



*Ministry for the*  
**Environment**  
*Manatū Mō Te Taiao*



**Ministry of Agriculture and Forestry**  
Te Manatu Ahuwhenua, Ngāherehere

# **Wai Ora: Report of the Sustainable Water Programme of Action Consultation Hui**

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# Whakataukī

Kia pai te whakatere i te waka, Kei pariparia e te tai, Ka monehu te kura nei  
*Steer with skill the canoe, Lest the outgoing tide endangers, The lives of those on board*<sup>1</sup>

Tuatahi ko te wai, tuarua whānau mai te tamaiti, ka puta ko te whenua  
*When a child is born the water comes first, then the child, followed by the afterbirth (whenua)*

Inumia, inumia, i ngā wai kaukau o o tūpuna  
*Drink, drink of the bathing waters of your ancestors*

Ko te wai te ora ngā mea katoa  
*Water is the life giver of all things*

He taura whiri kotahi mai anō te kopunga tai no i te pu au  
*From the source to the mouth of the sea all things are joined together as one*

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<sup>1</sup> This whakataukī given in the Ngāti Kahungunu submission at the Hastings hui warns of the inherent dangers if we choose the wrong direction.

# Executive Summary

The Government established the Sustainable Water Programme of Action in 2003 as part of the wider Sustainable Development Programme of Action, to ensure that the country's freshwater resources are managed wisely to provide for the present and future environmental, cultural, social and economic wellbeing of New Zealand.

A discussion document was released in December 2004, outlining the key issues with water management and a proposed package of actions. In February and March 2005, 17 hui with Māori were held around the country to discuss the issues and actions contained in the discussion document *Freshwater for a sustainable future: issues and options*. This report summarises the initial comments made on the document received at hui, as well as new issues and actions raised.

There was widespread expectation that the appropriate role for Māori in water management is one of partnership with the Crown rather than a stakeholder relationship. This would include Māori concepts and values, such as restoring the mauri of waterways and recognition of the role of kaitiaki, as a central part of the water management framework. There was consensus among Māori that freshwater is a taonga in terms of the Treaty of Waitangi, and that current water management systems or the Sustainable Water Programme of Action did not address the Treaty relationship. Some participants were of the view that Treaty, ownership and relationship issues must be addressed before any major changes to water management can be considered.

There was general agreement with the issues identified in the discussion document, however some were seen as higher priority than others. The level of support for each of the 13 actions was dependent on their future shape and form. Feedback on these issues and actions has been divided into four key areas: increasing Māori participation; providing education, raising awareness and collaborating; addressing environmental performance; and market mechanisms and other new tools.

## Increasing Māori participation

### Issue 6: Māori participation in water management could be improved

#### Action 10: Enhance Māori participation

Participants at most hui stated that simply enhancing Māori participation is not enough – Māori want a role in decision-making. In particular, the capacity and capability of iwi and hapū to engage with councils was raised as many organisations lack the structures and resources to engage as they would wish. Participants provided many suggestions to effectively enhance Māori participation.

#### **Action 4: Increase central government participation in regional planning**

Participants thought that central government should provide funds for development of iwi management plans and that these plans should be included more in regional planning.

#### **Action 5: Increase central government's support for local government**

There was support for central government providing more training to councillors so that they can understand environmental issues, and issues for Māori.

## **Education, awareness raising and collaboration**

#### **Action 12: Raise awareness of freshwater problems and pressures, and promote solutions**

There was widespread support for public education to be provided by central or local government to raise public awareness of water issues and promote water conservation.

#### **Action 13: Collaboration between central and local government, scientists and key stakeholders on pilot projects to demonstrate and test new water management initiatives**

Increased collaboration between central and local government, scientists and key stakeholders on pilot projects to address specific regional issues was supported. Working together was seen as particularly useful for joint management, co-management, and integrated catchment management of freshwater.

## **Environmental performance**

#### **Issue 1: National and regional strategic planning for water management could be improved**

##### **Action 1: Develop national policy statements**

##### **Action 2: Develop national environmental standards**

A need was identified for central and local government to work together more closely. It was suggested that the Ministry for the Environment measure how well councils' environmental management is working. Participants supported development of national direction for freshwater management which could be in the form of a national policy statement and/or national environmental standard(s). Both actions were seen as necessary to promote consistency of freshwater management by councils; however, national environmental standards were more widely supported than national policy statements as they were seen as more



enforceable. Māori want a role in determining these standards. Hui participants do not want these two actions to remove decision-making at a local level and want standards to reflect what local people want.

## **Issue 2: Nationally important values need to be better addressed**

### **Action 3: Address nationally important values**

The cultural importance of freshwater to Māori, and the need for all waterbodies to be of high quality, was constantly emphasised at hui. Many participants opposed the identification of water bodies of national importance because identification does not reflect the localised iwi/hapū-specific nature of Māori interests in freshwater. However, support was shown for addressing nationally important values where iwi saw this as a way to protect important local values.

## **Issue 7: A lack of effective action in the management of diffuse discharges of contaminants on water quality, in some catchments**

### **Action 8: Develop market mechanisms to manage diffuse discharges**

Concern was expressed about the pollution of water bodies and water quality issues due to diffuse and non-diffuse discharges. Participants supported more action in managing the riparian margin, especially in rural areas, and use of the ‘polluter pays’ principle. Participants had reservations about the use of a ‘cap’ on discharges as this may encourage people to pollute up to a cap rather than reduce discharges.

### **Action 11: Enable regional councils to allocate water to priority uses**

There was support for allocation models to be stronger, and that they should first ensure the natural environment for the survival of aquatic species.

## **Issue 3: Setting environmental bottom lines and allocation limits is costly and contentious**

### **Issue 4: Water is over-allocated in some catchments, is not consistently allocated to its highest value use over time, and can be wasted**

Participants expressed concerns about variable council performance in water allocation, efficient water use practices, over allocation, and the ‘first in, first served’ approach of allocating water.

## **Action 9: Set requirements for regional freshwater plans to address key issues and challenges**

Management of mixing water and maintaining the mauri of water is a key challenge for future planning. Participants expressed strong desire to see wider use of mātauranga Māori (traditional knowledge) with Pākehā monitoring principles, and increased valuing of the environmental indicators used by Māori.

## **Issue 8: Development of water infrastructure is not keeping pace with demand**

Participants expressed support for this issue where there is a growing population and inadequate infrastructure for drinking water and management of sewage. Participants saw a need for efficient use of grey water, water recycling and use of roof tanks for rain water storage.

## **Issue 5: Tension between investment certainty and planning flexibility**

Participants expressed concerns about the duration of consents granted, without applicants needing to justify their need for the water.

# **Market mechanisms and other new tools**

## **Action 6: Develop special mechanisms for regional councils**

## **Action 7: Enhance the transfer of allocated water between users**

Participants had many concerns around the possible introduction of the auctioning or tendering of water rights. Almost all of those who discussed the use of market mechanisms were opposed to the creation of stronger property rights in water. Participants recognised that freshwater should be valued more highly, and that encouraging trading and charging for water use would lead to this.

# Purpose of this Report

This report summarises the feedback received at 17 hui with Māori held in February 2005. The purpose of these hui was to discuss the issues and options for developing a national framework for freshwater management contained in the discussion document *Freshwater for a sustainable future: issues and options*. The discussion document was released for comment in December 2004 and constitutes the first round of consultation undertaken on the Sustainable Water Programme of Action.

This report does not include or express opinions about the responses received. These are more appropriately expressed following comprehensive analysis on the policy implications of the feedback.

# Background – The Sustainable Water Programme of Action

The Government established the Sustainable Water Programme of Action in 2003 to ensure that the country's freshwater resources are managed to best support New Zealand's future sustainable development. The programme is part of the Government's wider Sustainable Development Programme of Action. Jointly led by the Ministry for the Environment and the Ministry of Agriculture and Forestry, the Sustainable Water Programme of Action has involved many government departments. It has also involved representatives of regional councils and other local authorities, a Māori Reference Group<sup>2</sup> and a Stakeholder Reference Group<sup>3</sup>.

The Sustainable Water Programme of Action discussion document was released in December 2004. This document includes information about the different ways in which New Zealanders value and use freshwater, New Zealand's current water management system, and the pressures and challenges facing our water management system. A preferred set of directions (in the form of issues and actions) for improving our system for managing freshwater were identified in the discussion document.

The discussion document provided an opportunity for comment on the current water management system, issues identified and proposed actions for improvement. The overall objective of the consultation process is to obtain feedback on directions for a national framework for management of freshwater in New Zealand.

The Sustainable Water Programme of Action involves creating partnerships between central government, local government, Māori, communities and key stakeholders.

## The consultation process

The consultation process began with distribution of the discussion document to people on the Sustainable Water Programme of Action database in December 2004. The database included Māori groups that the Ministry for the Environment regularly has contact with. This was supplemented by approaching regional council iwi liaison units, Te Puni Kōkiri, and the Ministry of Fisheries Pou Hononga for further contact details of Māori (groups) with an interest in freshwater management.

Information about times and venues for meetings was provided via a postcard mailed out to people on the Sustainable Water Programme of Action database in January prior to consultation hui. Information about the Sustainable Water Programme of Action, the discussion document, and details of times and venues for hui were made available on Ministry of Agriculture and

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<sup>2</sup> Members of the Maori Reference Group are: Heitia Hiha, Waaka Vercoe, Jane West, Paul Morgan and Gail Tipa.

<sup>3</sup> Interests represented in the Stakeholder Reference Group include recreation, agriculture, horticulture, environmental groups, irrigation, hydro-electricity generation, industry, business, forestry and hydrological and limnological societies.

Forestry and Ministry for the Environment websites. Hui were advertised locally via local newspapers and/or local radio stations including iwi radio.

Table 1 below provides details of where and when hui were held. Details of meetings with the public and local government are provided in Appendix 1.

**Table 1: Sustainable Water Programme of Action consultation hui**

Date	Location	Venue
31 January 2005	Waitara	Owae Marae
1 February 2005	Wanganui	Putiki Marae
2 February 2005	Palmerston North	Te Manawa Gallery
3 February 2005	Greytown	Papawai Marae
7 February 2005	Nelson	Whakatu Marae
8 February 2005	Christchurch	Te Waipounamu House (Te Rūnanga o Ngāi Tahu)
10 February 2005	Invercargill	Murihiku Marae
11 February 2005	Dunedin	Karitane Marae
14 February 2005	Kaitia	Far North Community Centre
15 February 2005	Whangarei	Whangarei Terenga Paraoa Marae
16 February 2005	Auckland	North Harbour Stadium
17 February 2005	Hamilton	Waikato Rugby Stadium
21 February 2005	Whakatāne	Maungarongo/Ohope Marae
22 February 2005	Gisborne	Gisborne Hotel
23 February 2005	Napier/ Hastings	Heretaunga Taiwhenua Administration Centre
28 February 2005	Wellington	Waiwhetu Marae
4 March 2005	Taupo	Wairakei Resort

Following an invitation extended at the Hamilton hui, officials met again with Te Mana Taiao o Raukawa hui in Tokoroa on 8 March 2005, to repeat the Sustainable Water Programme of Action presentation given at the Hamilton hui.

## Hui programme and content

To ensure good coverage of the country and to be as accessible to Māori as possible, about 7900 Sustainable Water Programme of Action discussion documents were distributed during the consultation process. All hui were open to both tangata whenua and taurahere Māori, and anyone else who wished to attend. A total of approximately 250 people attended hui. This included representation of many iwi/hapū groups.

Submissions closed on 18 March 2005, seven weeks after the first hui and two weeks after the final hui in Taupo. While the minutes of the hui have the same status as written submissions, participants were also encouraged to make written submissions. Information about next steps is provided below.

Additional information about the consultation process can be found in Appendix 3. Copies of the full minutes of all hui provided by IC Solutions can be found in Appendix 4.

## Next steps

Minutes from the hui have been collated to produce this report. Similar reports from meetings with local government and the public have also been produced, as well as a report summarising all written submissions. An overall synthesis report summarising the key themes from consultation hui and meetings as well as key themes from the written submissions has also been produced. These reports, as well as the minutes of the hui, were distributed to the Minister for the Environment and other relevant Ministers, prior to public release.

The information will be used to help guide the Government's decisions about future approaches to freshwater management, including any changes required to the Government's preferred package of options to develop sustainable ways of managing fresh water.

# Key Issues Emerging from Consultation

## Te riri me te mamae [anger and pain]

### General frustrations

One of the most striking and consistent themes to emerge from the hui is the anger, pain and sorrow many Māori individuals and communities feel due to the current state of New Zealand's freshwater resources, particularly the effects of pollution and over-allocation of water. Many things underlie these feelings – pain at the damage which has been caused to Papatūānuku (the waterways are seen as her veins) and the mauri of waterways, the cultural offence caused by practices such as sewage and effluent discharge, the damage to and loss of mahinga kai, damage to the health of those who rely on that mahinga kai, the loss of cultural wellbeing caused by degradation of the mauri of the waters, the cumulative effects on all aspects of wellbeing and much more.

For Māori, issues around water allocation and quality are not new, and many communities have been dealing with the impacts of declining water quality for years. Consequently, there is widespread frustration at a lack of action over the years on water management issues, which was reflected in the annoyance and even anger expressed by many hui participants in their verbal submissions (although almost all submitters remained courteous in the expression of their anger).

Poor water quality and declining quantities of water were raised as an issue at almost all of the hui, especially in regions with extensive dairy farming or sewage discharges to freshwater bodies.

Many people stated quite specific concerns about the impacts of poor water quality on both the waterways they relate to and their local community. These were often based on their own experience or knowledge of local impacts, or feared local impacts. The criticisms which were most commonly expressed were that water management did not give proper priority to the environment, that poor water quality and quantity had significant effects on indigenous species in waterways (including mahinga kai and taonga species), that some types of pollution were highly offensive in cultural terms, and that human health was being affected by water-borne pollutants or contaminated food sources.

While hui participants sometimes spoke about water quality issues in general terms, many also complained about water quality degradation caused by particular activities in their area (for example, sedimentation from subdivision, roads, or forestry; discharges from industry, sewage works or farming; fall in water levels due to forestry or abstraction for irrigation). These comments were frequently linked with the speaker's personal familiarity with the quality of waterways in the area, and the activities causing the impact.

## Consultation and process issues

There is support for the Sustainable Water Programme of Action kaupapa – some hui participants felt that the Sustainable Water Programme of Action was a good initiative with the potential for positive change. Engaging with Māori and local communities early in the policy development process and the opportunity to discuss issues at the hui was also supported by some, although the general view was that the hui should be the first step in a longer ongoing process of engagement with tangata whenua on freshwater management.

The climate of consultation on the Sustainable Water Programme of Action was influenced by Māori experience in other local and central government consultation processes. Some hui participants expressed cynicism about the central government approach to consultation, mostly due to late engagement with Māori resulting in non-meaningful consultation on issues in the past. Some also stated that past consultation has left them feeling as though their views were not incorporated into the feedback or the final policy, or that decisions had already been made prior to the consultation.

‘Hui fatigue’ was also cited as an issue by some participants, who find that attendance of hui can be a time-consuming commitment, with the same iwi and hapū members often required to attend hui and provide input for consultation on a number of concurrent issues without financial compensation for their time. Hui fatigue was expressed as an issue at the Sustainable Water Programme of Action hui, as they closely followed hui for foreshore and seabed, land access and aquaculture reforms, and the Review of the Resource Management Act 1991, with Treaty negotiations also proceeding in some areas.

There were some other specific criticisms and dissatisfactions expressed regarding the Sustainable Water Programme of Action consultation process. These included inadequate advertising, notification and provision of information (mostly in the first week of the hui where there were problems with advertising), inadequate resourcing for Māori to participate in government processes, complaints about the venues and locations chosen (including the desire of many for engagement to take place at hapū or marae level), and the relatively short time available to consider the information and make written submissions.

The general nature of the government presentation meant that many participants did not have sufficient information to discuss some of the technical or unfamiliar aspects of the Sustainable Water Programme of Action. Discussion of some issues and actions (for example, those around market mechanisms as a tool) was limited and only took place in very general terms, due to a lack of detail in the presentation and the discussion document itself.

There were also some concerns that the information from the hui would not influence the policy process, and that the discussion document showed a lack of understanding or consideration of issues for Māori (see following section). Fears were expressed at some hui that the Sustainable Water Programme of Action could lead to privatisation of water, and if so, the consultation was insufficient.

The hui presenters gave undertakings at the hui in order to assure the participants that the Sustainable Water Programme of Action consultation process is genuine. Participants were told that minutes of the hui would be supplied to Ministers and treated as formal submissions, that the hui would be reported back separately so that the views expressed would remain clearly differentiated, and that this consultation round was part of the initial stage of developing policy for the Sustainable Water Programme of Action, with no decisions on the shape of the final policy package having yet been made.



## **Scope of the Sustainable Water Programme of Action and the discussion document**

The absence of any discussion of high-level Treaty issues (including issues around ownership of water) from the Sustainable Water Programme of Action discussion document *Freshwater for a sustainable future* was criticised at many hui. There was also particularly strong criticism from many of the hui that the discussion document makes little or no reference to Māori viewpoints, issues, and values. The absence of such references was alienating to many. Concerns were also raised that proposed actions to enhance Māori participation was only listed 11 out of 13 actions, when it should be at or near the top of the list, to reflect the Treaty relationship. The lack of prominence given to the issues for Māori has led to some participants in the hui being unwilling to fully engage.

Themes emerged regarding the scope of the Sustainable Water Programme of Action, and its sustainable development context. Many felt that a reprioritisation was needed to create an approach more in line with the principles of kaitiakitanga, with factors other than economic ones being given greater priority, and that the emphasis should be on enhancing rather than exploiting the water resource.

There was also a feeling in some areas that the Sustainable Water Programme of Action was not taking enough of a holistic view, as it did not consider issues and actions around urban water management, including stormwater and sewage treatment, or effects of freshwater management on the coastal environment and estuaries.

In relation to Māori participation in the Sustainable Water Programme of Action process, many at the hui supported the work done to date by the Māori Reference Group but sought changes to its composition. There was some support for a broader reference group with members from around the country representing waka or iwi.

## **The need to deal with Treaty issues around ownership and partnership**

As noted above, many people felt alienated by the lack of discussion of high-level Treaty issues, Treaty claims or Māori values in the discussion document. A few saw the question of freshwater management as essentially a Treaty issue. Many participants called for the Treaty to be a factor in determining the appropriate level of Māori involvement in freshwater management, and wanted consideration of the Treaty relationship to be a priority within the Sustainable Water Programme of Action.

Many speakers were of the view that Treaty-based relationship and ownership issues must be addressed before any major changes to water management can be considered, with some stating that this was especially so where changes which might result in auctioning or tendering of water rights, or privatisation of the resource, were being considered. Some participants asked for government to work to address and clarify some of the uncertainties around property rights in fresh water. A few submitters wanted it to be much clearer whether the Crown was assuming ownership or management rights. Article 2 issues, particularly the need to protect water as a taonga and give Māori the power to protect their taonga themselves, were also raised.

The Treaty settlement process was raised as an issue in some areas. Many iwi have claims with freshwater and natural resources aspects in the hearings or negotiations phases. Some have settlements which recognise interests in freshwater resources through mechanisms such as statutory acknowledgements. There was a concern that those currently managing freshwater resources did not have a good understanding of the significance of historical Treaty claims and the issues they raised.

Hui participants expressed a wide range of views on the underlying ownership issues. Some have stated that Māori consider that the water resource belongs to them. A similar comment was that Pākehā have never bought the water resource, but assume they have the right to manage it. Others described the relationship of Māori to water as that of a rights-holder, compared to the interests of others who were stakeholders. Another point of view expressed was that no-one owns the water but someone has to manage it, and the question is who should do that.

Regardless of the views on ownership, there was a general consensus that iwi and hapū have some form of customary rights or interest in water, with a greater interest in its use and management than those who are seen as stakeholders.

Almost all of those who discussed the use of market mechanisms such as tradable property rights in water, or auctioning or tendering of rights to use water were opposed to such proposals. There was a common view that freshwater is essential to all, and that market-based approaches would advantage a wealthy minority at the expense of others. Some also felt that an increase in commercialisation would be a threat to the environment. The option also raised ownership issues for some, and a fear that Māori interests would be traded off or extinguished.

There was a view at some hui that the current system did not encourage water users to recognise the true cost and value of water, and that some forms of charging for the use of the water resource would be desirable because they encouraged efficiency and a greater valuing of the resource.

## **Kaitiakitanga o Papatūānuku [water management]**

### **Traditional water management philosophies**

The cultural perspective described by hui participants was one which is still influenced by the traditional Māori world view. Water was described as the essence of life and the lifeblood of Papatūānuku, often reflected in the use of the word ‘mauri’ (which can be translated as ‘life force’). The significance of the tapu and wairua of water was also discussed. Participants recounted how fresh water is integral to their cultural and personal identity and wellbeing – rivers and lakes carry ancestral connections, identity and wairua for whānau, hapū and iwi, as reflected in all tribal pepeha and personal mihi. This importance was not only described in spiritual terms. Participants also described the value of freshwater as a resource that promotes social wellbeing for Māori communities and individuals through the capacity of healthy waterbodies to provide food, resources, and opportunities to maintain traditional connections and practices such as manaakitanga. The value of access to fresh water for the development of land or other economic and employment opportunities was also discussed.

The perspective that water always comes first as a resource, can be explained by the spiritual and cultural concepts underlying this, and are reflected by one of the whakataukī shared at the hui: ‘Tuatahi ko te wai, tuarua whānau mai te tamaiti, ka puta ko te whenua’ – when a child is born the water comes first, then the child, followed by the afterbirth (‘whenua’, which also carries the interpretation of earth, land and Papatūānuku).

Hui participants shared many aspects of traditional water management practices which are rooted in the principles of kaitiakitanga and care for Papatūānuku. As described at the hui, these practices are based on an approach which:

- emphasises responsible management through care, healing and replenishment of Papatūānuku rather than exploitation without replenishment
- does not distinguish between physical and spiritual approaches
- recognises the various states of water (including wai tapu, wai ora, wai kino, wai piro and wai mate<sup>4</sup>)
- focuses on the protection and restoration of the mauri or life force of the water
- focuses on the health of waterways and their ability to replenish and heal themselves
- takes a holistic and whole-of-catchment approach to managing water.

The use of traditional Māori indicators for assessing the health and mauri of the water, such as the presence or absence of particular species were also discussed in many places. There was a desire for a much wider recognition of the value of mātauranga Māori (traditional knowledge) and the information about freshwater held within local communities to be complementary with current monitoring principles.

A few participants also cautioned that there was not a single Māori approach to water management, or a single set of traditional values for freshwater, but that each iwi and hapū have their own practices and values. While there was a lot of consistency in the values expressed at hui, various examples of different tribal approaches were explained. For example, some iwi agreed with the ‘mountains to the sea’ approach taken by the Sustainable Water Programme of Action; while other iwi spoke of freshwater from puna (springs) to the sea, and their water management practices that reflect the groundwater origins of rivers and streams.

## **Strong desire to be involved in decision-making and management at all levels**

One of the fundamental complaints expressed at many of the hui was that the current water management system does not recognise the role of Māori as kaitiaki, or recognise the responsibilities and duties that come with kaitiakitanga within the water management system. Māori would like to see their concepts and values, such as giving effect to or restoring the mauri of waterways, as part of the water management framework.

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<sup>4</sup> Waiora – waters of life, purest form of freshwater, gives and sustains life, can rejuvenate damaged mauri, counteracts evil. Waimate – dead water, has no regenerative capacity, mauri is lost, can contaminate other mauri of living things or other waters. Waitapu – waters of death, waters are tapu due to loss, restrictive (Jane West, presentation, WaiMaori Water Values, 2005).

As outlined above, there is a wide range of views on the underlying ownership interests in water, but a general consensus that Māori should have a special place in water management. Some expressed the view that more Māori participation in decision-making was necessary to protect Māori values and interests, which were otherwise invariably outweighed by national or majority interests. For most at the hui, the proposed action of ‘enhance Māori participation’ in the Sustainable Water Programme of Action discussion document did not go far enough to achieve a suitable role for Māori in water management.

While some spoke about improving the existing Māori role in water management, most participants sought a more active role in decision-making around water at a governance and management level, and more use of ongoing joint management arrangements for water bodies. Many also sought an appropriate role for at the Māori hapū/marae level. A few sought fundamental changes to the current system, such as recognition of Māori customary ownership of or rangatiratanga over water resources, and the Government approaching iwi and seeking permission for any matters to do with freshwater. This was, however, a minority view, with most participants seeking a partnership role for Māori in water management.

In many areas there was also an interest in forming more practical partnerships and relationships with local authorities over water management issues, such as local Māori communities working more closely with councils on water quality monitoring. In some areas people had already gained relevant monitoring skills and qualifications, and were keen to work with councils to improve monitoring practices and create employment opportunities in communities.

Participants of hui felt that improved Māori participation was a means of improving outcomes for all, not just for Māori. There was a strong sense that almost all of the community, including Māori, were seeking the same outcomes in terms of healthy waterways, and that Māori would therefore be acting in the interests of all. Many participants spoke of the advantages that greater Māori participation would bring, because they felt that Māori brought a particular passion for healthy waterways and special knowledge to water management.

Participants also felt there would be benefits for all from greater adoption of Māori water management approaches and principles because of the Māori focus on kaitiakitanga, health and wellbeing as well as economic factors (ie, a balancing of the components of the sustainable development approach), compared to what they saw as the focus of councils largely on economic benefits. As a result, many participants would like to see Māori as kaitiaki playing a much more active role in determining, monitoring and enforcing minimum standards for water, among other things.

The capacity and capability of iwi and hapū to engage with councils in both consultation processes and decision-making or joint management was raised as an issue in some areas, as many organisations lack the structures and resources to engage as they would like. This was seen as a major impediment to greater Māori participation. While some iwi have resource management units staffed by full-time staff, most iwi and hapū rely on voluntary contributions and people undertaking unpaid work to deal with councils and Resource Management Act processes. A common suggestion at the hui was that central and local government should make greater provision of resources to allow Māori organisations to participate effectively (perhaps through direct resourcing or shared funding with councils), which would lead to higher quality engagement and better Māori involvement. Many participants also sought assistance to develop technical/scientific skills to complement the mātauranga Māori (traditional knowledge) and kaitiaki skills already existing in Māori communities.

It was often noted that iwi and hapū are not resourced by local or central government to take part in the consultation processes under the Resource Management Act or with central government. This could result in limited resources being stretched far too thinly. It was also seen as a distinct disadvantage when dealing with other parties, such as council staff or lawyers, who are paid for their time, while iwi participants are not.

## **Strong support for community-based solutions**

Many hui participants suggested that communities and individuals were responsible for protecting and restoring the quality and mauri of waterways. Numerous examples were given of successful community-led projects which have effectively addressed water quality issues and changed behaviour, such as the 'Wanting Ahipara's Infected River Open Again' project run by Ahipara School in Northland. While some existing projects had received financial help from councils, many people were frustrated that other programmes did not receive any help for doing what was seen as the council's responsibility. There was a call for councils to resource groups with a passion for the work. It was also noted that these projects were often important for building better relationships with councils.

There was strong and widespread support for public education to be provided by central or local government to raise public awareness of water issues and promote water efficiency measures and better land management practices. Providing education about freshwater issues for children, councillors and farmers was seen as a high priority. This included introducing more education on water management to schools, educating councillors on environmental issues and tikanga, and providing land users with information on the impacts of water use. It was noted that water efficiency measures (eg, use of rainwater tanks for non-drinking water) which were once common are no longer widely used, and that these should be encouraged or required. It was felt that far less regulation would be necessary, and councils would be better able to achieve compliance, if the underlying problems with water management were understood.

## **Te kawanatanga me te iwi Māori [relationships with local and central government]**

### **Variable relationships with central and local government**

Given that most resource management is undertaken at local government level, existing relationships between Māori and regional and territorial authorities formed part of the background to consultation. Different hui reported variable relationships with local government. Some hapū and iwi reported good relationships and information-sharing processes with both councils and the wider community, while others spoke of poor relationships with councils and a feeling of exclusion from the decision-making process. Even in areas where relationships were generally good, nearly all hui participants who addressed this point sought a far greater and more active role for iwi and hapū in decision-making for freshwater management. There was a general view that the views and needs of other sectors of the community, such as farmers or industry, would always outweigh Māori concerns in local government decision-making.

Some hui participants considered that the inability or unwillingness of local authorities to work with tangata whenua, or to involve iwi in planning as the Resource Management Act provides for, as a significant barrier to high-quality Māori participation in water management. For this reason, some participants requested that central government take a greater role in water management (although others were nervous about greater central government involvement). It was felt that central government had a responsibility to provide guidance to local authorities on how to meet their obligations, and to ensure that Treaty matters were considered and honoured.

## **Issues around the way the Resource Management Act is implemented**

A number of hui participants expressed faith in the Resource Management Act as a world-leading overarching framework for managing water resources, and saw it as a definite improvement on earlier practices. While confidence in the Resource Management Act as a piece of legislation was expressed at a number of the hui, concerns were expressed about the effectiveness of the resource consent system in promoting efficient use of water. Some hui participants felt that the Resource Management Act was very poorly implemented by councils. Some participants suggested that the water management system should provide requirements for much stricter limits for minimum flows and water allocation and more enforcement. A review of all water permits in a catchment or region at the same time, and tools to allow councils and the community to address allocation issues using an ‘integrated catchment’ approach were also suggested.

The variable performance of councils in meeting their obligations under Part II of the Resource Management Act, as well as monitoring water standards and monitoring and enforcing resource consent conditions, was noted at a number of hui. Considerable dissatisfaction was expressed with the performance of councils in addressing water quality and allocation. It was also noted by many hui attendees that many councils could not provide good information on the total amount of water being taken. It was also suggested that councils have not sufficiently investigated the cumulative effects of water allocation and discharges. Some hui attendees considered that central government should monitor council performance to ensure that councils enforced compliance with consent conditions under the Resource Management Act. Some felt that, in smaller areas, there was not a sufficient gap between council governance and management structures, and that compliance staff were put under political pressure. Others complained that those with close relationships with councils received preferential treatment when often scarce resources were allocated.

Many at the hui felt that central government should play a greater role in setting standards for water quality, and that standards set should ensure water is safe to swim in and drink. There was also support for central government setting standards for council monitoring of water quality, and introducing central government monitoring of council compliance and performance with regard to the Resource Management Act. There was dissatisfaction that, in the 14 years since the Resource Management Act was passed, no national environmental standards on water have been developed. Some participants did, however, caution that setting national standards carried a risk, as they could encourage council performance only to the minimum level set in the standards. Others were concerned that setting a national standard might not reflect standards appropriate for their region or circumstances.

There was support for clearer direction and guidance from central to local government, in the interests of consistency across the country. This was a particular issue for iwi or hapū whose rohe includes more than one council.

# Ngā take a momo rohe o Aotearoa [regional issues]

## Regional concerns/focus

At each hui we heard about specific regional water issues including water quality problems, water allocation issues, and issues surrounding access to and ownership of freshwater. Issues were different in each region. Participants stated:

- water quality problems resulting from sewage, farm and industrial discharge, and council relationships
- allocation issues and property rights
- poor relationships with local councils and lack of opportunities to participate in water management
- balancing iwi and hapū interests in freshwater resources with the ‘national interest’ or majority interests where there has been significant hydro-electric development
- protecting access to freshwater for land use purposes, and ensuring that councils recognise freshwater interests and accordingly engage in ongoing consultation.

# Feedback from the Hui

This section provides feedback on:

- the scope of the Sustainable Water Programme of Action
- the eight issues identified in the Sustainable Water Programme of Action discussion document
- the 13 actions identified in the Sustainable Water Programme of Action discussion document.

## Feedback on the issues

Eight key issues for improving freshwater management in New Zealand are identified in the discussion document:

- Issue 1: National and regional strategic planning for water management could be improved
- Issue 2: Nationally important values need to be better addressed
- Issue 3: Setting environmental bottom lines and allocation limits is costly and contentious
- Issue 4: Water is over-allocated in some catchments, is not consistently allocated to its highest value use over time, and can be wasted
- Issue 5: Tension between investment certainty and planning flexibility
- Issue 6: Māori participation in water management could be improved
- Issue 7: A lack of effective action in the management of diffuse discharges of contaminants on water quality, in some catchments
- Issue 8: Development of water infrastructure is not keeping pace with demand.

### Issue 1: National and regional strategic planning for water management could be improved

Improvement is needed in consistency between councils in how they operate, especially as iwi have to deal with a number of councils. Raukawa commented that they deal with a number of local authorities:

*Within Raukawa there are a number of different local authorities, we duplicate our efforts on less resources than councils have. (Hamilton hui)*

Participants at several of the hui felt that Māori concerns are over-ridden by other interests, such as industry and energy concerns during local government processes. Even council representatives admitted that it is difficult to withstand strong lobby pressure from certain industries in their regions.



## **Issue 2: Nationally important values need to be better addressed**

Concerns were expressed about identifying water bodies of national importance for Māori values, as Māori values for water have a strong local flavour. Hui participants expressed concern that defining nationally important values for Māori would be difficult, because of the localised iwi/hapū-specific nature of Māori interests in freshwater.

Support was shown for addressing nationally important values where iwi saw this as a way to protect important local values.

*It is possible to develop water bodies of national importance for Māori cultural values, eg, Whanganui and Taupo. The call depends on the local people, but there is also a notion of what other iwi perceive, particularly where an iwi is identified by their river (eg, Waiapu River). Every iwi or hapū have their own pepeha or whakatauki that identifies their water body, these are identifications of national importance. (Wellington hui)*

## **Issue 3: Setting environmental bottom lines and allocation limits is costly and contentious**

Iwi involved in the Genesis case appreciated that this is a complex issue and that policy-making will be a difficult task. Problems with setting minimum flows were seen as partly a political issue, as well as a complex technical and policy issue. Concern was expressed that minimum flows have become a new norm (rather than a minimum) and support was shown for improving the methods for setting minimum flows.

There is also suspicion where iwi have been reassured by councils a minimum flow has been set (around irrigation and farming) and then iwi are told current levels are unsustainable and water bodies are under pressure. For instance, the Nelson hui expressed concern that in Tasman water users had to recently reduce their use by 20 percent.

*The current allocation method is flawed, if people lose water, [they] lose crops and employment. (Hastings hui)*

## **Issue 4: Water is over-allocated in some catchments, is not consistently allocated to its highest value use over time, and can be wasted**

Low flows and particularly the over-allocation of water were stated as issues of serious concern at a number of hui. Specific concerns referred to at the hui included lack of access to water in fully allocated areas in the Waitaki Catchment, and farm water use and the need for on-farm water sources.

