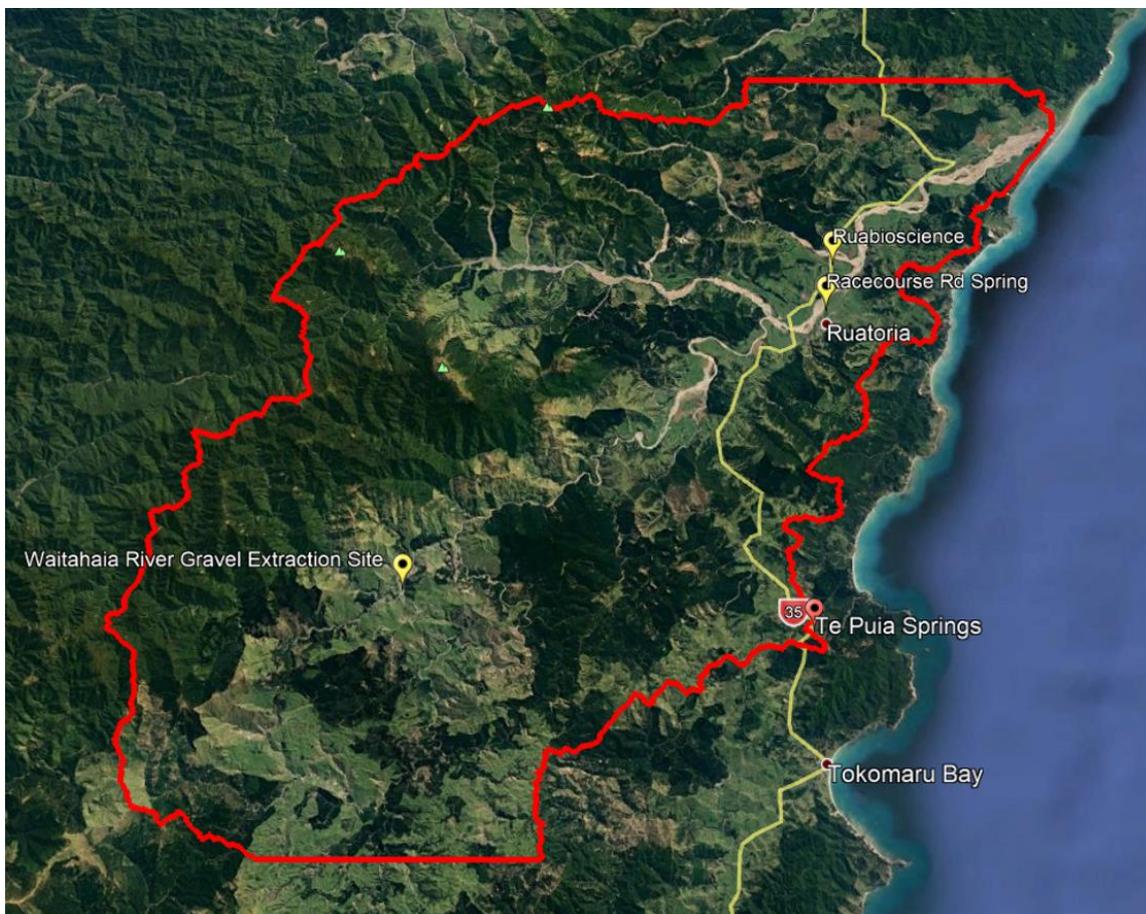


Figure 12 - Location of the three consent activities profiled (Source K Walker 30 July 2021)

Due to the significant proportion of shingle (gravel) extraction within the Rohenga Tipuna of HTT, we use HTT's participation in the Waitahaia consent to highlight the challenges faced and potential opportunities that TMOTW provides in addressing and improving freshwater management (Refer to Section 4.3).

Most water take resource consents (existing and pending) are located within the Rohenga Tipuna of Te Papatipu o Uepohatu Trust. A review of existing water takes within the Waiapu Catchment and one current pending application is provided in Section 4.5.

### 4.3 Gravel Extraction – CSE 8&9

Gravel extraction is a hot topic within the Waiapu Catchment and the wider Ngāti Porou rohe. Gravel extraction in the Waiapu catchment supplies aggregate for roading in the transport and forestry industries within the Gisborne region. Although there is significant aggradation of riverbeds within the Waiapu catchment (particularly in the Tapuaeroa River, Raparapaririki and Wairongomai tributaries), the material is not necessarily suitable for commercial gravel aggregate due to the geology of the source material (Tunncliffe, 2019).

Gravel extraction in the Waiapu catchment typically occurs in areas that are easily accessible (e.g. where access is provided by landowners with operators) and relatively close to State Highway 35 (SH 35), in order to reduce transport costs (Tunncliffe, 2019). These accessible sites where gravel extraction currently occurs are not necessarily suitable for large scale and/or long-term gravel extraction and these sites may be prone to overuse and contribute to cumulative effects on the downstream environment (Tunncliffe, 2019). The income from gravel royalties is worthwhile and far exceeds lease rates for farming and forestry land use in the area.

Most of the gravel extraction activity in the Waiapu catchment has occurred in the lower reaches of the Mata River (the major southern tributary to the Waiapu River) due to the quality gravel resource found there (GDC, 2019; Tunncliffe, 2019). Recent riverbed cross-section surveys undertaken in the Lower Mata River indicate the riverbed is no longer aggrading and is in a stable state or degrading in some areas (GDC, 2019). The Mata sub-catchment falls within the area of interest of HTT, who have long advocated for GDC to recognise the relationship HTT has with the Mata River and to better assist in protecting cultural values impacted by gravel extraction.

Currently, there are multiple gravel extraction resource consent applications on hold with GDC due to the lack of assessment of cultural effects carried out by appropriate experts in association with Hapū. GDC now require applicants to engage with hapū regarding gravel extraction consent applications. Although this is an improvement, engagement is carried out in a reactive manner rather than proactive (e.g. only once Council makes them do it). Resource consent applications have been on hold for extended periods of time because hapū do not have the capacity to participate.

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#### CAPABILITY AND CAPACITY TO PARTICIPATE – HIKURANGI TAKIWA TRUST (HTT)

HTT have limited capability and capacity to participate in the resource consent process. All work is carried out on a voluntary basis, which limits the ability for Hapū to participate. Over the years, most of the participation in resource consents has been facilitated through one HTT Trustee with technical input from contacts outside of the Takiwā. The external technical input is also provided on a voluntary basis. Without this arrangement, the technical capability of HTT to participate in resource consents would be limited.

Gaining support from HTT for a resource consent applicant/ion still requires approval from the trustees not just the hapū members liaising with Council and the applicant and technical experts.

HTT now has a designated representative who leads engagement on resource consents. This representative is a Hapū member who works as an environmental scientist. Although HTT actively recruits hapū members with relevant expertise to strengthen their technical capability to participate, capacity remains an issue as participation is still carried out on a voluntary basis.

Limited capacity to contribute to resource consents is exacerbated when working within statutory timeframes. A small win has been that HTT were advised that the provision of their Takiwā as a GIS shapefile lodged with Council would facilitate for GDC staff to accurately identify of activity within the Takiwā and expedite for hapū the receipt of resource consent applications within the statutory timeframes set. However, responding effectively on a voluntary basis within set timeframes is never an ideal situation.

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#### WAITAHAIA CONSENT PROFILE

HTT were contacted by Fulton Hogan in September 2020 regarding a resource consent application they had lodged (July 2020) for the extraction of gravel from the Waitahaia River (Mata Catchment) at Puketoro Station, 2754 Ihungia Road, Tokomaru Bay. A site visit was held October 2020 to further understandings of the activity and to raise preferences with regard to consent decisions in particular monitoring and cultural monitoring.

#### PROPOSED ACTIVITY:

- annual extraction volume of 55,000 m<sup>3</sup>
- 10-year consent duration
- Supply for roading in Waitahaia Forestry

**HTT CONCERNS:** mostly related to the gravel availability and effect on river health.

Due to the lack of robust information to make informed decisions it is folly to report that environmental effects are not minor and no cultural impacts were able to be identified or assessed for impact. This is not the rationale that HTT, as kaitieki, seeks when asked to support activities such as gravel extraction. This falls well short of giving effect to Te Mana o te Wai.

A comprehensive formal response outlining their concerns and recommendations to give effect to cultural values and impacts. HTT opposed the extraction volume seeking a reduced volume of 30,000 m<sup>3</sup>, and a reduced consent duration to 5-

years. These recommendations were supported by GDC science team who also recognised the uncertainty of gravel availability. Other recommendations were largely focused on monitoring including cultural monitoring and hapū fulfilling these requirements to gether with others contracted to undertake monitoring. Fulton Hogan agreed to monitoring recommendations during the site visit.

**PROCEDURAL HARASSMENT** - HTT requested to review the consent conditions to ensure that the recommendations were provided for. HTT were committed to resolving our concerns through reviewing consent conditions. Following two reviews of the resource consent conditions, HTT, GDC and Fulton Hogan could not reach a consensus, even on monitoring recommendations that had been agreed to during the site visit.

The consent went to limited notified status, deeming HTT an affected party. HTT then had to provide a submission detailing the same concerns and recommendations mentioned in the discussions on-site, formal response, and condition reviews. Upon receipt of the submission, GDC's response was to seek resolution through a review of the conditions – again. HTT declined - ample opportunity had been given to achieve that. HTT have chosen to proceed to hearing.

Having a representative that dedicated their own time to ensuring HTT values and recommendations were provided for through the consent condition reviews and the submission following limited notification was essential to progress to this stage. The time dedicated to ensuring mana tieki is upheld by hapū (As mana whenua) is significant for people who are operating on a voluntary basis. HTT consider the repetition of to-ing and fro-ing consuming the limited capability and capacity of HTT and enabled by GDC throughout this entire resource consent process as procedural harassment.

Engagement with HTT on resource consents has led to the first notified resource consent application within the Waiapu Catchment since the JMA was enacted (2015). Hikurangi Takiwā Trust (HTT) are currently waiting to go to hearing regarding a resource consent application for gravel extraction in the Waitahaia River (Mata Sub-Catchment). This will be the first hearing carried out in accordance with the JMA where Ngāti Porou can nominate persons to the hearings panel. HTT are choosing to uphold their mana tieki and their perceptions of Te Mana o te Wai. This hearing will further inform how Te Mana o te Wai is given effect to within Ngāti Porou and the Tairāwhiti Region.

#### 4.4 Gravel Extraction - Key Learnings

Table 2 below outlines HTT's key learnings related to gravel extraction and doubles as a guideline to assist with responding to similar consent activity and informing gravel management plans in development. There is very limited information regarding the effects of gravel extraction on the state of our awa. The continual granting of gravel extraction consents with limited information of volume, preferred substrate and the location of this material as well as available technical assessments of effects is not satisfactory. Table 2 summarises the key considerations and learnings from HTT participation in the Waitahaia gravel extraction consent process. These considerations, where relevant, could be applied by other Hapū when evaluating gravel extraction activities within their Takiwā.

| Table 2: Gravel Extraction – Key Learnings   |  |  |  |
|--|--|--|--|
| Potential Effects  | Appropriate Considerations   | Monitoring or Enforcement Required   |  |
| <b>Gravel Availability/Over-extraction</b>   | <b>Best Case Scenario:</b> Consents operating in accordance with Gravel management plans developed indicating a) Sediment budgets; b) Suitable areas for extraction; c) Limits on extraction and d) Limits on volume disturbed.  |  |  |
|  | Where no gravel management plan and no gravel availability data, a precautionary approach must be taken – extraction volume, consent duration may be reduced, adaptive management conditions required.   |  |  |
|  | Annual bed level data measured by consent holder until the Gisborne District Council establishes a bed level survey programme for that river (where the consent applicant may contribute financially to in accordance with the annual science and monitoring fee).   |  |  |
| <b>Assessment on historical morphology (e.g. through assessment of historical aerial photographs)</b>  | Assessment on historical morphology (e.g. through assessment of historical aerial photographs)   |  |  |
|  | <ol style="list-style-type: none"> <li>Monitoring changes in morphology e.g. georeferenced drone images collected during summer and winter of each year a consent is active.</li> <li>Monitoring must be reported annually. Information may be used in the assessment of adaptive management conditions.</li> </ol>  |  |  |
|  | Extraction methodology confirmed appropriate to avoid changes in river morphology. Gravel management plans to include methodology for extraction e.g. extraction should take place downstream from bar head so that gravel bars are protected.   |  |  |
|  | Potential for extraction methodology to be linked to consent conditions/compliance responsibility.   |  |  |
| <b>Effects on River Ecosystem Health</b>   | Evidence of fish in river and assessment of impacts on these species. Assessment should include effects on fish passage and spawning. Actions on how effects will be avoided.  |  |  |
|  | Note: EMP = Environmental Management Plan  | <ol style="list-style-type: none"> <li>Fish survey upstream and downstream of extraction area prior to resource consent application.</li> <li>Annual fish survey included as consent condition.</li> </ol>   |  |
|  |  | Recommendations from fish survey to be included in an EMP  |  |
|  | Assessment of existing ecosystem health and potential impacts. Actions on how effects will be avoided.   |  |  |
|  | <ol style="list-style-type: none"> <li>Macroinvertebrate sampling and rapid habitat assessment upstream and downstream of extraction site before resource consent application.</li> <li>Annual macroinvertebrate sampling and rapid habitat assessment upstream and downstream of extraction site.</li> <li>Any recommendations from macroinvertebrate/habitat assessment included in an environmental management plan.</li> </ol> |  |  |
|  | Consider compliance limits associated with macroinvertebrate.  |  |  |
|  | Assessment on risk of sedimentation downstream of extraction activity e.g. arising from extraction activities, preferential sorting, sediment discharges from vehicle crossings, stormwater runoff. Including actions on how effects will be avoided.  |  |  |
|  | <ol style="list-style-type: none"> <li>Active digging in the alluvial plain should be kept at least 5m from flowing water ^</li> <li>No vehicle crossings that result in sediment discharges.</li> <li>Suitable stormwater management so sediment laden runoff does not enter the river channel.</li> </ol>  |  |  |
|  | ^Tunncliffe, 2019  | Assessment of fining of grain-size distribution through preferential removal of coarse-grained material. Results in loss of hydraulic roughness which can impact instream habitat. Although extraction does not occur within wetted channel, the screened material can impact grain-size distributions downstream. |  |
|  |  | Suitable management of screened material so the natural grain-size distribution of the riverbed is not impacted e.g. removal of screened material from river channel.  |  |
|  |  | Protection of riparian vegetation.   |  |
|  |  | <ol style="list-style-type: none"> <li>No removal of riparian vegetation.</li> <li>Restoration of riparian vegetation may be considered to increase mauri at site.</li> </ol>  |  |
|  |  | Appropriate mitigation measures to prevent discharge of fuels and lubricants.  |  |
| <ol style="list-style-type: none"> <li>Machine refuelling and fuel storage well outside of river channel.</li> <li>Well maintained machinery and vehicles so no leaks occur.</li> <li>Fuel areas should be bunded to prevent runoff into river channel.</li> </ol> |  |  |  |
| <b>Effects on Mauri</b>  | Cultural monitoring incorporated into the assessment of environmental effects. Applicants must discuss actions on how to restore, maintain and/or protect mauri with mana whenua which must be included in resource consent application and consent conditions.  |  |  |
|  | <ol style="list-style-type: none"> <li>Baseline cultural monitoring carried out before resource consent application.</li> <li>Annual cultural monitoring.</li> <li>Any recommendations from cultural monitoring included in EMP.</li> </ol>  |  |  |