Concern was expressed that consent applicants can seek more water than they need under the current process for allocating water. Participants also recognised a danger that applicants would seek more water now under the current system if the current allocation system was perceived as changing in the near future. There was also concern that councils allocate more water than is available so cannot guarantee its availability now or in the future, and concern over the environmental impacts of this:

*I remember when we used to swim and bathe in our stream Te Wai o Hotu, we had special bathing places, and mahinga kai. Now it has almost dried up. (Hamilton hui)*

Distrust of the 'first-in, first-served' approach to allocation was expressed:

*There are difficulties with the first-in, first-served process – one difficulty is that everything has an incremental impact. First-in, first-served reinforces inadequacy. It is difficult to address issues with individual consents without being able to step back and address the whole catchment. (Dunedin hui)*

Some Māori felt that Māori freehold land, including traditional Māori reserves, should be given priority access to water:

*Shouldn't Māori who have traditional rights be automatically at the top of the queue? This also relates to lands that have been returned to Māori. We need to have the water rights to use the land as well [as having the land returned]. We should be a priority. (Christchurch hui)*

There was also concern that global warming would make the issue of water allocation more serious as some rivers will be drier, resulting in more pressure on other rivers, especially if implementation of the Kyoto Protocol does not make a difference.

There was also concern about water efficiency and that the emphasis on efficiency is really about productivity. This emphasis could lead to overly intensive land use that has negative consequences on water bodies. Participants frequently referred to the need to encourage efficient use of grey water, water recycling, and use of tanks to collect rain water on all houses.

## **Issue 5: Tension between investment certainty and planning flexibility**

Although this issue was not discussed specifically or in any depth, the Christchurch hui expressed concern that consents are granted for 35 years, without needing to justify consent applicants' need for the water. This term leads to consent holders taking water for granted as they have a consent that spans most of their working life.

## **Issue 6: Māori participation in water management could be improved**

Issues around Māori participation included:

- a lack of resources and the consequent negative impact on Māori participation
- councils marginalising Māori by excluding them, and not giving adequate recognition to Māori values
- councils only allowing Māori to influence planning when another interest group initiates the change
- difficulties making submissions due to lack of resources
- needing iwi management plans

- a lack of technical ability and the need for Māori science and water quality monitoring
- problems around non-notified consents.

Hui participants felt strongly about improving Māori participation in freshwater management, and that the barriers preventing this are of serious concern. Māori want recognition for the positive difference they can make:

*The key issues are participation and the need for the legislated ability to do that, that tangata whenua [need to] be recognised for the contribution they can make to the management of the quality of the water, we want to help the community win. (Waitara hui)*

Māori participants were concerned that although they may ‘get to have a say’, they do not have any part in decision-making and management:

*Māori need to have the power to protect their taonga (water) as guaranteed by Article 2. Planners and decision makers must realise that. At some stage those decisions must involve iwi. Iwi must have input. We have no representatives on either of the two councils here. Once decisions are made, we are then told what the decision is. (Nelson hui)*

The Resource Management Act was praised many times at hui, but support was tempered by the observation that there is a lack of willingness to implement the provisions of the Resource Management Act that recognise Māori interests.

*On the issue of relationships with Māori – legally, part 2 of the Resource Management Act requires these relationships section 6(e) – but more than that, Māori have hundreds of years experience as kaitiaki, as mana whenua protecting and managing land, waterways and so on. This needs to be recognised. (Auckland hui)*

Issues around kaitiakitanga were raised, including that Māori are not ‘anti-development’:

*Māori (particularly in the context of the Resource Management Act) shouldn’t be seen as anti-development, or as problematic but we are kaitiaki – to protect the whenua, the awa and sacred sites and this is affirmed in Te Tiriti o Waitangi. As we move forward, we must be in partnership. Any sustainable water programme of action must see water as a taonga in the context of the Treaty and this benefits all of us, not just Māori. (Auckland hui)*

Issues were also raised around the need to provide funding for Māori to be involved in resource management.

*[I] sit on two committees that deal with waste, all work is unpaid, and there are huge problems in these areas. (Hastings hui)*

Some Māori are keen to form iwi management plans but feel constrained where their local council collects inadequate information for iwi to make decisions and develop an informed plan.

## **Issue 7: A lack of effective action in the management of diffuse discharges of contaminants on water quality, in some catchments**

Water quality was a key issue raised at all hui. Speakers at the hui did not distinguish between the pollution issues resulting from diffuse discharges and other water quality issues. Both direct and diffuse discharges were seen as an issue that needed to be addressed, and were generally discussed in the same terms.

Participants felt strongly that waterways are polluted and that water quality is an issue. Concerns expressed included:

- farming
- forestry
- discharge consents
- rapid or uncontrolled subdivision
- absence of water quality standards
- untreated/poorly treated sewerage discharge into water
- long-term effects of past discharges
- stop banks causing sedimentation and shingle build up
- vehicles driving through waterways.

Many iwi expressed concern about local water quality:

*Out of 51 stretches of water in the region, only one is safe to drink and 10 safe to swim in.*  
(Nelson hui)

*Here in the North Shore, not one of our water-courses meets health standards for bathing.*  
(Auckland hui)

*The quality of the Waiwhetu stream is a major concern. The impact of urban development is a major issue. More rural areas are becoming urbanised with the development of lifestyle blocks. Inevitably water quality will decrease.* (Wellington hui)

There was a sense that under Māori management this kind of harm would not have been caused:

*The run-off into our tributaries is polluting our awa, and yet here we are expected to respond to this sustainable water programme of action. In our history we have practised protection, and yet we are prevented from continuing to do so.* (Nelson hui)

Many hui participants reflected that Māori consider the health of local mahinga kai as an indicator of water health and water quality. The decline and loss of mahinga kai and associated indicator species was seen as a reflection of how seriously Māori concerns are taken.

*In this rohe, kōtuku are paramount. What comes out of the river will end in the estuary. The sign of the kōtuku is that the environment is healthy. If the kōtuku does not appear, we are all in trouble.* (Nelson hui)

There was much discussion of links with farming practices and that more action in managing the riparian margin was needed. Waitara iwi found that even though some practices had stopped (eg, discharge from an old meatworks into the Waitara River) that the river was not able to recover some 15 years on.

*Our kaimoana is declining due to pollution and declining water quality, large scale farming, direct pollution of waterways through fertiliser and stock in waterways.*  
(Gisborne hui)

*[There are] big water quality issues with Lake Taupo, I am thankful that we may have caught Lake Taupo in time. No one ever understood the delicate balance of the ecosystem around the lake.* (Taupo hui)

The impacts of activities in riverbeds and channels on water quality was also an issue for some submitters.

*[We don't agree with] the practice of councils putting in flood protection schemes. The Ōreti River meandered from time to time, now there are flood channels in which the river is being controlled. Because of this, year after year, habitat and ecosystems, eeling spots and fishing spots are changing. When the river is confined (by flood protection schemes), the river digs in and the habitats dry up. (Invercargill hui)*

*Through gravel extraction, we are trying to replace what has been lost. Populations of some birds nesting up the river have disappeared over the years. It is not good practice to be narrowing and confining rivers. Rivers don't naturally go straight, they like to meander. Birds like to settle on the river beds in protected areas – to keep cool and to feed. These areas are just not there. (Invercargill hui)*

## **Issue 8: Development of water infrastructure is not keeping pace with demand**

Concern of this issue was expressed where there is a growing population and inadequate infrastructure for drinking water and sewage. There are also issues for marae that have to deal with changing regulation and rules around drinking water sources:

*For our marae, there have been changes in the requirements regarding water tank supply – so we had to bore down, now we can't bore down because the water quality is undrinkable and we cannot afford to link up to the supply. Requirements change and we have to deal with the hurdles. (Hamilton hui)*

### **Council-related issues**

Many hui attendees had serious concerns about the performance of territorial authorities and regional councils, in relation both to their obligations towards Māori and to their freshwater management responsibilities. These were issues that had not been explored in the discussion document.

Inconsistent performance by councils in their application of Part II of the Resource Management Act, particularly those sections which give protection to Māori interests, was a significant issue for many:

*Sections 6(e), 7 and 8 of the Resource Management Act are great tools for achieving Māori aspirations, but performance is variable in meeting those provisions. Although the Resource Management Act was passed in 1991, it was not until the Ngāi Tahu Settlement Act and apology that we saw a real change in attitude by councils. (Dunedin hui)*

*Councils have not been giving effect to sections 6, 7, 8 of the Resource Management Act. Some of our settlement processes have been about improving the performance of councils. (Dunedin hui)*

Hui participants also commented that councils never use 'avoid', but always use 'remedy or mitigate', and that there is a reluctance to enforce the Resource Management Act due to either a lack of funding or councils misinterpreting their responsibilities.

*In some places the Resource Management Act is being enforced, not here (there are) dead cows in the waterway, and yet the so-called 'caretakers' for our land, air and water do nothing. (Kaitia hui)*

A few submitters had more significant concerns about political interference in freshwater management within councils, and the potentially damaging effect this had on Māori issues.

Some iwi have very poor relationships with their local councils. Some found councils resistant to acknowledging that Māori have a cultural identity with the land and freshwater; and that some councils will not listen to Māori unless they are present in large numbers.

*We are talking from our background, our history, our culture. We won't just drop all that because of some government law. There is strong resistance to us when we say we are coming from a cultural identity. (Whangarei hui)*

Some iwi have good, constructive relationships with their local councils and were keen to show support for those councils.

*On the issue of building relationships – this is going well down here. We have Te Ao Mārama, adapted from the Tūranganui a Kiwa experience. There is resourcing for rūnanga, so they can act as a link with council. We have a roopu (group) Taiao which has regular quarterly meetings. It is a political group with representatives from each rūnanga and from each council. Policies and consents are discussed. The ongoing working relationships with councils have done us an enormous amount of good. There is a need to formalise those relationships in case personalities change. Social interaction is important – you build friendships and gain a better understanding of each other. (Invercargill hui)*

## Other issues

A number of additional issues were raised at hui, which participants regarded as not included or sufficiently emphasised in the Sustainable Water Programme of Action discussion document. These included:

- the need to see water management in the global context
- the need for alternative and renewable energy (especially in relation to hydro-generation)
- concerns about flooding and flood management.

Several speakers also commented on parallel policy issues which they felt had implications for water management:

- the Resource Management and Electricity Legislation Bill
- the Treaty settlements process.

Several participants commented on the Resource Management and Electricity Legislation Amendment Bill (resulting from the Resource Management Act Review in 2004), and the potential effects on Māori participation in water management. The consensus view was that the proposed changes to Māori involvement in consents and planning processes were likely to make it harder for tangata whenua to have input on water issues, and would water down Māori participation. Some submitters recognised that there is no existing legal obligation to consult with Māori, and that the proposed amendments would reduce this even further. There was a feeling that consultation with Māori would be unlikely to occur unless there was some sort of obligation to do so, despite the requirements of Part II of the Resource Management Act.

Treaty Settlement matters were raised in Whanganui and Waikato, where negotiations are currently under way on major river claims. In Whanganui there were some concerns that related processes such as the Sustainable Water Programme of Action and the Resource Management Act Review had not been coordinated, and that iwi/hapū were not resourced to deal with these consultation processes while also involved in settlement negotiations.

## Feedback on the actions

A package of 13 actions is proposed in the discussion document to address the issues identified, as shown in Table 2 below. For the purposes of presentation at hui and analysis of feedback from consultation hui and submissions, the 13 actions were grouped into four major areas:

- providing national direction
- central government being more involved
- providing more tools to councils
- working together.

**Table 2: The four sets of actions**

13 actions as grouped into four major areas			
Provide national direction	Central government being more involved	Providing more tools to councils	Working together
Action 1: Develop national policy statements  Action 2: Develop national environmental standards  Action 3: Address nationally important values	Action 4: Increase central government participation in regional planning  Action 5: Increase central government's support for local government  Action 13: Collaboration between central and local government, scientists and key stakeholders, on pilot projects to demonstrate and test new water management initiatives	Action 6: Develop special mechanisms for regional councils  Action 7: Enhance the transfer of allocated water between users  Action 8: Develop market mechanisms to manage diffuse discharges  Action 9: Set requirements for regional freshwater plans to address key issues and challenges  Action 11: Enable regional councils to allocate water to priority uses	Action 10: Enhance Māori participation  Action 12: Raise awareness of freshwater problems and pressures, and promote solutions  Action 13: Collaboration between central and local government, scientists and key stakeholders, on pilot projects to demonstrate and test new water management initiatives

## Provide national direction

Support was expressed for the idea of central government providing national direction on water management. Participants saw that a benefit of this would be that regions would no longer be required to continue 'learning as they go', and that there would be greater consistency of process and performance. However, this was coupled with strong support for decision-making to remain at a regional and local level. A balancing of central and local government involvement was seen by many hui participants as benefiting the development of sustainable policies where rates and other issues may influence council direction.

Water efficiency, discharges to freshwater including nutrient run-off, and sewage were seen as issues requiring national direction. A related suggestion was that national direction is needed to provide a set of practical guidelines or standards for efficient sewage treatment.

Doubts about providing national direction were also expressed. Participants at the Waitara hui questioned whether the national direction would benefit some iwi as central government ‘have never done anything for us’. Kaitaia iwi did not want to see another layer of bureaucracy, which could then be used by central government as an excuse for not holding regional councils accountable for their functions.

*As a landowner of a large portion of the catchment, I am nervous about the concept of national interest, national standards which will lead to national policies which may not necessarily align with local interests. All rules and policies should be in line with specific catchments, the ownership of the catchment and what the catchment wants. One model (for example, what is happening in Lake Taupo) may not sit nicely elsewhere. (Taupo hui)*

## Action 1: Develop national policy statements

There was some support for a national policy statement to be developed with implementation possibly by central government. Supporters of a national policy statement saw that some issues would need to be addressed to gain the desired outcome. Those who supported the use of a national policy statement felt that it could provide for consistency between councils and a clear direction for water management.

Not all participants supported the idea of a national policy statement, or felt that it would be useful. There were concerns that actions required now would not be addressed soon enough due to the time required to develop a national policy statement, or that a national policy statement could become a document too large to be of any practical use. Others saw the national approach as a potentially inappropriate way to deal with tangata whenua interests.

*National policy statements pose risks for tangata whenua, often these interests are at a hapū/iwi level and a national process might override many of those critical interests. Water is integral to identity and wellbeing locally. Our local characteristics need to be reflected in any water plan. (Dunedin hui)*

## Action 2: Develop national environmental standards

Strong support was expressed for the development of national environmental standards. Many participants felt that national environmental standards are needed so that councils can work consistently, and so that water quality rules would be more enforceable than under the current guidance-based approach. For Māori, we heard that national environmental standards should include that:

- no sewage discharge directly into water
- all freshwater is drinkable
- all discharges are of a drinkable quality where they re-enter a water body
- water ways are swimmable
- minimum flows are the absolute bottom line.

Māori want a role in determining national environmental standards. The potential development of freshwater national environmental standards was seen as an opportunity for Māori values to be included in the development of national standards, and Māori to be included in the decision-making process. This could, for example, encompass the mauri of waterways:

*National standards should adopt our values and should clearly outline the weightings to be given to our values. (Auckland hui)*



Concerns were expressed that standards would be set nationally, overriding locally-based iwi/hapū interests, and that they would be set too low to achieve what local people want. Participants asked for regional standards to be able to be set higher if desired by the community, and some were altogether opposed to national environmental standards as they thought they would not address regional needs.

### **Action 3: Address nationally important values**

Participants were opposed to ranking the importance of waterways.

*Every single waterway is significant and valid to this region. In terms of 'mountains to the sea' we believe in 'heavens to the sea'. Every single waterway is important and vital to us.* (Nelson hui)

There was also some wariness that water bodies of significance for Māori cultural values would not be recognised and would be left at the bottom of the list.

The cultural importance of freshwater to Māori was constantly expressed at hui, along with a rejection of Action 3:

*Tīpuna viewed that all creeks, streams, rivers are arteries of Papatūānuku. In human terms, the vein in your toe is as important as the ones in your heart. Similarly, grading of waterways is exclusive rather than inclusive. All water is connected.* (Dunedin hui)

*I am a bit suspicious of the concept of national importance, water quality will be deemed to be important in some areas, and not in others, and some areas might be left out. All waterways are important and need to be of a high quality. The waterway most important to me is the one closest to me. The concept of nationally important waterways is a very limited concept.* (Dunedin hui)

Support was shown where iwi saw Action 3 as a way to protect important local values:

*The lake, Te Karu o te Ika (The Eye of Māui's Fish), is the place where all rivers and streams meet. According to the stories of our old people, the water was once black with eels. Customary trade of eels from the lake is noteworthy and illustrates the lake's importance. How do we go about making our lake a waterway of national importance? Our lake is not treated very well. We want to find any and every way possible to raise the profile of our lake as a place of significance to us. There was some discussion regarding the international recognition of the lake. It is worthwhile pursuing the making of this lake a water body of national importance. That would be an incentive to clean up the lake.* (Greytown hui)

However, reservations were expressed when the values of each hapū were discussed:

*Nationally important water bodies – standards need to be set on how the Crown intends to identify these. In assessing this, we also need to be clear on Waitapu, Waioara etc, each hapū identifies with awa, that is the most important water body to them. There will be no direction from central government that will address that.* (Whangarei hui)

## Central government being more involved

Hui participants supported the need for central government to have a closer relationship with local government, in particular in providing more direction to councils on environmental sustainability issues. It was suggested that this could be achieved through an expanded Ministry for the Environment monitoring role, including monitoring the implementation of regional plans and consents as a means of measuring how well environmental management by councils is working. However, reservations were expressed that this needs to be done without removing decision-making at a regional or local level.

### Action 4: Increase central government participation in regional planning

It was also suggested that central government should provide funds for the development of iwi management plans. It was also stated that the Local Government Act 2002 needs clearer links to the Resource Management Act in terms of Māori involvement in environmental management, especially around mana whenua issues. Some felt the current Sustainable Management Fund was not sufficiently supportive of iwi planning:

*We, Te Rūnanga o Ngāti Whātua, applied for funding from the Sustainable Management Fund and got it (and had done the first of 12 capacity milestones), but the contract was suspended due to a political about turn in policies. So we do not have an iwi management plan and we have to reapply again with everyone else for funding. (Auckland hui)*

### Action 5: Increase central government's support for local government

Support was expressed at the Greytown hui for central government providing more training to councillors to enhance their understanding of environmental issues, which would lead to improved environmental management practises. We heard that an improvement in councillors' understanding issues relating specifically to Māori is also required.

Participants noted that local government does not require more support where it already has sufficient funding. One participant at the Dunedin hui suggested there is a need to set priorities that provide for good environmental management, and that more enforcement is needed to implement plans and legislation.

## Providing more tools to councils

There was general support for improving processes to enable more efficient water use, and it was suggested that efficiency be broadened to include a quadruple bottom line. In general, the Resource Management Act was seen as a good piece of legislation and most concerns were around implementation issues.

*Much has been done since the Resource Management Act 1991. Prior to that you could see destruction all over the place. (Christchurch hui)*

However, at the Hamilton hui Māori asked for separate legislation (as opposed to the Resource Management Act 1991 or Local Government Act 2002) for the tupuna awa.

*There should be separate legislation for the Tupuna awa – the Resource Management Act process and the Local Government Act process does not work for us. We, in Raukawa, are walking the talk in terms of the impacts on tupuna awa and have had to battle bureaucracy time and time again. We are grouped, marginalised/divided and ruled. (Hamilton hui)*

Comments were made at the Dunedin and Greytown hui that cultural issues should be included in every option for new tools.

*On the issue of providing tools which was discussed today, we need to analyse each of the tools proposed and have an input into who takes what decision at what level. How closely does each decision affect us will determine how strongly we wish to participate on each issue. Water is allocated to vineyards and now the marae on the Ruamāhanga River can't get access to any water. (Greytown hui)*

## **Action 6: Develop special mechanisms for regional councils**

There was support for an integrated catchment management approach.

*Integration is a key issue for us – we need to look at the policy in a holistic way....[We] fully support and highly recommend catchment based strategies – we as kaitiaki know what is happening in our catchments and how we can work together to deal with these issues of allocation. (Hamilton hui)*

It was suggested that all consents be renewed at the same time. It was also suggested that the cumulative effects of resource consents on freshwater should be looked at in more depth.

*We need to ensure that councils look at whole area, not just one property. (Kaitiaia hui)*

*Research should be done on the cumulative effects resource consents have had on our waters. (Christchurch hui)*

One participant suggested that the Mahurangi Catchment in Whangarei would provide a useful pilot study for integrated management.

Riparian management was also frequently discussed with some gains noted in fencing-off wetland areas from stock.

There was also support for recognising customary water quality indicators based on the presence of certain species.

Support was expressed for efficient water use and a good allocation system. Some speakers supported the suggestion that water users should be charged for the water they use, to better reflect the true costs of that use and to encourage efficiency.

*Resource rentals could play a role in encouraging people to be more careful with water use, and the volume applied for (in anticipation that it will become a tradable commodity in the near future similar to what happened in the fishing industry). We don't want people hoarding water permits only to build up water rights for future allocation. This must not be allowed to happen. (Invercargill hui)*

There was support at the Greytown hui for transfer of allocated water as a means to demonstrate the true value of water and encourage efficient use.

## Action 7: Enhance the transfer of allocated water between users

Many reservations were expressed about making water consent transfers easier. Some Māori would rather see ‘excess’ water left in a ‘bank’ or available for other forms of re-allocation. Concern was expressed around private ‘stockpiling’ of water for profit.

*Allocation: did the concept of transfer include transfer of allocation? We have already had to deal with the transfer of our water to other rohe, this has strong cultural and spiritual impacts. (Hamilton hui)*

Questions were also raised around whether increased tradability would affect perceptions of property rights.

*The ability to transfer water is almost like a property right – our fear is that someone who can afford the resource consent will over-apply – eg, Meridian, who assert that they own the river for hydro, and therefore everyone else has to satisfy them rather than the consent authority. What's to stop them gathering up ‘spare’ and then selling on? There is unequal sharing of the resource. Tradeable water rights, those who already have the resource (farmers) will ‘rule the roost’. They are driven by economics not the environment. There are real concerns about transfers. The proposed [Resource Management Act] amendments would make the situation worse; investment is one of the determinants for decision-making. (Christchurch hui)*

Discussion on transfer and tradability was linked to outstanding issues around Māori rights to water.

*If we begin to trade property rights in asset, this will raise issues about what our [Māori] ownership rights are. Assertions of ownership run through customary ownership. We are large-scale landowners of lands from which water springs. (Greytown hui)*

Strong reservations were expressed as to when transfer became a ‘trade’; with the thought of money changing hands for water a serious issue for Māori.

*No concern with transferring consents and discharge, but there will be major problems if money starts changing hands. (Kaitaia hui)*

As noted above under Action 6, there was support from a few participants for the use of increased water permit trading as a means of encouraging greater efficiency in water use.

## Action 8: Develop market mechanisms to manage diffuse discharges

Support was expressed around stronger use of the ‘polluter pays’ principle. Those who discussed this action felt that it should be about polluters being required to minimise pollution. Those who opposed the action believed that a ‘cap’ may encourage people to feel they can pollute to the maximum (cap) rather than emphasise the need for reduction of discharges, which they said is an issue with the (fisheries) quota management system.

## Action 9: Set requirements for regional freshwater plans to address key issues and challenges

Some participants expressed concern that council plans, and the policies and rules in those plans, did not properly address issues of significance for Māori.

The main concern raised related to the need to recognise the significance of mixing water and the mauri of water. This was expressed at the Nelson, Christchurch, Invercargill and Dunedin hui.

*There are proposals for water from Motueka to be transported to Nelson. This is wrong. Mauri should be retained within rohe, keep water within its catchment. (Nelson hui)*

*I am opposed to mixing waters – it is bad enough that our rivers Awatapu and Waihao do not have enough water, but now there is water coming from elsewhere [in the Waitaki] with weed in that water. (Christchurch hui)*

*Cross mixing is an issue – it links to mauri, but it can be a tool. Where water has been cleansed on land there may be no issue, it is where it goes directly from one water body into another that is the major issue. (Invercargill hui)*

## Action 11: Enable regional councils to allocate water to priority uses

In general there was concern that allocation models need to be strengthened.

*Allocation models lack teeth, limits need to be firmer, councils are too variable and need more accountability. (Palmerston North hui)*

There was also concern the first allocation should be to the environment to ensure the habitat of aquatic species.

*The native aquatic species have first right to the water. The cows come in on a truck. They can go out on a truck. The native species have nowhere else to go. (Invercargill hui)*

Many speakers expressed disagreement with the notion of market mechanisms being used to allocate water resources. People were concerned that this was a privatisation of the resource, or created a property right. There were also concerns that any such creation of property rights would not protect Māori customary interests or Māori ownership of the water resource.

*It looks as though we are moving towards a property right, if I buy something, I own it and can sell it, this is totally wrong for our waterways. (Invercargill hui)*

*[I] disagree strongly with bartering and trading of permits, this implies ownership. This will greatly affect our river claim and co-management. (Hamilton hui)*

As well as concerns about the effects on Māori interests, some felt that market mechanisms would potentially favour the rich. Some were worried that tendering for water would create inequities, as not all would be able to afford it.

*I am not in favour of tendering the use of water: the rich man he gets richer, and the poor man, he stays poor. (Nelson hui)*

*[I have a] concern about the idea of putting water up for tender. This will remove the use of water from those with limited resources. (Kaitia hui)*

Doubt was expressed over whether tradable rights would lead to better water management by users, or entrenched rights and complacency. There was also concern that charging of water would add another, undesirable, layer of bureaucracy.

Many reservations were expressed about the effects of greater trading of water allocations on the prioritisation of different water uses. Rather than water being moved around among existing users, some Māori would prefer to see water which was not being used returned to the waterway, or made available for allocation to non-extractive activities. Concern was expressed around private 'stockpiling' of water for profit.

## Working together

There was overwhelming support from hui for working together. There was support for improving relationships between Māori, local government and the wider community, and strong support for increased involvement of local communities. Hui participants thought that it was important that solutions align with local values and ownership constructs to be effective.

*[We] fully support the working together idea. Whole of government approach would work on catchments for example, in the Mahurangi Catchment – where there is heavy sediment. (Auckland hui)*

Hui participants stated that working together to manage freshwater would be particularly useful in the form of joint management, co-management, and integrated catchment management. In Gisborne there was strong support for joint governance of freshwater (such as the Environment Bay of Plenty model), joint management (Ngai Tahu experience), joint planning, joint regulation, joint compliance and enforcement.

*We are aiming to improve our relationship with local government; we need to work with central and local government to address water quality issues. The relationship between the Crown and Māori should include joint governance (Environment Bay of Plenty model), joint management (Ngai Tahu experience), joint planning, joint regulation, joint compliance and enforcement. Only kaitiaki know how to address the problems relating to our wāhi hāpu. Local communities need to be involved in developing plans. (Gisborne hui)*

Some collaborative projects incorporating different government and non-government sectors have already begun around the country:

*Wellington Regional Council Masterton are currently working on a document regarding Ruamāhanga – integrated catchment – a long- term research project. This is focused on bringing in all the different interests groups to work together in an integrated manner – which is the way that it should be. (Greytown hui)*

A desire to begin more collaborative community projects, and the need for more community involvement in planning for freshwater was expressed.

*[We have] rights as tangata whenua to participate in decision-making. People are responsible to their neighbours. Everyone has a personal responsibility to improve the quality of water, to do whatever they can do. (Hastings hui)*

*Statutory plans must be part of a planning cycle. But they are not. There is no cycle that the community can really take part in. There must be an iterative planning cycle. (Dunedin hui)*

*It comes back to the people in the community, the local people who know what is happening on the ground and local ownership of the problems and answers is important. There are a lot of people here who do a lot for our environment. There is a real sense of willingness for people to work co-operatively. (Hamilton hui)*

*There is a responsibility upon us all, [the] whole marae, whole of New Zealand to put degeneration of freshwater right and look after our freshwater. It is important that all interest groups work together to achieve sustainable solutions, rather than politically motivated solutions manipulated by lobby groups. (Wellington hui)*

A need to create processes where iwi are more involved and more significantly recognised for their contribution was expressed at the Wellington hui:

*Iwi are seeking more significant recognition and control. In this region Māori participation is very active and it comes from the tangata whenua groups, those who have kaitiaki responsibility. Dealing with resource consents. [We] have an intimate knowledge of the area. (Wellington hui)*

Some doubts were expressed about the practicalities of making working together happen.

Support was expressed for iwi groups working together with other iwi groups.

*Tūhoe and Ngāti Awa need to work together to develop plans for the environment and their water. (Whakatane hui)*

## **Action 10: Enhance Māori participation**

There was overwhelming support at all hui for enhancing Māori participation. An extensive range of solutions and ways to enhance Māori participation for freshwater management were presented to us in much greater depth than was provided for in the discussion document.

*Māori participation in water management MUST be improved. Māori need a greater role in decision-making at local government level. Māori need their own wharenui with their own paepae, own experts that every policy must run through. Policy statements should reflect that iwi (whānau, hapū, waka) as tangata whenua are the kaitiaki over the mauri of all fresh water. (Hastings hui)*

*[Māori] have a passion for the water – our health our wellbeing all of our philosophies are to safeguard and protect the water. If we have a say, everyone benefits – we have everybody's interests at heart. (Nelson hui)*

*We are not the same but we ought to be treated as equals, ideas, knowledge, wisdom should receive equal consideration. Too few Pākehā have embraced Māori wisdom, it will enrich our lives. (Gisborne hui)*

## **The nature of 'Māori participation'**

At most hui we heard that simply enhancing Māori participation is not enough; that Māori want more than just participation, and want to be involved in the decision-making processes for freshwater management rather than just being consulted. These statements were backed up strongly with examples of local knowledge and experience.

*It is important that people in this rohe have representation in the decision-making. (Whangarei hui)*

*Māori need to be directly involved to mature and move from consultation and participation to actual governance, management, regulatory and compliance power...Don't just consult with us; allow us to participate. Don't let Māori be relegated to a second tier level of consultation when Māori are the Treaty partner. (Auckland hui)*

*We need to be treated equally as those making decisions and most times we are not. I am tired about people consulting tangata whenua, officials running up and down the country, local bodies, and government departments and we are hitting our heads against brick walls. Our people are capable of being in the highest positions. (Auckland hui)*

*We need more than input, we need membership and representation of the whole motu – we would have more confidence in the process – we have the expertise. (Hamilton hui)*

*We want our own management teams, we want to be practitioners leading the way for other communities. (Hastings hui)*

*In the last round of Resource Management Act changes, 'tangata whenua' were not specified, but there was reference to Māori. Tangata whenua have responsibility as kaitiaki in our area, so if tangata whenua are seen as too difficult, councils can take the easy way out, Māori can be pitted against each other and we all lose. (Wellington hui)*

Ensuring a Māori role in decision-making at governance level (for example, providing Māori seats on councils) was suggested as a workable solution at many hui. The Environment Bay of Plenty model, where the council structure includes Māori councillors was frequently referred to as a model that would be appropriate to ensure Māori decision-making at the local government level.

*Māori need to have the power to protect their taonga [water] as guaranteed by Article 2. Planners and decision-makers must realise that. At some stage those decisions must involve iwi. Iwi must have input. (Nelson hui)*

*In Environment Bay of Plenty there is a model to ensure that there are Māori around the decision-making table. (Whangarei hui)*

We who have been doing the work need to be in Wellington talking, not leaving it up to politicians. We need to be resourced to participate, to engage effectively.

*We need to be at governance level, an example could be regional tangata whenua water boards – which could sit alongside councils and make decisions at that level. (Auckland hui)*

*There needs to be commitment from councils at all levels – from governance level in councils to work with governance of Māori ... Environment Bay of Plenty [Māori members] works for them, we could look at this. (Hamilton hui)*

*We hope the Government will set up Māori constituency like the BOP where Māori will be ensured participation at regional council level. (Hastings hui)*

Other ways to ensure Māori a role in decision-making in water management were also voiced widely (for example, having commissioners, consent authority, co-management).

*Iwi must be involved in the planning process (permitted uses), in the consent process, otherwise money talks and iwi cannot continue to participate [and] challenge policy and rules and so on must be right in the plans, and a good relationship helps with this. (Invercargill hui)*

*Our people need to be utilised in the planning and decision-making process – and we need to make sure that there is support for our representatives. (Whangarei hui)*

*We are not involved in the regulation and we need to be. This includes having our Māori commissioners on an equal status as other commissioners on these decision-making boards – and not just one representative. (Auckland hui)*



*We need to be at management level – how can you help develop iwi management plans?*  
(Auckland hui)

*Resource Management Act review – planning commissioners will have more involvement in process – in Manukau – there is only one – she doesn't stand a chance – we need equity in the representation of these commissioners.* (Auckland hui)

*Regional councils should have some discretionary powers to change conditions immediately and iwi must be able to review those permits. [We] would like an opportunity to explore co-management, co-regulation and delegated authority – these could become useful mechanisms to allow Māori to participate more effectively in the decision-making .... In terms of commissioners, the lack of numbers makes it incredibly difficult for them.* (Hamilton hui)

*It comes back to Regional and District Councils and we need to be involved at different levels, on a more proactive approach at the decision-making end of policy and planning. We desire clean water, and we are interested in talking about co-management rather than ownership. Sir Robert Mahuta's view prevails, that we know we own the river but we are interested in co-management.* (Hamilton hui)

*We have a lot to offer in co-management regimes, we can make meaningful contribution as kaitiaki. Changes for regional rules and monitoring require Māori commissioners, not advisers that are seconded, need funding for that from ports. The Māori affairs representative body needs to be reformed so that we can have representation with our regional council.* (Hastings hui)

*Treaty claim settlement processes offer an ability to establish relationship with central government and advance co-management. Māori cannot remain as mere commentators.* (Wellington hui)

The importance of ensuring Māori a role in the regulation, monitoring and compliance of freshwater management tools (resource consents) was also voiced at hui in Christchurch, Dunedin and Auckland. The need for systems to be set up to include Māori in this role was clear:

*[We are] not opposed to allocation, but there is a need for it to be monitored where appropriate by iwi.* (Christchurch hui)

*We are not involved in the regulation and we need to be. We are not there in monitoring and compliance, and we need to be there as kaitiaki and as Treaty partners. When local government take water, we need to be right there to ensure compliance according to national standards and national policy. The local government bodies who have the delegated power to allow these things to happen, come to us at the last minute for our approval. We as tangata whenua should be delegated power under LAW (Resource Management Act s33/34) to be the decision-maker and regulator. We need to be at regulatory/compliance level – perhaps we could establish something similar to honorary fisheries officers.* (Auckland hui)

One issue that was raised in some areas (particularly at the Whangarei hui) was the question of the appropriate level of engagement with Māori on freshwater management. While many spoke about resource management planning by iwi authorities, and engagement between central/local government and iwi or hapū organisations, some speakers were strongly of the view that both central and local government needed to engage at the 'flax-roots level' by dealing primarily with marae/hapū and whānau on freshwater issues.

*The voice needs to come from the rūnaka.* (Christchurch hui)

*Trust boards have an important function, but our people need to come together – particularly at marae level – and support the kaupapa.* (Whangarei hui)

*Engaging whānau hapū – there needs to be more active engagement with marae.* (Whangarei hui)

## Relationship management

Hui participants stated that Government direction needed to be clarified, and that greater clarity of the relationship between local and central government and Māori is needed.

*We need to get the Treaty Relationship right. This includes joint governance, joint management, planning, regulation, compliance and enforcement for non-compliance.* (Hamilton hui)

*[We] expect the Crown to give some direction as to what the relationship is between Crown and Māori.* (Greytown hui)

The need for Māori to work proactively with councils – and the benefit of doing so – was voiced at some hui, with practical examples given.

*We started years ago to work with the Far North District Council, and we know that you have to be proactive and work cooperatively to achieve what you want to achieve.* (Whangarei hui)

*We are taking responsibility and leadership for over-fishing but we need to work with central and local government to address water quality issues.* (Gisborne hui)

*Tūwharetoa are already doing this.* (Taupō hui)

Some participants talked about the need to develop effective relationships with their local community at the hapū or marae level, and the benefits that would come about when this level of engagement took place. At Murihiku Marae, participants noted that this is already occurring in Invercargill with effective and productive results.

*For the past five years or so, we have pushed for applicants (farmers etc) to come to our marae and listen to our point of view and gain understanding of what we are saying.* (Christchurch hui)

## Protecting Māori interests in the process

The need for the freshwater management system to give effect to kaitiakitanga was stated strongly.

*If you really want to walk the talk: then put our korero from today and the past on Māori values back into these documents or the subsequent policies that are developed.* (Auckland hui)

People stated that the interests of Māori as landowners and developers needed to be considered as well as the interests of Māori as tangata whenua. The consistency of treatment of Māori landowners compared to other landowners for environmental protection reasons was also raised.

*Māori are landowners, and those that regulate are the local authorities, therefore you come to us as landowners and owners of development – you must come to us with a different mindset, and we will be part of the decision-making. This is an important point – Māori as landowners and stakeholder interests, and also kaitiakitanga. This programme would need to talk to Māori as landowners and tangata whenua – knowing about Te Ture Whenua Māori Act and Māori Trustee constructs. The public need to be made aware that we are more than protestors. We are landowners with economic development aspirations.* (Auckland hui)

*In terms of the discussion on nitrate levels and the impact on quality – there is a proposal that undeveloped land may need to stay undeveloped. This raises a huge question about the rights of people who have owned that land for a long time to do anything with it (when they eventually retire or return back to the rohe). It is like confiscation to have a policy preventing you from developing your land. [I] agree, includes the issue of landowners not having the right to develop forests on their land. The imbalance regarding the Waihāhā housing issue: a 45 house development has been approved, yet tangata whenua are trying to develop five houses on their papakāinga, and this was declined. Undeveloped land – previously we were unable to develop, but now we are better resourced and more innovative and we are being penalised by not being allowed to develop for the good of the environment. We are being told to plant trees – we can't farm. What are the Pākehā doing? When are they going to be asked to do as much as Māori? We have given up so much and we continue to give our land for sewerage schemes. (Taupo hui)*

The need for greater recognition of Māori concepts in government policy was stated:

*Government needs to do more to develop Māori capacity, and fostering Māori concepts. For example, a limit on taking is no different to the Māori concept of rāhui. So why has this concept not been fostered before? (Palmerston North hui)*

Hui participants stated that Māori need to be able to exercise customary rights within any freshwater management system, and clarity should be provided as to how this should happen with the water management system.

*How do we as Māori exercise our customary rights, for example, eeling when we have no control over lakes owned by the Hutt City Council and Regional Council, Kohanga Piripi and Kohanga Te Ra? Conservation estates are very hard to change. (Wellington hui)*

## Building capacity and capability

Funding and resourcing issues were discussed at some hui. In some cases these issues were seen as requisites for building capacity for Māori and developing strong relationships between Māori and local and central government. Different methods of using funding and resourcing were suggested.

*Building relationships and capacity – this does not often occur. You could take a lead on looking at good models both in New Zealand and internationally on best practice for indigenous people being involved in water issues. We have to move from just saying we have got to do it, to actually going through with some models. (Whangarei hui)*

*We who have been doing the work need to be in Wellington talking, not leaving it up to politicians. We need to be resourced to participate, to engage effectively. (Auckland hui)*

*We need to share funding and allow us to participate equally. Let's go halves on Whanganui Water Catchment Authority. People would like assistance so that they can manage their own water. (Whanganui hui)*

*[The] Crown needs to resource us to enable us to hold another hui amongst ourselves and meet with neighbouring iwi, we have our own specialists and policy writers who can meet with the Crown and write a joint policy. (Gisborne hui)*

*[We] need a collective grouping of Māori entities. [We] want Te Mana Taio to put together our plan looking at iwi concerns around nitrogen, water quality, monitoring and abstraction. Where do we get support for starting the plan? (Raukawa hui)*

*[I] pose a question: How do you get resourced to participate effectively in the analysis and protection of fresh water, for example, a marae's ability to obtain independent expert advice to analyse and critique some of the scientific material put before them or the methodology used? Some iwi/hapū have whānau members with this expertise, we could apply for funding to educate our own people. (Greytown hui)*

*[Our] role in this is good, but [we] are poorly funded. There are some tools available, for example, Whanganui people currently in negotiations with central government. We need more funding, local government, central government get our kaitiaki too cheaply. (Wellington hui)*

There is a need for funding to be provided to iwi if effective and efficient Māori participation in freshwater management is to be achieved. Suggestions for allocating funding for improving Maori participation in freshwater management ranged from providing funds for flax roots iwi, to providing funds for better involvement of iwi liaison officers with iwi.

*We need to be resourced to participate, to engage effectively. (Auckland hui)*

*We strenuously support the concept of resourcing and education of our people at all levels of the process. (Hamilton hui)*

*These process take up lots of time, we need funding to be able to participate to make these processes effective. (Gisborne hui)*

*We need to have more environmental responsibility, and need guidance at grass roots level. Take the money off the urban developers that are concreting the land and give it to those that are doing things to restore the balance, for example, riparian planting. (Wellington hui)*

*Council need resources to enable iwi liaison officers to go out to marae and talk to whānau. A tool that the Crown can give us is money. Every area will have its own unique circumstances. Water quality will affect us all in unique ways and will require different solutions. Give us the dollars and we can develop our partnership. I would hate to see a national statement that gives central government certain roles or more roles, and establishing another layer of bureaucracy, where the money that pays for that bureaucracy could be coming into the community. (Taupo hui)*

Funding provided by central government could also be used to resource hapū to participate in policy, planning and consent processes. Participants stated that it is important to recognise regional specificity and issues when providing support as all regions throughout New Zealand are different.

*There is an issue of equality – Council or Crown can come any time of the day and everyone is getting paid. On the iwi side it is all koha (giving up their day's wages). Our people should be resourced properly to participate in accordance with the Treaty. (Nelson hui)*

*Capacity of Māori to effective work on regional and district plans does need to be addressed. When plans are notified – that is the beginning. Words are so important. There is an opportunity to influence through appeal process – but it is a huge expense, and time involved – and it is not resourced. I have been involved in meetings with a room full of lawyers, scientific experts and so on. (Whangarei hui)*

*There are currently two funds administered by Ministry for the Environment and Ministry of Agriculture and Forestry – the Sustainable Management Fund and the Sustainable Farming Fund. In the future, when hapū, iwi make applications, we should not have to fight with Crown Research Institutes such as Landcare or horticultural research, or government departments for the same funds. As a solution, money should be put aside solely for Māori. Within this funding, some could be set aside solely for water. This will ensure that Māori planning documents are bite size and achievable. (Auckland hui)*

*At the very least, we should be resourced to meet amongst ourselves, meet with our Tainui waka iwi, utilise our own specialists/policy writers, then meet with you, work together, to ultimately achieve a policy that both Māori and the Crown have had meaningful input into. (Hamilton hui)*

*Māori want to use their own rates for their own purposes. (Whakatane hui)*

Central government assistance to develop a better working relationship between local government and iwi was supported:

*Environment Bay of Plenty have a system where three of fourteen councillors are Māori, this is a good beginning model. (Whakatane hui)*

*We need a partnership, we need to work together, because our people know the land, sea and rivers and how to look after them. (Gisborne hui)*

*[There is a] need to develop better relationships with local government and Māori, there has been a huge failure in the delegation of management to local government who continue to deny their responsibility. (Hastings hui)*

*Our iwi/hapū sought to have input into the variation of District Plan – water quality was a major issue – Lake Tarawera. One of the biggest issues was the council acknowledging the special relationship with our water, we still have not achieved this understanding or the respect after a four year journey which has taken tribal resources – a lot of money in the Environment Court and legal fees. But we have been very clear on how we wanted to be treated, not just on ownership issues, but on management – in informing policy and legislation around the use of our taonga. Because our relationship has not been acknowledged, we cannot even get into a conversation until this issue is sorted out. (Taupo hui)*

There was support for government to provide assistance and education for Māori so that they can manage resources.

*Māori want expert knowledge, and want to be able to utilise the knowledge that their people have (Ratahuna and Waiohau). (Whakatane hui)*

*[Māori should be managing resources] Because government is not doing a good job of looking after water. (Gisborne hui)*

There was great support for central government and local government providing assistance for the development of iwi management plans. There was also support for increasing the development and role of iwi management plans in water management process and council planning:

*We need to be at management level – how can you help develop iwi management plans? We, Te Rūnanga o Ngāti Whātua applied for funding for SMF and got it (and had done the first of twelve capacity milestones), but the contract was suspended due to a political about turn in policies. So we do not have an iwi management plan and we have to reapply again with everyone else for funding. (Auckland hui)*

*[There is] no iwi management plan in Ruawaipū, [we] can't sustain ourselves, so how can we sustain our land and waterways? (Gisborne hui)*

*We need an iwi management plan with Tasman District Council. (Nelson hui)*

*Iwi management plans – [we have] always strongly supported these plans. (Dunedin hui)*

*Iwi plans already have a greater recognition than in the past. They are only taken into account when a new plan or a plan change is being considered – then it is too late. Iwi plans are often too broad and often fail as a useful tool – real care to be taken as to how that is done. (Whangarei hui)*

*We need to be [involved] at management level – how can you help develop iwi management plans? From discussions with Ngāti Whātua – hapū/ iwi planning documents are a way of putting our Māori benchmarks on how we will do things in our rohe. This gives us an onus as well. (Auckland hui)*

Funding provided by central government could also be used to resource iwi/hapū to monitor the state of freshwater ecosystems and collect environmental data, and provide information on minimum standards. The intimate knowledge that iwi have through generations of acting as kaitiaki of their rohe, is hugely beneficial. Iwi could be making a more valuable contribution through providing environmental information.

*Māori are kaitiaki and could play a more active role in determining minimum standards, collating of data, and monitoring at marae level (whānau/hapū) in their own rohe. We want to participate and to interact. Contracting services at the marae base is a really serious issue. Our people have information that is valuable to this work, and it is about time for that information to be paid for. (Whangarei hui)*

*We need to be at regulatory/compliance level – perhaps we could establish something similar to honorary fisheries officers. (Auckland hui)*

*We will need to input into water issues over a number of years in planning. There are things in the future that will change and we need to be there to continually ensure that the changes meet our expectations. Resourcing is an issue. [We] have already been doing some testing and a study to see what resources are available to us and it is poor. (Wellington hui)*

*We need more funding for Māori in science, water monitoring by iwi. (Waitara hui)*

Funding from central government could also be used to build capacity for Māori in freshwater science.

*Support for iwi includes resourcing and access to technology. (Auckland hui)*

*Scholarships for Māori to be educated in the necessary fields of science [are a good idea]. (Hamilton hui)*

*If there is a rental system set up some money should be used to train Māori specialists to be skilled in resource management and technical issues. (Hastings hui)*

Holding an annual national hui for Māori to discuss water issues, with funding provided by central government was proposed at Waitara.

## **Action 12: Raise awareness of freshwater problems and pressures, and promote solutions**

There was great support across the country for raising awareness of freshwater problems and pressures, and promoting solutions. A range of examples and solutions were provided:

*We are conscious of the need to protect these resources for the future. The Government does not do enough to educate people around water usage. If irrigators are allowed to take water, and then store it to be used later, is this the most efficient use of water? There needs to be more focus on education. (Waitara hui)*

*[We] agree, people are not educated about water use, farm irrigation is operating when it is raining – the inefficiency is frustrating. Some savings for water could be achieved through council checking each house to make sure there are no water leaks or wastage. Need more environmental education at primary school level. Education needs to include stories about the history of our water bodies in terms of Māori and other cultures. Our young people need to be taught to value water. (Greytown hui)*

*[We] would like to see information become available from the Taupo project. (Invercargill hui)*

*One key thing the Resource Management Act has achieved has been an awareness not to discharge human effluent into our waterways. There is a poor level of understanding of what landowners have the right to do. And the lobby groups are strong. Some of what people do is absolutely wrong. It is not a problem with the legislation eg, no right to non-specific point discharge beyond boundary. We had a unique piece of land, and we have changed the nature of the land by putting animals on it – plants have not been able to adapt quickly enough, nor have the water ways. Has this been signalled to people? (Dunedin hui)*

*We need to manage the need/demand for water rather than managing the quantity of freshwater. This has to be part of any sustainable water programme of action. We need to raise people's consciousness about freshwater resources – mainly in the urban area. One project is the 'daylighting' of Waitangi stream to bring it to the surface to remind people that it still runs, even though it is underground because of urban development. (Wellington hui)*

*We need resources for councils to conduct education programmes with tangata whenua. We have come a long way since the Resource Management Act, we need to be educated on all these policies. (Taupo hui)*

Support was expressed for developing education programmes on water issues. Many ideas were provided for implementing education programmes effectively, as well as examples of existing education programmes.

*Education about conserving water, and about recycling of water is needed. It is too easy to turn on a tap for this generation. We can't keep taking water like this. We need organic soaps that will break down and not pollute our fresh water. (Nelson hui)*

*Education is the most important thing. Teaching our tamariki that the earth must be clean is the number one priority. There needs to be education at the grass roots level. (Whangarei hui)*

*We support education programmes for schools and communities. (Gisborne hui)*

*We already have programmes for education etc. (Hastings hui)*

*If water is a taonga, it should be valued – a water conservation education programme was disseminated in all schools in the region [at the time of the Auckland water shortage] and was successful. We developed a conservation kit 'Taniwharau' in consultation with Tainui for the Tamaki region during the water crisis. Watercare supported this. Education and awareness is crucial. (Auckland hui)*

*We need to value water, we need to be educated on these issues...Education is necessary – can funding be built in? There needs to be education programmes for schools, and we want to contribute to those programmes. We strenuously support the concept of resourcing and education of our people at all levels of the process. (Hamilton hui)*

*[We need] resourcing/scholarships for Māori to be educated in the areas of sciences and sustainability. (Gisborne hui)*

*We already have programmes for education etc. (Hastings hui)*

*More work needs to be done to emphasise the importance of water – to remind people of the value of water, rather than looking straight at allocation measures. (Auckland hui)*

Promoting water efficiency and recycling measures was widely supported.

*Yes [we support] including roof tanks for domestic use [and] councils checking for domestic water leaks. (Greytown hui)*

*Recycling is a good solution from washing machines, and the use of water tanks etc. Prior to this hui, I said that every bit of rainwater that hits our roofs should be used again – not be wasted. Too much storm water runs off houses through drains straight into the sea. (Nelson hui)*

*If people were required to put in water tanks, they would be so much more aware of their use. It is not a large shift for urban areas to become far more efficient in their use of the water. (Dunedin hui)*

*There was widespread support amongst those in attendance for the idea of recycling and consideration of conservation strategies. (Auckland hui)*

The need for communities to take responsibility for problems and be proactive was discussed.

*We need to sit down and talk as a community. (Christchurch hui)*

*It comes back to the people in the community, the local people who know what is happening on the ground and local ownership of the problems and answers is important. Money doesn't solve all the problems, acknowledges the work Raukawa has done with Kinleith, there are a lot of people here who do a lot for our environment. There is a real sense of willingness for people to work co-operatively. (Hamilton hui)*

*We could sit down with water wasters and work out better ways for them to meet their needs and the wider communities. (Hastings hui)*

It was expressed that it would be useful for government to facilitate the sharing of local solutions:

*There is much good work being done on the ground locally, for example, filtering of nitrates, why aren't these wonderful ideas being shared? (Taupo hui)*

The impacts of agriculture were discussed at Waitara:

*The sorts of attitudes of some people are causing erosion. This country is slowly washing to sea and destroying our water resources. The numbers of dairy farmers have increased, there are some good farmers but there are some bad farming practices. (Waitara hui)*

## **Action 13: Collaboration between central and local government, scientists and key stakeholders, on pilot projects to demonstrate and test new water management initiatives**

There was great support for collaboration between central and local government, scientists, and key stakeholders on pilot projects to demonstrate and test new water management initiatives. Many existing projects were discussed, and many new ideas were presented. Hui participants clearly stated the importance of basing pilot projects around regionally-specific issues, that one size does not fit all, and that projects should be specific to particular regions and water bodies.

*Through the Māori Liaison Group, the Regional Council announces six times throughout the year what they plan to do. A good example is the riparian planting scheme. Massey University Professor Tilman of the Natural Resources Department is interested in coming in to do a total water catchment management plan. This water catchment management plan is a good tool for this area to look after our resources. It could involve the community, local government and the iwi authorities. The expertise of Massey University could be used to study the Papawai catchment over 10 years, to identify problems and*



*involve the communities in the research. Small, local, successful projects will buy-in community support. Remember to use marae in communicate info, and as models of some good practice. (Greytown hui)*

*Pilot programmes are a good way of experimenting with things that work, all regional councils should have to have pilot programmes in their own areas to fix obvious problems (eg, estuary here and the Taieri). (Dunedin hui)*

*An example is Putauki Farm (AgResearch/Foundation for Research Science and Technology) being used to trial new ideas including optimum use of freshwater. (Whakatane hui)*

*To compensate for our past inaction and actions, Māori need to be a part. We must create our own strategic plan. Tangata whenua still own vast quantities in our headlands, maybe we could store water up there as kaitiaki, and then look after our downstream people. (Hastings hui)*

*Joint management operation such as that in Waihora could be used here, and elsewhere. (Wellington hui)*

Encouraging and funding community-led projects and solutions was supported.

*Everything I do is voluntary, and I do because I want clean water for our future generations. However, if the resources were available then it should be used to support the work that we are doing to keep our environment clean. (Dunedin hui)*

Support was expressed for funding community groups to undertake monitoring and remedial work.

*The solutions are simple really – fence off the waterways, plant trees, stop poisoning the land – give us funding and we will do the job. (Kaitiaia hui)*

*We need funding to create our own pilot programmes – and for education, we want funding in order to create a level playing field. Some of our ideas include: fencing off waterways, creating riparian strips, land-based effluent treatment and technology (ultraviolet treatment), recycling of water from roofs. (Hamilton hui)*

# Conclusion

There was a widespread expectation expressed at these hui that the appropriate role for Māori in water management is one akin to partnership with the Crown rather than a stakeholder relationship. Māori would like to see their concepts and values, such as restoring the mauri of waterways and recognition of the role of kaitiaki, as a central part of the water management framework.

There was consensus among Māori that they have both customary and Treaty interests in freshwater, that freshwater should be considered a taonga in terms of the Treaty, and that neither current water management systems, nor the Sustainable Water Programme of Action took proper account of the Treaty relationship. A wide range of views were, however, expressed on underlying freshwater ownership issues. Many participants were of the view that Treaty, ownership and relationship issues must be addressed before any major changes to water management can be considered.

## Key comments on the eight issues and 13 actions

### Māori participation

#### Issue 6: Māori participation in water management could be improved

##### Action 10: Enhance Māori participation

##### Action 5: Increase central government's support for local government

At most hui we heard that simply enhancing Māori participation is not enough – Māori want a role in decision-making. In particular, the capacity and capability of iwi and hapū to engage with councils was raised as many organisations lack the structures and resources to engage as they would wish. Key issues included:

- a lack of resources and technical ability that prevent some iwi from participating in council processes, including that they cannot make submissions
- the need for greater encouragement, and uptake, of Māori science and monitoring
- councils not fully including Māori values.

Key suggestions for enhancing Māori participation included:

- facilitate a better relationship between central government, local government and iwi
- provide assistance and education for Māori to manage resources
- resource iwi/hapū to participate in policy, planning and consent processes
- ensure a shared role with local authorities at governance level, at management level, and in regulation and compliance

- make greater use of Māori commissioners
- build capacity for Māori in freshwater science
- facilitate an annual national hui on water issues to discuss the role of iwi and hapū in water management, and working with local government.

#### **Action 4: Increase central government participation in regional planning**

Associated closely with this action is the feeling that central government should provide funds for development of iwi management plans and that these plans be included more in regional planning.

#### **Action 5: Increase central government's support for local government**

There was support for central government to provide more training to councillors to understand environmental issues, and issues for Māori.

### **Education, awareness raising and collaboration**

#### **Action 12: Raise awareness of freshwater problems and pressures, and promote solutions**

There was widespread support for public education to be provided by central or local government to raise public awareness of water issues and promote water conservation.

#### **Action 13: Collaboration between central and local government, scientists and key stakeholders, on pilot projects to demonstrate and test new water management initiatives**

There was support for increased collaboration between central and local government, scientists and key stakeholders on pilot projects. The value of this action was seen as demonstrating and testing new water management initiatives where those initiatives are responding to specific regional issues. Participants saw working together as particularly useful in terms of joint management, co-management, and integrated catchment management of freshwater.

### **Environmental performance**

#### **Action 1: Develop national policy statements**

#### **Action 2: Develop national environmental standards**

There was support for clear national direction to be developed on water management which could be in the form of a national policy statement and/or national environmental standard(s). Both actions were seen as necessary to promote consistency by councils in their management of freshwater, although there was wider support for national environmental standards largely because they were seen as more enforceable than national policy statements. Māori want a role in determining these standards. Hui participants do not want these two actions to remove decision-making at a local level and they want standards to reflect what local people want.

## **Issue 1: National and regional strategic planning for water management could be improved**

Hui participants identified a need for central and local government to work together more closely to sustainably manage freshwater. It was suggested that the Ministry for the Environment expand its monitoring of the implementation of regional plans and resource consents, to measure how well councils' environmental management is working.

## **Issue 2: Nationally important values need to be better addressed**

### **Action 3: Address nationally important values**

The cultural importance of freshwater to Māori, and the need for all water bodies to be of high quality, was constantly emphasised at hui. The localised iwi/hapū-specific nature of Māori interest in freshwater was reflected by many participants opposing the identification of water bodies of national importance proposed in Action 3. However, support was shown for addressing nationally important values where iwi saw this as a way to protect important local values.

## **Issue 7: A lack of effective action in the management of diffuse discharges of contaminants on water quality, in some catchments**

### **Action 8: Develop market mechanisms to manage diffuse discharges**

There was strong concern expressed about the pollution of water bodies and the issue of water quality, whether due to diffuse or non-diffuse discharges. There was much discussion of links with farming practices and that more action in managing the riparian margin was needed. This was linked to support for stronger use of the 'polluter pays' principle. However, reservations were expressed that use of a 'cap' on discharges may encourage people to pollute up to cap rather than strive to reduce discharges.

### **Action 11: Enable regional councils to allocate water to priority uses**

In general, we heard that allocation models needed to be more strongly enforced and allocation limits imposed, and that any allocation model should first ensure the natural environment for the survival of aquatic species.

## **Issue 3: Setting environmental bottom lines and allocation limits is costly and contentious**

## **Issue 4: Water is over-allocated in some catchments, is not consistently allocated to its highest value use over time, and can be wasted**

Concerns about variable council performance on the allocation of water and its efficient use were deeply held. This included that the setting of minimum flows and bottom lines were not achieving sustainable levels of abstraction. This was linked to the 'first in, first served' approach to allocation and that consent applicants could apply for more water than they needed and that councils allocated more water than is available.

### **Action 9: Set requirements for regional freshwater plans to address key issues and challenges**

Incorporation of the management of mixing water and maintaining the mauri of water is a key challenge for future planning. Associated with this is a desire to see wider recognition of traditional mātauranga Māori (knowledge), its complementary relationship with Pākehā monitoring principles, and increased recognition of the value of environmental indicators used by Māori.

### **Issue 8: Development of water infrastructure is not keeping pace with demand**

There was support for this issue where there is a growing population and inadequate infrastructure for drinking water and management of sewage. Participants also repeatedly commented on the need for efficient use of grey water, water recycling and use of roof tanks for storage. Riparian management was also frequently discussed with some gains noted in fencing of wetland areas to protect them from stock intrusion.

### **Issue 5: Tension between investment certainty and planning flexibility**

Issue 5 was not discussed in any depth although the Christchurch hui expressed concern that consents are granted for 35 years, without applicants needing to justify their need for the water.

## **Market mechanisms and other new tools**

### **Action 6: Develop special mechanisms for regional councils**

### **Action 7: Enhance the transfer of allocated water between users**

Participants had many concerns around the possible introduction of the auctioning or tendering of water rights. Almost all of those who discussed the use of market mechanisms were opposed to the creation of stronger property rights in water. The reasons for opposition included that these tools could favour the rich through the 'stockpiling' of water for profit. As well, doubt was expressed as to whether tradable rights lead to better water management.

There was, however, recognition that there needs to be greater valuing of the water resource, and that encouraging trading and charging for water use would lead to this. It was also recognised that creating alternative tools could provide for a more integrated approach to catchment management.

# Appendix 1: Details of all Sustainable Water Programme of Action Consultation Meetings

**Table 3: North Island consultation meetings**

Location	Public meeting	Local government meeting	Hui
Kaitia	No meeting	No meeting	14 February 2005 Far North Community Centre
Whangarei	2 February 2005 Kingsgate Hotel	2 February 2005 Northland Regional Council	15 February 2005 Whangarei Terenga Paraoa Marae
Auckland	1 February 2005 Ellerslie Convention Centre	1 February 2005 Auckland Regional Council	16 February 2005 North Harbour Stadium
Hamilton	1 February 2005 Ferrybank Reception and Conference Centre	1 February 2005 Environment Waikato	17 February 2005 Waikato Rugby Stadium
Whakatane	No meeting	2 February 2005 Environment Bay of Plenty	21 February 2005 Maungarongo/Ohope Marae
Rotorua	2 February 2005 Royal Lakeside Novotel Hotel	No meeting	No meeting
Gisborne	1 February 2005 Gisborne Hotel	2 February 2005 Gisborne District Council	22 February 2005 Gisborne Hotel
Napier/ Hastings	31 January 2005 East Pier	31 January 2005 Hawkes Bay Regional Council	23 February 2005 Heretaunga Taiwhenua Admin. Centre
Taupo	9 February 2005 Millennium Hotel	No meeting	4 March 2005 Wairakei Resort
New Plymouth	8 February 2005 Plymouth International Hotel	No meeting	No hui
Stratford	No meeting	9 February 2005 Taranaki Regional Council	No hui
Waitara	No meeting	No meeting	31 January 2005 Owae Marae
Wanganui	No meeting	No meeting	1 February 2005 Putiki Marae
Palmerston North	7 February 2005 Palmerston North Convention Centre	7 February 2005 Horizons Regional Council	2 February 2005 Te Manawa Gallery
Masterton	7 February 2005 Masterton District Council	No meeting	No meeting
Greytown	No meeting	No meeting	3 February 2005 Papawai Marae
Wellington	8 February 2005 Duxton Hotel	8 February 2005 Greater Wellington Regional Council	28 February 2005 Waiwhetu Marae

**Table 4: South Island consultation meetings**

<b>Location</b>	<b>Public meeting</b>	<b>Local government meeting</b>	<b>Hui</b>
Blenheim	8 February 2005 Scenic Circle Blenheim Country Hotel	No meeting	No meeting
Nelson/ Richmond	9 February 2005 Seifried Function Centre	9 February 2005 Tasman District Council	7 February 2005 Whakatu Marae
Greymouth	15 February 2005 West Coast Regional Council	16 February 2005 West Coast Regional Council	No meeting
Christchurch	14 February 2005 Christchurch Convention Centre	14 February 2005 Christchurch Convention Centre	8 February 2005 Te Waipounamu House
Timaru	15 February 2005 Phar Lap Raceway	No meeting	No meeting
Dunedin	14 February 2005 Dunedin Centre	14 February 2005 Otago Regional Council	11 February 2005 Karitane Marae
Alexandra	15 February 2005 Centennial Court Motor Inn	No meeting	No meeting
Invercargill	14 February 2005 Ascot Park Hotel	14 February 2005 Environment Southland	10 February 2005 Murihiku Marae

## Appendix 2: Details of Consultation Process

1. Advice on appropriate locations and coverage of New Zealand, the style of hui and key contacts for specific regions was taken from the Māori Reference Group, Ministry of Agriculture and Forestry Māori Strategy and Ministry for the Environment Maruwhenua. Key contacts for each hui location were consulted on venues, date and time selection, appropriate tikanga, and local issues.
2. Information and notification of the hui was provided directly to marae, iwi and hapū organisations. The contact list was based on distribution lists from Ministry for the Environment Maruwhenua, Ministry of Agriculture and Forestry Māori Strategy, Te Puni Kōkiri regional offices, the Māori Reference Group and local government iwi liaison officers, and the Federation of Māori Authorities. Key contacts also assisted in developing the contact list.
3. A core team of government officials from the Ministry of Agriculture and Forestry, the Ministry for the Environment and Te Puni Kōkiri, and an external facilitator and minute taker (fluent in te reo Māori) attended all hui. Additional senior managers and officials from the Ministry for the Environment, the Ministry of Agriculture and Forestry, and the Ministry of Economic Development attended some hui.
4. Hui were held during the day on weekdays, or in the evening. Marae protocol was followed for discussion on marae, and the kawa of the local people was followed at other venues. Following pōwhiri at most venues, senior government officials provided a short presentation about the Sustainable Water Programme of Action, the purpose of consultation, and the next steps in the process. This was followed by discussion, questions from the floor, and presentation of concerns by participants. Most of the time was dedicated to discussion from the floor, which was open-ended. Most hui took about two and a half hours.
5. The presentation and discussion minutes from each hui were typed (in Māori or English) as participants spoke, and displayed simultaneously on a screen. Participants were invited to correct any points recorded during and after the hui, and draft minutes were prepared for participants to take away and review at the end of the hui. Participants were also invited to make any corrections immediately after the hui, and also given a week to submit amendments. Information about next steps and the report back from consultation hui was provided. Information requests, responses to questions that could not be answered on the day and invitations to further hui were followed up subsequent to hui.



# **Appendix 3: Minutes of the Sustainable Water Programme of Action hui, Prepared by Indigenous Corporate Solutions**

## **Consultation hui: Freshwater for a sustainable future: issues and options (Manukōrihi Pā, Waitara 31 January 2005, 10 am)**

### **1 Introductions**

Sue Powell, Livia Hollins (Ministry for Environment); George Ria, Rebecca Martel (Ministry of Agriculture & Forestry); Suzanne Doig (Te Puni Kōkiri); Matthew Hall (Ministry for Economic Development); Willie and Linda Te Aho (Facilitator and minute secretary – Indigenous Corporate Solutions Limited).

### **2 Introductions of those in attendance**

See separate attendance list.

### **3 Process**

Willie Te Aho explained the process for the hui.

### **4 Presentation (Sue Powell, Ministry for the Environment)**

#### **4.1 Background**

- This programme has involved a cross-Government team, several diverse government departments have come together.
- The aim of this programme is to improve water management, how to look after streams and rivers and how to protect them.
- This hui is for us to come and obtain feedback from you.

- Following all consultation hui and public meetings, several reports will go back to government, and one of them will be the report from the various hui, closing date for submissions is 18 March.
- Some of the preliminary ideas were tested with:
  - a general stakeholders group (eg, Fish & Game, Forest & Bird, Federated Farmers, FOMA, energy companies)
  - a Māori reference group (Heitia Hiha, Waaka Vercoe, Paul Morgan, Jane West, Gail Tipa – their contribution has been valuable).
- This programme focuses on *rural* issues, it does not address the urban water supply, nor does it address marine issues but we acknowledge the importance of those issues.

## 4.2 Main issues

The two main issues are:

- Water quality is declining:
  - examples of high profile cases (eg, Rotorua, Taupo).
- Allocation – involves taking of water, as well as issues around how much water should remain in rivers.
  - There is also another issue that we will be addressing: water bodies of national importance. To date, the Government has been reactive to major problems, what are other nationally significant water bodies that the government can step in and provide assistance with – as it has in Taupo and Rotorua. What is the role of central role in this issue?

## 4.3 Possible solutions: ideas for a new approach?

### (a) Providing national direction

Some ideas are:

- to make use of RMA provisions for national policy statements (eg, coastal policy) and national environmental standards (eg, around air quality standards for health) – this would allow priorities for water management and environmental bottom lines to be set upfront (eg, how much water should stay in a lake or river; should more be done with water conservation orders?).
- how to identify priorities: Government targeting where it gets more directly involved in water management, identifying the ‘nationally important’ water bodies (eg, water quality in Rotorua lakes) – maybe government should be involved earlier.

### (b) Central Government could become more involved

Such as in getting together to make submissions on regional plans, in developing best practice information and sharing around that information, funding for councils, use more pilot programmes (eg, local projects and solutions that are already established).

**(c) Working together**

- How can all different sectors come together to address some of the problems?
- Raising awareness – education.
- Building relationships with Māori.
- Pilot programmes (eg, Lake Taupo (co-operative approach), sharing information).

**(d) Providing more tools for regional councils**

- We are asking a number of questions around whether we have enough tools to deal with some of the problems we have identified.
- Should there be a system of comparing and prioritising consents (rather than looking at applications in isolation) should there be some kind of auctioning and tendering of water where there are competing applications?
- Should it be easier to transfer water permits and consents – if some users have more water than they need?
- Local Government prepares plans – local authorities could be required to prepare a plan concerning ‘big’ issues relating to water.
- Should there be more tools to allow councils to reduce the taking to address issues of over allocation and water quality – is it something we need to look at?

## **5 Discussion and comments from hui**

### **5.1 David Doorbar**

Our hapū (Otaraua) and other hapū of this rohe have been banging heads with the Government for a long time, and ka puta mai te riri (anger is expressed).

For a long time we have been saying the water is precious to us, and for a long time we have been told ‘thanks for your consultation’.

David commented about the actions of the regional council and the council’s culpability in terms of the resource consents that they have granted over the years – research should be done on cumulative effect these have had on our waters. The Regional Council calls us tangata whenua but there has not been real participation. Māori views are continually sidelined, in the Environment Courts, and in councils. He is glad that this team has come for consultation

We obtain piarau (lamprey eel) from the river, the river is wāhi tapu, the intensive farming, and the chemicals come straight through to our waters, into our food and then in to us.