#### 4.5 Water Use / Take – CSE 12

Permitted water takes (up to 10 m<sup>3</sup> per day) within the Waiapu catchment are common which are mostly used for stock water and domestic use (GDC, 2019).

There are many springs (Puna) within the catchment, many of which have cultural and spiritual significance (Harmsworth et al., 2002; MPI, 2012). Many people within the catchment rely on these springs to provide water.

Ensuring safe drinking water is essential for the wellbeing of Ngāti Porou who rely on the environment for drinking water due to the lack of reticulated water supply in the area. Protecting the quality of drinking water supplies to homes, papakainga and marae as well as access to these sites is essential (Harmsworth et al., 2002; MPI, 2012; Ngāti Porou Freshwater Group, 2015).

There are multiple streams and springs throughout the catchment that are used for water supply during dry periods (Ngāti Porou Freshwater Group, 2015). Being able to source water during dry periods is crucial for some whānau for private and marae water supplies (Ngāti Porou Freshwater Group, 2015, Harmsworth et. Al., 2002). Appropriate land use and freshwater management must be carried out accordingly to ensure these water supplies are protected (Ngāti Porou Freshwater Group, 2015). Many sites within the Waiapu River and catchment that were previously relied on for drinking water are no longer used due to pollution and high sediment loads (Harmsworth et al., 2002; MPI, 2012; Ngāti Porou Freshwater Group, 2015). Many Ngāti Porou would like to see the water quality of these sites restored and/or maintained (Harmsworth et al., 2002; MPI, 2012; Ngāti Porou Freshwater Group, 2015).

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#### INDUSTRY WATER USE

Currently there are only two consented water takes in the Waiapu Catchment, these are summarised below:

- Shallow groundwater take for irrigation and domestic use at the local Kura Kaupapa (22.6 m<sup>3</sup> per day at a rate of 1.4 l/s, maximum annual volume of 8249 m<sup>3</sup>); and
- Surface water take from a spring used for a commercial water supply business (40 m<sup>3</sup> per day at a rate of 5.1 l/s, maximum annual volume of 14600 m<sup>3</sup>). A high-level review of the Consent Decision report is discussed below, see Racecourse Spring Road Water Take Profile. Following that the Water Take is considered within the framework established by TMOTW. This is profiled below.

### RACECOURSE SPRING ROAD (RUATORIA) WATER TAKE PROFILE

The Racecourse Rd spring water take was initially consented in 2008 and has had two successive renewals (five-year consent duration). The existing water take expires in 2023. Under the TRMP, renewing water takes is a Restricted Discretionary Activity (Rule 6.1.2(5) of TRMP).

#### EXTRACTION VOLUME

The consent holder can:

- extract up to 40 m<sup>3</sup> per day, 365 days per year (annual extraction volume of 14600 m<sup>3</sup>);
- daily volume be retained to address peak demand during summer.

Although there may be demand for water supply throughout the year, it is very unlikely that there is a need to supply 40 m<sup>3</sup> every day of the year. Therefore, the annual volume extraction of 14600 m<sup>3</sup> is poorly justified and should be considered excessive. Allocation beyond the reasonable need/use of an activity does not align with kaitiakitanga values.

#### EXTRACTION RATE

The Consent Decision Report states that *“The Applicant advises that the spring fills at a rate of 166 litres per second from below ground.”* There was no technical evidence or methodology provided to support this statement. This would not be satisfactory under a Waiapu Catchment Plan regime. The Consent Decision report stated that because there were no other takes from the spring, the effects of the take on the spring are considered less than minor. This was on the basis that the rate of take is much lower than the recharge rate supplied by the applicant (which is unreliable).

#### EFFECTS ON TANGĀTA WHENUA

The site sits within the Ngāti Porou Statutory Acknowledgment Area, the consent application was circulated to TRONPnui, however there was no input from Tangata Whenua regarding the application. The Decision Report mentioned that as the resource application was for a renewal of an existing water take, Council considered that there were no “unanticipated effects” and therefore considered effects on Tangata Whenua less than minor without confirmation from Tangata Whenua.

#### CURRENT STATE OF SPRING

It is becoming fairly common for the water levels in the spring to drop to alarming levels. There have been some cases where the consent holder has stopped taking water as a precautionary measure. The consent holder has locked the gate accessing the spring, although it is on public land. When visiting the spring, it is evident that the mauri of the wai has been impacted. There has been significant macrophyte and periphyton growth within the spring. Further investigation should be carried out to determine the cause of this. Our initial thoughts would be that the flow system has been impacted in a way that has affected to ecosystem within the spring. Other times there have been conspicuous films present on the spring, most likely from the water pumping process. This suggests that the current management of the spring does not protect, restore and/or maintain the mauri of the wai, therefore not giving effect to Te Mana o Te Wai.



Figure 13 (left) & 14 (right) – Racecourse Rd Spring, Significant Macrophyte and Periphyton Growth (Source: Kate Walker 25/9/2020)

Considerations for giving effect Te Mana o te Wai could include the following:

- Carry out mauri measurements on the spring in its current state, during winter and summer conditions;
- Carry out water quality assessments and ecological assessments (macroinvertebrate sampling, rapid habitat assessment, periphyton and macrophyte assessments) of the spring during winter and summer conditions;
- Collect water quantity data – qualitative e.g. cultural flows and/or quantitative e.g. flow gauging;
- Work with Tangata Whenua to identify ways of restoring mauri;

As there was no ecological assessment of the spring prior to the granting of the water take, there is no baseline ecological data for the site to compare to. Collecting as much data prior to the renewal of the consent would be beneficial for Council and Tangata Whenua when considering future resource consent applications. Cultural monitoring approaches can be used to inform what the baseline was previously (see Section - 4.9 Monitoring and Enforcement).

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#### RUABIOSCIENCE WATER TAKE APPLICATION

The third consent profile is provided in this section. We understand this is still in application phase.

Ruabioscience are currently seeking a resource consent to take shallow groundwater at a rate of 10 l/s with an annual volume of 182,500 m<sup>3</sup>. The water take is to be used at the Ruatorea Cannabis Cultivation Centre. Ruabioscience engaged a local Tairāwhiti consultant to undertake a cultural impact assessment (CIA) who carried out multiple rounds of engagement with Te Papatipu o Uepohatu Hapū members. This is the first CIA that has been undertaken for a water take within the Waiapu Catchment. Learnings from this CIA are summarised in Table 3.

The applicant has commissioned further studies to meet hapū requests for alternative take options. The applicant and this application has led and modelled an improved process for engagement of hapū and mana whenua in the consent process. However, there is scope for improvement. This profile compares the Cultural Impacts Assessment process undertaken with the considerations that should be factored with Te Mana o Te Wai framing the process. The cultural values and cultural monitoring approaches identified by Te Papatipu o Uepohatu in 2018 (see 4.9 Monitoring and Enforcement) provides further guidance to the development of CIA and engagement also. Resourcing mana whenua to inform and participate in this process is critical to the aspirations and outcomes sought.

| Table 3: Ruabioscience Engagement Process   |  |
|---|--|
| Ruabioscience CIA Process   | Improvements from a TMOTW process  |
| <p>i) CIA/mana whenua engagement was instigated by the applicant in a proactive manner (e.g. before the resource consent application had been lodged).</p> <p>ii) Engagement plan developed by consultant and approved by applicant.</p> <p>iii) Engagement process began once applicant had already determined the activity e.g. groundwater take over surface water take. However, applicant was willing to explore alternative options suggested by Mana Whenua during engagement.</p> <p>iv) Multiple rounds of engagement with Mana Whenua so that feedback could be considered.</p> <p>v) Alternative options explored as requested by Mana Whenua.</p> <p>vi) Applicant exploring options into minimising level of effect e.g. stormwater capture, recycling, offsetting.</p> <p>vii) Applicant exploring potential for water take consent to be in landowners name as the company has international interest. Keeping the water take local was preferred. Best case scenario would be to have the water take in the name of the Hapū, however a suitable Hapū entity was not identified.</p> <p>viii) Unsure who mana whenua participants were representing, need clarification of whether they are participating as individuals or representing the Hapū. Many Hapū members are shareholders in Ruabioscience, so conflicts of interest need to be declared.</p> | <p>i) Process of engagement developed between applicant and Mana Whenua.</p> <p>ii) Conflicts of interests declared. Mana Whenua declare who they are representing e.g. are they acting as individuals, landowners and/or representing Hapū?</p> <p>iii) Mana Whenua have opportunity to refine scope of the CIA, and the process in which it is carried out.</p> <p>iv) Mana Whenua are sufficiently prepared for the CIA engagement – e.g. mana whenua have the opportunity to work together to gain a mutual understanding of cultural values before the impacts are assessed – also builds capacity and capability of mana whenua. E.g. place name analysis, whakapapa, history analysis. Due to sensitive nature of this mātauranga, mana whenua may want to do this independently of the applicant.</p> <p>v) When CIA facilitated by applicant (or consultant representing applicant – Mana Whenua have the opportunity to work independently of applicant so they feel safe to share mātauranga.</p> <p>vi) works with Mana Whenua timelines, not working within Statutory timeframes etc. Multiple rounds of engagement so that participants understand what is required.</p> <p>vii) Mana Whenua have the opportunity to be resourced by the applicant to carry out the CIA themselves or nominate who they want to represent them and carry out CIA independently from applicant.</p> <p>viii) Mana Whenua resourced/compensated to participate in the CIA.</p> |

#### PROPOSED RUATORIA WATER SUPPLY

GDC and TRONPnui are partnering to deliver a water community supply for Ruatoria. GDC are looking to commission a CIA for the water take resource consent application. An initial hui with GDC, TRONPnui, Hapū and landowners was undertaken at the Ruatoria RSA on 4 May 2021. Participants recognised the Ruatoria community would benefit from a potable water supply, however concerns were raised. High level feedback is summarised as below:

- Having a potable water supply available may remove whānau from carrying out the kaitiekitanga over their existing water supplies e.g. springs;
- Having a potable water supply may result in unnecessary water use. The community currently have to conserve water as there is limited supply. Increasing water supply may lead to poor water conservation practices;
- Concern that water quantity data was not being collected and/or considered in site selection;
- Investigations into site selection and water quality were being carried out without including and/or notifying Mana Whenua;
- Concern that the project was being rushed due to funding deadlines and that Council was not unified across its own departments in presenting this proposal. Giving effect to TMOTW has not been detailed in Council’s proposal to the hapū. Some hui participants were of the view that funding should be used to carry out due diligence to ensure the project aligns with Whānau and Hapū aspirations of freshwater in Ngāti Porou. Carrying out proper due diligence, building capacity and capability of Whānau and Hapū to participate in decision making over their rohe would be a valuable use of funding; and
- Concern of GDC having authority over the water take – Hapū should be named on the water take or at the very least explore options into having a shared water take with GDC and Hapū.

#### 4.6 Key Learnings – Water Takes

It has been very useful in terms of considering the value of TMOTW if it was the framework to guide the resource consent development and engagement. Giving effect to TMOTW means that everyone needs to buy in, including applicants. If all parties followed a TMOTW framework then improved outcome/s for the applicant and hapū could be achieved.

Critically for hapū, water takes become tradeable property. The mixed ownership of the entities of the applicant and the future possibility of the landowner to sell or change ownership (land that is general title) effectively grants ownership of water beyond the hapū (and Ngāti Porou). The use of the water needs to manage sustainably but the crux of this matter is that Ngāti Porou hapū do not support “ownership or proprietorship” of wai to be outside of mana whenua/ hapū. This is synonymous with dismantling Te Mana o Te Wai (as it was intended).

Key learnings from the review of water takes in the Waiapu Catchment are summarised below.