This consultation is good news and bad news; the bad news is that the environment is in this state. The good news is that the government has come to listen. One of the biggest hassles that iwi have had to deal with over the years is meaningless consultation processes.

Yes, water is scarce, and Māori concerns about water will be overridden by industry concerns, this is the reality with the Taranaki Regional Council.

We suffer from hui fatigue, and our hapū is not well resourced to deal with these issues.

## 5.2 Grant Knuckey

One of the most pressing issues is consultation and the need for the Government to resource hapū properly because they receive nothing from the Taranaki Regional Council.

Whakapapa begins on top of the mountain and we believe that this resource belongs to us, Pakeha have not bought it, but they tell us how it will be managed – he wonders why Government has come to talk to iwi hapū.

It is a difficult task to put together submissions – Grant calls for a national hui for Māori to get together to discuss these issues so they can put together a submission that will change central government thinking. He is concerned that by the end of the hui, their views from this hui will be forgotten. Another concern is who (of tangata whenua) will follow these issues up? Māori do not have the resources and not enough people to provide substantive responses to government policies.

He notes that the Waitangi Tribunal Report *Wai 6* – sets out their whakaaro on water more fully.

He calls for a ‘decent’ Māori unit in the Ministry for the Environment to be put together to discuss these issues, and to develop and write up their own management plan, we get tired of repeating ourselves to Pākehā groups who continue to sideline us.

In terms of the national direction – central government have never done anything for us. Government has not engaged over oil, and resource management issues out at sea. We are being asked to do things that we are too thin on the ground for, we do not have infrastructure. Lawyers are expensive.

The talk of “working together” is merely lip service. We have particular ways that we want to be represented. What we say about the Resource Management Act is not a lot different and an annual hui for Māori on these issues is important.

We are concerned about our water, we believe we own it, we know the Crown disagrees. We don’t want to go through Regional Council – they divide and rule. Our elected representative on the Regional Council got elected because of Pakeha support for Wai 6. There are issues about decision-making ability. New Plymouth District Council has taken a long time to establish consultation groups, but no strong direction from management on those groups. Taranaki has spent millions on rugby union but provided no resources for tangata whenua management plans because we don’t have enough votes.

## 5.3 Peter White

Spoke of his growing up and in his youth gathering as many mussels as possible – but they are disappearing, in terms of the quality of water – we always knew that if the river is rested, it will heal itself. This is not happening.

He recalled times when young and sound asleep he would be woken up, his mother might have had a bad dream and the children would be sprinkled with water. Water is used for our spiritual as well as physical cleansing.

Spraying fertiliser on the ground poisons the river, the rubbish from the meatworks was discharged to the water, the river used to be alive with fish. It was common to see bushels of lamprey for a hui, now you are lucky to see them.

We are powerless. This process seems to be a hundred years too late.

#### **5.4 Ira Tamati-Aubrey**

Ira attended a pūtaiao (Māori Science) course at Te Wananga o Raukawa and learned about water testing, and sees this as a whanau hapū iwi concern.

Government should provide pūtea so that we may send our people to attend university to study Māori science and learn the technical side. Water is tapu, we put it into our bodies which are tapu. In our Māori world view, everything has a spirit, including trees, Tāne Mahuta, and water. Pakeha have a different world view which revolves around money.

We seem to say the same thing when government comes; it is repetitious.

#### **5.5 Jack Knuckey**

Jack recalled that as a young boy, he gathered mussels from the mussel reefs on both sides of the mouth of the Waitara River. But the rivers became polluted, and even though the works have gone, and the river ‘cleaned up’ the reefs (Orapa and Taiawa) have not recovered, so there must be something, maybe chemicals from up the river continuing to pollute.

#### **5.6 David Doorbar**

We are powerless spectators that watch what is going on. For a long time we have been saying that what is happening to the water is not good. When the works closed down, the river changed colour, but it is still polluted, you cannot serve manuhiri with kai from the river.

#### **5.7 Grant Knuckey**

During the time of ‘Think Big’ a lot of water has been pumped out of the sites (including ground water), our resource is very important. We have worked with Taranaki Regional Council and know about the catchment information, but have not been able to *engage* with the Taranaki Regional Council. Participation rates have been minimal.

The Government needs to provide more tools in legislation to give us the *right* to participate. Resourcing (or the lack of resources) is a major issue.

#### **5.8 David Doorbar**

The Māori Liaison Officer position in the Taranaki Regional Council has not been filled for a long time and similar positions have not been effective.

## **5.9 Grant Knuckey**

When we, Māori, have made submissions we have been labelled as devious and cunning and unwilling to help. The focus is on attacking the messenger rather than addressing the message.

## **5.10 David Doorbar**

Taranaki Regional Council colludes with applicants – it is the last bastion of institutional racism in our rohe. Māori are treated like a speedbump to be overcome.

## **5.11 Grant Knuckey**

Taranaki Regional Council has used non-notified application processes for the sea and as a result, iwi missed the opportunity to participate in the process. When Māori ask for resources to participate more fully they are treated like ‘highwaymen’ trying to extract fees.

## **5.12 Aroha Chamberlain**

Confirmed that the relationship between Taranaki Regional Council and mana whenua is lacking considerably as this has been raised in a number of hui. Aroha works for the New Plymouth District Council.

Central Government must first work out the Treaty Relationship (ownership/management) of freshwater, as this was a resource used by mana whenua when the treaty was signed. Until that is sorted out local government will assume that they can go ahead and manage this resource without involving mana whenua.

The Local Government Act (LGA) however does now have some important clauses in relation to mana whenua and the effect of these will be seen in time. Mana whenua should be involved every step of the way in terms of the decision making of this resource by local government.

The Ministry for the Environment could set up a National Body of Māori, mana whenua representatives who could look at and discuss issues in a holistic way and then take around the rohe for agreement rather than just going around the rohe which may provide a disjointed view.

## **5.13 Eva Eriwata**

“Kei te mamae te ngākau i te kōrero i tēnei ra” (her heart hurts hearing the issues being discussed today). She agrees that many of the things said today are repetitive. And notes that she was offended by the term ‘enhance’ in terms of ‘Enhancing Māori participation’, what is meant by this? Sue apologised for any offence caused.

Tangata whenua are still not being listened to, and hopes this message is taken away today.

### **5.14 He kuia anō**

Another kuia (who wishes not to be named) hopes that from today we will work together. We have not been fortunate to go to university but what we have in our hearts is more important because we care.

### **5.15 David Doorbar**

The date of submissions closing, 18 March, is the same as the date of a significant battle of this region.

The other day he went out eeling. It was clear by the smell and taste that the water is polluted. Certain weeds multiply because of the fertilisers. Nobody knows more than the kai gatherers that the 'clean, green, image' is a farce.

Many of the people in the rohe, including beneficiaries, gather their kai from the river.

### **5.16 Grant Knuckey**

*Quality of engagement* is important to us, resources should be provided so that we can participate properly, and articulate the vision of the people who are speaking today. We want to preserve our heritage and our environment.

### **5.17 Ira Tamati-Aubrey**

We need to have better control of our waterways. Ira shared a story about a group of tangata whenua who have been fighting for their lake for 50 years.

### **5.18 He kuia**

Wanted to share a positive story about how we are doing some good things and working together in this area.

### **5.19 David Doorbar**

The Treaty protects our resources and yet how is it that they have not been protected? What outcomes can we expect from this?

*Sue:* The outcomes we are wanting are to learn about how we might manage conflicts in values and how to achieve water quality outcomes. We have heard your concerns strongly today. The minutes of these hui will be fed back directly to Ministers. We also promise that feedback will be posted to our website.

## 5.20 Grant Knuckey

Is there a management team who will manage submissions from Māori? In the current political environment the government does not wish to be seen ‘privileging’ Māori.

*Sue:* Linda is collating all minutes of hui – so there will be one reference point for the collection of minutes.

## 5.21 Grant Knuckey

The key issues are *participation*, and the need for the *legislated ability* to do that, that tangata whenua *be recognised for the contribution they can make to the management of the quality of the water*, we want to help the community win.

## 5.22 Peter White

Is there any information about comparisons of rivers?

*Sue:* We don’t have a lot of comparison information – but we do know our lakes and rivers are in trouble.

## 5.23 Aroha Chamberlain

The proposed changes to the Resource Management Act are going to make it more difficult for tangata whenua to have their input, again mana whenua will be marginalised, and this point needs to be noted.

## 5.24 Pereni (Belle) Tupe

Pereni shared a story about eels in a certain pond that cannot be eaten. Apparently the water contains run-off and the water comes through the rest of the system. She is a part of the Methanex committee and needs to be better informed on issues.

# 6 Summary and conclusion

## 6.1 Acknowledgement

Willie acknowledged Grant Knuckey and his work from the time of the Town and Country Planning Act 1977 in the past decades through to today, and acknowledged the iwi who have taken their issues to the Waitangi Tribunal. Our generation and future generations have learned and benefited from their efforts.



## 6.2 Recap

Sue recapped the presentation by first acknowledging the powerful sense of frustration and scepticism expressed at the hui.

## 6.3 Key points on reflection

- There is concern about the way the regional council is operating, the status of tangata whenua and the process and participation and the Taranaki Regional Council acting as gatekeepers.
- There is a need for training and for resourcing – this work (consultation, making submissions) falls on a small number of people.
- The impacts on water and the state of water – things are not right in terms of certain species.
- The value of water.
- Wai 6 contains valuable information that has already been collated 20 years ago and that information needs to be brought into this process.
- There are concerns about the consultation and submission processes – Sue posed the question: How can we do this better? How do we break the mould?

## 6.4 George Ria

He orite ngā kōrero i konei ki a mātou i Tūrangānui. (The stories we have heard today here are similar to our stories in the Gisborne area.)

In terms of Ministry of Agriculture and Forestry, George looks forward to better management processes that ensures that issues around Māori are actually dealt with.

He noted too that many Māori are farmers and responsible too for some of the discharge, and so there are a number of issues that need to be balanced.

George expanded upon some of the comments made about the Local Government Act, and confirmed his understanding that the Local Government Act has some key specific clauses that *require* local government to work with Māori.

The mamae (hurt) that we have heard today will be similar to that which we will undoubtedly hear around the country, and we will be feeding this back to the Ministers.

Closing karakia – 12.55 pm.

# **Consultation hui: Freshwater for a sustainable future: issues and options (Pūtiki Pā, Whanganui, 1 February 2005, 10 am)**

## **1 Karakia/mihimihi (Gerrard Albert/Heemi Takarangi)**

## **2 Introductions**

Dougal Morrison, Matthew Hall (Ministry for Economic Development); George Ria, Rebecca Martel (Ministry of Agriculture & Forestry); Suzanne Doig (Te Puni Kōkiri); Livia Hollins (Ministry for the Environment); Willie and Linda Te Aho (Facilitator and minute secretary – Indigenous Corporate Solutions Limited).

## **3 Introductions of those in attendance**

See separate attendance list.

## **4 Presentation (Dougal Morrison)**

### **4.1 Background**

Māori Reference Group, and the various Ministries represented.

### **4.2 Objectives**

- Listen and learn.
- Obtain feedback on whakaaro – '*Ki uta ki tai*'.

### **4.3 Importance of water and values**

Acknowledged.

*Question:* (Manu Metekingi) what does the programme cover – waterflows on top of the ground or springs, or both?

*Response:* All freshwater, including mineral water, is covered by the programme.

### **4.4 Process**

The discussion today will be recorded and fed back to Ministers and will be made publicly available.

#### 4.5 Explanation of Sustainable Water Programme of Action (Dougal Morrison)

- *Water allocation* – this involves the taking of water from rivers, lakes and bores – and deciding who can take and for what uses. There is not enough water to go around (eg, Canterbury). Conflicting desires for water use need to be balanced – some want to take water, while others want water to be left alone. Prioritising is necessary – rather than continuing with the current ‘first in first served’ process.
- *Nationally important water bodies* – identifying those bodies that are especially important for certain reasons. Dougal noted advice that *cultural* values may not necessarily be *national* values.
- *Water quality is declining* – Dougal acknowledged that declining water quality is a threat to *mahinga kai*.

#### 4.6 Barney Haami

Is the Government proactively looking at sources of power other than electricity instead of taking fresh water from our rivers? Are they making the best use of the water they are already taking?

*Response from Dougal* – The Government is conscious of these issues, and the priority for energy generation from renewable resources including wind power and smaller hydro schemes, new gas sources, and coal. Nuclear generation is not an option being investigated.

#### 4.7 Rebecca Martel

Rebecca Martel continued with the second part of the presentation:

- The closing date for formal submissions is 18 March 2005.
- The key question that is being posed is: *Have we got our water management system right?*

The programme looks at improving the system we have as well as exploring some new ideas such as trading water rights – is this a good idea?

- Working together – this is an outcome that is aspired to:
  - for example, raising awareness; enhancing Māori participation, we are aware that some local government bodies haven’t been listening, and some ideas towards addressing this have been put forward.

#### 4.8 Suzanne Doig (TPK)

In building a better water management system, it is acknowledged that Māori participation is not *usually* what it should be – barriers exist such as the attitudes of some councils, poor relationships, capacity and capability issues (eg, funding).

Te Puni Kōkiri is seeking ideas about how these issues can be addressed. TPK have talked with the Māori reference group and come up with ideas such as more guidance from Central Government to Regional councils.

## 5 Discussion

### 5.1 Barney Haami

Are you encouraging *Māori* participation or *iwi* participation?

*Response from Suzanne:* we are looking at enhancing the participation of *iwi*, *hapū*, and *tangata whenua*.

### 5.2 Mariana Waitai

‘Enhancing *Māori* participation’ – *iwi* expect government to come and *seek permission to do things particularly on anything to do with the river (from the maunga to the sea)*, come and talk with *iwi* and *hapū*, rather than coming to say what you are going to do and what are your *whakaaro*?

That is what will help, being able to deal with that mindset.

Mariana referred to Genesis and the impact on the *Tupuna awa* and the people: We, the *iwi*, have told Government time and time again that we want our water levels back, but we have been told that it is in the national importance to continue the status quo. Genesis has lodged an appeal regarding their taking, and the Government still supports that business as the Government is the sole shareholder.

### 5.3 Eddie Ratana

Why aren’t the farmers and the foresters here so that we can interact with them? The pine trees have ruined our *puna*. The growth of trees has effects on lakes – these issues need to be researched. The water in our *puna* has warmed – as a result of the root system and that has an impact on our *puna*.

Willie Te Aho explained that there are other public *hui*, where the farmers and foresters will be in attendance. The *whānau* are welcome to attend those *hui* as well.

### 5.4 Mike Potaka

Mike spoke of the impacts on the water as a result of farming cattle. Some areas must be conserved, in some places crayfish have disappeared.

### 5.5 Rebecca Martel

Rebecca continued with the presentation by introducing ideas regarding the provision of more tools eg prioritising and/or comparing consents, auctioning or tendering rights.

## 5.6 Manu Metekingi

We have concerns about government appointees coming to discuss something that is already set in motion. In our experience we used bores and the law changed preventing us from using it. So rather than contribute to some overall scheme, we want this dealt with locally, because what we say here may not be applicable to other places.

As Māori farmers, we made sure that natural filters such as scrub remained on the land to protect waterways. The crayfish is now ruined. Financial obligations have been placed on farmers that require them to use products like fertilisers to increase productivity.

Manu is unhappy with the lack of information provided *prior* to the hui: We need to have more breathing space to give submissions, rather than taking what is said today as gospel from this area.

As one of the first people to settle this area, and it is reflected in our songs, from the mountains to the sea, we are the mountain and the river is we.

## 5.7 Chris Shenton

Chris noted that Regional Councils and District Councils want their own autonomy, and forecasted that a bureaucratic nightmare would result from what is being proposed.

The issue of resourcing Māori to participate effectively is a key matter for us.

How are all the different departments working together? A direct resourcing approach needs to be considered as an option – people determining priorities for using resources.

*Dougal (response):* The Ministry for Economic Development has received some feedback from Regional councils that they would like clearer guidance, but Dougal agrees that there will be issues about bureaucracy.

## 5.8 Dardi Metekingi

Appreciates what has been proposed as there are some benefits. However there is a concern about the Māori Reference Group not coming around to talk to Māori to get a feel for the proposal.

Relationship between Crown and Māori – the pattern has always been that we are involved from the tail end, not from the start and we don't want to repeat that pattern. Today we have been called in at the last minute, again. We are acting voluntarily, because we are concerned about our river. The protection of our awa and other waters are very important to us as a people.

## 5.9 Nancy Tuaine

There are huge issues that we are expected to respond to every day – changes to the Resource Management Act, this Water Programme of Action, and at the same time we are still in negotiations with the Crown with regard to our river claim.

The Water Programme of Action and the Resource Management Act are interrelated. You ask us to consider *national interest*? Our concerns are that many of our food sources and puna/bores have been lost all along our river – all in the name of the ‘national interest’.

The run-off into our tributaries is polluting our awa, and yet here we are expected to respond to this water programme of action. In our history we have practised protection, and yet we are prevented from continuing to do so.

*Consultation* is a weak word, we are over-consulted, that is why there is no one here. We have tried to encourage people to come and we have sent out many pānui. The issues being presented today are huge, and complex. We are not resourced to be consulted, so we cannot always take up opportunities for consultation. We want to be *included* at the front end – *to be part of putting this public document together* – there is nothing in the document that reflects Wanganui. We want to be properly resourced to participate effectively.

Nancy supports Mariana, in terms of an *expectation of being asked, of being included*. We want to work *together*. But we are treated as subservient. There is no power when someone else decides how much of our korero is taken on. We want to be the drafters of policy. We have the experience of hundreds of years.

The recent Environment Court decision restricting Genesis’ consent to 10 years was the first favourable decision for us for many years, and yet now it is being appealed. Genesis makes millions of dollars of profits and has the funds to take this issue further to the High Court and beyond. How can we fight this animal?

Nancy attended a conference in Australia last year on freshwater and heard presentations about trading water rights, and warned that we need to be aware of the uncertainties regarding allocation of a natural resource. She saw pictures of farmers with water rights storing the water in man-made lakes on their lands.

We are conscious of the need to protect these resources for the future. The Government does not do enough to *educate* people around water usage. If irrigators are allowed to take water, and then store it to be used later, is this the most efficient use of water? There needs to be *more focus on education*.

*Dougal* questions: do you have any ideas for more inclusive working together.

*Nancy*: we need to *share* funding and allow us to participate equally. Let’s go halves on Whanganui Water Catchment Authority.

*Mariana*: we need to be involved right from the beginning.

## 5.10 Gerrard Albert

Gerrard acknowledges that regional councils *exist* but we do not *accept* them. They create huge difficulties for us because of their processes of marginalisation and their application of legislation under which they operate. Māori issues cover all aspects of sustainability.

Yet, by the time our ‘cultural’ values are considered, other stakeholders have already positioned themselves. Unless we are given the opportunity to *impart our values from the outset*, then often it is a waste of our time. The Resource Management Act has always provided the opportunity for Māori to participate at planning level, but it never happens because there is *no willingness*, we have no political weight. So we are shut out, and we become one voice

amongst any other constituencies. For similar reasons, there are huge difficulties with the concept of *national policy statements* being applied by regional councils. There *should* be more direction from central government to regional councils, and for thresholds to be set.

We are seeking a pathway that involves our values from the outset, and then look at other aspects of quadruple bottom line.

We may be a minority numerically but in terms of resource management, we always have our say, and we are an important participant.

For these reasons, we have trouble buying in to this process.

He also noted that he has not had a good chance to go over the proposals in order to make submissions.

### **5.11 Manu Metekingi**

You have seen that our people are passionate and we are not frightened to show our passion. We are not willing to be just participants. We have the biggest catchment area, and we still control the bulk of land in the catchment area.

Māoridom and our relationships are still alive and well.

### **5.12 Heemi Takarangi**

Arikarika nga korero i te ra nei i te mea, ko te Kāwanatanga, koia te ngārara. We have been polite today, this is important in terms of *manaaki tangata*, (caring for people) but it is difficult to balance *manaaki tangata* with orchestrated manipulated scenarios, and this proposal/presentation is one of those scenarios.

We are people with a history of having changed the government's approach with our occupation of Pākaitore.

This resource supposedly belongs to everybody, but it is managed and operated by the government. With our future generations in mind, we need to be careful what we agree to.

## **6 Summary and conclusion**

Dougal and Rebecca acknowledged the points made about consultation, poor land practices and the impact on the water and food sources, and issues relating to Genesis, and confirmed that these messages will be relayed to the Ministries.

George Ria: acknowledges and supports the feelings that have been expressed today, and notes some of the good achievements for Māori that have been gained over time (eg advances in Te Reo and Treaty references in legislation) because we have continued to fight for them. The korero is valued, and he will do his best to try and promote some of the values expressed today.

12.45 pm: closing kōrero and karakia.

# **Consultation hui: Freshwater for a sustainable future: issues and options (Te Manawa Gallery, Papaioea, 2 February 2005, 10 am)**

## **1 Karakia/mihimihi**

## **2 Introductions**

Sue Powell, Livia Hollins, Andrew Luke, Teneti Ririnui (Ministry for the Environment); Rebecca Martel (Ministry of Agriculture & Forestry); Arnu Turvey (Te Puni Kōkiri); Matthew Hall (Ministry for Economic Development); Willie and Linda Te Aho (facilitator and minute secretary – Indigenous Corporate Solutions Limited).

## **3 Introductions of those in attendance**

There is no attendance sheet as those in attendance wished to remain anonymous.

## **4 Presentation (Sue Powell)**

## **5 Discussion**

A concern was raised from the floor regarding the transfer of consents, for example, if a user is no longer going to use water, then it could be banked and reallocated at a later stage.

There needs to be more teeth to allocation models and limits need to be firmer, because some councils do a good job and some don't. More accountability is needed on councils.

A reference was made to Lake Horowhenua and the work being done there. There has been some good work, but had the relationship been stronger in the first place with iwi, not so much remedial work would be needed now.

Government needs to do more to develop Māori capacity, and fostering Māori concepts. For example, a limit on taking is no different to the Māori concept of rāhui. So why has this concept not been fostered before?

## **6 Reflection on key points (Sue Powell)**

- Notes concern about any move towards allocation to those persons who can pay the most.
- Hears the strong call for councils to have stronger teeth or to use powers more robustly.
- Notes the concern raised about local government relationships with Māori.
- Likes the idea of using the idea of rāhui in planning.

Meeting closed at 11.40 am.



# **Consultation hui: Freshwater for a sustainable future: issues and options (Papawai Marae, Greytown, 3 February 2005, 10 am)**

## **1 Karakia/mihimihi (Pāora Ammunson)**

## **2 Introductions**

Dougal Morrison, Matthew Hall (Ministry for Economic Development); George Ria, Rebecca Martel (Ministry of Agriculture & Forestry); Arnu Turvey (Te Puni Kōkiri); Andrew Luke, Livia Hollins (Ministry for the Environment); Willie and Linda Te Aho (Facilitator and minute secretary – Indigenous Corporate Solutions Limited)

## **3 Introductions of those in attendance**

See separate attendance list.

During introductions, the following issues were raised:

### **3.1 Peter Flynn**

There is an observation that the Crown is not doing a good job. Our perspective is listened to but action is not taken. Our old people talked about these issues with a lot of passion. Many of those old people have passed on. The hope today is an outcome will be reached where we are doing something.

### **3.2 Pāora Ammunson**

Restoring the Papawai stream is a project of recent importance to us. Because we are an inland hapū, fresh water fish life is very important to us. This is reflected in the carvings on our wharenui, of eels and other fish life. Our lake, Wairarapa, is one of the bigger North Island Lakes, and there are a number of issues that affect our water, such as for example the rapid increase in lifestyle blocks.

## **4 Presentation**

Background to Māori Reference Group who have helped put together some of the ideas for discussion today.

## **4.1 Key issues for discussion**

- Water quality is declining.
- Water allocation – not enough water to go around.
- How to manage water bodies that have particular importance at a national level.

## **4.2 Solutions**

These suggested solutions include some that are new and some that build upon what is currently happening.

- Provide national direction.
- Central government involved.
- Working together (eg, of Lake Taupo programme as an idea that came from Tūwharetoa).
- Provide more tools (eg, ideas around tendering for/auctioning water).

These are initial ideas and any discussion will be valued.

# **5 Discussion**

## **5.1 Prue Harper**

There will need to be metering of urban water systems – people are not interested in conservation unless their pocket is affected.

## **5.2 Michael Roera**

People are not educated about water use, farm irrigation is operating when it is raining – the inefficiency is frustrating. Also, some people do not have the funds to pay for water use and we need to be aware of this. Some savings for water could be achieved through council checking each house to make sure there are no water leaks or wastage.

## **5.3 Geoff Doring (Royal Forest & Bird)**

For domestic use – why is there not more use of rainwater tanks? Water needs to be valued more. The sorts of attitudes of some people are causing erosion. This country is slowly washing to sea and destroying our water resources. The numbers of dairy farmers have increased, there are some good farmers but there are some bad farming practices. Also, eeling stocks are dying out.

## **5.4 Michael Roera**

How can we teach our youth traditional ways if the eels are dying out?

## 5.5 Pāora Ammunson

When consulted about water use, they (local Māori) have acknowledged that someone has to regulate the use of the asset. We, the people have worked alongside authorities, but our support of applications should not be read to concede ownership of the asset to the authority. If we begin to trade property rights in asset, this will raise issues about what our (Māori) *ownership rights* are. Assertions of ownership run through customary ownership. We are large-scale landowners of lands from which water springs.

This is the first time we have heard Government departments talk about property rights openly. What legislation vests ownership to Crown?

The lake, Te Karu o te Ika (The Eye of Māui's Fish), is the place where all rivers and streams meet. According to the stories of our old people, the water was once black with eels. Customary trade of eels from the lake is noteworthy and illustrates the lake's importance. How do we go about making our lake a waterway of national importance?

Our lake is not treated very well. We want to find any and everyway possible to raise the profile of our lake as a place of significance to us.

There was some discussion regarding the international recognition of the lake

It is worthwhile pursuing the making of this lake a water body of national importance. That would be an incentive to clean up the lake.

The facilitator called for some ideas about possible solutions to the problems posed at the hui.

## 5.6 Pāora Ammunson

Two of the towns still discharge sewerage into the rivers, and this should be addressed.

## 5.7 Pita Flynn

Consultants are employed to give advice on sewerage, why isn't central government showing leadership and giving local government a blueprint on how to handle sewerage more efficiently?

The three district councils have different approaches to land subdivision. Ruamahanga is the only water body that has an esplanade reserve. District councils claim that they do not have resources to buy land to put water bodies into esplanade reserves. Central government should step in immediately and assist.

Through the Māori Liaison Group, the regional council announces six times throughout the year what they plan to do. A good example is the riparian planting scheme. Massey University (Professor Tilman of the Natural Resources Department) is interested in coming in to do a total water catchment management plan. This water catchment management plan is a good tool for this area to look after our resources. It could involve the community, local government and the iwi authorities.

On the issue of “Enhancing Māori Participation” – Pita is surprised to see this up for comment. He expects the Crown to give some direction as to what the relationship *is* between Crown and Māori.

From his health/hauora background – a key issue has been the loss of mahinga kai – there is still so much room for improvement – our voice has not been listened to.

## **5.8 Geoff Doring**

The regional council has a bigger population and is better resourced to take leadership on management of water bodies.

Some of the councils and councillors do not have the expertise on areas of conservation. Though, Greater Wellington does seem to have the expertise and try to keep in contact.

## **5.9 Arnu Turvey (TPK)**

Queried why a water management plan would be beneficial.

## **5.10 Pita Flynn**

The expertise of Massey University could be used to study the area over 10 years, to identify problems involved and to involve the communities in the research. In the process currently, it is not working. The regional council is under resourced and a lot of raw data is not known such as data on the effluent quality of the outlet of the lake. We need information to make decisions. Also a local approach to the water management plan would ensure local buy in.

Involving local Māori – the discussion document highlights that there has been some Māori input.

## **5.11 Faith Barber**

Faith is currently working on a document regarding ruamahanga – integrated catchment – a long-term research project. This is focused on bringing in all the different interests groups to work together in an integrated manner – which is the way that it should be.

## **5.12 Pita Flynn**

There are processes currently undertaken to address issues – with the project relating to Papawai Stream being a good example.

## **5.13 Pāora Ammunson**

Pursuant to the Treaty of Waitangi, there should be some robust processes for participation and consultation.

Where does kawanatanga and rangatiratanga start and stop?

In terms of administration and management – at what level will Tino Rangatiratanga be recognised compared with other interests?

There is a range of views amongst Māori:

- One view – there should be an iwi/hapū alongside decision-making bodies.
- On another – rangatiratanga requires being directly involved from the beginning of the process.

On the issue of providing tools which was discussed today, we need to analyse each of the tools proposed and have an input into who takes what decision at what level? How closely does each decision affect us will determine how strongly we wish to participate on each issue.

Treaty claims – one of our claims relates specifically to *decision-making* and how Māori people and their interests have been marginalised in breach of the Treaty. In terms of grievances, there are many industrial sites and sewerage plants that are close to and/or closely impact upon sites of significance to local Māori, but not to the ‘majority’. Over time the cumulative effects of this has impacted seriously upon local iwi/hapū.

Central government should set standards on how things are monitored. There is a lack of consistency on how councils monitor.

Poses a question: How do you get resourced to participate effectively in the analysis and protection of fresh water eg a marae’s ability to obtain independent expert advice to analyse and critique some of the scientific material put before them or the methodology used?

Some iwi/hapū have whānau members with this expertise, we could apply for funding to educate our own people.

## **5.14 Geoff Doring**

Forest & Bird supports the need for independent advice and resourcing for this to happen.

## **5.15 Statement from floor**

A statement was made from the floor regarding mahinga kai.

Stop the discharge of pollution and riparian strips by water ways alone will not led to the return of mahinga kai. There needs to be proactive regeneration strategies.

## **5.16 Jason Kerehi**

Areas around our lakes have been impacted upon over a number of years, in terms of the food sources and also the natural filtering systems have been altered over the last 40–50 years, and certain weeds have spread which has negative impacts. We are dealing with a completely new environment now. You could never get it back to the way it used to be.

### **5.17 Pita Flynn**

Freshwater aquaculture has potential as a solution.

### **5.18 Pāora Ammunson**

This is a big issue for our community.

### **5.19 Jenny Doring**

Notes that there have been discharges of paint into water, some work was done to clean that up.

### **5.20 Dougal Morrison**

In terms of the suggestion for national policy statements and national standards, what are the pros and cons of going down that track?

### **5.21 Geoff Doring**

Education of councillors is needed as many do not appreciate or understand environmental issues.

### **5.22 Pāora Ammunson**

Political energy gets applied when there is a public protest about their lakes etc. So there needs to be some national guidance/commitment to ensure that priorities are not determined through ad hoc political processes. Ultimately, decisions ought to be taken by the people who bear the consequences of those decisions – not from central government.

### **5.23 Pita Flynn**

Pita raised questions about education at primary schools and secondary schools.

“Freshwater for Sustainable Future” how we are living is *not* sustainable. Resource consent processes often come down to personality issues.

### **5.24 Pāora Ammunson**

In terms of education it would be beneficial to have a record of the stories and histories of our stream, both in terms of Māori stories and other social histories.

### **5.25 Michael Roera**

These kinds of issues could be incorporated into national standards in education, horticulture and agriculture.

### **5.26 Faith Barber**

There needs to be a change in attitude towards water. Faith grew up with the concept of New Zealand being 'clean and green', yet we are not as clean and green as we promote. Our younger and future generations need to be taught to value water and protect our waterways more.

The resource consent processes do not promote efficiency of use of water. The Fonterra Accord is a good start.

We need to begin with small steps at a local level (eg, Papawai Stream is a small stream, people will see the benefits of the clean up project and hopefully with adopt it in other places).

### **5.27 Pita Flynn**

We are still clear felling hillsides which inevitably result in problems in the stream. There could be contour bands and buffer zones.

### **5.28 Dougal Morrison**

Dougal talked about some best practice models in forestry and noted that it is often the roading that is established to harvest that causes the silt problems.

### **5.29 Jenny Doring**

Some community groups have 'adopted' streams and set about cleaning them up.

### **5.30 Faith Barber**

Transferable water permits – may have worked well overseas, the true cost of water is not reflected anywhere.

If there was a solution whereby people had to pay for the resource, they may reflect on their practices (eg, irrigating in the rain) and there may be a real role for water metering. As a nation we need to start reflecting the value of water. Some trade-offs could also be non-monetary (eg, riparian planting).

### **5.31 Michael Roera**

He has used 1080, and sprays that were purportedly not poisonous. But we now know they were poisonous and harmful not only to humans but to the environment.

### **5.32 Pāora Ammunson**

Asked about liability and who should bear the cost when things go wrong?

There needs to be some guidance from central government about liability – this will take some of the personality issues out of local government.

One marae in the rohe is built on the side of the Ruamahanga River. These days there is not enough water to carry out marae functions as it is being taken by other major users like the vineyards. If more foresight had been shown in the past, the disappearance of water sources wouldn't have occurred.

Marae networks are strong in places and could be useful if there are ideas about local level initiatives for communication of those ideas. Sometimes these networks are overlooked, when marae can often be exemplars of good practice.

### **5.33 Jason Kerehi**

In terms of the ownership of water bodies by hapū (eg, Te Arawa own their lake beds), are there any issues for us in these plans in terms of those of us who own our water bodies.

### **5.34 Dougal Morrison**

Noted his understanding that iwi own the lakebeds, but no one owns the water, Crown vests management of the water in regional and local councils. It is hard to put a value on it if no one actually owns the water.

### **5.35 Andrew Luke**

There has been some discussion about what documents and resources are available about freshwater. He notes that there is a resource relating to the Taieri River that can be made available.

### **5.36 Dougal Morrison**

Monitoring water quality can be done a lot better, there is an opportunity to place more focus on this issue.

### **5.37 Pāora Ammunson**

Flooding is a big issue.

### **5.38 Faith Barber**

Congratulated the Ministry for the Environment and Ministry of Agriculture and Forestry – this is a good initiative and hopefully people will make submissions and something good will come out of it.



## 6 Summary and conclusion

Rebecca Martel identified some of the key points discussed:

- acknowledged practical ideas around water
- role of Māori governments in water management
- value of riparian management
- integrated catchment management
- although sewerage systems are not part of programme, there is a link between them and water quality
- mahinga kai – they are valuable and they act as an indicator of environment.

Arnu Turvey added the following key points:

- need for more information and how that information could be integrated into the education system (eg, recording histories)
- need for more accessible information
- more interaction – he is working upon improving Māori engagement in local government.

### 6.1 George Ria

Māna e whakamārama atu i ngā ahuatanga katoa e pā ana ki te wai ki ngā tari o te kāwanatanga. His job is to explain Māori values to those in Government departments.

Māori personify everything in nature – in terms of the question who is educating us? Papatūānuku, and Tawhirimātea, this is who educates us – we suffer the consequences when we do not appropriately care for Papatūānuku.

There have been a number of positive aspects that have come from the discussion today.

Trade-offs – ko te pūtea – things are driven by the dollar. Members of his whānau in Gisborne are involved in large-scale farming and there are impacts on their own waterways and food sources.

The things said at this hui will be valued, the fruits may not be seen today, but they will be seen in time.

## 7 Closing korero (Pāora Ammunson)

Kāore anō kia whai wāhi kia wānanga i ngā tikanga o te tapu, noa, te rāhui, te waiora, te whakapapa o ngā wai. Me whakatū tetahi hui, he roopu reo Māori, ka pehea te rerekē o ngā kōrero kia puta mai. (It would be great to hold a wānanga on aspects of Māori law and philosophy regarding freshwater. If such a hui were to be held in Māori, one could only imagine the difference in discussion and outcome.)

Closing karakia 1.30 pm.

# **Consultation hui: freshwater for a sustainable future: issues and options (Whakatū Marae, Nelson, 7 February 2005, 10 am)**

## **1 Karakia/mihimihi (Barney Thomas)**

## **2 Introductions**

Mike Jebson, Rebecca Martel, George Ria, Chas Perry, Maryanne Chiu (Ministry of Agriculture & Forestry); Suzanne Doig (Te Puni Kōkiri); Livia Hollins (Ministry for the Environment); Richard Hawke (Ministry of Economic Development); Willie and Linda Te Aho (Facilitator and minute secretary – Indigenous Corporate Solutions Limited).

## **3 Introductions of those in attendance**

See separate attendance list.

## **4 Presentation (Mike Jebson)**

### **4.1 Background**

- Explanation of which freshwater bodies are being focused upon in this programme of action.
- Mike gave a background of his own experience of declining water quality in the streams he enjoyed during his own upbringing.
- The importance of freshwater.
- Water programme of action – how we can manage our water programme better?
  - Have we got the problems right?
  - We have some preliminary ideas for solutions and this consultation round is to gain views about these ideas – we are here to listen to your views.
  - Explanation of ‘stakeholder groups’ who were consulted to bounce very early ideas around with (eg, Māori Reference Group).

### **4.2 Issues**

The range of issues fall into three main issues:

- Allocation – taking of water:
  - wasteful use of water – we need to recognise the value of water.

- Water quality – declining:
  - reflection of intensification of agriculture, conversion from sheep to beef, increase in use of nitrate fertiliser over the last 10 years, cumulative impacts of farming in some sensitive catchments over many years which is now becoming evident (eg, Taupo)
  - nationally important water bodies.

### **4.3 Possible solutions – ideas for a new approach**

Note: These are early ideas and this is proper consultation in that we really need to hear some feedback on these ideas and any other ideas.

#### **(a) Providing national direction**

Some ideas are to make use of RMA provisions for national policy statements and national environmental standards (currently there are none); Government targeting where it gets involved – identifying the ‘nationally important’ rivers, lakes and wetlands (eg, Government has already become involved in issues around Lake Rotorua, Rotoiti and Taupo (an example of an ‘iconic’ lake – both regionally and nationally)).

#### **(b) Central government could become more involved**

For example, developing best practice information and sharing around, funding, pilot programmes.

#### **(c) Working together**

Raise awareness, build relationship with Māori in terms of water management because of key cultural dimension.

*Suzanne Doig:* One action identified in the discussion booklet is ‘Enhancing Māori participation’, we are looking to clarify issues around Māori participation in local government – one possible solution is for central government to make it clearer what local government has to do in terms of consultation with Māori; more widely, central government is looking to provide guidance for better engagement on a much wider range of issues (ie, not just about water).

Some of the themes that have emerged from hui so far is the poor performance of some councils and also capacity and capability issues for both iwi and for councils – should there be resourcing and training to enable Māori to participate better, and to develop iwi management plans? Are there other ideas?

#### **(d) Provide more tools**

There are problems with the current ‘first in first served process’ through this process, the Government wants to explore market mechanisms (eg, auctions and tenders, transfers of consents and discharge permits).

## 5 Discussion

### 5.1 Barney Thomas

Thanks for holding the hui here, this is a good opportunity for us to have a say.

There are some front doors missing, there is no TPK office in Nelson here, and no Ministry of Economic Development office. We want to engage with these government departments – but they are not based here and they are not accessible. This needs to be addressed.

We get a lot of letters from Ministry of Economic Development, but we have seen one person in the last 10 years. That is not consultation.

There are only a few of us here, but we represent thousands.

This is a treaty issue at the end of the day. Under Article 2 the Crown is to protect water, forests and sea, and they haven't done it. For 164 years, especially in Nelson, we have been down this road many times, the over allocation of lands, we have seen the land take, the seabed take and now we are getting to water.

We have not got enough water now. The demand is growing with more and more people coming here. The infrastructure is not meeting demand. Even though we raise these issues with councils, ultimately it is a Crown responsibility.

Gravel extraction – millions of tonnes of gravel are taken out of our waterways, this needs to be addressed, as extraction affects our water.

Iwi are not merely another interest group. Farmers, Fish & Game etc are represented by Crown. Iwi are the other Treaty partner, so we should not be put in with the other 'interest groups'.

There are many proposals happening within this rohe such as the Wairau hydro proposal and the Waimea augmentation issue this includes hydro as well.

Farmlands are now being subdivided, and there are a huge number of applications for dams already. In some cases the dams are already established – and then the applicants apply to council for a resource consent.

There is an issue of equality – Council or Crown on one side of the room – they can come any time of the day – and everyone from the Crown/Council is getting paid. On the iwi side it is all koha (giving up their day's wages). Our people should be resourced properly to participate in accordance with the Treaty.

One thing that we have pushed for and that is happening now is the fencing off wetlands to keep stock out.

Our role as tangata whenua encompasses kaitiaki, manaakitanga and mātauranga – if something is out of kilter the balance will be affected.

Barney is surprised that there is no hui in Marlborough (given the impacts of the vineyards on water). There is no representation from Marlborough in this hui.

Infrastructure (eg, sewerage) the infrastructure cannot cope with the increasing demand.

Subdivision is commercially driven and too many people are living for today and not for tomorrow.

The review of the RMA will mean that it is watered down with respect to Māori and Māori participation will be affected.

There are proposals for water from Motueka to be transported to Nelson. This is wrong. Mauri should be retained within rohe, keep water within its catchment.

We have an iwi management plan put together with Council, but there is no plan for Tasman.

I am not in favour of tendering the use of water: the rich man he gets richer, and the poor man, he stays poor.

There are huge problems, but they need to be addressed. Instead of ensuring the land and all resources handed down to us are there for our future generations, the decision makers are allocating more than what they have got. Planners and decision makers must realise that. At some stage those decisions must involve iwi. Iwi must have input.

We have no representatives on either of the two councils here. Once decisions are made, we are then told what the decision is.

In this rohe, kōtuku are paramount. What comes out of the river will end in the estuary. The sign of the kōtuku is that the environment is healthy. If the kōtuku does not appear, we are all in trouble.

(Barney apologises that he had to leave the hui at approximately 12.10 pm.)

## **5.2 Marlin Elkington**

Marlin supports Barney's kōrero.

Treaty of Waitangi – Marlin could not find a reference to the Treaty in the booklet, and so as far as he is concerned, this is not consultation.

There is a difference between stakeholder and 'right holder'. We are right holders. He could find no reference of right holders in the discussion document. And therefore he does not have the time to read a booklet that is not relevant to us. Marlin does not see this as valid consultation.

As far as submissions go, we don't have time, resources and so on to put together a submission. You can take what the people say today as our submission as we have other pressing issues and don't have the time to make a separate submission.

Every single waterway is significant and valid to this region.

It is good to have the opportunity to air some of our concerns about these processes.

### **5.3 Ratapu Hippolite**

In terms of ‘mountains to the sea’ we believe in ‘heavens to the sea’. Every single waterway is important and vital to us.

Prior to this hui, I said that every bit of rainwater that hits our rooves should be used again – not be wasted. Too much stormwater runs off houses through drains straight into the sea.

What happens to the water that the farmers pay for to irrigate his farm? It goes back into the ground and into the waterways. Do the farmers have to pay disposal rights? Maybe that is why the water is disposed in that way – to save the farmer money.

Is it only going to be when big businesses are involved and tourists that the Government becomes involved (eg, Taupo), what about what locals deem to be important. Irrespective of the tourism potential, the decision makers should be listening to us.

We don’t feel included in the document – only then will we consult.

### **5.4 Edward Chambers**

Edward supported the other speakers.

Spoke of Tasman District Council (TDC) processes of allocating water rights that have not been sustainable. Recently, at a TDC meeting water right holders had to reduce their rights by 20% due to over-allocation.

Out of 51 stretches of water in the region, only one is safe to drink and 10 safe to swim in.

75,000 litres of ‘waste’ goes out into our estuary every day.

The council’s own research shows that it is unsafe to eat shellfish, and in some areas it is unsafe to swim. The council continues to do nothing. Will it take a rich tourist to come to our area and become sick by swallowing a mouthful of water before anything is done? Nelson is marketed as a tourist destination.

Wetlands being currently proposed are going to be far too small, and the plants proposed will be contaminated.

Some commercial operations are located near contaminated sites.

The solution for this is to stop all direct discharges of wastewater to fresh water systems. Land based treatment and ensuring quality water is discharged to fresh water systems must happen for the benefit of our future generations.

### **5.5 Melanie McGregor**

Papatūānuku still provides for us. Recycling is a good solution from washing machines, and the use of water tanks, etc.

## 5.6 Ratapu Hippolite

Detergents are a problem (eg, Mississippi). Prior to soap suds going into the Mississippi, the water was drinkable. We need organic soaps that will break down and not pollute our fresh water. Do we have to have an outbreak before we really address this problem?

We have to treat these issues with appropriate concern now.

## 5.7 Ani Parata

Fifteen years ago, National Geographic warned about some of these issues. Ani is aware that the Waikanae River water quality is badly declining.

One of the flaws in the discussion document is that the first action should be enhancing Māori participation (not the 10th action). This would help alleviate many of the problems – we have a passion for the water – our health our wellbeing all of our philosophies are to safeguard and protect the water. If we have a say, everyone benefits – we have everybody's interests at heart.

Ani listened to the mamae (hurt/frustration) of the iwi here during treaty claims regarding the springs in Golden Bay. They have not been heard to the extent that they should have been.

Councils are not respecting what iwi have to say about those springs. Iwi have been stripped of their mana in terms of caring for those springs.

Will councils listen? Economics seem more important to them. Again, with respect to the Treaty of Waitangi, Māori need to have the power to protect their taonga (water) as guaranteed by Article 2.

Education about conserving water, and about recycling of water is needed. It is too easy to turn on a tap for this generation. We can't keep taking water like this.

Biggest pollution is water – sewerage systems.

Māori can lead New Zealand to a place where we would all benefit.

## 5.8 Ratapu Hippolite

First in first served – will this remain?

*Mike* – solution identified and some options around that.

*Ratapu* – first in first served doesn't work. How is it administered?

*Response* – explanation about current RMA processes, but what is proposed, is to look at alternatives to this approach.

*Ratapu* – Mussel farming were supposed to be handled this way but we know that even though we were first in, we were not served. It is the people making the decisions who are a part of the problem as well.

## 5.9 Melanie McGregor

Me manaaki to tātou nei whenua Papatūānuku.

We continue to take from her (Papatūānuku) and we are not giving back, we need to replenish Papatūānuku. I support all of the kōrero today.

## 5.10 Judi Billens

Would like to see water recycled in some way, supply will never keep going the way we are using water.

## 5.11 Suzanne Doig

Barney mentioned that iwi/hapū have no role in councils. What sorts of things might need to happen to address this?

*Response:* TPK should facilitate a hui on that topic – it is a huge debate.

# 6 Summary and conclusion

## 6.1 Common themes (Mike Jebson)

- Everyone is passionate about water, and water is not being respected in this region – too much is being wasted, and there are too many contaminants being discharged into our system. We must do something to correct that abuse.
- Treaty of Waitangi and water management – Māori are kaitiaki and therefore must be at the forefront of the debate so they are heard clearly.
- Future needs must be addressed.
- Government's face not being here often enough – MAF has a Nelson face, but the criticism is heard.
- Strong criticism that the Crown is not fulfilling its responsibilities under the Treaty and needs to lift its game.
- Acknowledges the many proposals (for hydro etc) in the region.

## 6.2 George Ria

‘Ko te pūtea’ – George spoke about the difficulties that arise when pūtea or commercial drivers are given priority.

On the topic of Government consultation and decision-making processes – these issues take time to resolve.



Told a story about discharge into a pond in his home area, while technically the water coming out the other end was ‘cleaner’, in Māori terms, it is tapu. We have concepts in the Māori world for cleansing, and for more appropriate filtering systems and recycling.

We must look after Papatūānuku (eg, we derobed her in Gisborne and we suffered one of the largest landslides).

There are difficulties in working inside Government – but George is here to try and achieve something meaningful for Māori and the government. As a team, our challenge is how we can best articulate these issues to our Ministers who are the ultimate decision makers.

### **6.3 Marlin Elkington**

We appreciate the chance for you to take our words and turn them into action; we appreciate the difficulties of working within Government.

Closing kōrero and karakia 1 pm – Marlin Elkington.

## **Consultation hui: Freshwater for a sustainable future: issues and options (Te Waipounamu House, Christchurch, 8 February 2005, 11 am)**

### **1 Karakia/mihimihi (Henare Rakihia Tau)**

### **2 Introductions**

Mike Jebson, Rebecca Martel, George Ria (Ministry of Agriculture & Forestry); Suzanne Doig (Te Puni Kōkiri); Ricky Ellison, Livia Hollins (Ministry for the Environment); Richard Hawke (Ministry of Economic Development); Willie and Linda Te Aho (facilitator and minute secretary – Indigenous Corporate Solutions Limited).

### **3 Introductions of those in attendance**

See separate attendance list.

During introductions the following points were made:

#### **3.1 Kelly Davis**

Water is a taonga.

### 3.2 Iaeen Cranwell

Tuna is very important to Wairewa but the river is currently affected by algal bloom. The lake levels are low. The lake sustains us. We must look after it.

### 3.3 Henare Rakihia (Rik) Tau

Henare has hunted on land, in water and the sea, as has his father and his father before – for generations. He descends from a group of ‘dignified objectors’ to those who have not cared enough for Te Marae o Tāne and Te Marae o Tangaroa (the domains of Tāne and Tangaroa). He wants to see fruits of this mahi, walking the talk, rather than just giving us paper.

## 4 Presentation (Mike Jebson)

### 4.1 Background

- Explanation of which freshwater bodies are being focused upon in this programme of action.
- Mike gave a background of his own experience of declining water quality in the streams he enjoyed during his own upbringing.
- The importance of freshwater.
- Sustainable Water Programme of Action – how we can manage our water programme better?
  - Have we got the problems right?
  - We have some preliminary ideas for solutions and this consultation round is to gain views about these ideas – we are here to listen to your views.
  - Explanation of ‘stakeholder groups’ who were consulted to bounce very early ideas around with eg Māori Reference Group (MRG).

### 4.2 Question

A question was raised about the input of Māori Reference Group in selecting waterways national importance.

*Response* – the sage advice of the Māori Reference Group was not to pre-empt discussion but to attend hui and seek feedback from each region.

### 4.3 Kelly Davis

Kelly raised concerns about the issues identified for discussion they seem to be heavily focussed on economic issues. He is here to discuss environmental impacts.

*Response* – in the context of the sustainable development framework, all issues are covered.

#### **4.4 Henare (Rik) Tau**

Water *quantity* is a primary issue, you cannot allocate what is not there.

#### **4.5 Major issues**

The major issues covered in the Water Programme of Action are:

- allocation – taking of water
  - wasteful use of water – we need to recognise the value of water
- water quality – declining
- nationally important water bodies.

#### **4.6 Possible solutions: ideas for a new approach**

Note: These are early ideas and this is proper consultation in that we really need to hear some feedback on these ideas and any other ideas.

##### **(a) Providing national direction**

Some ideas are to make use of RMA provisions for national policy statements and national environmental standards (currently there are none); Government targeting where it gets more directly involved in water management – identifying the ‘nationally important’ water bodies (eg, Government has already become involved in issues around the Rotorua lakes and Taupo, and Waitaki). It is not proposed that the Government step in and take over water management.

We would like to hear your views on this, where should the Government best put its efforts?

##### **(b) Central Government could become more involved**

For example, developing best practice information and sharing around, funding, pilot programmes.

##### **(c) Working together**

Water management is complex, the community needs to understand that there are issues and therefore there is a need to raise awareness; we want to work on building relationships with Māori.

#### **4.7 Suzanne Doig**

One action identified in the discussion booklet is ‘Enhancing Māori participation’ this is really about building relationships. The booklet identifies two main areas, one is clarifying issues around Māori participation in local government – one possible solution is for central government to make it clearer what local government what processes they have to follow in terms of working with Māori; more widely, central government is looking to provide guidance for better engagement on a much wider range of issues (ie, not just about water).

Some of the big issues that have emerged from a number of hui so far are the poor relationships in a lot of areas with councils due to poor attitudes of some of the councils, and also capacity and capability issues for both iwi and for councils. What are the local issues? What are some possible ways of addressing these issues? Is it resourcing? Are there other ideas?

#### **4.8 Kelly Davis**

The knowledge we have as whanau within our rohe is in our heads. But, because it is not 'university knowledge' it doesn't count. We do not get listened to. There is no forum. Where there is a necessity for the government to get some input, they fly you to Wellington, you tell your story, you do not get listened to and nothing happens. We don't look at things in compartments. Water comes from the mountains to the sea. Whatever happens in the mountains, affects our lagoons, lakes, moana and the kai within.

We must look at the rights of those species that live in the water, we never take them in to account.

#### **4.9 Evelyn Cook**

If you are serious, then booklet should not be worded the way in which it was. There is nothing there about cultural and spiritual values. We come second to last and last.

There is nothing about Te oranga o Papatūānuku, o Tangaroa (the health of Papatūānuku and Tangaroa).

It is scary that the Ministry for the Environment is in bed with the Ministry of Agriculture and Forestry and Ministry of Economic Development. Surely the priority of the Ministry for the Environment is the environment.

Once, as always, the economic issues become the priority, the environment is compromised. We know what is happening to our fisheries. I am sick of waiting for scientists to agree. The discussion document is already back to front. Are you actually going to take notice of us this time and prioritise the fish, the birds, and the earth that needs that water, before the various industries, farming and electricity?

There is something wrong when the Ministry for the Environment writes documents like this.

#### **4.10 Henare (Rik) Tau**

E tautoko ana i ngā kōrero. The Government must be involved. Our dreams mai rā anō (since time immemorial). We had water. Then we had *no* water. We had guarantees that water would stay there, but it hasn't stayed there. If there is no water, kua mate. Forget about allocation and quality. *Toitū ngā taonga a Tangaroa, toitū ngā taonga a Tāne, Toitū te iwi ....* If there is no water, we die.

All we have ever known industry to do is dig a ditch and get rid of it (so that industry can use the land and control the water), it is like putting a habitual rapist in charge of a girls' school. The very people who got rid of it are now the ones who are talking about getting it back.

Consultation must be with the *landowners*, that is us, iwi, we are the hunters the fishers – consult the right people.

Response (*Mike Jebson*) – allocation is not just about taking water, it is about ensuring that enough water stays in the fresh water systems.

#### **4.11 Henare (Rik) Tau**

Bureaucrats need to make certain that allocation and quantity are different things. Allocations are made to friends (eg, farmers are on the council and they allocate to farmers).

#### **4.12 John Wilkie**

Mid-Canterbury is over allocated and I have seen in my short life span what has happened. Allocation must stay in the rivers and the moana.

There are no fish left. Breeding cycles don't take place. There is no whitebait anymore. Freshwater is not there to pull them in; it is being sprayed on the farms. My environment is being destroyed. I have pleaded and written submissions and no one takes any notice.

#### **4.13 Yvette Couch-Lewis**

I have visited water plants that deal with conservation of freshwater. Water here is different – it comes from springs and aquifers.

Our concern here with regional council is ensuring that there are monitoring systems in place. There are no standards in place from central government that would enable us to know how many bores are being put down. So that when a consent application comes through for a polo pitch, we know how much water is coming out of that area, we have no information in our own takiwa about water – the most important resource that we have.

For government agencies, we support the idea of national policies and standards, even if it is to shut down resource consents altogether so we can get a handle on what is allocated. I am not opposed to allocation, but we need to monitor.

#### **4.14 Kerry Burke (regional authority)**

Some of these statements are not statements that he agrees with. Information relating to all resource consents is available on the website. It won't tell you precisely how much water is being taken, but other details (what the water is for and how much was requested) are available.

We are looking at ways of metering consents, of charging, of finding means of transferring the rating of land to services involved. We reject the claim by John that this is the worst allocation system in the world – Soviet countries are far worse.

We have more than 230 rivers with minimum flows. Thirty percent of rainfall goes into ground. Of that, half of it is available and is allocated.

We have a Natural Resources Regional Plan, submissions have closed and are being collated and several chapters of that plan are underway. We have a number of systems to protect the environment – which, (as noted by Einstein) “is everything outside of me”, so it does include the economy.

#### **4.15 Kelly Davis**

We agree that there are things in place but there is a lot of baggage, eg how were the low flows created? Nothing has been done about the low flows. There is a hangover from Catchment Boards that has not been dealt with.

Domestic water use is not recorded. The issue of stock water has not been reviewed. The Waihou River is suffering.

We need floods to take some species (tuna) down river.

We need to sit down and talk as a community, with those who have an affinity and affection to the resource. It is about people’s passions.

*Mike* – the over allocation of water is a real issue, and it is referred to in the booklet.

*Kelly* – we want every allocation to be monitored. It is common sense.

#### **4.16 Caroline Edgecumbe**

Supports what has been said about allocation issues, minimum flows and dealing with old baggage. The rivers are in such a poor state that allocation seems pointless. Environment Canterbury (ECan) has some good initiatives and we all learn as we go. But how much iwi input has gone into those programmes? Caroline would like to see national input, and sharing of information so that we don’t have to continue to learn as we go.

*Mike J response:* best practice information sharing is one of the ideas contained in the booklet.

#### **4.17 Henare (Rik) Tau**

Much has been done since RMA 1990. Prior to that you could see destruction all over the place. New rating regime may be difficult politically. Central government could assist that process in having sustainable policies relative to the region, because our issues are different here.

A problem arose when stop banks were built, so now shingle fills up the rivers. Shingle needs to be removed, as there is no water. These things can be remedied – too much damage has been done since Europeans arrived.

*Mike* – this is a difficult issue for regional councils to deal with.

#### 4.18 Evelyn Cook

National directives would be good (eg, irrigation scheme on Hakatere River).

Open irrigations systems are still going in. If some can be piped, why can't it all be piped? There are more efficient systems, but Councils don't seem to be compelling new irrigators to use efficient (piped) systems. Why should cows be drinking from irrigation ditches? Why should people downstream be affected by the effluent from cows?

We are cynical about some of the arguments being raised. What we are arguing for does not benefit us financially, we argue for the benefit of the veins of Papatūānuku. What are farmers and hydro companies driven by? They exploit what they consider to be a free resource. The RMA is too often used as an economic development act rather than an environmental protection act.

#### 4.19 John Wilkie

I get on well with ECan, and there are a lot of good things happening. There is a problem with setting minimum flows. There are examples where minimum flows are set on the river *after* the biggest percentage taken. There is the concern that the minimum flows then become the norm. There is more than enough water that has been allocated for irrigation to irrigate the whole of the plains – but we are still getting more applications for consent.

[Break for lunch.]

#### 4.20 Mike Jebson

Mike continued with the presentation.

##### (c) Working together (*continued*)

Pilot programmes – there are some examples of good programmes happening and Government wants to explore other good programmes.

##### (d) Provide more tools

There are problems with the current 'first in first served process' through this current consultation process, the Government wants to explore other options (eg, comparing competing users; market mechanisms within a framework of rules and regulations).

#### 4.21 Question from the floor

Property rights – don't farmers really believe that they have rights in perpetuity?

*Mike responds:* Research shows that most farmers act as if their rights will be renewed automatically, but most recognise that those rights are legally not in perpetuity.

#### **4.22 Henare (Rik) Tau**

This must be made very clear, because farmers talk about their expectations. They *expect* their resource consents to be continued.

*Mike* – Council can reduce water taken with no right of compensation.

#### **4.23 Question**

Will the RMA review impact on this issue?

*Mike* – If someone has had water for a long time, the RMA bill does provide the ability for that person's consent to be considered at the front of the queue, there is no right to expect water, but they get to the front of the queue.

#### **4.24 Evelyn Cook**

This regional authority looks at 35 years as a term unless there are good reasons why it shouldn't. Applicants don't have to justify their use. This is a very long time – a farmer's career. They take it for granted and form expectations based on that. So a habit is formed. Incremental increases have been the sneakiest damage. Very few people have a whole picture of what is going on in a catchment.

Evelyn suggests a new process for renewing all consents at the same time.

*Mike* – Certain things are *rights* (eg, water for fire fighting etc and permits are not necessary – and are not covered in this discussion document).

#### **4.25 Question from the floor**

Traditional reserves – shouldn't Māori who have traditional rights be automatically at the top of the queue. This also relates to lands that have been returned to Māori. We need to have the water rights to use the land as well. We should be a priority.

*Mike* – these are tricky issues and for Ministers rather than policy analysts. There are no preferential rights for Māori in this document.

#### **4.24 Question from the floor**

Māori have to position themselves for preferential treatment, and decision makers in this room should be considering this.



**(d) Provide more tools (*continued*)**

Transfer of consents and permits.

The project at Lake Taupo is an example of management of a whole catchment. The focus of this project is the water quality in Lake Taupo, which is declining as a legacy of past management. The beauty of the new approach proposed in the discussion document as opposed to a strict regulatory approach, gives more flexibility to farmers, but they pay for that flexibility.

*Willie Te Aho* noted that the Lake Taupo project is driven by Tūwharetoa, by council and by central government so it is a collective and integrated approach.

**4.25 Evelyn**

Is there a paper on that? We should be able to see if that example applies to us.

**4.26 Kate**

The Taupo programme is driven by the quality of the lake – so it is ‘sink based’ – how do people feel about transfer discharge permits downstream where a river is involved?

**4.27 Kelly Davis**

I am opposed to mixing waters – it is bad enough that our rivers Awatapu and Waihau do not have enough water, but now there is water coming from elsewhere (Waitaki) with weed in that water. We need to be heard now, not in two years. We have always talked about preserving the *mauri* of the water.

*Mike*: recognise issues around mauri and mixing of waters.

**4.28 Evelyn Cook**

The ability to transfer water is almost like a property right – our fear is that someone who can afford the resource consent will over apply (eg, Meridian, who assert that they own the river for hydro, and therefore everyone else has to satisfy them rather than the consent authority). What’s to stop them gathering up ‘spare’ and then selling on?

*Mike*: more work and research needs to be done on this – it is possible that the design of the system can be limited to those who have defined uses for water to stop speculators. We want to test whether the idea has merit before we can test the design. The RMA already has current provisions to trade, but they are not used very much.

*Suzanne*: the RMA makes it easier for seasonal/temporary transfers.

## **5 Discussion**

### **5.1 John Wilkie**

There is unequal sharing of the resource. Tradeable water rights, those who already have the resource (farmers) will ‘rule the roost’. They are driven by economics not the environment. There are real concerns about transfers.

### **5.2 Kate Sedgley**

To add to what John has just said, the proposed amendments would make the situation worse; investment is one of the determinants for decision-making.

It will be a high factor for what is being considered – rather than efficiency of use and environmental priorities. Having better monitoring is needed.

*Mike:* proposals in bill are a default position, councils can develop a plan to alter this.

### **5.3 Paul Waaka**

Action 10 ‘Enhancing Māori Participation’. Ngāi Tahu has been involved for a number of years and is very experienced in RMA issues. There is no mention of iwi management plans in the document. It is all about tino rangatiratanga and kaitiakitanga.

*Suzanne:* While they are not mentioned in the document, iwi management plans have been discussed. Suzanne acknowledges that Ngāi Tahu are leaders in this area.

### **5.4 Paul Waaka**

One good way to upset Māori is to put them last or out in the corridor.

### **5.5 Kelly Davis**

There are issues about land, which is riverbed, which is being developed.

All awa, wherever they are, are taonga of our people. I want to see, in terms of lifelong interests in awa, where we fit in terms of the Treaty and tino rangatiratanga. It is talked about, but it is never at the forefront of the documents.

I support what Paul said, we are the people that walk up and down these rivers. I have devoted my life to water; my children will have lifelong interests. The RMA has been one of the best things that have happened. Now it is under review.

The Whanganui case is a driver for the RMA review; the government is going to lessen the impact of that case.

Government must listen. We are not going to go away.

Questions put to the floor by the facilitator:

- How does an ideal relationship look?
- How does it relate to quality and allocation?

## **5.6 Kelly Davis**

Pilot programmes – we have had to create local initiatives so that we have input. In Waihou, we have refused to consent to allocation. For the past five years or so, we have pushed for applicants (farmers etc) to come to our marae and listen to our point of view and gain understanding of what we are saying. *Ki uta ki tai* – from mountains to the sea – because we know the farmers, we can work with them. So we need to work from a community base and work together.

## **5.7 Paul Waaka**

Paul reiterated that Ngāti Tahu have been working on these issues prior to the RMA. Since the RMA, Ngāti Tahu needs to kick on, and develop business plans to deal with RMA and work with regional authorities, and develop their own policies on water quality and push those through. The voice needs to come from the rūnaka. This consultation round and the submissions is just another process. This is a challenge and we need to take you (central government) on. This document is the cart before the horse.

The key issue is what rūnaka want and how they want to push it.

## **5.8 Henare (Rik) Tau**

The problem here is an old European strategy “nibble, bite and swallow”. What I am hearing is a strategy to develop a water right and a tradable property right. I am opposed to this.

We are the owners – the iwi – not corporate structures. We have guarantees of rights to water (and to foreshore and seabed) and these rights are vested in us by the Treaty of Waitangi, the Māori Land Court and legislation.

The important issue is to have a sustainable water supply – don’t allow it to be traded off, don’t let our rights be extinguished.

We have missed out on fisheries allocation, the same thing will happen in agricultural rights.

There are those that are setting themselves up to gain a commercial tradeable property rights. We own those rights.

Are you here to listen to us? Or are you here for another agenda – so that we end up once again with the shadow. Please know that if you don’t intend to listen to us then we will come after you. Please get it right.

## 5.9 Evelyn Cook

We have all this korero and the women's point of view is not put. In our whakapapa, ka moe a Papatūānuku ki a Takaroa. Divorcing what happens here from the land and the rivers from what happens at sea is not on.

Papatūānuku is the mother of us all, birds, fish, plants and people. We are here today to fight for her and for all the things that ensure her wellbeing. So I am not saying that Māori interests be put first, but put Papa first and our interests will be protected.

Māori as individuals have economic interests, as property owners. That is not what I am here to talk about. I am not interested in those interests as long as they don't affect the environment – Papatūānuku.

Local authority some of their plans are far too permissive and we are shut out of the process. When is central government going to review their processes?

Some permitted activities, we are unable to challenge, are enshrined in their district plans. We, iwi, find it hard to make inroads unless someone else in the district wants the plans changed. We are not seen as significant players, we are almost invisible. We can only influence change if someone else in society wants change. Shouldn't there be some balance between what the community wants and what is good for everyone? More well resourced applicants have a better chance to effect change – they have more political weight.

National policy statements are therefore important for future generations.

*Mike:* the Ministry for the Environment is becoming involved in the area of local government and district plans is a proposal that is being developed currently.

## 5.10 Comment from the floor

In terms of regional councils and structures – not necessarily ECan – but smaller, less well-resourced councils, we are victims of politicians who run the councils. His experience – is that it is hard for compliance managers to stick to the law if the policy of councillors does not lean towards that view. The gap between governance and management is very small.

There is no environmental management, the first slide that showed dirty water, no riparian management, that top down policy needs to come down from MfE.

Evelyn supports this, from her own experience.

## 5.11 Iaeen Cranwell

In terms of the peninsula – we have a different landscape from the plains. Lake Waikare is a sink more like Taupo, and would like to see information become available.

*Facilitator's note:* Sue Powell has been working directly on the Taupo example – we can collate some of that information and make it available to you directly.

Also, our streams don't run that long, with more tourism and subdivision, more emphasis now on water take and more impact on mahinga kai – where is that water going to come from?

### **5.12 John Wilkie**

In terms of the RMA different departments and agencies are on three boats and going on different courses. Freshwater is also about species that live in it, not just quality and allocation. I have made submissions which have included statements based on the Treaty of Waitangi, which have been ignored. As tangata whenua, as a landholder I have a right to say what goes into water and what doesn't. There is a lack of understanding of what is meant by iwi/hapū/tangata whenua.

### **5.13 John Greer**

John is interested in opinions regarding *regulation versus education* as a way of achieving change.

### **5.14 Henare (Rik) Tau**

The Crown assumes that they are God to all things. There needs to be a relationship between central government and local authorities to ensure that the local authorities do the job – that job is to ensure the sustainability of the environment. The government has a history of delegating responsibilities then taking funding away.

### **5.15 Kim Wetini**

Acknowledged that mana whenua had to travel 2–3 hours to travel to hui and amongst them is more than 100 years of knowledge. The Māori Land Court does not have the mechanism to get information out to landowners in Te Waipounamu, and so TPK have used their networks to get information out.

### **5.16 Kelly Davis**

Ministry for Environment should have a consent monitoring system that monitors councils, and that would take completely away some of the political problems discussed today.

### **5.17 Kerry Burke (regional authority)**

Responds to some of the points made:

- Piping of water and efficiency: their advice is that water is a public good, but once it enters a pipe, it becomes private property.
- Dairying:
  - badly managed dairy farms can cause difficulties, but efforts are being made with Fonterra for better farming practices
  - New Zealand's nitrate pollution levels are some of the lowest in the world
  - the worst pollution comes from horticulture
  - the amount allocated to dairy is one-seventh, so the bulk of allocation is not to dairy.

- Rangitata diversion race: there is already some trading of water within their structure. RC want open stock races to be piped. But some are arguing that these races are now part of the environment. Main drain is now being determined as a river with wildlife in them, not as a drain.
- Kerry is part of Christchurch 2021 and they have “ki uta ki tai” written in their documents as well.
- Science is moving on in terms of nitrate levels.
- Water rights: humans have rights to water and stock have rights as well.
- Thirty-five years is commonly applied for – and if there is no evidence about impacts on sustainability, councils are more or less obliged to grant the consent. But if there is evidence or there is doubt, then applications have been declined.
- Regional council currently looking at charging for services with regard to water consents based on volume, quick way to reduce costs is to reduce volume sought.
- District plans: if Resource Management Bill is passed, regional policy statements will be the property of whole region. So where district plans are seen to be weak, they will have to be in line with the regional plan.
- Local government governance and management: agrees that there are pressures that can be put on staff. But these issues can be addressed through the audit office.