- Water takes should never compromise Te Mana o te Wai. Water takes for commercial purposes should only be considered once cultural/environmental flows have been established;

- Water takes not allocated on a first in first served basis. Water takes should be granted to users who can prove sustainable and efficient take and use;
- Water takes based on what resource is available, not how much is needed to be commercially viable;
- Allocation provided based on reasonable use/existing use (not allocating water unnecessarily);
- The following parameters need to be justified with robust technical data before granting water take consents (if they cannot be justified then a precautionary approach must be taken):
  - Rate;
  - Volume (including daily, weekly, monthly and annual limits); and
  - Timing of the take;
- Options into minimisation of water use need to be presented e.g. water recycling, stormwater capture (e.g. rainwater tanks);
- Need to explore options for adaptive management conditions e.g. identifying reference sites;
- Water takes need to protect, restore and/or enhance mauri. Existing water takes will not be supported for renewal if no action taken to enhance mauri;
- Mauri assessments to be included in assessment of effects;
- Baseline environmental data collected and presented before taking water;
- Prefer water takes to be in Hapū name? Rather than council/crown etc; and
- Review clauses to include environmental effects and cultural effects.

Water take renewals should not assume effect on Tangata Whenua is less than minor because no Tangata Whenua assessment was included in the original consent application.

## 4.7 Water Quality and Quantity and Allocation – CSE 10

## WATER QUALITY

A State of the Waiapu Water Resources Report (Easton et. al., 2019) identifies trends from monitoring data collected 2014- September 2018 across 12 sites in the greater catchment. The water quality monitoring sites are all located on mainstem – 4th or 5th order rivers, so the available data reflects the accumulation of contaminants within a subcatchments and the report itself presents the results in this way. This is helpful as it is aligned better with how mana whenua relate to the waters and interpret the results however further wānanga are required with mana whenua to interpret the data and results and further develop the integration of cultural values and cultural monitoring approaches that together should inform catchment planning and the achievement of TMOTW. A summary follows:

**NUTRIENTS** - Dissolved Reactive Phosphorus (DRP) levels at all sites are low-moderate compared with other parts of the region although there is evidence of an increasing trend at half the sites. Median Total Phosphorus (TP) levels are high by national standards. TP is strongly correlated to the total suspended sediment, confirming that like other parts of the region, the rock types in the catchments are high in phosphate. The Ihungia River has an increasing trend of total phosphorus.

There are low-moderate levels of nitrogen in terms of ammoniacal nitrogen (ammonia - which is highly toxic to fish), nitrate (the main driver of algal blooms in rivers), dissolved inorganic nitrogen (DIN -the main driver of algal blooms in lakes), total organic nitrogen (TON) and total nitrogen (TN). However, in the Mata subcatchments (Ihungia, Ratahi Lagoon, upper and lower Mata sites) there is elevated levels of nitrogen of all types. When combined with naturally high phosphate there is potential risk of eutrophication. An investigation into sources of ammonia and nitrate is recommended.

**PHYSICAL CONTAMINANTS:** all sites show median levels of Total Suspended Sediment (TSS) and turbidity which represent high to extreme stress for aquatic ecosystem health. The (95th Percentile levels in many rivers are extreme reflecting the massive volume of sediment which moves through the catchment during heavy rain. All sites show high pH – in some cases this is increasing. This is consistent with other parts of the region and is a reflection of the geology of the area. The high phosphate

bearing rocks also lead to high pH. All sites show high conductivity reflecting the large amounts of dissolved salts in the water from the sediment. All sites show high levels of dissolved oxygen which will support ecosystem health.

**BACTERIA** – is summarised in terms of swimming water quality in line with the NPS-FM. Swimming water quality varies with Mangāoporo River and Ratahi Lagoon considered in the A Band, the lower Mata in the B Band and the Waiapu, Poroporo, Ihungia and Upper Mata Rivers are in the D Band of the NPSFM for swimming water quality. Unrestricted stock access is thought to be the cause of elevated E.coli levels, but faecal source tracking studies are recommended.

**AQUATIC ECOSYSTEM HEALTH:**

Macroinvertebrate health ranges from excellent stream health in the headwaters to fair stream health. Periphyton cover is low in the upper reaches of the catchment with cover increasing as you move to the mid reaches. Macroinvertebrate scores decrease with increases in deposited sediment and conductivity. Deposited sediment scores range from no sediment on the stream bed to greater than 75% cover. The sites that had the highest levels of deposited sediment were Makarika and Ihungia. Habitat is also relative to MCI – where the habitat score decreases the MCI decreases also.

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## WATER QUANTITY

According to [lawa.org.nz](http://lawa.org.nz) there are three flow gauging sites within the Waiapu Catchment that monitored by GDC. These are listed below:

- Motu River at Kotare Station Bridge;
- Waiapu River at Rotokautuku Bridge (SH35); and
- Poroporo River at SH35 Bridge.

Currently there are no groundwater quantity monitoring sites within the Waiapu Catchment. Based on the lack of water quantity data available in the Waiapu Catchment, hapū are not confident in decision making relating to water take/use. This includes resource consents and catchment planning. It is likely that hapū representatives will seek further water quantity data, utilise modelling approaches and seek to develop and integrate cultural monitoring approaches when co-drafting allocation limits for the Waiapu Catchment Plan.

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## WATER ALLOCATION

The existing allocation framework – allocation on a “first in, first served” basis conflicts with Ngāti Porou Values. Therefore, we prefer a regenerative framework to govern all water take and use.

*“Any allocation of freshwater for other uses must be regenerative and only involve the water that is available after provision for the first allocation to water itself, [this may be considered a cultural flow and an environmental flow and should not be able to be altered unless the environmental parameters change] and after reasonable provision for human drinking water (Porou, 2020).*

Ngāti Porou’s views with regard to allocation are consistent with the hierarchy of obligations in Te Mana o te Wai. However, we do specify a distinction between Ngāti Porou customary and commercial practices and other users. There is support for allocation to be granted where an applicant can prove sustainable use of that resource. Ngāti Porou aspirations for water allocation is summarised in Figure 15.



Figure 15 – Ngāti Porou Priorities for Allocation

Although the Waiapu does not have a high demand for water resources, it could in the future. Members of Ngā Hapū o Ngāti Porou have continually expressed their concerns regarding the risk of over-allocation in the Waiapu if the demand for water arose before appropriate measures were put in place. There is also very limited quantifiable data relating to groundwater quantity in the Waiapu Catchment. It is unsatisfactory that allocation limit setting be based on limited data.

Allocation needs to be scoped thoroughly to inform the Waiapu Catchment Plan to ensure appropriate limits and rules are set to protect the water resources before there is demand for water resources. Precautionary and conservative approaches will be necessary. Adaptive management conditions may be considered when it comes to water allocation.

#### 4.8 Water Storage – CSE 11

Water storage will most likely play a large role in the future of freshwater management in the Waiapu Catchment. The following water storage options align with Ngāti Porou values and aspirations for freshwater management:

- Taking water (e.g. surface water and shallow groundwater) during autumn/winter months and storing it for use during the drier months;
- Storing stormwater capture (e.g. roof) runoff for uses such as vehicle washdowns and small scale irrigation (e.g. gardens). Storage may be by way of tanks and/ or dams or ponds as most farms utilise to assist in treating gully areas and provide water supply to their stock.

Suitable water storage options should be considered and carried out prior to applying for a water take consent. Hapū will favourably consider and support applicants who have carried out all practicable steps

to capture and use stored water at appropriate times and implement water recycling in their business processes.

#### 4.9 Monitoring and Enforcement – CSE 15

According to [lawa.org.nz](http://lawa.org.nz) there are nine water quality monitoring sites within the Waiapu Catchment. There are three surface water flow monitoring sites registered on the lawa site. It is understood that monitoring occurs from time to time to inform various reports that may be required.

The State of the Waiapu Water Resources Report (Easton et al., 2019) presents an analysis of monitoring data from 13 sites for water quality (7 of these being in the Mata River) and various others for water quantity/ flow and limited groundwater data.

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#### CULTURAL MONITORING

Hapū are moving to require cultural monitoring as part of consent conditions to address the lack of data and information pertaining to the Waiapu and poor provision of appropriate and technical information in consent application.

All roheinga tipuna participated in a cultural values wananga series led by Tina Ngata in 2018 to identify values to inform a cultural monitoring regime. A full description of the cultural values identified by HTT and Te Papatipu o Uepohatu are presented in Appendix B. A brief overview follows.

#### HIKURANGI TAKIWĀ TRUST

The cultural values that HTT identified included: Ahi Kaa, Mahinga Kai, Sites of Significance, Mohiotanga, Tikanga, Whakapapa/ Whanaungatanga and Physical Measures. These values are framed within a Mauri Ora framework. Each value has a description to outline why it is a chosen value – how is wellbeing or mauri impacted by the presence or lack of this value; the state/s or outcome/s the hapu is wanting to measure using this value. Then the methods of inquiry are listed by specific questions and inquiry type. The latter involves census data, hapu surveys, consents granted, interviews, wananga and water monitoring tools such as SCHMAK and RHA. This is considered necessary for the establishment phase of developing a cultural monitoring regime. Overtime the intent is to move towards a wananga mode of realisation.

For example, Hikurangi Takiwā identifies Ahi Kaa as a value because depopulation impacts us negatively. The restoration of the relationship between our people and our waterways begins with having our people present beside our waterways. It is enhanced through providing opportunities for our people living beside our waterways to engage with them. The outcome then is that the maintainance and/ or growth of our population is ensured through the ability of our wai to sustain us and we are in place to preserve our ahi kaa and kaitieki relationship with our wai.

## WAIAPU KOKA HUHUA: A RIVER FLOWING FREE - HAPŪ LEADING TE MANA O TE WAI

Inquiry types involve census data, hapu survey, consents granted, interviews and wananga across timeframes of 6-12 monthly cycles to ascertain:

- What is our ahi kaa population?
- Access to wai for ahi kaa/papa kaenga
- Water security - Do you have ground access? What is the standard of water? Water quality?
- Have you run out in the past 6 months? How many times? Have you had to pay to top up?
- Use of wai to support sustainable economic development for ahi kaa
- Income for landowners/shareholders relative to allocations
- Local employment relative to allocations

### **TE Papatipu O Uepohatu Trust**

Te Papatipu O Uepohatu advance the cultural values for cultural monitoring further by framing or aligning this with/in Mana Atua, Mana Whenua, Mana Tangata, Mana Tieki principles. This approach provides more readily for the interconnectedness of the values and how cultural monitoring approaches should be integrated.

Further wananga are required to integrate these into freshwater management going forward. The Waiapu Catchment Plan provides good opportunity to continue this work and in order to support TMOTW, Ngāti Porou will seek to implement a monitoring regime where:

- Water quality and ecosystem health monitoring sites be identified in partnership with mana whenua interests;
- Wānanga be conducted with hapū so that the data can be better understood and inform the Waiapu Catchment Plan;
- Ngāti Porou values are used when designing monitoring regimes so that they inform an assessment of mauri within the waters in the Waiapu Catchment; and
- Mātauranga-informed cultural monitoring be implemented and integrated with western science.

4.10 Catchment Planning – CSE 13&14

Table 4 summarises key learnings taken from high level review of the existing catchment plans within the Tairāwhiti District, these are then compared to Ngāti Porou aspirations for the Waiapu Catchment Plan. GDC currently has one operative catchment plan (Waipaoa Catchment Plan) and one currently in development (Motu Catchment Plan). The Waipaoa Catchment Plan and the Motu Catchment Plan were both written under previous versions of the NPS-FM where TMOTW did not have the same weighting as it does now.

| Table 4: Catchment Planning Process   |   |  |
|---|---|--|
| Waipaoa   | Motu  | Waiapu (to be started)   |
| i) TMOTW not a driver and/or outcome for Catchment Plan   | vii) TMOTW not a driver and/or outcome for Catchment Plan;  | xiii) TMOTW needs to be a driver and objective of Plan;  |
| ii) Catchment already over allocated;   | viii) No water takes/natural flow system;   | xiv) Few water takes in catchment;   |
| iii) Water Quantity and Quality issues;   | ix) Flow limits to protect ecosystem health;  | xv) Significant sedimentation issues due to high erosion rates;                                    |
| iv) Catchment plan focusing on clawback initiatives and mitigation measures (not aiming for abundance);   | x) Water quality issues from neighbouring land use (agricultural) – sediment and ecoli  | xvi) Water quality yet to be fully characterised throughout catchment;                             |
| v) Catchment Plan developed with wide representation from stakeholders (e.g. Agricultural/Horticultural industries, DoC, community groups) and mana whenua. Stakeholders involved had mixture of national and local interest; | xi) Catchment Plan developed with representation from stakeholders (e.g. Agricultural industry, DoC, community groups) and mana whenua; | xvii) Will look to set flow limits to protect, maintain and/or restore ecosystem health and mauri; |
| vi) Catchment Plan does not include land use;   | xii) Catchment Plan does not include land use;  | xviii) Catchment Plan also to include land use/management;   |
|   |   | xix) Catchment Plan to be co-drafted between Ngāti Porou and GDC;                                  |
|   |   | xx) All existing consents to be reviewed and updated once Plan becomes operative;                  |

The Waiapu poses particular challenges when it comes to Catchment Planning. Large-scale sedimentation in the Waiapu Catchment will require transformative leadership and significant effort to overcome. The view of Ngā Hapū o Ngāti Porou is that the current regulatory framework is not adequately protecting the Waiapu Catchment and in particular, water quality. Under the JMA, Ngāti Porou will co-develop the Waiapu Catchment Plan with GDC. Ngāti Porou will look to incorporate

TMOTW throughout the Waiapu Catchment Plan and ensuring that not only do we give effect to TMOTW, but we achieve TMOTW throughout the Catchment.