## 6 Summary and conclusion

### 6.1 Mike Jebson

Acknowledged the contribution and wisdom of participation then summarised key points made:

- Papatūānuku must be cared for as a priority.
- People want action, rather than more hui.
- Good science is needed as well as measurement of what is happening.
- Monitoring and enforcement.
- Acknowledgement that there is a role for central government.
- Ownership issues.
- Clear call for iwi management plans and for Ngāi Tahu to do their own work on water.
- Positive stories of some good work between Ngāti Tahu and local and regional authorities and some room for improvement.
- Concerns about mighty dollar too powerful.
- Concerns about waste and people are not valuing water and that something needs to be done about that.

## 6.2 George Ria

There is a difference between listening and understanding of our Māori world view.

### *Wai*

Wai tapu	Sacred
Wai rua	Spiritual (blessed)
Wai tai	
Wai ora	Health, goodness (social)
Wai mate	Sick, sluggish
Wai kino	

Kei a koutou kē ngā kōrero e pā ana ki ngā ingoa o ngā wai. E rere kē, e rere mai. (You know the stories that tell the meanings of the names of the waters that run through your rohe.)

Monitoring and evaluation: Papatūānuku gives us indications – do we really need scientists to tell us that things are not right?

Anei ngā ture o te Māori (these are the laws of the Māori).

Somewhere within this lies sustainable development. Turning back to the sustainable development framework – we are paying socially and culturally, we have all been sucked into economic imperatives. Now we need to try to restore balance.

My job is to awhi (assist) my colleagues and to try and feed you back something that is valued and that is a hard job.

George shared a story from his own rohe in Gisborne about taking a kākahu from Papatūānuku, they toyed with her (by felling trees and plants), and suffered a major land slip as a result.

Closing kōrero: Henare (Rik) Tau

We can be so creative and yet so destructive, then we need to repair things. Government has a responsibility to provide leadership. Don't pass the buck. The Crown is responsible for the Treaty. We find out that someone else owns things as soon as it has a value. Please ensure that policies have an outcome, otherwise, don't come back.

In the event of water permits being considered and interpreted as tradable water property rights then the Crown needs to identify proven property rights of Māori to water and their resources to ensure judicial compliance and the obligations of the Crown to the Treaty of Waitangi as a matter of national importance. [Many of the tangata whenua in attendance acknowledged this statement.]

3.15 pm closing karakia – Henare (Rik) Tau.

# **Consultation hui: Freshwater for a sustainable future: issues and options (Murihiku Marae, Invercargill, 10 February 2005, 1 pm)**

## **1 Karakia/mihimihi (Mike Skerrett)**

## **2 Introductions**

Mike Jebson, Rebecca Martel, George Ria, Graham Elliott (Ministry of Agriculture & Forestry); Arnū Turvey (Te Puni Kōkiri); Livia Hollins (Ministry for the Environment); Richard Hawke (Ministry of Economic Development); Willie and Linda Te Aho (facilitator and minute secretary – Indigenous Corporate Solutions Limited).

## **3 Introductions of those in attendance**

See separate attendance list.

## **4 Presentation (Mike Jebson)**

### **4.1 Background**

- Explanation of collaboration between the various government departments.
- Wise management of water from mountains to the sea – which freshwater bodies are being focused upon in this water programme of action:
  - urban water supply not covered in this programme.
- We need a healthy water system for all dimensions and values relating to water – social, cultural, spiritual and economic, environmental.

### **4.2 Two major issues**

- Allocation: taking of water- Demand is still increasing for farm irrigation and energy needs; Waitaki River is an example of those pressures – the Government has already stepped in to address some of those issues.
- Water quality: declining Mike gave a background of his own experience of declining water quality in the streams he enjoyed in his upbringing, and the value of water in terms of his family's farming background in the Canterbury Plains.



This discussion document and the water programme reflect some 18 months of initial thinking around what the problems are and some proposals and ideas. The next stage is testing that thinking, and that is why we are here today. If there are other problems or other ideas, we value your feedback.

Some of the ideas were tested with stakeholders (eg, fishers, farmers, Māori); a Māori reference group was established to bring some wise heads together to get some preliminary advice.

### **4.3 Possible solutions: ideas for a new approach? (Rebecca Martel)**

#### **(a) Providing national direction**

Some ideas are:

- to make use of RMA provisions for national policy statements and national environmental standards (eg, how much water should stay in a lake or river – currently there no national policies or standards)
- government targeting where it gets more directly involved in water management – identifying the ‘nationally important’ water bodies (eg, government has already become involved in issues around the Rotorua lakes and Taupo, and Waitaki). It is not proposed that the Government step in and take over water management.

#### **(b) Central government involvement**

Central Government could become more involved in developing best practice information and sharing around, funding, pilot programmes.

#### **(c) Working together**

- Raising awareness – education
- Building relationships with Māori:
  - iwi relationships with local government
- Pilot programmes (eg, Lake Taupo – co-operative approach, sharing information).

#### **(d) Providing more tools**

- Current first in first served might not be appropriate anymore. The discussion booklet sets out some ideas around auctioning and tendering of water.
- Transfer of water permits and consents.
- Local government prepares plans.

## 5 Discussion

### 5.1 George Ryan

It looks as though we are moving towards a property right, if I buy something, I own it and can sell it, this is totally wrong for our waterways.

Our water is over allocated and the quality is terrible.

Mitigation: throw that word out. It's a slow fix – we want solutions.

Our rivers and lakes are polluted by algal bloom.

Local government has poor control, it is under resourced, and under-manned, by the time they get to the source of the complaint; they cannot do anything about it.

Some one should be fronting up to keep our waterways clear.

If water looked at through a cultural perspective, there would not be half the problems today. Our old people said if you look after the water and the land, they will look after you. The main focus should be on cultural protection because this is about looking after the river and the life within it. Also, water should go back into the river, not somewhere else.

### 5.2 Mike Skerrett

Māori take a holistic view, Mike referred to the photograph of the Waitaki River, and the practice of councils putting in flood protection schemes. The Ōrete River meandered from time to time, now there are flood channels in which the river is being controlled. Because of this, year after year, habitat/ecosystems, eeling spots and fishing spots are changing. When the river is confined (by flood protection schemes), the river digs in and the habitats dry up.

Through gravel extraction, we are trying to replace what has been lost. Populations of some birds nesting up the river have disappeared over the years. It is not good practice to be narrowing and confining rivers. Rivers don't naturally go straight, they like to meander. Birds like to settle on the river beds in protected areas – to keep cool and to feed. These areas are just not there.

*Mike Jebson:* there is a lot of nutrient in the water now. River levels and flows also affect the plant life in and about the rivers.

### 5.3 Mike Skerrett

Mike supports the need for central government to become more involved. Local authorities need strong direction to guide them, and that links to more central government involvement in the annual planning process. Otherwise, each council develops their own understanding of water – with four different approaches to one resource.

Environment standards – be careful that they don't limit us. This idea has the potential to be dangerous.

There will be a concern if water standards are set too low. If the quality of the river (such as Mātaura for example) is not good, and the low standards are able to be met by consent applicants, this then leads to the continuation of the poor quality of the river. Some water is not safe to swim in, and kaimoana is not safe to eat.

#### **5.4 Mike Skerrett**

Asked about national water bodies of importance.

*Mike Jebson:* Central government has had a first cut of trying to assess national significance of water bodies. Councils don't necessarily take into account national significance of water bodies when making decisions. This is not just a section 6 RMA issue, though this is an important factor. There are many factors that could go towards national significance – geological features, economic uses (hydro).

Mike Jebson acknowledges that each iwi has its own sense of which water bodies are significant to them.

#### **5.5 Mike Jebson**

Raised a question about standards – should the focus be on getting all lakes and rivers up to standard of swimming, eating?

#### **5.6 Mike Skerrett**

Yes. We need to think out generations. It is not sustainable to carry on what we are doing.

On the issue of building relationships – this is going well down here. We have Te Ao Mārama, adapted from the Tūrangānuī a Kiwa experience. There is resourcing for runanga, so they can act as a link with council.

We have a roopu Taiao which has regular quarterly meetings. It is a political group with representatives from each runanga and from each council.

Policies and consents are discussed. The ongoing working relationships with councils have done us an enormous amount of good. We have a charter of understanding. And now with the extra provisions in the LGA, we already have a forum in place.

#### **5.7 Arnu Turvey**

Are there any obvious benefits of this good relationship?

## **5.8 Stewart Bull**

There are many positives, but there is a need to formalise those relationships in case personalities change. Social interaction is important – you build friendships and gain a better understanding of each other.

## **5.9 Mike Skerrett**

Councils have told me of the enormous value of having Stewart on their committee.

## **5.10 George Ria**

There are costs involved where a council's relationship is not good with iwi (eg, court costs).

## **5.11 Mike Skerrett**

Iwi must be involved in the planning process (permitted uses), in the consent process, otherwise money talks and Iwi cannot continue to participate/challenge.

We must be sure that we don't end up in the Environment Court poorly resourced. This may set a bad precedent for everyone else. That is why policy and rules and so on must be right in the plans, and a good relationship helps with this.

Water quality – Mike Skerrett has 'before and after' photographs of a stream that had riparian planting – rushes etc overhanging a stream, in the 'after' photo, it was all open at exactly the same spot, all the rushes were gone, the stream was wider, and there were several quality issues including temperature.

With regard to the run-off of nutrients – this causes growth in the streams which lowers oxygen levels. Mike is convinced that there is no need for anywhere near the amount of topdressing that is being done. Mike relayed a story about a friend who adopted good farming practices – carried out soil testing, against phosphate – and he enjoyed good results. This 'best practice' approach to land management will improve the quality of the rivers and waterways.

In Lumsden, Winton and Clifton sewage is discharged right beside rivers. To avoid this, you need approximately 200 hectares of suitable lands, and costs are huge. So, practically, we need to get treatment systems as good as possible.

Getting back to water standards, some of the standards give users a bit of license to behave the way they do. We need to tighten up the water standards as a way of addressing this.

## **5.12 Stewart Bull**

Supports what has been said.

Supports the idea of national policy statements to ensure consistency and provide clear direction.

Water standards – we need to set these as high as we possibly can – until we can go into rivers and drink the water – that is the standard.

As a Māori – in terms of kaitiakitanga, and rangatiratanga, I cannot say ‘go and help yourself’ to the resources, I say “don’t eat that, don’t go there” because of the pollution. This is embarrassing.

Waterways are the bloodlines of Papatūānuku, we cannot allow them to be dirty. They are all connected.

The tsunami felt in the South Island shows us that the waterways throughout the globe are all interconnected too.

Riparian planting is one important area that we need to improve. Titi Islands –still very much in natural state, and allows us to see what the water should look like.

In terms of trading consents, he agrees that those with money (multi nationals) will be the ones who secure the rights, we cannot compete with them. This must not be allowed to happen.

Resource rentals could play a role in encouraging people to be more careful with water use, and the volume applied for (in anticipation that it will become a tradable commodity in the near future similar to what happened in the fishing industry). We don’t want people hording water permits only to build up water rights for future allocation. This must not be allowed to happen.

Better monitoring of water use is needed, though he does not think there is abuse of water in Southland, it is more an issue that there is not enough water to go around.

Mitigation – this is an area that needs to be looked at more carefully – water is compromised. Money seems to be an issue here.

In the south the advantage is that there is one iwi. Language should be focused on iwi/mana whenua rather than Māori.

Stewart has read the discussion document and noted that it is laid out well and was easy to read. He likes the direction it is taking.

### **5.13 Mike Skerrett**

Currently in the consent process for allocation – you can only use the water for a particular purpose and that needs to be kept.

Pump tests are used to gauge use. This can determine what people are using and cut backs can be made.

### **5.14 Tiny (Graham) Metzger**

Growing up, there were ample amounts of mussels, he was told that if Pakeha continued to dispose of tutae (human faeces) (Councils and towns put their tutae into rivers), in time there would be no kelp and we would lose that resource. This has come true. On Tītī Island they practice tikanga of disposal onto land. Now, water is polluted. Māori may not be considered scientists, but many of the species have disappeared. We observed the life in and about the rivers and knew when our rivers were healthy. We do not see these plants and fish now.

Until central government make a rule prohibits tutae from going into water, we are never going to reach our targets.

### **5.15 Stewart Bull**

Does not support putting a cap on discharges, this merely puts a target to aim for and discourage improvement. This is the same thing in quota management system.

### **5.16 George Ryan**

Low flow in the rivers – average should be set, so that once that is reached, there is no way they go past it for whatever purpose. He has heard talk about 50% below mean low flow as being acceptable – this puts the whole environment (particularly native fish) in danger.

The discussion booklet talks about economic use of the water – there is a proliferation of dairy farming in and around Southland, this takes a lot of water.

The native aquatic species have first right to the water. The cows come in on a truck. They can go out on a truck. The native species have nowhere else to go.

### **5.17 Mike Skerrett**

A Water Conservation Order is supposed to help protect the river, but – no matter how low it goes, there is no bottom line, and there should be.

*Mike J* – questions whether Water Conservation Order allows taking for irrigation or stock?

*Mike S* – there is no minimum low flow.

We are trying to have a cut off point. But this is really difficult. A lot of research has been done and is being done on the aquifers, bores, and links to rivers. The Regional council is now taking a conservative approach. Irrigation has only come in the last couple of years down here. There are a number of questions and debates about where water should be taken from – rivers? If taken from aquifers – then should they be deep or shallow? It was acknowledged that this is a complex issue particularly where aquifers are linked to rivers.

### **5.18 Stewart Bull**

Should we be looking after our aquifers more?

### **5.19 Rodney Ryan**

Water allocation should not be transferable – to do so would bring the value of the farm being sold up higher if they have a water right.

Farmers should be encouraged farmers to conserve water and to get their own water supply – leave the rivers alone.

### **5.20 Mike Skerrett**

Mike knows of one crop grower who is making steps towards this, he has a pond to accumulate and store water.

### **5.21 Stewart Bull**

Water management – yes the economy is to be taken into account, but it always seems to be the water that is compromised.

It is a resource to be used, but we must focus on the *health* of the water first, rather than the health of everything else.

Mouths of rivers tell the story of what is happening, that is where testing should take place. ‘Ki uta ki tai’.

### **5.22 Tiny**

That is where the environmental indicator is, not in the test tube, at the mouth of the river. If this water is clean – then everything up stream is good.

### **5.23 Dwane**

Supports what has been said, we should be able to drink out of the river. A national policy seems like a good idea for consistency.

## **6 Summary and conclusion**

### **6.1 Mike Jebson**

Outlined some of the key messages and themes and wisdom imparted to us:

- Water is about connectedness, land, sea and mountains, and it is all one system.
- Issues with water – some good and some bad.
- Relationship here between iwi and council is a good model when compared with other parts of the country.
- National direction and consistency is needed.

- There are concerns about environmental standards being set at lowest common denominator – they need to be set higher – to enable swimming, eating and drinking.
- There are concerns about trading – but there may be a role for resource rentals.
- We need to do more to work with farmers – to encourage better management and water use – such as riparian planting.
- There are problems with the engineering of rivers (eg, stopbanks), and the impacts of this.
- There is concern about the creation of property rights – and concern about accessibility.
- The health of the water must be prioritised over other concerns.

## 6.2 George Ria

The “Māori way” talked about today is essentially a ‘common sense’ way which promotes balance in the environment. George referred to a lecture by Whatarangi Winiata on tino rangatiratanga who explained Te Ao Māori. According to Winiata, when Māori travelled from Rangiātea the most important ingredient brought across was not food supplies, but intelligence and knowledge – so that when they got here they could survive while still retaining the environment to keep them alive.

Our task now is to take your comments to help those who make policy to understand this ‘Māori way’.

George acknowledged the good relationship that iwi here have with councils and noted that in his own experience, bad relationships with iwi costs council and talked about the important role of Māori who understand the mechanics within Councils and within Government.

## 7 Closing kōrero (Mike Skerrett)

It is good to see the different government departments working together.

Karakia 4.20 pm.



# **Consultation hui: Freshwater for a sustainable future: issues and options (Karitāne, Dunedin, 11 February 2005, 10 am)**

## **1 Karakia/mihimihi (Edward Ellison)**

## **2 Introductions**

Mike Jebson, Rebecca Martel, George Ria, Graeme Elliott (Ministry of Agriculture & Forestry); Arnu Turvey (Te Puni Kōkiri); Livia Hollins (Ministry for the Environment); Willie and Linda Te Aho (facilitator and minute secretary – Indigenous Corporate Solutions Limited).

## **3 Introductions of those in attendance**

See separate attendance list.

## **4 Presentation (Mike Jebson)**

### **4.1 Background**

- The Water Programme of Action has been led by the Prime Minister and involves a ‘whole of government’ approach.
- The programme involves freshwater from the mountains to the sea – this programme focuses upon certain freshwater bodies:
  - urban water supplies, and fisheries management are not covered in this programme – but links to these issues are recognised.
- This programme is about improving how we manage water which is a fundamental resource.
- We need a healthy water system for all dimensions and values relating to water – social, cultural, spiritual and economic, environmental.
- This discussion document and the water programme reflect some 18 months of initial thinking around what the problems are and some proposals and ideas. The next stage is testing that thinking, and that is why we are here today. If there are other problems or other ideas, we value your feedback. This is not a sham consultation, we are here to listen.
- Some of the ideas were tested with a general stakeholders group (eg, fishers, farmers, FOMA); and a Māori reference group was established to get some preliminary advice.

## 4.2 Three main issues

- Allocation – involves taking of water, as well as issues around how much water should remain in rivers. Demand exceeds supply – there needs to be much wiser use.
- Water quality is declining – Mike gave a background of his own experience of declining water quality in the streams he enjoyed in his upbringing, and the value of water in terms of his family's farming background in the Canterbury Plains.
  - Examples of acute cases (eg, Rotorua area), affected by bugs and algal bloom, if we don't do something about this, this will become the norm.
- Water bodies of national importance – this issue needs to be tested more with communities. What are the nationally significant water bodies that the government can step in and provide assistance with – as it has in Waitaki, Taupo, Rotorua, Rotoiti?

*Note:* The ideas that we have come up with to date, do not involve the Government taking responsibility away from Regional councils, but to provide assistance.

## 4.3 Possible solutions – Ideas for a new approach? (Rebecca Martel)

### (a) Providing national direction

Some ideas are:

- to make use of RMA provisions for national policy statements and national environmental standards – this would allow priorities for water management and environmental bottom lines to be set upfront (eg, how much water should stay in a lake or river – currently there no national policies or standards)
- government targeting where it gets more directly involved in water management – identifying the 'nationally important' water bodies.

### (b) Central government involvement

Central government could become more involved in developing best practice information and sharing around information, funding – this can be barrier to both councils and iwi, pilot programmes.

### (c) Working together

- Raising awareness – education.
- Building relationships with Māori:
  - Improving iwi relationships with local government eg improving regional council uptake of Māori participation; training, funding, capacity building – we would like to hear your views on this.
- Pilot programmes (eg, Lake Taupo – co-operative approach), sharing information.

#### **(d) Providing more tools**

- Current first in first served might not be appropriate any more. The discussion booklet sets out some ideas around auctioning and tendering of water.
- Transfer of water permits and consents.
- Local government prepares plans – local authorities could be required to prepare a plan concerning water issues.

## **5 Discussion**

### **5.1 Edward Ellison**

Edward has read the document and he has not seen any reference to ownership of water, is the Crown claiming ownership or is it claiming its right to make laws to manage the water? This is an important point for tangata whenua.

*Mike Jebson:* The Crown is exercising its responsibility for proper management of water, not changing the current understanding of ownership of water. Mike referred to the Meridian judgment in relation to Meridian's permits to take water from the upper Waitaki River and whether that gave exclusive rights. The judge's decision leaned towards more a right.

### **5.2 Edward Ellison**

National policy statements pose risks for tangata whenua, often these interests are at a hapū/iwi level and a national process might override many of those critical interests. Water is integral to identity and wellbeing locally. Our local characteristics need to be reflected in any water plan.

Local councils will welcome guidance. Their systems have not worked and it is difficult for them to change – there are all sorts of challenges and pressures politically – that is the nature of the council beast. The government should be applauded for taking this step – regional councils do need to come back into synch.

Sections 6(e), 7 and 8 of the Resource Management Act (RMA) are great tools for achieving Māori aspirations, but performance is variable in meeting those provisions. Although the RMA was passed in 1991, it was not until the Ngāi Tahu Settlement Act and apology that we saw a real change in attitude by councils.

### **5.3 Gail Tipa**

The use of the terminology 'nationally significant' can cause difficulties for Māori. Even agreeing upon what is regionally significant can be difficult.

*Mike J:* We acted upon strong advice not to attempt to presume what waterways would be of national importance to iwi.

## 5.4 Gail Tipa

I am aware that with such a ‘high level’ document – the flavour needs to be ‘warm and fuzzy’, my conviction is ‘regional before national’ but in reality, local politics can result in bad planning. The national role could be monitoring implementation of the RMA and statutory plans.

*Mike J:* During the review of the RMA a recommendation came through regarding the need for monitoring – and the Government is exploring a role the Ministry for the Environment to take a stronger role in monitoring the performance of councils. There is also Audit New Zealand that monitors performance of councils.

## 5.5 Edward Ellison

Is there an international aspect to the concept of waters of national importance?

*Mike J:* We are focusing upon work done at a national level, and we want to test those approaches first.

## 5.6 Edward Ellison

One of the key things to encompass indigenous issues would be to give effect to the *mauri* of waterways. This concept/value is integral and should be promoted as such as a result of this consultation process.

## 5.7 David Parker (MP)

I am a bit suspicious of the concept of national importance, water quality will be deemed to be important in some areas, and not in others, and some areas might be left out. All waterways are important and need to be of a high quality. The waterway most important to me is the one closest to me. The concept of nationally important waterways is a very limited concept.

On the issue of ‘first in first served’ – this has become irrelevant because there is nothing left to serve, let’s not get embroiled in this debate because there is no water left.

## 5.8 Edward Ellison

There are difficulties with the first in first served process – one difficulty is that everything has an incremental impact. First in first served reinforces inadequacy. It is difficult to address issues with individual consents without being able to step back and address the whole catchment.

*Mike J:* There seems to be a gold rush on water permits – people trying to get into the queue. There are also some difficulties with clauses in old legislation (eg, mining acts).

## **5.9 Gail Tipa**

The council's mentality is to grant consents without guaranteeing that the water will be there.

*Mike J:* Councils have to be mindful of new privileges being issued if they will impact on existing privileges.

## **5.10 Gail Tipa**

Environmental bottom lines become ecological bottom lines which is usually a fish survey. Can we introduce and start talking about community bottom lines – what is acceptable to the community? This links to allocation issues.

In the area of 'providing more tools' – cultural should be in all of those boxes.

*Mike J:* Understands that in this area of the country, there are few bottom lines with respect to minimum water flows.

## **5.11 Gail Tipa**

There are default mechanisms for minimum river flows that implies that all rivers have same standards, and they do not.

I notice that you said you are leaving urban out of this – this should not be the case.

Our rūnanga focuses on irrigation. Irrigation restrictions will come on, but there will be no restrictions on hoses in Dunedin city, so rose gardens will become more important than farmers' livelihoods.

*Mike J:* This is really a scale issue. There needs to be more education around efficient use and conservation.

## **5.12 Edward Ellison**

If people were required to put in water tanks, they would be so much more aware of their use.

## **5.13 Raewyn Harris**

Raewyn agrees with the usefulness of tanks, but notes the lack of common sense regarding the lack of conservation and recycling of stormwater.

## **5.14 David Parker**

I don't agree that councils don't have the tools. They have the tools, but they don't use them. Some of them don't enforce their own plans. All the tools in the world are useless if you don't use them. Funding of regional councils is adequate, they have a funding base, they can always strike more rates. Otago's water quality is declining tragically, but it is one of the richest councils in the country – money is not the problem.

### **5.15 Edward Ellison**

They put it into Carisbrook rather than the environment.

### **5.16 Gail Tipa**

Council have allocated when the streams and rivers are dewatered – they don't actually know what is going on.

### **5.17 David Parker**

Concerns about tradability of water rights – they may lead to sensible decisions but could entrench bad practice because you create a property right which makes it more difficult for the community to change the bottom lines. The Upper Waitaki is already fully allocated so none of local community can get allocation. If tradable rights are introduced – would they always be faced with Meridian's rights unless they are able to buy from them.

### **5.18 Edward Ellison**

Cross mixing is an issue – it links to mauri, but it can be a tool.

*Mike J:* Acknowledges this is an issue. Some iwi have been prepared to compromise and others have not. Many Pakeha find this difficult to understand. This issue came up in Wanganui, and the Tribunal recognised this when limiting Genesis's consent until these issues worked through with iwi.

### **5.19 Edward Ellison**

Councils have not been giving effect to sections 6, 7, 8 of the RMA. Some of our settlement processes have been about improving the performance of councils.

### **5.20 David Parker**

Global warming – there is debate over whether the Kyoto Protocol will make a difference, but there is not much doubt that there is global warming occurring and our short run rivers are drying out, and this will put pressure on our long run rivers for future irrigation.

Questions about mixing; where the water is being used in a catchment are taken and transported for irrigation – is this a problem as opposed to a river running into another river? This is an important distinction to capture.

### **5.21 Edward Ellison**

Where water has been cleansed on land there may be no issue, it is where it goes directly from one water body into another that is the major issue.

Note: District council staff left at 12.22 pm.

## **5.22 Raewyn Harris**

Rangitata was completely dry and there was talk about bringing water from Rakaia to Rangitata.

## **5.23 Edward Ellison**

These are things that we need to discuss to raise awareness.

## **5.24 Gail Tipa**

There is some natural cross mixing when rainfall in one catchment mixes in with another watercourse due to aquifers.

## **5.25 Hine Forsyth**

However, in this example, this has been cleaned by the land.

*Mike J:* The Rangitata Diversion race involves direct mixing. But with some of the newer proposals for water storage – if design matches natural processes, can this address mixing issues?

## **5.26 Hine Forsyth**

Can this island sustain this amount of changing the use of the land?

*Mike J:* We have some win/win situations, such as reducing the nitrate in grasses and the Fonterra Clean Streams Accord. We aim to get economic performance from farmers but not at the expense of the environment.

## **5.27 David Parker**

There is a poor level of understanding of what landowners have the right to do. And the lobby groups are strong. Some of what people do is absolutely wrong. It is not a problem with the legislation (eg, no right to non-specific point discharge beyond boundary).

## **5.28 Hine Forsyth**

We had a unique piece of land, and we have changed the nature of the land by putting animals on it – plants have not been able to adapt quickly enough, nor have the water ways. Has this been signalled to people?

*Mike J:* Some work has been done on biodiversity that looks at some of these issues.

## **5.29 Hoani Langsbury**

In terms of commercial activity – shouldn't the responsibility be on the commercial industry/polluter to improve water quality themselves. Their argument is that water is already at a poor quality, and why should they be responsible for actions upstream?

*Mike J:* There are reasonably good tools in the Resource Management Act already, one problem arises with historic discharges.

## **5.30 Edward Ellison**

Extra study is needed to find models for efficiency that address quadruple bottom lines.

## **5.31 David Parker**

The term 'efficiency' is far too narrow. With more expensive forms of irrigation there are higher energy costs, and to be viable, the farmer has to get greater returns, which in turn requires higher numbers of stock etc. The consequences are negative for water bodies.

The issue of minimum flows – set by the regional council – is a partly political issue – which might get worse with transferable rights.

## **5.32 Edward Ellison**

On the issue of transferable rights – the question that will arise is whether or not a formal property right is being developed?

## **5.33 Mike Jebson**

- These could be based upon existing permits or equity issues.
- Currently there are no mechanisms for applications for water permits for water to stay in the river (eg, rafters).
- The issue of resource rentals was discussed at Invercargill this might be a way of recognising the value of water instead of tradable rights.

## **5.34 Edward Ellison**

A strong regime for managing water is preferred. I am more interested in accuracy in terms of allocation – and the efficient use of water. Also supports more work being done on the concept of 'polluter pays'.

## **5.35 Hine Forsyth**

This concept of polluter pays should be in tandem with a prohibition against pollution.



### **5.36 Mike Jebson**

This will only work if the levy is strong enough to influence behaviour. The other system being explored in Taupo is the targeted reduction of human managed nitrogen going in to the lake (ie, capping how much nutrient they are prepared to accept in the lake, along with taking some of the land out of agricultural production over time).

*Hine:* Are they looking at what the farmer can afford?

*Mike:* Water quality is still quite good and they want to maintain that quality. Taking action now for the future – collaborative programme with Tūwharetoa, regional council and central government.

### **5.37 David Parker**

That is great for Taupo – but it should not be used as a model for the rest of the country, it seems to accept that farmers have a right to discharge nutrients at certain levels. Also, the taxpayers from across the country are subsidising the clean up in Taupo (\$26 million) – to apply this model to the rest of the country would cost billions of dollars.

### **5.38 Haines Ellison**

Haines agrees that there are issues regarding allocation. Councils are allocating water without actually guaranteeing that there is or will be water there in future.

### **5.39 Lorraine Nelson**

Information has been sought about what has been taken from certain sources, and the council has been unable to provide that information. Kai Tahu ki Otakou (KTKO) would like this information for its own database.

### **5.40 Mike Jebson**

Mike referred to the positive experiences shared at Invercargill in terms of relationship between iwi and local authorities. What is the relationship like in this area?

### **5.41 Gail Tipa**

The CEO has directed staff of regional council not to meet with Gail. What Gail is seeking is for her rūnanga to have a role in the monitoring of resource consents.

### **5.42 Lorraine Nelson**

Otago Regional Council relationship is getting better with KTKO.

Quality and quantity issues are very critical in this area.

### 5.43 Edward Ellison

There are plans to look at enhancing relationship between council and iwi, and for ways in which Iwi can provide advice on the review of water plans. Ngāi Tahu has asked to be involved in monitoring.

During discussion on this issue, it was noted from the floor that Ngāi Tahu has not been involved in monitoring or implementation of the plans to date.

### 5.44 Gail Tipa

Ngāi Tahu looks forward to a better relationship with the CEO.

### 5.45 David Parker

David referred to the language in the presentation there is 'not enough water to meet everyone's needs'. David thinks there is enough, but not enough to meet everyone's *desires*. There should be caution with the language here. There are hierarchies of different needs.

Pilot programmes are a good way of experimenting with things that work, all regional councils should have to have pilot programmes in their own areas to fix obvious problems (eg, estuary) here. The Taeiri is another. It is incredible that you cannot swim in large parts of the third biggest river in Otago (Taieri).

### 5.46 Edward Ellison

Iwi management plans – always strongly supported these plans. This has been reviewed and will be coming out in March. We would like our iwi plans to be reflected in other statutory plans. We hope our efforts will bear fruit.

### 5.47 Gail Tipa

Statutory plans must be part of a planning cycle. But they are not. There is no cycle that the community can really take part in. There must be an iterative planning cycle.

Gail likes the mechanism whereby Audit New Zealand can go in an audit performance.

### 5.48 John Ellison

Does not support grading waterways – tīpuna viewed that all creeks, streams, rivers are arteries of Papatūānuku. In human terms, the vein in your toe is as important as the ones in your heart. Similarly, grading of waterways is exclusive rather than inclusive. All water is connected.

National policy statement could be a stepping stone to regional policy statements. He is unsure about these on the basis that guidelines that might work in the Waikato, may not work here.

Mauri – perhaps our thinking needs to change to think about the spiritual side first and the physical side will look after itself.

## 5.49 Hoani Langsbury

In terms of the discussion regarding tank supply – in Hoani’s own experience, it is not a large shift for urban areas to become far more efficient in their use of the water.

# 6 Summary and conclusion

## 6.1 David Parker

Everyone understands that there are big issues facing us which are not easy to fix.

One thought to emphasise – increase of nitrate application gets 50% worse every two years. If we are going to rely upon national policy statements, new laws etc we are going to miss the boat.

We already have a regional plan, and existing laws need to be applied.

## 6.2 Mike Jebson

Has heard:

- support for some tools like national policy statements, but recognises that they should not be one size fits all – they would be tools for guidance and direction
- about the political pressures in relation to water management – and that there is a role for central government to be involved
- issues around *mauri* – and the mixing of waters
- the call for *community* bottom lines
- that this is both a rural and an urban issue
- that water ways are interconnected – they are the veins of Papatūānuku
- that Ngāi Tahu has been able to get iwi management plans up and running
- that water should not be graded.

## 6.3 George Ria

The Resource Management Act and the Local Government Act have the mechanisms that *require* that iwi must be involved.

George explained the interaction with the sustainable development framework and how we need to look through more than the economic section.

## **6.4 Edward Ellison**

This has been a productive hui. One key thing the RMA has achieved has been an awareness not to discharge human effluent into our waterways.

It has been pleasing to see David Parker, MP and his contribution is valued.

It was good to see district council represented at this hui as well.

Closing karakia 1.32 pm.

# **Consultation hui: Freshwater for a sustainable future: issues and options (Far North Community Hall, Kaitaia, 14 February 2005, 6 pm)**

## **1 Karakia/mihimihi (John Matthews)**

## **2 Introductions**

Paul Reynolds, Rebecca Martel, George Ria, (Ministry of Agriculture & Forestry); Suzanne Doig (Te Puni Kōkiri); Livia Hollins (Ministry for the Environment); Willie and Linda Te Aho (facilitator and minute secretary – Indigenous Corporate Solutions Limited).

## **3 Introductions of those in attendance**

See separate attendance list.

## **4 Presentation (Paul Reynolds)**

### **4.1 Background**

- The purpose of this enterprise is to improve water management in our country, this is a complex and difficult area to work with – there are different streams, cultural, economic, social and environmental and some times they compete with each other.
- Water is the lifeblood of our community – we drink it, we eat from it, we make money from the use of it, we swim in it – so the management of it is vital.
- Officials from right across government have been involved in the thinking so far – and it must be emphasised that these are initial thoughts – this is the beginning of the work and we are asking for your feedback.
- Two reference groups have been involved in the initial stages – stakeholder interest group and a Māori reference group (this is not a consultative or representative group – it is there to provide advice).

### **4.2 Programme**

The programme involves work in three areas:

- Water quality is declining:
  - Examples: Lake Taupo, Lake Rotorua, Lake Rotoiti – iconic waterways to New Zealanders.
  - Intensification of agriculture has an impact, more fertiliser is being used, more stock.