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#### WAIAPU CATCHMENT PLAN

The development of the Waiapu Catchment Plan provides Ngā Hapū o Ngāti Porou with the opportunity to affirm their right as tangata whenua and kaitiaki of the Waiapu River catchment.

Maintaining and/or restoring the cultural identity and wellbeing of Ngāti Porou is directly linked to the restoration of the Waiapu catchment (Harmsworth *et al.*, 2002). Many Ngāti Porou have reported their aspirations for Waiapu Catchment (Harmsworth *et al.*, 2002; MPI, 2012; Ngāti Porou Freshwater Group, 2015). Strategies developed for managing the Waiapu catchment should embrace the aspirations of Ngāti Porou (MPI, 2012). These cultural aspirations are based on the cultural values that Ngāti Porou hold very strongly (Walker, 2019) and are summarised below:

- A river that flows freely;
- Reduced erosion and sedimentation;
- Clean rivers and sustainable safe drinking water supply;
- Rivers that are safe to swim in;
- Continued access to recreational sites and kai gathering locations;
- Abundant kapata kai including flora and fauna species. It is the aspiration of the people that these species are plentiful to supply whānau and whānau/hapū/iwi gatherings;
- Kaitiakitanga over the Waiapu River and catchment. Being able to practice mana motuhake over the protection and sustainable use of natural resources within the Waiapu Catchment;
- Holistic approach to all environmental management within the Waiapu Catchment;
- Restoration and/or maintaining the relationship between the people of Ngāti Porou and the Waiapu river. Ensure that this relationship continues for future generations;
- Restoration and/or maintaining knowledge or awareness of Mātauranga Ngāti Porou;
- Restoration and/or maintaining the relationship between the Ngāti Porou people and the awa;
- Restoration of native forest and protection of existing native forest;
- Create economic opportunity for Ngāti Porou people and restore economic independence; and,
- Ensuring that the river is not passed on to future generations in a worse state than its current state. At the very least, no further degradation of the Waiapu should occur.

Successful erosion control within the catchment is required in order to achieve the cultural aspirations of Ngāti Porou (MPI, 2012). The full restoration of water quality and kapata kai will not occur until the current sediment yield in the Waiapu catchment is reduced (MPI, 2012). Co-governance and integrated management models led by Ngāti Porou are essential for the restoration of the Waiapu Catchment and ensuring the aspirations of Ngāti Porou are met (MPI, 2012).

## WAIAPU KOKA HUHUA: A RIVER FLOWING FREE - HAPŪ LEADING TE MANA O TE WAI

The Waiapu Catchment Plan will set the limits for use, water quality and water quantity and land management that achieve, protect and/or enhance the values identified in the catchment. The WCP planning process was underway prior to the COVID-19 pandemic. At a hui series convened in June 2020 a commonly held view was activities that were deemed ‘regenerative’ were welcomed within the Waiapu Catchment (Porou, 2020). The catchment plan will need to be enabling of those activities that align with Ngāti Porou values and aspirations for the Waiapu Catchment.

Work to co-design the Waiapu Catchment Plan has recently restarted, and the engagement phase is set to commence in August 2021.

The WCP will be developed with the input from a panel of Hapū technicians that has representation from each Hapū cluster within the Waiapu. The Hapū technicians will play a key part in connecting and engaging hapū and landowners with the catchment planning process; informing the plan with mātauranga; review of the plan and advice.

Although the Waiapu Catchment Planning process must meet statutory requirements as outlined in Figure 16 below, Ngāti Porou are yet to determine a catchment planning process that best aligns with Ngāti Porou values and aspirations.

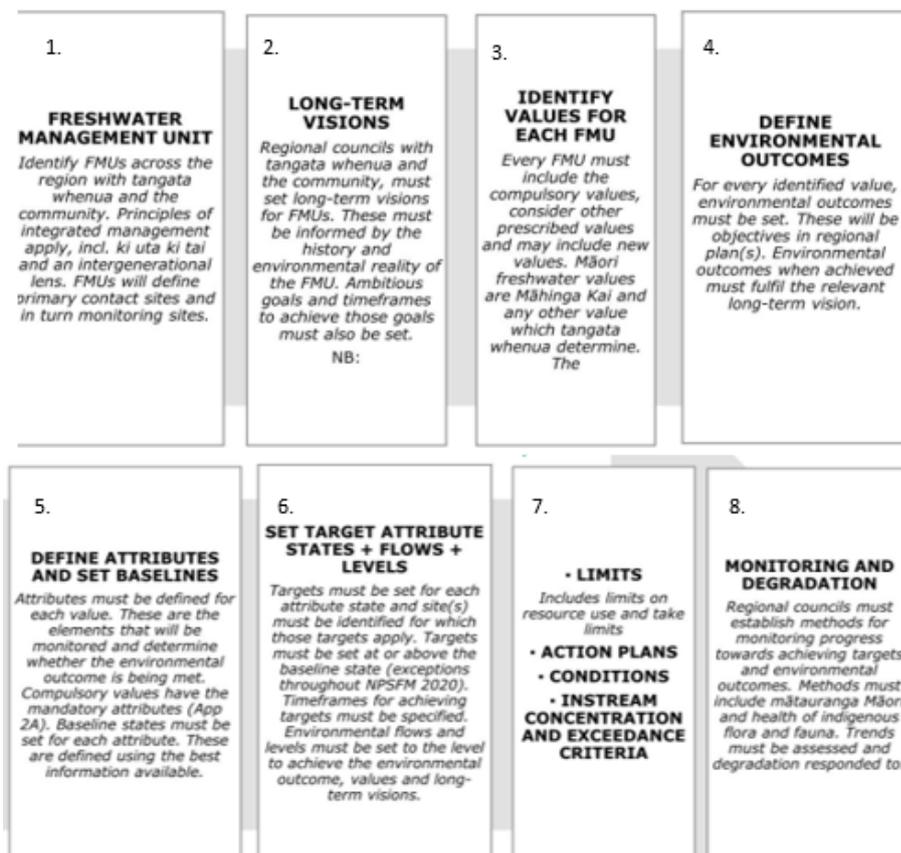


Figure 16 – Catchment Planning Process (Source: Tina Porou)

## FRESHWATER MANAGEMENT UNITS

Initial discussions with council have been about how catchment planning has been carried out within the region thus far. The Waipaoa and Motu Catchment Plans have determined freshwater management units (FMU). Table 5 compares the FMUs set out in the Waipaoa and Motu catchments compared to the current options we believe will be helpful to focus on in regard to the Waiapu.

Determining FMUs needs to be the focus of hapū wananga from early in the catchment planning process as they underpin the current approach to catchment planning. However, the FMU has been a concept that is not straightforward to translate and communicate with hapū and landowners. Perhaps this is because of how we naturally default to our hapū Takiwā and the expression of mana whakahaere within those spatially defined bounds? And likely further exacerbated by the dynamics of some 25 hapū with mana whenua within the catchment.

When it comes to freshwater management, there are many values that are generally consistent across the entire Waiapu Catchment, thereby the Waiapu Catchment could be set as one FMU. However, the Hapū Technical Team seeks to support landowners and hapū to participate in the process to see if that conclusion is the one that will be arrived at by the greater collective. Further engagement with the whānau and hapū has been planned to determine if sub-catchments have different values, pressures and/or require different management methods. To this end, a mapping focused workshop is planned for August 2021 and will commence the process to determine the FMUs in the Waiapu.

| Waipaoa   | Motu  | Waiapu  |
|---|---|---|
| Four FMUs: <ul style="list-style-type: none"> <li>– Waipaoa Hill Country</li> <li>– Te Arai</li> <li>– Poverty Bay Flats</li> <li>– Gisborne Urban</li> </ul> | FMUs separated out as headwaters vs. farmland | Option 1 – The Whole Waiapu Catchment<br><br>Option 2 – Split Waiapu Catchment across Hapū/Sub-catchment boundaries |

## VALUE SETTING, LIMIT SETTING, ATTRIBUTES

The Waiapu Catchment Plan section above summarises the values and aspirations that Ngāti Porou will seek to maintain, protect and/or restore through the Waiapu Catchment Plan. Further values that will be enshrined within the Waiapu Catchment Plan are summarised in Figure 17 and Figure 18. These values pertain to our mana motuhake (referred to as mana whakahaere in the NPSFM 2020).

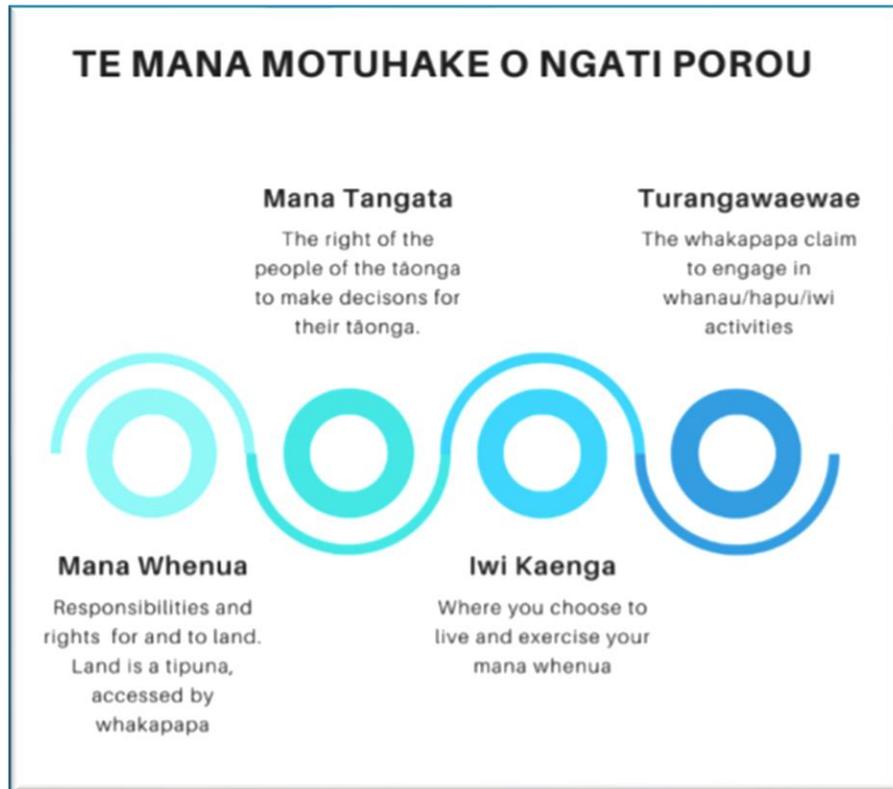


Figure 17 – Te Mana Motuhake o Ngāti Porou (Porou, 2020)

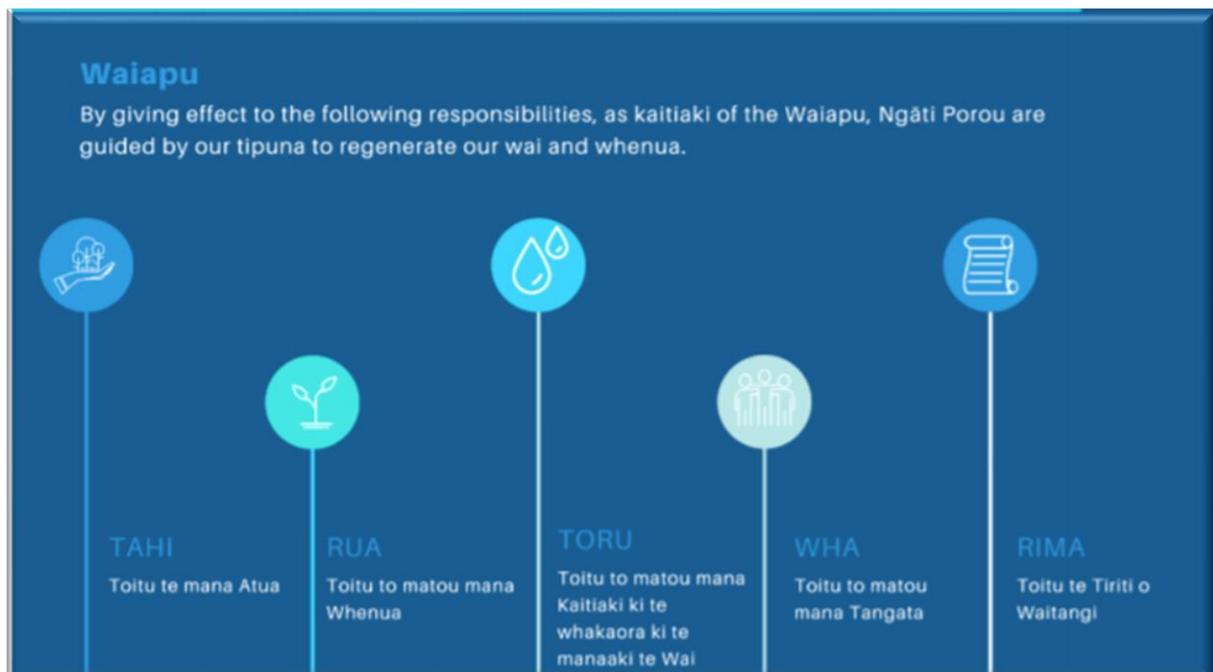


Figure 18 – Toitū Principles (Porou, 2020)

The Toitū Principles summarised in Figure 18 are adapted from the Deed of Agreement for the Ngā Hapū o Ngāti Porou Ngā Rohe Moana Act 2019 as a framework to support environmental decision-making as it

inherently takes cognisance of mana and customary authority of Ngā Hapū o Ngāti Porou -the basis with which we were able to negotiate and develop such legal provisions to assist us in our governance of our natural resources. The Toitū principles are explained further below:

- **TOITŪ TE MANA ATUA:** unbroken mana of hapū to their rohe moana (and whenua);
- **TOITŪ TE MANA WHENUA ME TE MANA MOANA:** the right of protection over land and sea;
- **TOITŪ TO MATOU KAITIEKI KI TE WHAKAORA KI TE MANAAKI KI TE WAI:** this refers to the responsibilities of the hapū of Ngāti Porou to act as kaitieki and in doing so, regenerate and reinvigorate the waters of the Waiapu.
- **TOITŪ TE MANA TANGATA:** rights of control over their own affairs
- **TOITŪ TE TIRITI O WAITANGI:** partnership between hapū and crown under Te Tiriti.

The premise of mana in its varied expression connects directly with TMOTW. The use of the Toitū Principles framework needs to be developed and practised conscientiously. We believe this in turn will strengthen our capability in freshwater management.

The Waiapu Catchment Plan engagement process will use mapping workshops and resource hapū practitioners to evaluate the integration of cultural values identified over successive research programs and wananga to engage and reaffirm these values with whanau, hapu, landowners. This will also inform the determination of Freshwater Management Unit (FMU).

#### 4.11 Capacity and Capability to Address Freshwater Management – CSE 9

The JMA and working relationship and partnership between GDC and Ngāti Porou provides for and is able to facilitate the development of capability and capacity in freshwater management in a way that mana whenua can lead. However, it is critical that both parties recognise the imbalance in power of the parties and the extra considerations required to address the consequent inequity with resourcing of participation by Council representatives and staff versus Ngāti Porou representation and participation. In addition to this is the engagement approaches needed to reflect the social fabric of whānau and hapū in Ngāti Porou.

Implementing a program for capability and capacity building requires external input – such as professional development approaches to resource management related skills and best practice; but it also requires transformational change. The current institutional systems, culture and attitudes of all parties is inadequate to facilitate transformational change. This will need to accommodate Ngāti Porou specific and tailored solutions and a willingness of Council to partner in implementing a Tiriti-led delivery of the planning regime – that established under the RMA and any new format established under reform.

The implementation of the JMA and specifically the Waiapu Catchment Plan as an initial foray into transforming freshwater management is important to growing capability and capacity and giving effect to TMOTW.

The remainder of this section outlines current capability and capacity and a recent example of growing this as provided for under the JMA.

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#### WHĀNAU AND HAPŪ

As kaitiaki we are in tune with our relationship with our wai, we are well connected and live our whānaungatanga, we have various specialisations strengthened through academic institutions and whānau, hapū and marae institutions – yet freshwater management requires access to and/ or an ability to translate with whānau and hapū a particular skill set to influence and leverage key decision-making processes over collectively held resources and assets. This is typically done on a voluntary basis.

Additional capacity and resource would be required to secure resourcing for sustaining capacity. This is a significant barrier in having Hapū/Whānau participate in freshwater management. The voluntary basis in Ngāti Porou looks like:

*“Your time is likely not remunerated. You will be doing this all in your “free time”. You will use your own pen and paper, printer and printer ink and toner, your own phone and plan and own laptop, electricity and internet plan. You will use your own vehicle (ideally a 4WD) filled with petrol by you to undertake a number of hui to get whānau and hapū input as landowners, as land decision-makers, as water users, as eelers, as hunters on the matter at hand. You will seek assistance through the most effective means to gain free advice from scientists and technicians. It is a bonus but very rare if they whakapapa to your*

*hapū (because their career places them in urban NZ) and that they can respond in the tight timeframes you have to organise a response.*

*Then you will frame the hapū response in a manner that values “whakamana i te tangāta” because whānau and hapū members are diverse in their interests and beliefs, their needs and what supports livelihoods.*

*Then you will interface with Council staff and their contractors to manaaki the hapū contribution through the regulatory process to try and have the best chance to achieve a good outcome. And the outcome may only be a slight improvement on what was the status quo. Then you will update and report the outcome to all those who contributed - in fora (where most hapū business gets done) like pa hui and tangi and getting kids to their sports events or kura. And then, if you are lucky, you can reflect on that effort and work out how to improve “next time” before having to do it all over again ...which you have no control over when “next time” is”. (Pers. Comms Pia Pohatu 2021)*

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## COUNCIL

As a smaller council, GDC have limited capacity to participate in all freshwater management matters throughout the region. As a small unitary authority, GDC have less resourcing compared to other regions. There is also high demand for resource management planning roles across the country, and even more so in smaller regions such as Tairāwhiti.

Council has reorganised themselves in the provision of functions and services. Freshwater Management functions are delivered through:

- **COMMUNITY LIFELINES:** 4 Waters – drinking water, wastewater, stormwater, land, rivers and coastal;
- **ENVIRONMENTAL SERVICES & PROTECTION:** Consents (building and resource consents); Compliance (environmental health, animal and stock control, compliance monitoring and enforcement);
- **LIVEABLE COMMUNITIES:** Catchments and Biodiversity, Community Assets and Resources and Community Projects;
- **STRATEGY AND SCIENCE:** Strategic Planning and Environmental Monitoring & Science; and
- **ARATAKI TUIA WHAKAPAKARI:** Communication & Engagement, Culture and Development. The Māori Responsiveness Team is from this department in Council.

The GDC Policy team is small (five people). These considerations have likely led to the “scheduling” of the Waiaapu Catchment planning programme alongside other freshwater management and planning demands in their workplan and their internal processes to confirm resourcing (budget approval) and staffing. They

have been clear in communicating the processes they need to go through internally to prepare to commence the catchment planning and advised their requirements at the time the JMA was being developed.

#### IMBALANCES IN CAPABILITY AND CAPACITY

Table 6 summarises the personnel involved in freshwater management across GDC and Ngāti Porou – who are appointed and who we have met to progress TMOTW.

| Table 6: Capability and Capacity in Freshwater Management (by team member) |   |   |
|--|---|---|
|  | GDC   | Ngāti Porou   |
| <b>JMA Forum</b>   | Mayor<br>Councillor<br>Chief Executive Officer  | Chairperson<br>Trustee<br>Chief Executive Officer   |
| <b>Te Mana o Te Wai</b>  | Strategic Planning and Science Director,<br>Strategic Planning Manager,<br>Freshwater Planning Manager*<br>Environmental Monitoring Manager<br>Māori Responsiveness Manager and two further members of this team as project manager* and adviser* | Chairperson (TRONPnui)<br>Trustee (TRONPnui)<br>Environmental Adviser*<br>Projects Manager (TRONPnui)*<br>Ngāti Porou Researcher*<br>Ngāti Porou Environmental Scientist* |
| <b>Waiapu Catchment Plan</b>   | Freshwater Planning Manager<br>Māori Responsiveness Team - project manager and adviser<br>Plan-writer   | Environmental Advisor<br>Projects Manager (TRONPnui)<br>10 Hapū Technical Advisors<br><br>Other experts within Ngāti Porou (TBC)  |
| * - Personnel also working on the Waiapu Catchment Plan                    |   |   |

All Council team members fulfil this as part of their remunerated employment. One member of the Ngāti Porou team is remunerated (in the same way as team members on Council are). The others will have their contribution in time recognised by koha and travel costs being met.

Key impacts include:

- Delays to commencing the Waiapu Catchment Plan co-engagement phase and delays in being able to properly prepare for effective participation by whānau, hapū, residents, landowners, businesses, industry and other stakeholders in the Waiapu. The ability to wananga with Ngāti Porou prior to or in parallel is not resourced but hapū will seek to grow capacity at the technical advisors group and leverage multiple opportunities to raise awareness in preparation to participate in the co-engagement phase.

- Lack of timeliness in strategically organising ourselves to support hapū, whānau and landowners in developing the Waiapu Catchment Plan. This has probably led to the inability to have a dedicated Ngāti Porou Planner central to the process.
- Increased pressure and stress on the team members and process to deliver leading to contracted timeframes to deliver the catchment plan;
- Perceptions of loss of credibility between teams; with the public/ Ngāti Porou communities we are working with and to our respective leaders at the political interface of the JMA partnership relationship.

It is evident these impacts (delays, increased pressure and stress) are eroding the effective working relationship being built to deliver the co-developed Waiapu Catchment Plan. This case study recommends the use of wānanga between the GDC and Ngāti Porou teams are to “noho tahi, kai tahi, korero tahi” (sit together, eat together, talk together) at agreed scheduled times within the overall plan development process. In such wānanga the team members can reflect and learn from the various experiences and perspectives of team members to meet the demands of the co-development process within the power imbalance inherent in the process. The key is to agree on improvements and be agile to implement new ways of working or working together with the improved understandings gained.

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#### GROWING CAPABILITY - ENVIRONMENTAL COMMISSIONER TRAINING

In November 2020 a number of Ngāti Porou hapū (6) and iwi (1) representatives were supported to attend environmental commissioner training. This allows you to preside as a commissioner over consent and plan hearings under the Resource Management Act. The learning is complimentary to any expertise you hold professionally or have developed and strengthened as kaitieki. Its critical focus is on decision-making and you are able to better appreciate the curation required in presenting evidence before a hearing panel.

The participating hapū representatives were leads in their respective hapū clusters with regard to hapū participation in resource management processes. Te Riu o Waiapu, Te Wiwi Nāti, Te Papatipu o Uepohatu and Hikurangi Takiwā were all represented. The full training cohort included Taiao representatives from other iwi also.

This training has an estimate cost of \$2000 per trainee which GDC and TRONPnui resourced through a commitment to growing capability provided for in the JMA. It was intended that this type of capability development would occur annually – growing the pool of Ngāti Porou commissioners each year although your license to operate as commissioners only lasts for two years so refresher courses to maintain this capacity needs to be provided for also. If nominated trainees were not to attend or trainees did not successfully complete the course this is a significant impact on resources and the continuity of the investment into growing capability.

## TE MANA O TE WAI CSE3-7



Figure 19 – Whakataauaki rongonui o Ngāti Porou

These whakataauaki convey the mana (authority) of Te Aotaki and Te Rangitawaea (respectively) as portrayed when Hikurangi Maunga is covered in snow. Ngāti Porou understandings of mana will inform how TMOTW be given effect to within te rohe o Ngāti Porou and for such reasons TMOTW is able to strengthen the ability of hapū and iwi to lead in freshwater management.

TMOTW is introduced in the NPSFM-2020 as:

“Te Mana o te Wai is a concept that refers to the fundamental importance of water and recognizes that protecting the health of freshwater protects the health and well-being of the wider environment. It protects the mauri of the wai. Te Mana o te Wai is about restoring and preserving the balance the water, the wider environment and the community.” (NPSFM, 2020)

This section canvasses the place that te reo me ona tikanga (o Ngāti Porou) has for determining what TMOTW is. Our hapū are telling us that te reo me ona tikanga o Ngāti Porou is critical and integral to freshwater management. Current understandings held by hapū in regards to TMOTW are presented as we were fortunate to convene a wānanga-a-hapū on TMOTW Te Po o Tamatea-Kai Ariki, Pipiri (19 June) 2021. While the Ngāti Porou Treaty Settlement, in particular the redress elements, are introduced in Section 3 (Relevant Parties) the interface of the Ngāti Porou Treaty of Waitangi settlement and TMOTW is briefly discussed also. *Please also refer to Appendix 1: Hapū leading Te Mana o Te Wai (Wananga Proceedings).*

## 5. Te Mana o te Wai - CSE 3-7

### 5.1 Mātauranga Māori and its Use, Application / Challenges and Potential Solutions – CSE 7

Te reo me ona tikanga o Ngāti Porou contains our knowledge (matauranga), practice (mohiotanga) and enlightenment (maramatanga). Our relationship to our Wai is embodied by te reo ake o Ngāti Porou and conveys all expressions of mana thereby is integral to giving effect to Te Mana o Te Wai.

An excerpt (Harmsworth et. al., 2002) follows providing examples of whakatauki and waiata to illustrate the potential to address any challenges from this body of knowledge:

“Ko Hikurangi te maunga, Ko Waiapu te awa, Ko Ngāti Porou te iwi”.

This maxim embraces the fundamental principle of mana whenua (sovereignty), emphasising the tight spiritual and physical connection Ngāti Porou have with the land, illustrated through the symbolism of mountain, river and people as one entity.

“Ehara taku maunga a Hikurangi i te maunga nekeneke,  
he maunga tu tonu.  
Ko toku kingitanga mai i aku tipuna i te ihu to mai i te po,”

Expressed by the Ngāti Porou Rangatira Te Kani a Takirau when declining an offer of Māori kingship in the 1800s, captures the aspirations of Ngāti Porou as they relate to mana motuhake. It translates: “My mountain Hikurangi does not travel, it has remained steadfast since the mists of creation, conferring on me my sovereignty”. Te Kani points out that to accept a prescribed kingship would undermine his birth, ancestry and territorial sovereignty. The saying further highlights two concepts fundamental to Ngāti Porou; the indigenous foundations of the tangata whenua to this land are timeless and Ngāti Porou mana whenua is as resolute as the stately presence of Hikurangi.

Ngāti Porou attributes its identity, independence and indigenous status, to mana atua (spiritual power), mana whenua (sovereignty), and mana tipuna (legacies of our ancestors). Hikurangi and the Waiapu River are the physical representation of this philosophical and spiritual outlook:

“Waiapu te ewe, te pito” “Waiapu Koka Huhua”

Literally meaning the river of life, sustaining the needs of her people. The Waiapu represents the focal point of all the genealogical branches of Ngāti Porou: as she is fed by her tributaries so do the hapū aggregate as Ngāti Porou, thus imparting the notion of diversity converging into kotahitanga (unity).