- There are places where we know it is no longer safe to swim, mahinga kai are affected and the mauri is affected.
- Allocation: there isn't enough water to go around – demand is not going to decrease:
  - How much to allow to be used for different purposes, how much should remain in waterways?
  - Wasteful use of the resource.
- Water bodies of national importance: important for a number of reasons:
  - When should central government get involved? Often central government is reactive and perhaps could be more proactive. What are the priorities?

### **4.3 Possible solutions: ideas for a new approach (Rebecca Martel)**

#### **(a) Providing national direction**

Some ideas are:

- water management is largely the responsibility of district and regional councils, but there is scope for central government to become involved via the Resource Management Act provisions for national policy statements and national environmental standards – this would allow priorities for water management and environmental bottom lines to be set upfront (eg, how much water should stay in a lake or river – currently there no national policies or standards)
- Government targeting where it gets more directly involved in water management – identifying the 'nationally important' water bodies.

#### **(b) Central government involvement**

Central government could become more involved in local issues – developing best practice information and sharing around information, funding – is this a barrier to councils and iwi? Pilot programmes, by making submissions on regional plans.

#### **(c) Working together**

- Raising awareness of the importance and scarcity of water and education about water quality problems.
- Building relationships with Māori.

*Suzanne Doig* (TPK) spoke on the issue of “enhancing Māori participation”. One of the proposals in the discussion document is to provide guidance for better engagement with Māori – not just on water issues, but more broadly. Two main issues that have arisen during the RMA review process and earlier hui on the Water Programme of Action are:

- poor relationships in many areas between councils and iwi/hapū, and
- capacity and capability issues.

Rebecca continued with the presentation:

- pilot programmes (eg, Lake Taupo – co-operative approach, sharing information).

**(d) Providing more tools**

- Current first in first served might not be appropriate anymore. The discussion booklet sets out some ideas around auctioning and tendering of water.
- Transfer of consents and discharge permits.
- Local government prepares plans – local authorities could be required to prepare a plan concerning water issues.

## **5 Discussion**

### **5.1 Will Stensness (Ngāpuhi Taumatua Kaumatua)**

- Will is here from the Hokianga.
- Will provided containers of water samples – ‘this is my monitoring – this is what we deal with every day – take some for John Carter to drink’.
- Wanted to talk to Marian Hobbs, she is the organ grinder – it is disgusting that we have such a major problem and the Minister does not front up – I hold her responsible for misappropriation of funding for 13 years – the funding is not being used in the right places to actually benefit our waterways.
- 95% of our waterways in the Hokianga are polluted – this includes Lake Omapere, and 95% of all water in New Zealand is polluted.
- We have been battling with the council for years and we have got nowhere.
- Limited funding has been provided from council to assist with our efforts – we do things voluntarily including the establishment of our youth groups to plant waterways.
- I do not trust the council to do anything – we do not feel safe working with them, they are a band of crooks.
- Toxins and tūtae continue to be discharged into the Hokianga, if we stopped today, it would take seven years for it to come out of the kaimoana.
- It is unsafe to swim in these waterways.
- We don’t want to keep talking about this issue, we want action – Ngāpuhi Kaumatua want some action. I am sure that we will sit here tonight, our kōrero will be recorded and it will go onto another shelf – to be ignored.
- We have set up programmes in our harbour with no funding, while officials in Wellington are earning fat pay packets and continue to do nothing.
- Has attended international conferences in Colorado – this is a global problem – but we will not give up.
- In some places the RMA is being enforced, not here – dead cows in the waterway, and yet the so-called ‘caretakers’ for our land, air and water do nothing.
- Every farmer in this country that allows our water ways to be polluted is in breach of the RMA.
- We wanted to take tourists down our river, and we have ended up being environmentalists because the water quality is getting worse and worse.

- I am angry, I have been dealing with these issues for too many years, I don't want payment, I want clean water from which I can eat oysters with my mokopuna.
- The RMA was put in place, it is a beautiful document – but it is not being implemented.
- If this is supposed to be a hui to consult with Māori, then it should have been held on a marae, and it should have been advertised as such, then more of Will's kaumatua could have been present to give their valuable input. There is no wairua in a community hall, and there is no tikanga present. There seems to be a misunderstanding in the community that this was a *public hui* (not a consultation hui for Māori), and that Marian Hobbs would be attending.

## 5.2 Mike Wilson

- Provided further water samples in drinking bottles from different waterways such as Parapara (Taipa) and Coopers Beach.
- Our waterways are not suitable for swimming.
- I have a petition of 170 signatures regarding roading and the discharge of effluent.
- Some farmers are discharging illegally, some have no effluent ponds and no effluent permits and they continue to discharge detergents and effluent into our waterways – I have been trying to introduce 'ecobags' sponsored by Fonterra and Federated Farmers – this would reduce the need for some fertilisers.
- Our council does not listen unless there are 50 of us – I am willing to do their job.
- Everything I do is voluntary, and I do because I want clean water for our future generations. However, if the resources were available then it should be used to support the work that we are doing to keep our environment clean.

## 5.3 Andrea Panther

Andrea was part of team that brought some students from Ahipara School, our huge problem is our polluted river, our kids swim in it. We have had to become environmentalists.

I am not looking to blame the council, we all need to take responsibility – and many of us here do a lot of voluntary work. Why can't the council give us (the people who love the environment) the resources to turn it around?

The Fonterra plan for dairy farmers by 2012 will have 90% of waterways fenced, why can't that law be taken on board for all farmers (not just dairy farmers). Farmers don't seem to realise the effects of their animals walking in the waterways?

## 5.4 Stephen Lloyd

- Will has barely scratched on the problem.
- He has seen raw sewage being discharged directly into waterways (Kohukohu and Rawene).
- We need to look at the whole overall picture, not just the water, from the springs, the tributary – and the effects of causeways.



- Mangonui harbour – very poor water quality.
- Many species have disappeared (eg, parore, kohuru) due to poor water quality – fish like parore are sensitive to water quality.
- Council seems to be blind to illegal breaches of the RMA (no permits, no consents).
- Natural wetlands have disappeared.
- The RMA is a great act, I agree with *Will*, but it has been bypassed.
- Filth is being discharged from forest block near Otangaroa Marae – forestry also causes serious siltation when blocks are harvested.
- Cockles in the 1940s and 1950s – butterfish and other seasonal fish cease to exist simply because of poor quality of the biggest river (Oruaiti) into the smallest harbour.
- You come here from Wellington and tell us the submission closing date is in March – this issue is far more serious than that, we need more time, it is frustrating – and good people like *Will* might just give up.
- Oruaiti River – along that river there are precious places to us that have the mangroves. Now the mud stinks – this is no good.
- This is not just a Māori issue – what is good for Māori should be good for everyone.
- It is sad to see what has happened (to our water).
- The river has been narrowed in the interests of saving money, so when it floods, sedimentation occurs, Mangrove crabs have disappeared.
- This is a global issue, a vast issue, a serious issue.
- What degree of responsibility of councils and government in asking ‘where will the water come from?’

## 5.5 Jules Smith

Just been elected to Eastern Community Board, and it makes me shrink when I hear the comments about councils.

Three issues:

1. Something as precious as water should have national direction, not saddled to local councils. There needs to be national environmental standards. There needs to be national enforcement – regular audits of consent processes because the RMA is being interpreted differently.
2. I have 25 years of horticulture experience, where standards were enforced by marketers (eg, Fonterra should be brought in on this).
3. Most important, our responsibility – if we see something wrong, let us do something about it, let’s put signs up ourselves – let us get more proactive.

## 5.6 Pat Tauroa (Whangaroa)

When Far North District Council is issuing permits it does so on a basis that is isolated, but cumulatively this causes problems. We need to ensure that councils look at whole area, not just one property.

There is also a problem with non-notified consents – the council is not required to let the community see the consents.

Pat is disappointed with the discussion document – because, once again, Government is making generic solutions for urban populations not realising that the rural sector has totally different needs – it does not appear to cater for those of us who are dealing with the tiko in the Hokianga Harbour.

Why have we only got when one hui, when other areas have more hui?

The discussion document focuses upon allocation of a diminishing resource, it does not seem to give a lot of focus to the enhancement of the resource – that is more important than how much you are going to allocate to tourists on the Waimakariri River.

We need to put a moratorium on our waterways – that is where our Māori kai is – we need to retain our ability to gain our food sources this does not come under the heading of historic heritage.

## 5.7 Victor Senn (dairy farmer)

- There is a disparity in how councils are administering things.
- Bureaucracy involved with standards (eg, injections for cows).
- Here is another layer of government bureaucracy being set up – you should make the regional council do their job.
- Floods – you should know that there is a flood control plan here – floods do more damage than a lot of other things.
- Other areas like Rotorua are different, what works there may not work here.

*(Postscript: Following the distribution of minutes, Victor Senn posted a handwritten letter containing further comments. This letter is attached as Appendix A to these minutes.)*

## 5.8 Randal Stensness

- We hold Marian Hobbs (Minister for the Environment) responsible and her councillors for what is going on – they are drawing wages to do the job, but they are not doing their job.
- They are supposed to enforce the laws that are in place, here we are reviewing the Resource Management Act, when it is not being enforced (eg, effluent being discharged directly into the river).
- I have seen footage from 1973 that has solutions for addressing these problems – but they are still not being addressed.

## 5.9 Boy Yates

- Congratulated *Mike* and *Will* and others on their submission.
- With regard to the bottles of water placed on the table – will they be analysed and the results put in the local paper? Or do we have to wait until the consultation process is completed?

*George Ria* responds: Similar issues arise in my home area in Gisborne, the council is having problems also with the sewage going out into the bay. Water was brought into us and tested, and it wasn't from the source claimed. So it is better for the appropriate people to accompany you and test the water. What we can do is put your invitation to test the water to those people who can carry out this request.

*Boy Yates* (continued):

- funding is needed for those who carry out work in the environment voluntarily, while our councillors and parliamentarians are overpaid
- I speak about a rural area that has marae and churches who draw water from above and contaminated by dusty roads. It is not practical for the council to tar seal all the dusty roads, but it is practical to seal the areas where there are marae (villages) and churches under section 6(e) RMA. We have been told that this is a low priority – and we think it is racist. The Māori MPs must look at our submissions.

## 5.10 Terry Higginson

- Concern about the idea of putting water up for tender. This will remove the use of water from those with limited resources.
- No concern with transferring consents and discharge, but there will be major problems if money starts changing hands.
- In the headwaters of the Awanui catchment where there are houses and businesses – most of the sewerage systems, etc are down on the flood plains and it ends up in our harbours. You cannot take oysters out of there. We must take some responsibility for that too.
- Consent renewal – the discharge into Awanui River is not clean enough. No abatement notices have gone up. The water standard for waterways that are discharged into should be that the water is clean enough to drink.

## 5.11 Bryce Smith (Whakaminenga)

- Acknowledges that this is a hui for Māori and it is good to see our Pākehā partners here too.
- Tangata whenua – indigenous people of Aotearoa – ka hiki te kara (a national flag was raised):
  - Bryce spent some time speaking about history, including what is known as 'Declaration of Independence' and Te Whakaminenga, Te Tiriti o Waitangi, and early legislation such as the Native Lands Act and Tohunga Suppression Act.
  - Operating under a hapū system, waterways is one of our taonga.

- This hui should have been held on a marae according to our culture (Bryce invited the government to Waitangi Marae on behalf of the taumata kaumātua of Ngāpuhi, to talk with one another to discuss this issue – have no fear – the protestors are not from here, they are from the south).
- This discussion document has no tikanga in it either and so I am not interested in it.
- Opposes the theft of paru waterways, and opposes the authority of local government and central government.
- Cites Declaration of Human Rights article 25:
  - My people have been suppressed by Pakeha kawana (Pakeha governor) for generations, and this will continue for generations unless we do something now.

### 5.12 Ron Lloyd (Mangonui)

- It is obvious how important our waterways are by the range of people who have attended this hui.
- One of the most important things is social responsibility – that we have to one another, to the environment and to the natural resources.
- Issues relating to commercial and customary fishing are linked – we activated a *rahui* and gained a lot of support.
- There is a reluctance to enforce the Resource Management Act – unsure why, whether it is an issue of funding or misinterpretation – and therefore I don't have faith in many of the government agencies out there, or community boards. Why don't they function properly? This is why central government must be involved – to ensure that the RMA is applied fairly.
- Development in Mangonui (Paewhenua) – we are now starting to experience the effects of uncontrolled development – regional government must determine its responsibility.
- Appreciates the opportunity to have a say – but the people are out on the marae and he welcomes the government to come to the marae to talk to the people.

### 5.13 Rongo Benson (Te Rūnanga o Te Rarawa)

- Runs horticulture courses.
- Was not surprised that Marian Hobbs is not here (perhaps this was a carrot to lure us here), nor are any councillors.
- Everyone knows what is wrong – and when it comes to water samples, take one from out of the tap, it is supposed to be drinkable, we pay for it to be, and it is undrinkable.
- The solutions are simple really -fence off the waterways, plant trees, stop poisoning the land – give us funding and we will do the job.
- On the issue of tendering the water – commercialism is the biggest threat to the environment at the moment – this should step back a little bit.
- The most important thing is for us to have good healthy water for us and for our tamariki.
- We do not support pastoral irrigation – and there are problems with the first in first served process – there needs to be equality, if it is not sustainable, then don't have it.

- Water is needed for gardens and orchards but where enterprises want to export etc, then they may need too much – is it sustainable?
- Ahipara School has been working on a project for a long time to clean up its river.
- If this is a Māori consultation then it is in the wrong place – ask the iwi where they want to have it – on the other hand it is a good place if you want everyone to come.

#### **5.14 Tahi Morton (Northland Health)**

Tahi put a ‘health spin’ on the discussion – what we do on our land is reflected in our streams. If our streams are healthy, then we are healthy. You can get sick from cow tiko – and giardia is in our creeks – it is contagious and very hard to get rid of. E-coli 0157 80% fatality – ruins kidneys – comes from cows and maybe from sheep as well. Over the last few years, it has come here with the moving of cattle to the North. This is not to mention the disease that come from human tiko.

*(Postscript: Tahi submitted a Proposed Northland Recreational Water Quality Five-Year Plan. This plan is attached to these minutes as Appendix B.)*

#### **5.15 Ahipara School – principal, staff and students**

The Wairoa River runs at the back of the school and was once enjoyed for rafting, swimming, and baptisms. Now it is unsafe to swim in. The school has set out on a project to clean up the river and acknowledges the community’s support. The students are role models for their environmental work. All is not lost, there are some people trying to do something. There are people here who are angry, and passionate and this drives us. It has been great for our tamariki to hear what has been said tonight, and good to hear that this is such a huge issue.

##### **Presentation from the Ahipara School students regarding Wairoa River**

- Wairoa River was officially designated unsafe.
- However, the kids swam in the polluted river and got boils from e-coli.
- Landowners lost land due to erosion.
- There is less whitebait now.

*Aim:* to return the river to its natural state for families to enjoy in the future.

*Actions:* education and upskilling for themselves on technical issues relating to water; planting native riparian strips; clearing noxious weeds; information sharing (television, radio, newsletter, website).

*Future action:*

- A billboard to raise awareness, nursery for future planting, environmental education introduced into school curriculum, bush walk to restore activities.
- Community project – catalyst for the community to come together to work on this project.
- Established a Landcare group (to source funding).

*Results:*

- Council is now committed to investigate a small river feeding into the Wairoa, and has already diverted a stream around a dump.
- Permission has been given to fence the other side of the river.

*Website details:* [www.ahiparaschool.co.nz/cfs/wairoa](http://www.ahiparaschool.co.nz/cfs/wairoa)

## **5.16 John Kenderdine**

- How do people from Wellington feel when kids are doing their job?
- Agrees that water is the life blood.
- The economy is a subsidiary to the environment not the other way around. I insist that the economy depends upon the environment and not the other way around, until we accept this, we will see the further degradation of our waterways.
- The water programme of action has been going a year or so now and it is sad that it has taken so long for consultation to take place, it seems that a lot of decisions have already been made.
- The language in the document ‘enhancing, expanding’ etc – no action – we know the answers, but nothing is being done.
- No mention in document of stormwater or collection of water in tanks – in Queensland you cannot build a house without a tank. We need to conserve water, collect water, and not waste it. These issues are not addressed at all, what is focussed on are economic factors.
- National standards – one fear is that those standards will become *the* standard – people will settle for the lowest common denominator. Local governments must have the ability to have higher standards.

(John tabled a written submission on behalf of *Petara Ngātaki* who was unable to attend. This submission is attached to these minutes as Appendix C.)

## **5.17 Wi Katana Popata**

Wi started a waiata to support foregoing speakers.

Wi raised the issue of dusty roads around Oturu Marae – he urges the roads to be tarsealed, the refusal to do so is racist, if the council will not do it, allow someone else to do it.

A haka was performed to emphasise the importance of some of the kōrero.

## **5.18 Kaye McMillan**

Tourism – tourist operators use the waterways – Four-wheel drive vehicles are driven through our waterways – this is increasing and there are no apparent controls about how some landowners/land users use their land and the rivers, streams and tributaries. The natural aquatic life (eg, freshwater crayfish) within those waters is compromised.

### **5.19 Elsie Matich**

- We need water to live, we need fair allocation.
- Concerned that we are in a very narrow piece of the country if large amounts of water are taken out of the system, we could end up with salt in our system and we will not be able to function properly. We need to monitor, monitor and monitor. We need to know what is happening to our water supply so we can raise alarm. Regional council needs to monitor as well. Once something has happened, it is difficult to turn it backwards. There are more kinds of pollution than what we have heard about tonight – salt is a pollutant too.

### **5.20 Kristin Khaine**

Why does New Zealand want to increase the population when there is not enough water?

### **5.21 Wendy Sporle**

In identifying minimum flows in waterways – a conservative approach is essential – if we make decisions today we may realise that we have got it wrong.

### **5.22 Jim Clark**

The working party members are all associated with central government departments or programmes. The consultation process is directed at determining whether the local body authorities currently charged with fresh water resource management (under the Resource Management Act 1991) are best suited to continue this process or should central government become more involved. Would not the individual members of the working group (represented at the meeting) stand to benefit materially from greater central government involvement?

(The facilitator did not wish the question answered, but stated that the question would be included in the report.)

I am very concerned that the very people charged with making recommendations to government have a substantial conflict of interest because they have a vested interest in central government involvement. There does not appear to be any balance of representation in the working party from either local body representatives or other special interest groups.

I note that an integral part of the working party's brief is to find innovative ways to charge users for the water. By charging fees, the self-appointed central government agencies would create yet another government quango of dubious benefit and great expense. It would be good if the working party were to consider their circumstances and, should a conflict of interest be identified, excuse themselves from the party or, at least, appoint representatives to balance out the perceived self-interest. Otherwise the credibility of the report could be strongly contested by rural organisations such as Federated Farmers and New Zealand Fruit and Vegetables Growers.

### **5.23 Will Stensness**

Will traversed the legislative history of the RMA 1991 – for 13 years, the council have been able to breach it, what is the government going to do about this? You have my contact details – I want to know the answers.

### **5.24 Stephen Lloyd**

- Discharge into Oruaiti – has witnessed laziness and blatant breaches of the RMA.
- There could be television advertisements (similar to those about speeding, and smoking) to raise awareness about environmental issues.

### **5.25 Victor Senn**

New Zealand is high in rainfall, how much of it ends up in the sea?

### **5.26 Terry Higginson**

Referred to recent water testing that resulted in water off a property was unsafe to drink due to e-coli. He was told that 90% of waterways were polluted.

### **5.27 Randal Stensness**

Question – why, when water is in such a terrible state, we cannot eat our traditional kai, is our regional council spending precious revenue on marine farming?

(People from the floor congratulated the facilitation of the hui.)

## **6 Summary and conclusion**

### **6.1 Paul Reynolds – reflection on major themes**

- There are major issues of capability and capacity and funding.
- Problems with consistency of the regional and district councils and the behaviour of some sectors (eg, farmers).
- A huge voluntary contribution is occurring in the community – and the question why this cannot be supported by council.
- Sustainability – the need for holistic point of view.
- Plentiful evidence of the degradation that is occurring in this area.
- Role of central government – diverse views:
  - response to the question regarding central government. It is not in the game to increase its budget but to do something about water.



- Enforcement and monitoring – Paul recommended that this needs to be teased out further in submissions.
- Public notification in consent process – needs to be transparent.
- Different needs in rural area (compared with urban area) – for those who will make submissions, the differences could be identified in more detail:
  - *Will Stensness* – will these submissions be ignored in the same way as the foreshore and seabed?
  - *Paul* – this is consultation at the start of the process rather than the end.
  - *Will* – the words honesty and integrity should be seen somewhere.
  - *Paul* acknowledged that there is a lack of trust with regard to the council.
- Water should be drinkable
- There is a difficulty between economy and environment
- The presentation of the school students was compelling:
  - there was overwhelming support for the work and the presentation of the students – they need to be listened to.

## 6.2 George Ria

Hei whakakapi i te hui (closed the hui with the following words):

- We are many peoples walking one road.
- This was a hui to consult with Māori. It is sad that the richness of the Māori world did not come out tonight though it was touched on slightly. Having said that, what was said was important, but the stories and tikanga of Māori did not flow.
- George acknowledged the difficulty of Māori working in Government:
  - *Randal Stensness* noted his view that it is far more difficult to be unemployed in the Far North, and doing this work to look after the environment voluntarily, as opposed to being a well-paid government official. He would swap places any day.
- George is an uri of Te Kooti and he has lived and experienced the difficulties that many people have talked about tonight.

Closing karakia 9.30 pm.

## **Appendix – Kaitaia**

Add in if hard copy requested for public release.

# **Consultation hui: Freshwater for a sustainable future: issues and options (Whāngarei Terenga Parāoa Marae, 15 February 2005, 10 am)**

## **1 Karakia/mihimihi (Hohepa Rudolph)**

## **2 Introductions**

Paul Reynolds, Rebecca Martel, George Ria (Ministry of Agriculture & Forestry); Suzanne Doig (Te Puni Kōkiri); Livia Hollins (Ministry for the Environment); Willie and Linda Te Aho (facilitator and minute secretary – Indigenous Corporate Solutions Limited).

## **3 Introductions of those in attendance**

See separate attendance list.

During the introductions, the following points were made.

### **3.1 Susan Henare**

Spoke of a waterfall near where she lives (Otīria), and the waterway which is polluted and unsafe for swimming. Sue has set up a charitable trust to work to clean up the waterway and is willing to work with anyone who can help.

### **3.2 Matatahi George**

Newly appointed liaison officer for Whāngarei District Council.

Perhaps the reason that there are not many people here is the communication between Māori and the government. It is a daunting task to build relationships. He intends to draw people together to talk.

### **3.3 Eileen Parore**

We must look after Papatūānuku and the wai within her.

### **3.4 Meryl Carter**

Is part of a group that has established a nursery to plant and restore riparian strips which are degraded due to horticultural activities. Education is the most important thing that we can infiltrate through schools. Teaching our tamariki that the earth must be clean is the number one priority. They will then take a better approach to the environment than perhaps we have.

### 3.5 Hohepa Rudolph

I am here to welcome you into this house for this kaupapa, clean water is important for us all, and for future generations.

## 4 Presentation (Paul Reynolds)

### 4.1 Background

- The purpose of this afternoon is for us to listen to you – we have started some work and we are here to let you know what have been doing and we want to hear back from you on what should be done.
- Paul has oversight on the MAF side of this programme.
- Paul acknowledges the importance of freshwater, and the importance of consultation with Māori.
- This programme looks at water from the mountains to the sea in a holistic way.
- Explanation of which freshwater bodies are being focused upon in this programme of action, some things are critical but not included in the programme (eg, estuaries).
- There are many dimensions to this work – social, cultural, economic.
- Water is the lifeblood of our community – we drink it, we eat from it, we make money from it, we generate energy from it, we swim in it, some of us gain spiritual enrichment from it. Therefore water must be managed wisely so that all our needs can be met.
- Explanation of two reference groups – one was made up of ‘stakeholder groups’ who were consulted to bounce very early ideas around with and a Māori Reference Group (MRG) it was not representative, but was there to provide initial advice.

### 4.2 Major issues

The Water Programme of Action looks at three major issues:

- Allocation:
  - How we share it around, it is about what we use and what should stay.
  - There is not enough water to meet everyone’s needs and demand is going to continue to grow – and the potential for conflict is increasing.
  - Wasteful use and inefficient use of water.
- Water quality:
  - We know that quality is declining.
  - Some lakes are more sensitive than others, and things like intensification in farming has caused degradation.
  - The *mauri* of our rivers is affected.
- Nationally important water bodies – water bodies that are nationally significant for some reason (eg, ‘iconic’ lakes such as Taupo, Rotorua).

### 4.3 Other issues

- The role of central government – which has tended to be reactive rather than proactive – though there is some good work being done in Taupo – and there needs to be some prioritisation for central government involvement.
- It is critical that good work being done locally is built upon.

### 4.4 Possible solutions: ideas for a new approach? (Rebecca Martel)

#### (a) Providing national direction

Some ideas are to make use of RMA provisions for national policy statements and national environmental standards (currently there are none); Government targeting where it gets more directly involved in water management (eg, identifying the ‘nationally important’ water bodies).

#### (b) Central Government could become more involved

For example, in making submissions on plans, developing best practice information and sharing that information out into communities, funding, pilot programmes – such as Lake Taupo – the collaborative project to cut down nitrogen levels in the lake.

#### (c) Working together

Water management is complex, the community needs to understand that there are issues and therefore there is a need to raise awareness of the water quality problems and that water is a scarce resource; we want to work on building relationships with Māori, and improving the appreciation of Māori cultural values in the planning and policy process.

*Suzanne Doig:* One action identified in the discussion booklet is ‘Enhancing Māori participation’ this is really about building relationships. The booklet identifies two main areas, one is clarifying issues around Māori participation in local government – one possible solution is for central government to make it clearer what local government processes they have to follow in terms of working with Māori; more widely, central government is looking to provide guidance for better engagement on a much wider range of issues (ie, not just about water).

Some of the big issues that have emerged from the RMA review and hui like these is the poor relationships in a lot of areas with councils due to poor attitudes of some of the councils, and also capacity and capability issues for iwi to engage, and for councils. What are the local issues? What are some possible ways of addressing these issues – training? resourcing? Are there other ideas?

#### (d) Provide more tools

- Current first in first served might not be appropriate anymore. The discussion booklet sets out some ideas around auctioning and tendering of water.
- Transfer of consents and discharge permits.
- Local government prepares plans – local authorities could be required to prepare a plan concerning water issues.

## 5 Discussion

### 5.1 Susan Henare

Supports the ideas of standards, there haven't been any in the past – would they be high?

*Rebecca:* We haven't worked through the details, we are interested in hearing what people think. There might be water quality targets or it might be a matter of putting forward a method for bottom lines.

*Suzanne Doig:* There would be consultative process to develop those standards.

*Facilitator's note:* Other hui have said the standard should be that the life in the water is well, that the water is drinkable – and that we can bathe in the water.

### 5.2 Michael Timoti-Hohaia

Raised a question regarding who the 'stakeholders' were.

*Paul and Rebecca* explained that there were two advisory groups – the Māori reference group and the other group was a diverse range of groups such as federated farmers, scientific organisations, industries.

### 5.3 Michael Timoti-Hohaia

- The Far North District Council has had a plan out for 3–4 years which sets out minimum standards based around ISO 14000 and ISO 9000. Māori understand minimum standards.
- Regional council identifies minimum standards regarding the taking and discharging of water.
- Māori are stakeholders, not just the industries who are interested in brokering and taking the resource – and who rape and pillage our rivers.
- Māori are kaitiaki and could play a more active role in determining minimum standards, collating of data, and monitoring at marae level (whānau/hapū) in their own rohe. We want to participate and to interact. Mana needs to be taken back to marae.

### 5.4 Lizzie Mataroria-Legg

Whanau and hapū are the kaitiaki of the awa. When we are consulted, we know that you will go away and make a plan that will not incorporate our kaitiakitanga. In essence, that plan will abolish our kaitiakitanga.

In the 1970s the buzz word was 'business' – Carter Holt offered business proposals for te hunga Māori.

Thirty-five years later, our creeks have dried up. It could be said that Māori agreed to the terms that were offered. What actually happened was that they split the hapū. In the RMA, there is an 'AEE' (assessment of environmental effects) in there. That should have been done before our people took on the forestry project. CHH do not do this – when they should have.

Things seem to be going in the opposite direction for Māori. Holistic is a fanciful word, but you are giving the wrong impression when you use that word. As tangata whenua we need guidance, we are asked to make submissions, but we don't see ourselves in those submissions, the other 'interest groups' have more influence.

Our environment was clean 200 hundred years ago, we didn't have cows, I don't blame the cows, the farmers did not plan. What happens when we catch farmers who don't clean their ponds and they discharge straight into the creek, the farmers don't take notice of the rules. Those who pollute our wai are not being held accountable.

## **5.5 Keir Volleerleing**

Iwi plans already have a greater recognition than in the past. They are only taken into account when a new plan or a plan change is being considered – then it is too late.

Iwi plans are often too broad and often fail as a useful tool – real care to be taken as to how that is done.

Capacity of Māori to effective work on regional and district plans does need to be addressed. When plans are notified – that is the beginning. Words are so important. There is an opportunity to influence through appeal process – but it is a huge expense, and time involved – and it is not resourced. He has been involved in meetings with a room full of lawyers, scientific experts and so on.

Standards – some work with Ministry for the Environment on water quality standards doesn't seem to have gone anywhere.

He has heard that there may have been a change in the language 'a/o' categories, the point being this is an environmental indicator (if the language used to describe the wai has changed in te reo Māori, the water has changed). If the water is of an acceptable quality then it is 'toona wai' if it is not then it is 'taana wai'.

## **5.6 Hally Toia**

- Catchment planning – all of New Zealand is catchments. Attended public meeting – and it seems not enough effort is going into catchment management.
- Let us look at the source; if there is no quality there, there will not be quality along the way.
- Auction – this word is scary. We are going down the path of property rights in water – this is unsettling.
- We all know that water quality is declining. The qualities should be determined here, not in Wellington. Central government will set the standards at the lowest scale.
- National direction – there are issues with that. We should determine our direction locally.

- Concerns about transfer of discharges and consents – again the focus should be on the water first.
- Pilot programmes – one size does not fit all, does not support unless adapted and redone to suit particular local situation.
- Nationally important water bodies – standards need to be set on how Crown intends to identify these. In assessing this, we also need to be clear on Waitapu, Waiora.

*Suzanne:* We have had some advice on the issue of nationally important water bodies and accordingly the Crown has avoided trying to identify these – all water bodies are important to Māori.

*Hally:* Each hapū identifies with awa, that is the most important water body to them. There will be no direction from central government that will address that.

## 5.7 Daryn Bean (TPK)

- Daryn was intrigued by the talk of a new approach – what is this new approach going to look like? There doesn't seem to be any clarity about what the starting point is. Is it better drinking water for our tamariki? What are the benchmarks across the rohe?
- Process – decision-making – it is important that people in this rohe have representation in the decision making. It was interesting to hear the names on the Māori Reference Group (particularly the name of Waaka Vercoe who is with Environment Bay of Plenty).
- In EBOP there is a model to ensure that there are Māori around the decision making table. This is a serious issue, TPK talks about Māori potential and we need to advance Māori potential in the area of decision making.
- Water is an unseen element in that whole process, that people may overlook. I would have loved to have seen more people here, we need to ensure that we inform our whānau, iwi hapū so that we are part of the process.

## 5.8 Matatahi George

- Agrees with previous speakers, acknowledges rūnanga and trust boards that are trying to fulfil the RMA.
- There is a concern that a lot of this material is put on paper and disseminated to our people. The process of consultation needs to be seriously looked at. When they created my (iwi liaison) position, they did not know quite what to expect.
- He recognises the frustration of some of our people. Many of our people depend on water for food sources – but the disposal of effluent is becoming a problem. There is a tendency to lean towards the disposing of effluent into our rivers. This directly affects Māoridom – and is universally unacceptable.
- Our people need to be utilised in the planning and decision-making process – and we need to make sure that there is support for our representatives.
- Trust boards have an important function, but our people need to come together – particularly at marae level – and support the kaupapa.



## 5.9 Meryl Carter

- My question is what will be done about these submissions? Policy is written etc and farmers still breach the RMA. There needs to education at the grass roots level.
- If water is clean, the cows will be healthier and the farmers will benefit. We can make a difference.
- The Regional council is notable by its absence, and this is disappointing. It is good, though, to meet Matatahi and learn of his position with the Whāngarei District Council.
- Poor relationships with councils are a problem for Māori.
- We have had major stumbling blocks with councils but now our collaborative project (nursery/riparian planting) involves hapū, marae, schools and councils – this is rare. It is good for our whanau to have an opportunity to say these things and start being listened to. Education is the key.

## 5.10 Piripi Grimshaw

What implications are there for Māori who have a responsibility to manage our waterways?

*Paul:* This process is partly about trying to find the answer to this question – how different affected parties will interact on these difficult issues, and how they will behave.

## 5.11 Piripi Grimshaw

Who will resolve inherent disputes between kaitiakitanga and sustainable development? And how will it be done?

*Paul:* There is no magic resolution, there will inevitably be internal debates and argument. Everyone wants to see multiple uses, but everyone wants to establish what the bottom lines are, for that use.

*Piripi:* That is the issue – what are those bottom lines? There is a lack of information. Who will the agency be that manages the process and/or that sets criteria? The RMA process is not proactive for tangata whenua.

The national interest outguns the tangata whenua interests (eg, electricity). How do we maintain the mana of tangata whenua? I don't see anything here that is going to change the situation.

*Paul:* Ultimately, at the highest level, these decisions will probably be made centrally, but the hope is that there will be plans at local and regional level that will be enforced. It is noted that more work needs to be done at local and regional levels to address tangata whenua issues.

*Suzanne Doig:* On the question of how to maintain mana whenua – that is one of the genuinely open questions of this process – we don't have the answer – but do you have any views on how we can change?

*Piripi:* It is simple – go back and ask the whanau and hapū. But this process is so short (four weeks) can you get out and talk to all marae in this rohe – or do you expect me to do your job? If you want to know what Māori of this area think then you should get out to the marae and here them in their environment – or resource us to do the job properly. This is not proper consultation.

### **5.12 Marama Netana Waddell**

- Communication – you could have used Māori radio more to communicate about these hui.
- Māori potential – engaging whānau hapū – there needs to be more active engagement with marae.
- Contracting services at the marae base is a really serious issue. Our people have information that is valuable to this work, and it is about time for that information to be paid for.
- I have been to several hui like this, and for some reason after the hui, the kōrero disappears.
- At a recent Taitokerau Māori District Council hui they discussed the commercialisation of freshwater – is that where this is heading? If it is, we need to be more fully informed.
- There needs to be transparency to let us know where all this is leading.

### **5.13 Rapaera Tepania**

Rapaera supports the discussion that has taken place today.