Hoake taua ki Waiapu, tatara e maru ana!  
“Let us go and return to Waiapu, to the sacred rain cloak that covers us all”.

The last whakatauki shared depicts the Waiapu as a safe place and refuge. Together this body of knowledge conveys our mana (authority) and knowledge of our place to sustain our livelihoods and those who are within our rohe.

The whakatauki above really highlight why the Waiapu is at the very core Ngāti Poroutanga (Ngāti Porou world view). Ngāti Poroutanga has been developed over generations and generations of living and interacting with the environment and is enshrined in our everyday living and is exercised through our mana motuhake and mana tieki. Ngāti Poroutanga must not be considered synonymous with “Mātauranga Māori” as Ngāti Poroutanga incorporates complex values and mātauranga (knowledge) that is truly unique to Ngāti Porou.

Under the NPS-FM, councils must enable the application of a diversity of systems, of values and knowledge, such as mātauranga Māori, to the health and well-being of water bodies and freshwater ecosystems. Ngāti Poroutanga needs to be at the forefront of freshwater management within our rohe in order to give effect to Te Mana o te Wai.

## 5.2 How is Te Mana o te Wai Currently Understood by Ngā Hapū of Ngāti Porou? CSE 3

As a concept within the NPSFM policy framework TMOTW is not well understood. Hapū are hoha with the use of kaupapa Māori in legislation and policy and the consequent skewed interpretations by those with statutory responsibilities. Although the principles of TMOTW align with Ngāti Porou views, concern was expressed that mana whenua views could be marginalized to fit within the western regulatory framework.

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### INITIAL THOUGHTS REGARDING TE MANA O TE WAI HEIRACHY

The obligation hierarchy of TMOTW is understood by Mana Whenua and is generally consistent with Mana Whenua values, particularly when it comes to water allocation. The wananga agreed that the first two tiers generally aligned with Mana Whenua views but the third-tier deviates from this. Some viewed the tiered system as a way of treating water like an asset rather than a taonga the overall view is best expressed by the following:

*"Mana" is intrinsically linked with and determined through whakapapa - who can whakapapa to WAI to uphold mana? The first two principles are clear as a whakapapa relationship is established. The third-tier allocation of wai for development uses does not align well with 'mana'. " (TN, TMOTW Wananga 2021)*

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WHAKAPAPA WITH WAI

*“Whakapapa o te wai is known and kaitieki are involved in the whole system. Decision making always come back to the kaitieki, those who have whakapapa” (TMOTW Wānanga 2021)*

Whakapapa to wai and the spiritual connection we have with wai as mana whenua was a common theme in conversations from the participants. It was clear that the relationship and/or whakapapa Mana Whenua have with wai is paramount. This will be a significant guiding factor in how we enact TMOTW.

*“The wai is available. The wai is life sustaining. We understand the natural systems of our awa. All waters are linked and connected. (TMOTW Wānanga 2021)*

These shared sentiments were common throughout the wananga and so serve as aspirations and values. For freshwater planning they also contribute to informing long term vision, objectives, the identification of management tools and monitoring approaches.

*“The health of the wai also determines our health” (TMOTW Wānanga 2021)*

The state of wai is linked with mental health and wellbeing, this was expressed by one participant who linked long-term degradation of wai and mahinga kai within their rohe to having an impact on their mental health. This reinforces the strong spiritual connection we have with wai. When we have wai-ora, and when we can maintain our relationship/whakapapa to our wai it positively impacts on the wellbeing of our people (spiritually and physically).

*“Our practices and our tikanga are aligned. Kauae runga kauae raro is in balance.” (TMOTW Wānanga 2021)*

Inter-generational physical observations and mātauranga (traditional knowledge) of hydrological conditions, water quality and ecology within the multiple waterways in the Waiapu Catchment (and wider Ngāti Porou rohe) also reinforces connection of wai. Participants expressed dissatisfaction when external parties (e.g. Council) had dismissed the mātauranga of mana.

**OUTCOMES - How is Te Mana o te Wai Currently Understood by Relevant Parties? – CSE 3**

- TMOTW needs to restore and/or uphold our mana
- TMOTW must whakamana (empower) the spiritual and physical relationships so that external parties can acknowledge and provide for them

### WANANGA ACTIONS

- The next TMOTW wananga will be hosted by ngā hapū o Te Whānau a Ruataupare
- Hapū want to support each other and be aided with technical expertise
- Encourage landowners to be involved
- Encourage Management Arrangement Trusts to progress environmental covenant mechanism
- Acknowledge learnings from the Waiapu Catchment Plan process about to begin but that any assistance be made available to all hapū to progress TMOTW along with other kaupapa taiao
- TMOTW must whakamana (empower) the spiritual and physical relationships so that external parties can acknowledge and provide for them

### 5.3 The Interface Between Treaty Settlements and Te Mana o te Wai – CSE 4

#### WAIAPU KOKA HUHUA – JOINT MANAGEMENT AGREEMENT – WAIAPU CATCHMENT PLAN

As discussed earlier in Section 3 – Relevant Parties, the Ngāti Porou Treaty Settlement established Relationship Protocols of which the Waiapu Accord was the first to be developed following settlement. The tripartite agreement with TRONPnui, GDC and MPI has developed Waiapu Koka Huhua a plan to guide the 100-year program to restore the Waiapu Catchment.

This has then been strengthened with the development of the Joint Management Agreement between Ngāti Porou and GDC which focuses on decision-making in the Waiapu Catchment. The JMA incorporates clear process/es for consent and plan hearing decisions however it is the ability afforded to Ngāti Porou to “hold the pen” as plan makers that exerts most influence over how decisions will be made. For the Waiapu, the development of the Waiapu Catchment Plan is the essential “next step” in this journey towards mana motuhake. All decisions relating to land and water use in the catchment is to be detailed in this plan. The JMA sets this out to be a co-development process with GDC.

Given the JMA was signed in 2015 these provisions were available to Ngāti Porou six years ago but for various reasons – mainly capacity and capability in a post-settlement environment – has seen limited implementation. Hapū within the Waiapu catchment are preparing for this plan development process that will commence engagement in August 2021. While we have good capability it can always be improved.

Giving effect to TMOTW reinforces what Ngāti Porou has in place but has not yet actualised. The limited capacity to engage, participate, facilitate, inform, determine and implement has impacted this. Going forward capability and capacity needs to be developed to enable TMOTW.

5.4 The Process of Identifying how to Achieve Te Mana o te Wai from the Perspective of Iwi/Hapū – CSE 5

*“We need to get organised and secure what we want to happen in our rohe and with our wai” (TMOTW Wānanga 2021)*

The capability and capacity of hapū to participate in and lead freshwater management has been raised throughout this case study. In terms of “getting organised,” hapū:

- will establish ongoing wananga parallel to and freshwater management process underway;
- want data, information held about our water resources and technical support to assist with better understanding this information;
- want a dedicated team of technical advisors available to hapū to assist hapū in their respective endeavours. Hapū do not want the technicians overtaking their role but want to collaborate and work in ways that are of mutual benefit. The bonus is if those technicians are Ngāti Porou whakapapa and are resourced to support the hapū.
- have clear roles that they want to maintain such as being matauranga holders and facilitating relationships and ensuring their tikanga is upheld in all aspects of the process; and
- Want to better understand the processes in play and access guidelines detailing what is required and how hapū choose to respond.

*“Make us visible.” “We need to tell them how it is for our wai in our place.”*  
(TMOTW Wānanga 2021)

Continuing to learn about our wai is essential to maintaining and strengthening relationship and whakapapa. This includes physical, cultural and spiritual values of wai. Any mechanisms such as cultural values assessments (CVA) and cultural monitoring needs to incorporate our mātauranga inherent in our place names, our waiata our reo. Any means to restore and reinforce our connection, whakapapa and relationship to wai. Essentially mana whenua must determine and lead in these mechanisms. This approach will also enable us to describe and care for all of our wai (puna, awa, moana, aquifers) and make educated decisions when participating in freshwater management (TMOTW Wānanga 2021).

The need for “mana enhancing relationships” with external parties (e.g. councils, industry) was expressed to empower mana whenua to participate in freshwater management a manner that aligns with their aspirations for kaupapa wai (TMOTW Wānanga 2021).

Defining TMOTW is imperative to focusing on how it may be achieved. Being the first wānanga focused on TMOTW by our hapū we could only detail elements of what TMOTW needs to be. Further wānanga are required. It is beneficial to consider us working towards a shared direction rather than a prescribed process at this time.

Using a First Principle Thinking approach, ***the mana (authority) to make decisions is with those who whakapapa (have customary relationship with) to the wai. Therefore, whakapapa shall guide how TMOTW be achieved.***

The actual mechanisms, process phases and tools need to be developed with relationships/ whakapapa as the focus.

#### 5.5 Identification of Tools to Support the Reduction of Barriers to Te Mana o te Wai – CSE 6

In responding to the current freshwater management system Table 7 below presents the barriers faced by hapū in their engagement with Council and applicants and their general participation in resource management processes. Identifying root causes of the barriers and then potential solutions or tools to address those barriers are identified. However, underlying this is a greater need to transform the system. Further wānanga are required to get to the crux of how that should be.

| Table 7: Barriers and Solutions/Tools to Support Reduction of Barriers   |  |  |
|--|--|--|
| Current Barriers   | Root Causes  | Solution/Tools to Support Reduction of Barriers  |
| No direct engagement with Hapū on freshwater management issues including e.g. resource consents, compliance and monitoring, science and policy | GDC unaware who to engage with.  | Support to hapū map out hapū Takiwā enabling timely and accurate contact.  |
|  | GDC unaware when to engage with hapū.  | <ol style="list-style-type: none"> <li>1. Mana whenua and Council mutually benefit from improved understanding of shared decision-making processes and mechanisms and invest and grow in the capacity to realise this.</li> <li>2. Wananga with other hapū to build awareness of what mahi everyone is doing. What skills they have, wins, losses, learning, commonalities, differences etc.</li> <li>3. Council – mana whenua relationships and ensuring infrastructure is in place to implement decisions is critical</li> </ol> |
|  | GDC teams operating independently of each other. Frustrations from mana whenua when being referred to.   |  |
| Limited capacity for Hapū to contribute in freshwater management.  | Whānau/Hapū participation is mostly on a voluntary basis. Their participation in freshwater management is after livelihood and whānau obligations are attended to. Costs to represent and engage are usually from their own resourced. | <ol style="list-style-type: none"> <li>1. Funding/resourcing required for Hapū/Whānau members to contribute and participate.</li> <li>2. Investment in growing effective relationships and investing in capacity by resourced parties of the partnership or co-development relationship.</li> </ol>  |
| Procedural Harassment (e.g. Resource Consents)   | <p>Mana whenua engaged late in the process.</p> <p>“Tick the Box” attitude to engagement and participation</p> <p>Imbalance of capacity and resourcing</p> <p>Council contracting out planner function/ capability.</p>                | <ol style="list-style-type: none"> <li>1. Wananga tahi (mana whenua and Council)</li> <li>2. Develop clear procedures for engagement that determine minimum requirements for engagement to be endorsed by GDC.</li> <li>3. Clarify information requirements of applicants particularly in regards to AEE and cultural effects.</li> </ol>  |
| Poor information provided in the consent application/ documentation.   | Outdated plans with less than ideal guidance   | <ol style="list-style-type: none"> <li>1. Policies in place so that cultural effects can only be determined by mana whenua.</li> <li>2. Harsher S88 evaluations – no input from mana whenua means resource consent application does not get accepted.</li> <li>3. Mana whenua should be deemed affected parties.</li> <li>4. Details of engagement need to be declared, e.g. meeting minutes, people present etc</li> </ol>  |
| No/limited cultural input in resource consents   | <p>GDC/Applicants unaware of who to engage with</p> <p>Planners and applicants undertaking assessment of cultural effects without input from mana whenua</p>   |  |
| Conflict of interests amongst mana whenua  | <p>Mana whenua not declaring conflict of interests.</p> <p>Signals poor understanding individual vs collective interests.</p>  | <ol style="list-style-type: none"> <li>1. Mana whenua need to declare conflicts of interest before participating in freshwater matters.</li> <li>2. Mana whenua also need to declare who they are representing e.g. Hapū vs landowner, in some cases it may not be suitable to represent both.</li> </ol>  |

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DEVELOPING RESPONSE/S TO ADDRESS BARRIERS TO TE MANA O TE WAI

The case study encouraged mana whenua to consider how they are progressing collaboration with their respective Councils in terms of giving effect to Te Mana o Te Wai.

On 23 April 2021 a delegation from Ngāti Porou met with GDC personnel to discuss Te Mana o Te Wai. The Council delegation included their Science and Planning team managers and Māori Responsiveness team. Council shared their early thoughts as to how TMOTW was being progressed with mana whenua in Te Tairāwhiti. TMOTW had been mooted at the Toitū Tairawhiti level (a forum of iwi including Ngāti Porou, Rongowhakaata, Ngai Tamanauhiri and Te Aitanga-a-Mahaki) and Council were open to being guided on how TMOTW should be progressed. Ngāti Porou delegates informed council that this was not the appropriate level to engage mana whenua in terms of addressing Te Mana o Te Wai – that hapū and whānau is the appropriate level. It was agreed to work towards the development of a workplan to implement TMOTW and GDC staff have continued to meet with the case study writers to progress this. A number of learnings have been identified thus far:

- Given the barriers identified above (Table 7) a key element is resourcing capacity of mana whenua in freshwater management;
- GDC advised the Motu catchment plan was developed without TMOTW being a key focus but a hopeful outcome. Ngāti Porou hapū see much opportunity in TMOTW being a central driver for freshwater management going forward;
- There is a need to better understand the make-up of the teams within GDC implementing various aspects of freshwater management and that they all be aware and giving effect to TMOTW and the relationship/s established and formalised between the mana whenua and Council partners. The establishment of the Ruatoria Water Supply, led by Council (discussed in Section 4.5), is evidence of lack of understanding and interconnectedness with regard to Te Mana o Te Wai.

Mana Whenua will utilise this case study to work with GDC to determine workplan for implantation of TMOTW. Resourcing is essential - where there are opportunities for funding applications. GDC to support mana whenua with funding applications.

# SHARING POWER CSE 17 – 22

*“Sharing Power is about decentralisation in the governance and management of bio-cultural resources. It is about enabling indigenous peoples and local communities to have greater rights and responsibilities in governance and management of the landscapes and ecosystems they live in and near” (pers comm Aroha Te Pareake Mead, 2010).*

In order to respond to the Case Study Elements 17-22 of the case study scope this final section looks at how the relevant parties are progressing their relationships in freshwater management and any nuanced learnings from adopting collaborative, engagement and decision-making processes to grow and fulfil the partnerships established in Freshwater Management.

## 6. Sharing Power – CSE 17-22

### 6.1 Collaborative Process: Insights from the Waiapu Catchment Plan Process – CSE 17

Initiating the Waiapu Catchment Plan (WCP) process which incorporates collaborative and co-development approach/es is illustrating some key challenges that Council and mana whenua need to be aware of in implementing and giving effect to Te Mana o Te Wai. The WCP process is commencing its engagement with/ in ngā Hapū o Ngāti Porou. It is a critical time and is proving useful to grow the collective understanding of the considerations that impact on partnership, collaborative and co-development processes. Inequity and imbalances in power and resourcing significantly impacts the capacity of the project team/s and the modes of mana whenua / community participation that can be provided for.

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#### COLLABORATION – NGĀTI POROU PROJECT TEAM

The Ngāti Porou Project team has had an initial meeting to discuss the work plan for the Waiapu catchment and initial thoughts on setting FMUs. After the initial hui, it was clear that a lot of work is required. The following actions are suggested to make the most from the effort invested into the WCP work program going forward:

- Developing a communications strategy to support the WCP process;
- Supporting hapū through convening a parallel hapū wānanga process (scheduled wānanga scaffolding the catchment planning process) to prepare hapū, whānau and landowners as mana whenua;
- Optimal utilisation of resources and capacity across the Ngāti Porou WCP team members (project and hapū technical advisory levels) and TRONPnui; and
- At the Ngāti Porou GDC WCP project team level/s – wānanga tahi to clarify and better manage expectation of the process and how team members will participate.

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COLLABORATION – NGĀTI POROU – GISBORNE DISTRICT COUNCIL

There is discord between the collaboration partners around what is a co-development process. There is a need to wānanga this because each partner/party will have views of what it is and how it may be achieved but also how they are perceived and need to be seen to be performing in this process – both from the community they are moving in as well as within their own respective organisations. These are all valid considerations however the question needs to be asked - *How much of that delivers the intended outcome of developing the WCP inclusive of TMOTW?* We have to invest in and maintain a critical eye over the process as well as the outcome we are journeying for.

There are political risks at the relationship level of the partnership. There are expectations of what the process should be – *is there flex and scope to respond to the community/ies' needs? To be responsive to the outcome/s of producing a WCP that achieves TMOTW and is guided by the principles of Toitū te mana atua; Toitū te mana whenua; Toitū te mana tangata; Toitū te mana Tiriti?*

*How are these expectations being managed? What are the internal checks within the “co-development” team to address these?* Collaborative process needs multiple and mutually agreed processes to support the collaborative “co-development” process to transition the teams from their respective organisational “starting lines” to “claim space” for collaboration to take place meaningfully. The process requires careful reflection to compromise and effect change. ***Me āta wananga, me āta haere, me āta titiro, me āta whakarongo***” (Pohatu, 2004)

## 6.2 Engagement Approaches and Capacity/Capability Building in Freshwater Management – CSE 18

Ngāti Porou are initiating what might be termed a “parallel wānanga process” alongside the co-development process established for the WCP. This is because the freshwater planning or catchment planning process deconstructs how we relate to wai and whenua. There is a high need for “translation” as the basis for freshwater planning requires the identification of FMU’s. There have been numerous attempts to wānanga at a Ngāti Porou project team level a better way to convey this or frame up what this could be instead. In terms of translating technical planning aspects, this is a key area that requires focus.

The “co-engagement” process is where the “co-development” team attends all hui and engagement events together. To do this, GDC must take into account the following considerations:

- The technical process and requirements – there is a need to translate this in a way that is understood by whānau and hapū;
- Inadequate resourcing of Ngāti Porou practitioners critical to advise, “translate” and assist hapū and whānau in the process;
- The complex dynamics of dealing with 25 hapū within five hapū collectives participating; and

- The imbalance and inequity inherent to the process.

There needs to be critical consideration between the GDC-Ngāti Porou team for scope and flex to achieve the desired outcome. The need for trust is significant as the Ngāti Porou team members will naturally act as kaitiaki (protectors) of our hapū and whānau and landowners in the process.

### 6.3 Barriers to Partnership Approaches, Proposed Solutions and Resourcing – CSE 19

The barriers to partnership approaches have been discussed above. Proposed solutions include resourcing and convening a team of Ngāti Porou specialists (policy, science and mātauranga) to support hapū, whānau and landowners in the WCP that inherently will incorporate giving effect to TMOTW. Greater acknowledgement by Council, as the agency tasked with implementing TMOTW, of the need to appropriately resource the partnerships entered into and be prepared to do things differently, is needed.

### 6.4 Shared Decision Making – CSE 20

Shared decision making between GDC and Ngāti Porou is provided for under the JMA. The shared decision-making provisions within the JMA are summarized in Figure 9.

Joint representation on RMA decision-making processes applies to the Waiapu Catchment, but it is intended over time to apply to all in the Ngāti Porou rohe. The JMA needs to be fully operationalised to drive freshwater management and the effective implementation of TMOTW. The JMA was signed in 2015 however we have only just initiated the first hearing in the Waiapu, the outcome of this hearing and the shared decision-making process will be a learning curve for both parties.

The greatest opportunity to influence decision-making is through the development of the WCP. ***This needs to enshrine and enable the outcomes that mana whenua seek – the mauri restored, our people are able to be sustained; our water, whenua, ngahere and moana is abundant and te reo me ona tikanga o Ngāti Porou is thriving.***

### 6.5 Guidance for Councils and Central Government

Councils and government agencies need to understand the inherent imbalance of power and inequity in resourcing and associated capacity for iwi, hapū, whānau and communities to be engaged meaningfully in the process/es needed to establish and give effect to TMOTW.

This imbalance and inequity impacts the way engagement takes place as well as how they will need to work – be prepared to be working outside the standard 9am – 5pm week day IF we are asking mana whenua and community members to engage outside of the work that sustains them.

TMOTW also requires wānanga – deep, inquiry-focused, mana enhancing open engagement and korero to discover innovative ways of responding, addressing and leading change to complex challenges. This is not like a 1-2 hour community hui on the annual plan or Long-term plan (LTP). If Council would calculate

WAIAPU KOKA HUHUA: A RIVER FLOWING FREE - HAPŪ LEADING TE MANA O TE WAI

all the resources, staff and associated costs they put into drafting, producing and consulting on each of their plans -what is this cost? And this is a prescribed process Council undertakes annually and ten-yearly. Now calculate developing something new in a shared power arrangement with Ngāti Porou that has not been done before – in the catchment of Waiapu with 25 hapū in five hapū collectives; landowner interests across ~20 subcatchments and tributaries in a process that requires transformative outcomes? What is required?

The processes Council currently have are not established with this in mind so are not equipped to deliver TMOTW. A fundamental shift towards sharing power “*ways of doing*” is what is required.

# NO REIRA!

## 7. Summary and Conclusions

Treaty of Waitangi Settlement redress provisions for Ngāti Porou established the Waiapu Accord, Waiapu Koka Huhua (100-year restoration strategy) and leveraged the Joint Management Agreement 2015. Together these establish the requirements for the Waiapu Catchment Plan to be co-developed by GDC and Ngāti Porou. The development of the Waiapu Catchment Plan provides Ngā Hapū o Ngāti Porou with the opportunity to affirm their right as tangata whenua and kaitiaki of the Waiapu River catchment. TMOTW in the NPSFM 2020 not only strengthens the existing mechanisms Ngāti Porou currently has regarding freshwater management but emphasises the need for implementation.

Engagement for the Waiapu Catchment Plan has commenced and is signaling that the WCP needs to enshrine and enable the outcomes that mana whenua seek – *the mauri restored, our people are able to be sustained; our water, whenua, ngahere and moana is abundant and te reo me ona tikanga o Ngati Porou is thriving.*

If hapū are to lead Te Mana o te Wai in Ngāti Porou, the following must be considered:

- Defining what TMOTW is imperative to focusing on how it may be achieved. At this point in time hapū can detail elements of what TMOTW needs to be however further wānanga are required to determine the definition of what TMOTW means to each hapū;
- It is beneficial to consider hapū working towards a shared direction rather than a prescribed process;
- Using a First Principle Thinking approach, ***the mana (authority) to make decisions is with those who whakapapa (have customary relationship with) to the wai. Therefore, whakapapa shall guide how TMOTW be achieved;***
- TMOTW needs to restore and/or uphold the mana of hapū;
- TMOTW must whakamana (empower) the spiritual and physical relationships so that external parties can acknowledge and provide for these relationships;
- The actual mechanisms, process phases and tools need to be developed with relationships/ whakapapa as the focus; and
- Infrastructure is needed to allow hapū to lead TMOTW and freshwater management. So far, hapū have identified the need for wananga, technical support and expertise and recognition of their mātauranga.

Co-development processes should be guided by sharing power approaches. GDC does not have the infrastructure to deliver such processes as yet. In order for Council to give effect to Te Mana o te Wai in Ngāti Porou, they must:

## WAIAPU KOKA HUHUA: A RIVER FLOWING FREE - HAPŪ LEADING TE MANA O TE WAI

- Acknowledge their responsibilities to give effect to TMOTW;
- Put pressure on industry to give effect to TMOTW;
- Recognize their investment into mana whenua capacity and capability is a necessary component to giving effect to TMOTW; and
- Invest in developing capacity and capability of mana whenua as a Te Tiriti o Waitangi partner.

A freshwater management framework that gives effect to Te Mana o te Wai is one where the role of mana whenua is strengthened, where our whakapapa, mana motuhake / mana whakahaere, and obligations to kaitiakitanga is recognized and provided for. This cannot be achieved within the existing freshwater management framework, thus there is an urgent need for transformative change. Te Mana o te Wai under the NPS-FM 2020 partnered with the mechanisms following the Ngāti Porou Treaty Settlement give hapū the ability to push the boundaries and transform the existing freshwater management framework within our rohe. All parties including Hapū, TRONPnui, GDC and industry need to build capacity/capability (internally and externally) and work together to do provide for this. Wānanga would be a key part of the process. All parties need to adapt and change how they partner with Ngā Hapū o Ngāti Porou.

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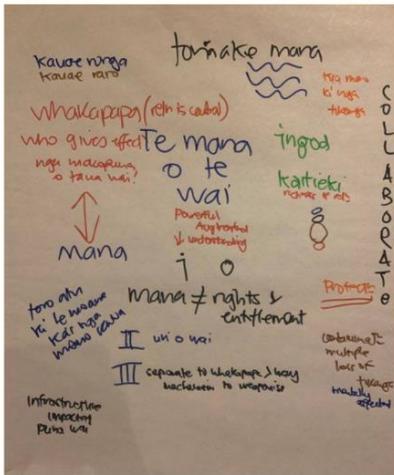
# APPENDIX A: HAPŪ LEADING TE MANA O TE WAI



|   |  |  |   |   |
|---|--|--|---|---|
| <p>Mihi whakataau<br/>Kaitiaki<br/>Mihinihini</p>   | <p>2pm<br/><b>Transforming<br/>Freshwater<br/>Management</b></p>   | <p>2.15pm<br/><b>Local hapu<br/>participation in<br/>resource<br/>consents</b></p>   | <p>3pm<br/><b>Catchment<br/>planning</b></p>  | <p>3.20pm<br/><b>Collaboration<br/>and co-design</b></p>  |
| <p>1.30pm<br/><b>Te Mana o Te<br/>Wai</b></p> <p>To gain perspectives from hapu members of their current understanding and aspirations relating to TMOTW<br/><b>(Nic Douglas)</b></p> | <p>To provide context of the OLAW funded research "Giving Effect to Te Mana o Te Wai" and the mana whenua case study focused on the Waiapu<br/><b>(Pia Pohatu)</b></p> | <p>Share learnings from hapu participation in recent resource consent applications:<br/>Te Mauri o Makokomuka<br/><b>(Karen Pewhairangi)</b><br/>Gravel extraction renewal @ Waitahaia<br/>Water take @ Mangaoporo<br/><b>(Kate Walker)</b><br/><br/>Developing tools:<br/>Guidelines, Profiles &amp; Audits</p> | <p>Freshwater planning:<br/>What are FMU's?<br/>What is the NOF?<br/>How do we set limits?<br/><b>(Jo Clapcott)</b></p> <p>3.40pm<br/>Waiapu Catchment Plan:<br/>hapu and landowner engagement and participation in the WCP<br/><b>(Keriana Wilcox)</b></p> | <p>Identify key elements of collaboration and co-design preferred by hapu and inform workplans at hapu and NP-GDC levels.</p> |
| <p><b>Korero whakakapi</b></p>  |  |  |   |   |



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**3. What tools might be used to determine how our wai is "supporting its capacity"**

- Ongoing wananga
- Guidelines
- Teams of technical advisors
- Data support
- Free, prior and informed consent

**4. How is wai best used? 5. Who gets to determine this and how?**

- Local relationships with mokopuna of te wai
- Locally with kaitiaki
- Only those who know the wai should be involved in these decisions
- We know the most about our wai (in some places) and need to build that for everyone
- How are we supporting each other and our varying roles in the processes?

**6. Process - How do we work with councils and others to make this happen?**

- We need to tell them how it is for our wai in our place
- It is a concern that they are implementing this without knowing what it is
- We need to get organised and describe what we want to happen in our rohe and with our wai

## Hapu and resource consents

Hui outcome: To share learnings from hapu participation in recent resource consent applications: Gravel extraction renewal @ Waitahaia (Kate Walker) & Te Mauri o Makokomuka (Karen Pewhairangi)

**Waitahaia**

- AEE and CVA are inadequate in applications
- Adaptive Management approach to setting conditions. Cultural monitoring led by hapu and timed to be on site with others carrying out monitoring
- Applicant engagement with hapu is preferred before lodgement of consent.
- HTT have sent shape file (GIS) of takiwa to facilitate GDC-hapu contact.

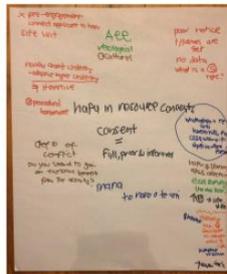


**Other hapu experiences**

- Procedural harassment - is enabled by GDC
- Applicants pit us against each other and employ our people to exploit our resources. System change would require applicants needing to meet certain criteria before they can approach us.
- Be clear on who has cultural authority
- Manage conflict relating to hapu representation. Declare conflict of interest. Do hapu members (individually or as whanau) financially benefit from activity?

**Makokomuka**

- Local relationships - diverse perspectives hapu vs landowner
- Taonga tuku iho - we need to learn about our wai, maintain our relationships with our wai, pass on to mokopuna. Our relationship guides our participation in freshwater management.
- Grow 'mana-enhancing' relationships



## Catchment planning

Hui outcome: To better understand freshwater planning: what are FMU's? what is the NOF? how do we set limits?



**National Policy Statement for Freshwater Management (NPSFM) 2020.**

- 3.2 Te Mana o te Wai  
 (2) Every regional council must give effect to Te Mana o te Wai, and in doing so must:
- (a) actively involve tangata whenua in freshwater management (including decision-making processes), ...
  - (b) engage ... tangata whenua to identify long-term visions, environmental outcomes, and other elements of the NOF
  - (c) apply the hierarchy of obligations....
  - (d) enable .....mātauranga Māori,
  - (e) adopt an integrated approach, ki uta ki tai

**FMU = Freshwater Management Unit**

Catchment plans opportunity to level playing field although in a western view. FMU's are the basis for planning. Jo Clapcott talked us through (at a high level) of the Waiapu Catchment potentially being one FMU and the possibility of coastal streams being another FMU. The 'coastal FMU' will align with the environmental covenant provisions of the NRMONHONP Act 2019. Each Management Arrangement Trust can consider this further.

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| Values           | Attributes           | Objectives                 |
|------------------|----------------------|----------------------------|
| Ecosystem health | Water quality        | 'A' / 'B' / 'C' state      |
|                  | Water quantity       |                            |
|                  | Aquatic life         |                            |
|                  | Physical habitat     |                            |
|                  | Ecological processes |                            |
| Mahinga kai      | ??                   | Set limits on resource use |

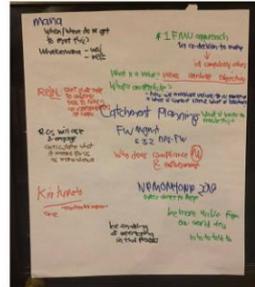
**Within an FMU**

- Values are constant but can apply to different waters e.g. primary contact only at swimming holes
- Objectives can vary by stream type e.g. aspire to a 'B' state here and a 'A' state there (and national bottom lines apply everywhere)
- BUT attribute state can vary by stream type e.g. a 'B' in one stream might look different than a 'B' in another stream, five fish spp in one vs 3 fish spp in another
- Resource limits must be set for attributes affected by nutrients, but action plans must be set for all (to achieve objectives)

... how can we adapt/ build on what has been shared to day...like adaptive management?...

... how can we add compliance and enforcement into FMU's? environmental outcomes? ...

... objectives can also include how you work together as well as wai outcomes (for example mana) ...



## Collaboration & co-design

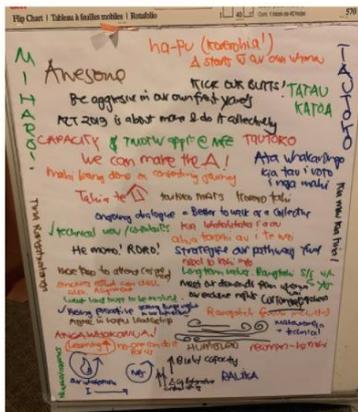
Hui Outcome: Identify key elements of collaboration and co-design preferred by hapu and inform workplans at hapu and NP-GDC levels.



This session did not proceed due to time constraints however the following points raised throughout our wananga are pertinent:

- Hapu wananga to continue - Pia suggested a check-in at least quarterly. Ma nga hapu e whakahaere nga wananga.
- Hapu being clear about what support is available to them and influencing - is important
- Relationships are the basis of collaboration and co-design and must be on the premise of mana-enhancement.
- Hapu - Iwi: TRONPui Taiao team to be representative of our people/ collectives..
- Any workplans and programs at the Ngai Porou - GDC level ideally will be developed by us and then 'negotiated'. (This is the proposed basis for co-design of the Waiapu Catchment Plan.

## Korero whakakapi



Hui outcome/s:

- Hapu collectives want to be able to advance kaupapa and priorities as they see fit
- Hapu want our connectedness strengthened. It is important to safeguard our place/s to 'ata wananga' kaupapa taiao
- Hapu want data support and access to technical expertise of the policy processes we interface with

Action/s:

- Funding applications. N Douglas has agreed to koha an application she helped develop;
- Each of us to engage with and call to account our decision-makers at landowner/ Kaitiaki Trust (MAT's) and hapu/ iwi representatives to exert influence we have established in NRMONHONP Act 2019, JMA etc.
- Pia to scope resourcing to support hapu co-ordination
- Pia & Kate developing Waiapu Case Study (due 31 July 2021) will contribute further to this wananga

# APPENDIX B: CULTURAL VALUES FOR CULTURAL MONITORING

| Table 8: Cultural Values for Cultural Monitoring – Hikurangi Takiwa Trust  |   |
|--|---|
| Waiapu Koka Huhua has often been used to describe the abundance of our awa to provide for us.  |   |
| Cultural Value   | Cultural Monitoring approach  |
| <p><b>AHI KAA</b><br/>Maintenance of our population is a significant factor of wellbeing.</p>  | <p><b>We will track how our Ahi Kaa are supported by, and able to support, our waterways through the following regular queries:</b><br/>What is our ahi kaa population? (census figures, hapu survey)<br/>Access to wai for ahi kaa/papa kaenga and marae (hapu survey)</p>   |
| <p>The restoration of the relationship between our people and our waterways begins with having our people present beside our waterways. It is enhanced through providing opportunities for our people living beside our waterways to engage with them.</p> | <p>Water security - Do you have ground access? Pressure on water supply and response<br/>Standard of water for households<br/>Water quality – (RHA &amp; SHMACK)<br/>Use of wai to support sustainable economic development for ahi kaa<br/>Income for landowners/shareholders relative to take (consents)<br/>local employment relative to allocations (from water allocation consents – 6 mthly)</p>  |
| <p><b>MAHINGA KAI</b><br/>Wellbeing of our mahinga kai systems to be reflected in the habitats that support our kai species and our own knowledge of maintaining those habitats, sustainable harvesting and preparation.</p>                               | <p><b>We will track mahinga kai values by querying:</b><br/>Habitat and ecological health<br/>The presence and anatomy of tuna pakupaku, as well as spawning sites, and habitat.<br/>The presence, wellbeing and habitat for watercress.</p>  |
| <p>Likewise, many of our waterways attached to Waiapu were abundant food sources for our communities.</p>  | <p><b>This will also be queried through the value of mōhiotanga through checking:</b><br/>knowledge about tuna pakupaku &amp; cress<br/>confidence on where to gather wai/harvest/swim<br/>knowledge about mahinga kai (care, harvest, preparation)</p>   |
| <p><b>SITES OF SIGNIFICANCE</b><br/>Puna wai, historic sites, mahinga kai sites, pa sites, burial grounds, all held value for different reasons, and should be maintained in different ways.</p>   | <p><b>We will track the maintenance and care of sites of significance through querying:</b><br/>Sites of significance<br/>(How many local sites of significance are cared for?)<br/>Site of significance<br/>What makes it significant? (baseline)<br/>What is required to retain/maintain tapu? (baseline - objective)<br/>Historical value - What standard should it be at? (baseline – objective)<br/>Cleansing - What standard should it be at? (baseline – objective)<br/>Cultural practices (eg paru) - What standard should it be at? (baseline – objective)<br/>Mana of the site/ahi kaa in relation to the site - Do ahi kaa have influence over that site? (6mthly)<br/>Is it on ahi kaa held land? (12mthly)<br/>Is it accessible by ahi kaa? (mthly)<br/>Is the current use of the site appropriate for its intention (mthly)<br/>Are ahi kaa concerns listened to? (12mthly)</p> |
| <p>There are particular sites that hold great value to the whanau of Hikurangi Takiwa, and these will need to be maintained within the context of their value.</p>   |   |
| <p><b>MOHIOTANGA</b><br/>Restore knowledge and practices and korero that relate to our waterways.</p>  | <p><b>We will track the growth of mōhiotanga in relation to our waterways through querying:</b><br/>knowledge of awa karakia<br/>knowledge of awa waiata</p>  |

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|   |   |
|---|---|
| <p>The displacement of hapu governance and care over our awa resulted in a diminishment of knowledge about practices and korero that relate to our waterways. While this knowledge is still held in some areas, it is our goal to disseminate this knowledge to normalise an enhanced relationship to our waterways. This will inform our landuse, and catchment management, and ensure successive generations of kaitiaki.</p>   | <p>knowledge of awa tikanga<br/> knowledge of pūrākau<br/> confidence in how to "read" a site<br/> knowledge about taonga species<br/> (knowledge about) tuna pakupaku<br/> (knowledge about) karearea<br/> (knowledge about) ponga<br/> confidence on where to gather wai/harvest/swim<br/> knowledge about mahinga kai (care, harvest, preparation)</p>   |
| <p><b>TIKANGA</b><br/> <b>Wai holds great spiritual and cultural relevance for our whanau, and is directly related to our cultural and spiritual wellbeing. There are a range of cultural and spiritual requirements for wai Maori/wai tai and each of these have different requirements to maintain the requisite standards for the continuation of tikanga. Similarly, knowledge of tikanga in relation to our waterways informs our standards and practices of care.</b></p> | <p><b>We will track the maintenance, and application, of tikanga, through querying:</b><br/> Are tikanga respected (6mthly)<br/> By GDC (consent processes and local interviews)<br/> By Locals (examples)<br/> By Others</p> <p>Dumpsites/Litter (mthly)<br/> Use of awa for tikanga (mthly)<br/> karakia<br/> paru<br/> other</p> <p>(With mohiotanga) – 12mthly<br/> knowledge of awa karakia<br/> knowledge of awa waiata<br/> knowledge of awa tikanga<br/> knowledge of pūrākau</p>   |
| <p><b>Whakapapa/whakawhanaungatanga</b><br/> <b>Whakapapa and whanaungatanga was highlighted by our hapu as core values that reflect both our relationship to each other as we collectively care for our waterways, and our relationships to the waters and lands that surround them. As we enhance our connections along our catchment, and our connections to the water and lands, our decisions around landuse, and care, will also be enhanced.</b></p>                     | <p><b>We will track the maintenance of whakapapa and whakawhanaungatanga through querying:</b><br/> (mthly – local query)<br/> Are local whanau gathering at/using the site/resource?<br/> (12mthly local interviews)<br/> Do we understand roles and relationships in relation to wai<br/> Relationships<br/> How many HT whanau are enhancing their relationship with the wai?<br/> Through monitoring program<br/> Through attending wananga<br/> Through other research (name)<br/> Roles<br/> How many whanau are taking up roles in relation to wai?<br/> Through employment/training<br/> Through consent processing<br/> Through volunteering</p> |

|  |   |
|--|---|
| <p><b>Physical Measures</b><br/><b>We recognise that our ancestors have always utilised observation of physical attributes to assess the wellbeing of a site, and value the growth of these skills through the use of more modern technologies and assessment practices. This will help us to understand and track the physical wellbeing of our waterways</b></p> | <p><b>We will track this through:</b></p> <p>(mthly)</p> <p>SHMAK kit testing – clarity, ph levels, macroinvertebrates, ecoli levels, conductivity, temperature, flow</p> <p>Bank Erosion/Land consumption – visual observations, drone aerial measurements, riverbed height</p> <p>Geomorphology – drone aerial measurements</p> <p>Does it meet NES swimmable standard?</p> <p>Rapid Habitat Assessment</p> <p>Holistic Ecological Assessment</p> |
|--|---|

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