### **5.14 Michelle Timoti-Hohaia**

We started years ago to work with the FNDC, and we know that you have to be proactive and work co0operatively to achieve what you want to achieve.

It is important to have national direction. We have already started that journey.

Mā te wai ka ora tātou te iwi (water provides sustenance).

### **5.15 Eileen Parore**

Eileen supports the idea of all having a say. We are all on the same side – we all, Māori and Pākehā, want good quality water for us and future generations.

It is important to do this discussion *kanohi ki te kanohi* (face to face).

## 5.16 Susan Henare

Twenty-five years ago her grandfather supported forestry for economic development – others protested against it. Now we know that forestry has caused degradation of the environment. Susan has seen many times that we need to look at the environment over the economic – other examples:

- the marina – now the tuna has been lost
- the prison at Ngāwhā – there is mercury in the water.

Is the economic development really worth it at the expense of the environment? We need to make our environment the priority – not economic development.

## 5.17 Michael Timoti-Hohaia

- Spoke about impacts of fertiliser made at Ravensdown – how do we know whether this is good for us, given that it runs off the land into our rivers?
- We sat down with farmers, and industry to discuss replenishing rather than harvesting, and to talk about standards and compliance, and the necessity of communication with Māori in the resource consent process. It is important to have a consultation process that whanau and hapū can participate in.

# 6 Reflection upon key themes

## 6.1 Paul Reynolds

Notes that he has heard:

- that something needs to be done – inaction cannot be tolerated
- about kaitiakitanga and how that sits alongside the RMA, and whether the processes are allowing whanau and hapū to be involved appropriately or whether their key role is being cut across
- about environmental standards and the use of ISO 14000
- that if we have environmental standards, they have to be high (eating bathing and drinking could be a measure)
- that the economic focus has overridden the environmental focus
- that the timeframe for consultation does not accommodate a marae based approach
- that people at marae level, at a local level need to be involved in the process of making decisions
- about the importance of catchment planning
- about iwi plans
- about capacity and the difficulties of understanding sheer volume of what is happening around you
- the concerns about the possibility of establishing property rights without further and deeper information and consultation

- that in terms of consultation processes – particularly around environmental issues and the RMA – not working for Māori
- a strong call regarding the difference between talking about things and action – capacity, work people are actually doing, resourcing
- the important role of educating children, and them being the advocates for a better future.

## 6.2 George Ria

- He taumaha tēnei kaupapa, ēngari kua puta mai he hua. (This is a difficult topic, but there have been many positives that have come out of today's hui.)
- Education is critical.
- How can trust boards, the economic base of iwi, implement kaitiakitanga in strategic planning?
- In the Local Government Act there are some provisions that have 'teeth' and can be used to ensure that local government involve Māori in their processes. This is a tool that can be used alongside the sections of the RMA.
- Acknowledged the role of Matatahi George on the council – it is a difficult job – similar to that of Māori in central government.
- What is new in this approach is a move away from economic focus as the predominant focus, but taking more account of other issues.
- You may not see the fruits of this kōrero in your lifetime, but the kōrero is important and you will see the fruits in time.
- On the issue of consultation – and the question of where to hold these hui – we take advice from iwi kāinga.

## 6.3 Closing kōrero (Tom Parore)

Appreciates the team going around and talking to Māori at the iwi level, and many iwi are represented here today. This hui has been valuable, more work has to be done particularly on the input at marae, whanau and hapū level.

## 6.4 Hohepa Rudolph

Tino mōhio tātou te iwi Māori ki te kaitiakitanga. Me tū he hui pēnei i roto i te reo Māori anake katahi ka kitea te tino hohunutanga o tēnei kaupapa ... (Māori know very well this concept of kaitiakitanga. Just imagine if we held a hui like this totally in te reo Māori. Then you would have some real depth on the Māori view).

Closing karakia 2.10 pm.

# **Consultation hui: Freshwater for a sustainable future: issues and options (North Harbour Stadium, 16 February 2005, 10 am)**

## **1 Karakia/mihimihi (Te Hemara Pita Pou, Takutai Moana Wikiriwhi)**

## **2 Introductions**

Paul Reynolds, Rebecca Martel, George Ria (Ministry of Agriculture & Forestry); Suzanne Doig (Te Puni Kōkiri); Livia Hollins (Ministry for the Environment); Willie and Linda Te Aho (facilitator and minute secretary – Indigenous Corporate Solutions Limited).

## **3 Introductions of those in attendance**

See separate attendance list.

During introductions the following points were made:

### **3.1 William Kapea (Ngāti Whātua)**

Given that is a Ministry for the Environment Paper, why is there only one person from Ministry for the Environment (MfE) here?

### **3.2 Pauline Kingi (Tumuaki TPK Tamaki)**

In the 1970s Pauline recommended the need for more dam facilities as it was known that Tamaki experiences peaks and troughs in terms of water and a trough was predicted – but with devolution etc occurring in local government, the recommendations were not followed. In 1994 Tamaki suffered a drought, but rather than the dam option, the alternative was a pipeline which has now been built – many iwi did not support the pipeline as an option for cultural reasons.

The issue now is how to develop various interests, and the impact on iwi interests. Pauline recommends more water conservation – if water is a taonga, it should be valued – a water conservation education programme was disseminated in all schools in the region and was successful.

### **3.3 Willie Te Aho**

Explained the presentation process and how people are able to check the draft minutes and make changes if they wish, or make separate submissions by the closing date of 18 March.

### 3.4 Paul Reynolds

Responded to the question regarding the lack of representation from MfE by explaining the ‘all of government’ joint approach between the two lead ministries, MAF and MfE, and both have a strong commitment to this process.

## 4 Presentation (Paul Reynolds)

### 4.1 Background

- Paul acknowledges the importance of freshwater, and the importance of consultation with Māori.
- This programme looks at water from the mountains to the sea in a holistic way and its purpose is to improve water management.
- Explanation of which freshwater bodies are being focused upon in this programme of action, some things are critical but not included in the programme (eg, estuaries, urban water supply) but notes that these issues are linked.
- There are many dimensions to this work – social, cultural, economic.
- Water is important to all of us – we drink it, we eat from it, we make money from it, we generate energy from it, it supports mahinga kai, we swim in it, some of us gain spiritual enrichment from it. Therefore water must be managed wisely so that all our needs can be met.
- We are here today to engage in a conversation which is very much at the beginning of the process, it has been going for a little over a year.
- This is not a consultation where officials are coming to get rubber stamps. We are here to seek and capture input.
- Explanation of two reference groups – one was made up of about 25 ‘stakeholder groups’ (eg, Federated Farmers, Fish & Game, Federation of Māori Authorities, energy companies) and the other was a Māori Reference Group (MRG) which was not representative, but was there to provide some initial advice: Heitia Hiha, Paul Morgan, Jane West, Gail Tipa, Waaka Vercoe.

### 4.2 Major issues

The Sustainable Water Programme of Action looks at three major issues:

- allocation:
  - how we share it around, it is about what we use (irrigation, diversion, electricity generation) and also what should stay
  - there is not enough water to meet everyone’s needs and demand is going to continue to grow. So, the potential for conflict can only increase
  - wasteful use and inefficient use of water

- water quality:
  - we know that quality is declining – this is a growing problem and affects some of our iconic waterways
  - we want to be able to drink it, and to swim in it
  - some lakes are more sensitive than others, and there is an intensification in farming which has caused degradation
  - the *mauri* of our rivers is under attack
- nationally important water bodies – water bodies that are nationally significant for some reason (eg, ‘iconic’ lakes such as Taupo, Rotorua, Rotoiti).

### 4.3 Other issues

- The role of central government – when should it be involved, and how should it be involved, the Government’s approach has tended to be reactive rather than proactive – though there is some good work being done in Taupo- and there needs to be some prioritisation for central government involvement.
- It is critical that good work being done locally is built upon.

### 4.4 Possible solutions: ideas for a new approach? (Rebecca Martel)

#### (a) Providing national direction

Some ideas are to make use of RMA provisions for national policy statements and national environmental standards (currently there are none); Government targeting where it gets more directly involved in water management (eg, identifying the ‘nationally important’ water bodies).

#### (b) Central Government could become more involved

For example, in making submissions on plans, developing best practice information and sharing that information out into communities, funding, pilot programmes – such as Lake Taupo – the collaborative project to cut down nitrogen levels in the lake.

#### (c) Working together

Water management is complex, the community needs to understand that there are issues and therefore there is a need to raise awareness of the water quality problems and that water is a scarce resource; we want to work on building relationships with Māori, and improving the appreciation of Māori cultural values in the planning and policy process.

*Suzanne Doig:* One action identified in the discussion booklet is ‘Enhancing Māori participation’ this is really about building relationships. The booklet identifies two main areas, one is clarifying issues around Māori participation in local government – one possible solution is for central government to make it clearer to local government as to the processes they have to follow in terms of working with Māori; more widely, central government is looking to provide guidance for better engagement on a much wider range of issues (ie, not just about water).

Some of the big issues that have emerged from the RMA review and hui like these is the poor relationships in a lot of areas with councils due to poor attitudes of some of the councils, and also capacity and capability issues for iwi to engage, and for councils. What are the local issues? What are some possible ways of addressing these issues – training? resourcing? Are there other ideas?

#### **4.5 Lee Cherie-King**

There is no legal obligation in RMA to consult with Māori, and the proposed RMA amendments will reduce this even further. The submissions closed on RMA amendments yesterday.

As Māori, we work on one act, and now there is work for another act, nothing is synchronised. *We are* working on building relationships.

Has the Ministry put in a submission? There is too much responsibility put on TPK.

Questions – is there a provision for late submissions on the RMA amendment bill?

*Suzanne:* We cannot say yes or no because it is now in the hands of the parliamentary select committee, not officials.

*Paul* explained the select committee process and how there is still the opportunity to make submissions at that stage.

*Lee Cherie King:* our experience with the select committee on the foreshore and seabed so many submissions but the legislation went through, we feel that what is the point of the consultation process?

#### **4.6 Jane West**

Māori are landowners, and those that regulate are the local authorities, therefore you come to us as landowners and owners of development – you must come to us with a different mindset, and we will be part of the decision-making. Māori need to be directly involved to mature and move from consultation and participation to actual governance, management, regulatory and compliance power.

#### **4.7 Pauline Kingi**

This is an important point – Māori as landowners and stakeholder interests, and also kaitiakitanga, you might like to reference some work done with the Parliamentary commissioner on the RMA.



(Presentation continued)

**(d) Provide more tools**

- Current first in first served might not be appropriate any more. The discussion booklet sets out some ideas around auctioning and tendering of water.
- Transfer of consents and discharge permits.
- Local government prepares plans – local authorities could be required to prepare a plan concerning water issues.

## **4.8 Pauline Kingi**

There are already examples where there is no water left in some South Island places – it has been permitted, permitted, permitted and there is nothing left – water quality is not an issue when there is no water left. This is a worst case scenario now. There are a whole lot of things that need to happen to include Māori in this whole debate (eg, Ngāi Tahu are out of that loop) – how can this be addressed?

## **4.9 Jane West**

There has been an assumption that the water will keep coming. The issue of over allocation should not be tolerated at all. This relates to land without water.

# **5 Discussion**

## **5.1 William Kapea**

This whole paper, the danger is similar to that of fish quota. We have Māori involved in fishing and we know fish stocks are declining and people are dependent. We are caught up in the system by being a part of it but we are not part of the system in the management of the stocks, we can't exercise rāhui.

There is a concern that water is going the same way. We are being dragged into the same thing, we are told to be part of the process, but we won't have a say in the management.

Soon our rivers will be gone. This 'consultation process' – as good as it sounds, is not consultation – it is a way to gear things up to deal with the issues that we put forward. Ask for other perspectives.

There is no discussion on water standards. Two documents have been produced on 'guidelines' but what is needed is *standards* (two guidelines were shown to the hui).

We need national standards so that local and regional councils can apply those standards consistently. For us, water comes from puna – not the maunga. We want to restore mauri in those places.

Here in the North Shore, not one of our water-courses meets health standards for bathing.

## 5.2 Jane West

Totally agrees with Bill (Kapea), we are not involved in the regulation and we need to be. We are not there in monitoring and compliance, and we need to be there as kaitiaki and as treaty partners. This includes having our Māori commissioners on an equal status as other commissioners on these decision-making boards – and not just one representative.

When local government take water, we need to be right there to ensure compliance according to *national standards and national policy*. The local government bodies who have the delegated power allow these things to happen come to us at the last minute for our approval. We as tangata whenua should be delegated power under LAW (RMA sections 33/34) to be the decision-maker and regulator.

No public health water standards have been followed through in legislation.

## 5.3 Pamera Warner

We have been talking about this for years, are there no national standards available? (Answer – no). We should start with that. This is a serious issue.

In Kakanui, our spring that has dried up as a result of forestry by Rodney Council. Springs at Otakanini Tōpu have also dried up.

There are farm activities and forestry happening all along our rivers that affect our water.

What I am hearing from my people today is the sound of disempowerment. We are consulted at the tail end.

We need to be treated equally as those making decisions and most times we are not. I am tired about people consulting tangata whenua, officials running up and down the country, local bodies, and government departments and we are hitting our heads against brick walls. Our people are capable of being in the highest positions.

National standards – reference to Ngāwhā prison (built on the spring) and the draining of wetlands. We need to have standards that stop this from happening – get our priorities right.

## 5.4 Antoine Coffin (ARC)

It is likely that the RC will be passed the buck to sort out some of the local issues. He supports the establishment of national water quality standards. Years ago we studied standards in North America which were very high. Also support the idea of a national policy statement. Water is only secondary in importance to people.

More work needs to be done to emphasise the importance of water – to remind people of the value of water, rather than looking straight at allocation measures.

Fully supports the working together idea. Whole of government approach would work on catchments (eg, Mahurangi Catchment – heavy sediment).

RMA– there are some issues around the amendment bill – there is no duty to consult in resource consents. There is a concern that despite provisions in Part II matters (relating to Māori) in terms of implementation – no duty to consult therefore it will probably not occur.

Building relationships and capacity – this does not often occur. You could take a lead on looking at good models both in New Zealand and internationally on best practice for indigenous people being involved in water issues. We have to move from just saying we have got to do it, to actually going through with some models.

Question: Has there been any work on the cost of water?

Answer: No comprehensive study.

## **5.5 Jane West**

If you haven't got water, then you can't have agriculture etc. There is a paper on climate change, and you need to reference that work and work together (both steering committees). Paul and I are on both Māori issues working parties (and reference group). This is because you can't have climate change issues without water.

The emphasis of this programme is rural, but there are urban issues which are critical because of the storm water issues and the impacts on our natural water ways. The natural waterways are deemed 'soft assets' owned by the local body. Water is water – rural, urban, puna, awa, moana – Wai Māori, Waitai.

## **5.6 Pauline Kingi**

Observed that this document acknowledges the importance of water as a taonga to Māori *but* then it talks about reconciling that with economic issues.

Māori (particularly in the context of the RMA) shouldn't be seen as anti-development, or as problematic but we are kaitiaki – to protect the whenua, the awa and sacred sites and this is affirmed in Te Tiriti o Waitangi. As we move forward, we must be in partnership. Any water programme of action must see water as a taonga in the context of the Treaty and this benefits all of us, not just Māori. The RMA seemed to set us apart as world leaders in this area, let's not let that go. Don't just consult with us; allow us to participate. Don't let Māori be relegated to a second tier level of consultation when Māori are the Treaty partner.

## **5.7 Pamela Warner**

We are talking from our background, our history, our culture. We won't just drop all that because of some government law. There is strong resistance to us when we say we are coming from a cultural identity.

## **5.8 William Kapea**

On page 7 of the discussion document – the MRG is named. Then it lists the interests represented in the stakeholder reference group.

Are Māori not a stakeholder? The stakeholders are a powerful lobby group. My heart go out to the members of the MRG, they are a reference group not a stakeholder group.

William cites the introduction by the Minister in the document which refers to how “different management regimes ... have protected waterways, rivers, lakes and aquifers”. This is incorrect. Many Māori have protested against what has gone into our water bodies over time.

There are flaws in the *wording* of the document:

- The words “provide opportunities for everyone”
- And the “weighting ... fairly used ... and where necessary, preserved”. Preservation should come first before fair use. This document has an economic focus rather than a focus on restoring and protecting.
- The document is insensitive. The language in the document makes it look like it is ‘Māori versus the stakeholders’. There are only vague references to Māori values (eg, waterways were used by iwi as boundaries).

It is all very well to talk about building better relationships but the ones there today are failing us.

## 5.9 Jane West

There are many things that we (MRG) have said during our meetings that are not in the document, and a later paper that I was involved in writing on Māori values is not reflected in the discussion document. It should have been included. If you really want to walk the talk: then put our korero from today and the past on Māori values back into these documents or the subsequent policies that are developed.

We have been doing this mahi for generations, and we say and hear the same thing – this is not new, and will continue past our lifetimes.

There are some seeds in the programme that need to be nurtured for our mokopuna.

We who have been doing the work need to be in Wellington talking, not leaving it up to politicians. We need to be resourced to participate, to engage effectively.

## 5.10 Te Marino Lenihan

Question 1: You tell us that forecast demands are increasing, where is the strategy for greater education on conservation, restoration and regenerating capacity? There needs to be more balance between consumption and conservation.

Question 2: On the issue of relationships with Māori – legally, part 2 of the RMA requires these relationships section 6(e) – but more than that, Māori have hundreds of years experience as kaitiaki, as mana whenua protecting and managing land, waterways and so on. This needs to be recognised.

We need to be at *governance* level, an example could be regional tangata whenua water boards – which could sit alongside councils and make decisions at that level.

We need to be at *management* level – how can you help develop iwi management plans?

We need to be at *regulatory/compliance* level – perhaps we could establish something similar to honorary fisheries officers.

### **5.11 Pauline Kingi**

Our people are capable of conservation. We developed a conservation kit '*Taniwharau*' in consultation with Tainui for the Tamaki region during the water crisis. Watercare supported this. Education and awareness is crucial. We are running out of water. This is very serious.

### **5.12 Antoine Coffin**

Has there been any work done on technical developments (eg, salination, cleaning, recycling)?

*Answer:* Those issues are outside the scope of this programme.

There was widespread support amongst those in attendance for the idea of recycling and consideration of conservation strategies.

*Jane West* talked about the contradiction in acts regarding conservation techniques (eg, using grey water, alternative technologies for waster water) – there needs to be more consistency/synergy.

### **5.13 Lee Cherie King**

Refers to page 5 “A way forward – 13 actions”.

Māori should be up there as action number *one* – because we are talking about our values as tangata whenua, we have not been involved at governance level and therefore our values have not been adopted.

There is no reference to the Treaty, the Crown should enable Māori values to captured and reflected.

RMA review – planning commissioners will have more involvement in process – in Manukau – there is only one – she doesn't stand a chance – we need equity in the representation of these commissioners.

Enhance Māori participation – this is not strong enough.

Education of elected members on council – The reality is that they are not educated on Māori issues. There needs to be improvement in their capacity.

### **5.14 Jane West**

From discussions of Ngāti Whātua – hapū/iwi planning documents – are a way of putting our Māori benchmarks on how we will do things in our rohe. This gives us an onus was well.

There are currently two funds administered by MfE and MAF – the Sustainable Management Fund and the Sustainable Farming Fund. In the future, when hapu, iwi make applications, we should not have to fight with Crown Research Institutes (CRIs) such as Landcare or Hort research, or Government departments for the same funds. As a solution, money should be put aside solely for Māori. Within this funding, some could be set aside solely for water. This will ensure that Māori planning documents are bite size and achievable.

Currently we are competing with CRIs and government departments. In the political environment, all that funding disappeared.

We, Te Rūnanga o Ngāti Whātua applied for funding for SMF and got it (and had done the first of twelve capacity milestones), but the contract was suspended due to a political about turn in policies. So we do not have an iwi management plan and we have to reapply again with everyone else for funding.

Support for iwi includes resourcing and access to technology.

### **5.15 Pauline Kingi**

Seeks clarification on the involvement of FOMA in the process how does it link into the interests of mana whenua in the Tamaki rohe? It is important to hear the voice of the people of the land. They have a number of employment initiatives etc and need to be involved. Māori population in 2005 28% – this is a substantial interest in Tamaki rohe.

*Response:* Paul Morgan sits on the MRG. FOMA is represented on the stakeholder group. Many land blocks have not been engaged by FOMA in this process.

### **5.16 Kristy Hill**

Kristy gave some background to the Otakanini Topu – economic development. TPK is assisting them to create their own economic and business development for themselves.

### **5.17 William Kapea**

Referred to page 13 Water Conservation Orders.

How many successful applications are being made by Māori? What is the likelihood of success given the stakeholders' interests in water allocation?

*Answer:* Unknown

*William:* Under the RMA weighting is against Māori. Farmers would oppose conservation orders because they conflict with their economic use and desires.

If an awa is a taonga to a hapū, how does that weigh against someone who wants to discharge into that awa or take from the awa? How will this be balanced in your policies that you develop?

*Answer:* It is not – that is what we are seeking from this consultation.

*William:* National standards should adopt our values and should clearly outline the weightings to be given to our values.

### **5.18 Jane West**

This programme would need to talk to Māori as landowners and tangata whenua – knowing about Te Ture Whenua Māori Act and Māori Trustee constructs. The public need to be made aware that we are more than protestors. We are landowners with economic development aspirations.

### **5.19 William Kapea**

Referred to Action 3 – bottom lines – there is no mention of historical information and what local people learn over time (eg seasonal issues and signs of stress on the environment). Too much emphasis is placed on scientific information. Sometimes courts have taken historical evidence as important. It is important that such information is captured in the programme and given the respect it deserves.

Bill referred to plans to develop a dam on the Hotio River – the ARC was interested in studying the river as there was a possibility of income from water charges. But as soon as the water charge issue disappeared, the ARC was not interested in doing the study. We want the study done to address our issues – but it was no longer of economic importance to the ARC. So there is no study on this important awa.

### **5.20 Te Marino Lenihan**

Any regime needs to take into account values.

### **5.21 Jane West**

Urban issues must be integrated into this programme – this is not just a rural issue – that is too narrow a focus, they are all interlinked, and this programme needs to be extended. Metropolitan city limits are extending all the time, into areas where our marae are.

Stormwater infrastructure impacts on our natural waterways, roading impacts on our waterways. Ngāti Whātua has nine district councils and two regional councils – we are asking for consistency on legislative administration.

There is an issue around the political agenda and the legislative programme before the election. This consultation on freshwater started one week before Waitangi Day and when Māori are still reeling from the Foreshore and Seabed issue. Many Māori have not quite picked it up, and this is coming through at some of the hui. Can you assure us that this take will remain an initial stage, and not rocket into policy draft before elections for the sake of expediency? The foreshore issues happened like that. Although I congratulate you on your attempt to take this issue around, the only way that this will work is when Māori are decision makers.

*Paul:* There is no expectation for officials involved that things will happen before the election, but ultimately it is for Ministers to decide. There is no prescribed end point. We are closer to the beginning than the middle and the end.

*Jane:* We have learned from our experience on the Foreshore, and there are similarities here. Hopefully there will be better relationships and a better outcome from this process.

*Suzanne*: There have been no more policy documents written beyond the work that went into this discussion document.

## 5.22 Te Marino

In te reo Māori, the ‘a’ and ‘o’ categories indicate different values for particular things – for water it is an ‘o’ category – indicating the importance of water to Māori. Te Marino presented a gift of a t-shirt to Paul screen printed with the words: “*Kia ora ai te wai*” (*that the water lives on*). Ultimately we are interested in the health and benefit of our water.

## 5.23 Lee Cherie King

Page 8 – Relationship between Crown-Māori needs to be prioritised over the other material in the diagram – it is another level.

## 5.24 Jane West

In the original drafts, the treaty relationship was shown in a way that showed its priority (ie by way of an elongated box which linked to everything else). We wanted to somehow illustrate that it should permeate through all other issues.

# 6 Summary and conclusion

## 6.1 Reflections on key themes

Paul has heard:

- about the need for Māori to be involved at governance, management and regulatory levels – systems need to have Māori in them, overseeing systems operating, standard setting, monitoring and compliance
- about standards – science-based measures and historical observations on the status of the catchment – biological outcome measures – there needs to be a more integrated view of these measures
- fundamental failure of consultation processes:
  - it has been about mitigation instead of a different conversation earlier – with Māori as landowner, and developer of the resource, and Māori as kaitiaki, and how Māori manage competing values
  - institutionalised disempowerment and examples of that
- the concerns about scope – rural/urban:
  - Jane clarified that she spoke from the perspective of Ngāti Whātua, we have urban and rural in our rohe, and the pressure that creates



- the education need:
  - a focus on education, conservation, restoration, and regenerative capacity, and the importance of educating young people
  - elected local leaders need a bit of education on how to engage with Māori
- technological solutions
- views around human health
- Paul participates in decision making for SFF, and he has heard what Jane said.

## **6.2 George Ria**

Acknowledges that outcomes take time (eg, te reo, references and acknowledgement of treaty) as a result of the work of people pushing these issues.

Decisions in the past have been made by those who sit only in the economic quadrant in terms of the sustainable development model, the other values and interests have been overridden.

And Māori are also partly responsible for some of the effects on our waterways. This programme seeks for more balance.

## **6.3 William Kapea**

In response to Paul's collection of thoughts, William does not think that the summary captures well enough the need for national water standards. I want you to go away with the clear message that we need national water standards more than we need water allocation.

Paul acknowledges this.

## **6.4 Closing kōrero – Takutai Moana Wikiriwhi**

It is important for Ngāti Whātua and Pākehā to work together, this fulfils the prophecies of our tūpuna – but it important for our views to be heard.

Pākehā have chopped down our trees, and brought a lot of things that have contaminated our country. What we originally had is already gone, the reality is that we are living in a different way. Hopefully you can put our views into practice so that we can all benefit.

Closing karakia 1 pm.

# **Consultation hui: Freshwater for a sustainable future: issues and options (Waikato Rugby Stadium, 17 February 2005, 10 am)**

## **1 Karakia (Mac Karauria)/Mihimihi (Wally Papa)**

## **2 Introductions**

Paul Reynolds, Rebecca Martel, George Ria (Ministry of Agriculture & Forestry); Tom White (Te Puni Kōkiri); Livia Hollins (Ministry for the Environment); Willie and Linda Te Aho (facilitator and minute secretary – Indigenous Corporate Solutions Limited).

## **3 Introductions of those in attendance**

See separate attendance list.

During introductions the following points were made.

### **3.1 Peter Bacchus**

Clean water is one of our most valuable resources. We must look after the Earth and all that lives in it. [Peter departed for the Parliamentary Commissioner for the Environment Hui.]

### **3.2 Ray Ridings – Organic Dairy Farmers Group**

We are in organic farming for business reasons and to look after Mother Earth. [Ray departed for the Parliamentary Commissioner for the Environment Hui.]

### **3.3 Philip White – dairy farmer**

Water is our legacy – it is the lifeblood of our community. We need to manage taking and the overall management of the resource

### **3.4 Norman Hill**

It is good to see representation from councils here, and it is important for us to work collectively on this. Waikato people are a river people, Waikato is our tupuna awa and runs through the veins of Papatūānuku, we need to highlight the tikanga side, rather than the quadruple bottom line.

### **3.5 Julian Williams – Environmental Officer of Waikato Raupatu Land Trust**

Waikato River is of utmost importance to us a tribe. We are going through the Waikato River claim at the moment. We are still trying to get our heads around this particular issue, and we need to get together as a tribe, and as a waka to sort through these issues.

### **3.6 Niketi Toataua (TPK Waikato)**

We need to protect our *puna* (fresh water springs) close to our marae which is sustenance to our hau kainga. We need to value water, we need to be educated on these issues.

### **3.7 Alice Anderson (Ngāti Hako, Hauraki Māori Trust Board)**

We already know about the issue of allocation, people are moving from Auckland into our rohe, our river Waihou River is important to our marae and our iwi.

We have to deal with two different processes, this document and the Environment Waikato process.

### **3.8 Bubby Hughes**

Water is our life force. I remember when we used to swim and bathe in our stream Te Wai o Hotu, we had special bathing places, and mahinga kai. Now it has almost dried up.

### **3.9 Lorna Pope**

I was brought up by the puna, and it is very important, but the puna is not there any more.

### **3.10 Matuakore Koperu**

Opening up the Kaimai range has impacted on our waterways. One of the main problems is the townships along our rivers who disperse their waste into our rivers.

### **3.11 Te Mana Taiao o Raukawa**

An explanation was provided for the role of Te Mana Taiao o Raukawa – the environmental arm of the Raukawa Trust Board – and the representation of marae from Raukawa.

The saying “*Ko au ko te awa, ko te awa ko au*” sets the context for our world view and we will expand upon this later.

*Willie Te Aho* explained the process for submissions and the closing date of 18 March 2005 and advised that there have already been two other hui in the Waikato/Tainui rohe – a public hui, and a presentation to Environment Waikato on the same issue. The EW and public consultation meeting was held on 1 February 2005.

Willie then explained the minute taking process and for making minutes available from other areas.

## **4 Presentation (Paul Reynolds)**

### **4.1 Background**

- Paul acknowledges the strong commitment that Ministry of Agriculture and Forestry and Ministry for the Environment have to this joint programme of action – a very critical piece of work which has an integrated ‘all of government approach’.
- This focus of this programme is to look at fresh water from the mountains to the sea – catchment, rivers, lakes, water under the ground.
- Explanation of which freshwater bodies are being focused upon in this programme of action, some things are critical but not directly included in the programme (eg, estuaries, urban water supply) but notes that these issues are linked.
- The purpose of this programme is to improve water management.
- There are many dimensions to this work – social, cultural, economic, environmental – this makes any work extremely difficult because there are always differing perspectives on the values of water.
- Water is part of all of us – we drink it, we bathe in it, we eat from it, we make money from it, we generate energy from it, it supports mahinga kai, we swim in it, many of us gain spiritual enrichment from it. Therefore water must be managed wisely so that all our needs can be met.
- We are here today to engage in a conversation which is very much at the beginning of the process. It has been going for a little over a year.
- This is not a consultation where officials are coming to get rubber stamps. We are here to seek and capture input. We need to know where people have problems and we want to hear about different approaches and new solutions.
- Explanation of two reference groups which provided some high level guidance – one was made up of about 25 ‘stakeholder groups’ (eg, Federated Farmers, Forest & Bird, Fish & Game, Federation of Māori Authorities, energy companies) and the other was a Māori Reference Group (MRG) which was not representative, but was there to provide some initial advice: Hekia Hiha, Paul Morgan, Jane West, Gail Tipa, Waaka Vercoe.

### **4.2 Major issues**

The Sustainable Water Programme of Action looks at three major issues:

- allocation:
  - how we share it around, it is about what we use (irrigation, diversion, electricity generation) and also what should stay
  - there is not enough water to meet everyone’s needs and demand is going to continue to grow so the potential for conflict can only increase
  - wasteful use and inefficient use of water

- water quality
  - we know that quality is declining – this is a growing problem and affects some of our iconic waterways
  - we want to be able to drink it, and to swim in it
  - some lakes are more sensitive than others, and there is an intensification in farming which has caused degradation
  - the *mauri* of our rivers is under attack
- nationally important water bodies – water bodies that are nationally significant for some reason (eg, ‘iconic’ lakes such as Taupo, Rotorua, Rotoiti).

### 4.3 Other issues

- The role of central government – when should it be involved, and how should it be involved, the government’s approach has tended to be reactive rather than proactive – though there is some good work being done in Taupo – and there needs to be some prioritisation for central government involvement.
- It is critical that good work being done locally is built upon, and to support regional and local councils.

### 4.4 Possible solutions: ideas for a new approach? (Rebecca Martel)

#### (a) Providing national direction

Some ideas are to make use of the Resource Management Act provisions for national policy statements and national environmental standards (currently there are none) these could set down environmental bottom lines; for the Government to target where it gets more directly involved in water management (eg, identifying the ‘nationally important’ water bodies).

#### (b) Central government could become more involved

Are there ways in which CG can add value to the way in which local government manages water (eg, in making submissions on plans, should CG be more involved in developing best practice information and sharing that information out into communities, funding, pilot programmes – such as Lake Taupo – the collaborative project to cut down nitrogen levels in the lake)?

#### (c) Working together

Water management is complex, the community needs to understand that there are issues and therefore there is a need to raise awareness of the water quality problems and that water is a scarce resource.

We want to work on building relationships with Māori, we hope that an outcome of the programme is better involvement of Māori and improving the appreciation of Māori cultural values in the planning and policy process to avoid Māori having to make repetitive submissions.

One action identified in the discussion booklet is ‘Enhancing Māori participation’ this is really about building relationships. Central government is looking to provide guidance for better engagement on a much wider range of issues (ie, not just about water).

**(d) Provide more tools**

- Current first in first served might not be appropriate anymore. The discussion booklet sets out some ideas around auctioning and tendering of water.
- Transfer of consents and discharge permits.
- Local government prepares plans – local authorities could be required to prepare a plan concerning water issues.

## **5 Discussion**

### **5.1 Niketi Toataua**

Is there an educational package in there to help raise awareness?

*Rebecca:* We are not developing the work yet. We are asking whether that is something you want to see.

*Niketi* – Education is necessary – can funding be built in?

*Rebecca:* If it is an option that is adopted then there would need to be funding.

### **5.2 Helen Nuku**

What areas do the members of the Māori Reference Group cover?

*Paul:* The Māori Reference Group is not there to represent an area, they are there to provide some advice.

*Rebecca:* Gail Tipa, South Island; Jane West, Ngāti Whātua; Waka Vercoe, Eastern Bay of Plenty; Paul Morgan, Nelson.

*Helen Nuku:* Will this group be reviewed?

*Rebecca:* We will be reviewing this.

### **5.3 Alice Anderson**

Have the ideas provided by the Māori Reference Group been adopted into the discussion document?

*Paul:* Some of them are, but it is fair to say that they are not all there. Some of the issues are being brought up in hui.

*Willie Te Aho:* In an earlier hui at Ngāti Whātua (North Harbour), MRG member Jane West commented that some of the ideas the MRG put forward were not included into the discussion document (particularly the Treaty of Waitangi and Māori Values). Jane did outline in the minutes the key points that the MRG had submitted so this is another opportunity for those points to be re-heard.

## **5.4 Julian Williams**

On what criteria were the Māori Reference Group appointed?

Waikato have important resources and there is no-one from Waikato on the Māori Reference Group.

*Rebecca:* They were not appointed to represent iwi, they were appointed for their technical expertise.

*Facilitator's summary of the discussion regarding the Māori Reference Group:* There is support for the review of the Māori Reference Group and the people in attendance support representation on the Māori Reference Group being aligned with iwi and waka.

## **5.5 Julian Williams**

Yes, we are reactionary and we do need national guidance. Cultural values are very important.

Disagrees strongly with bartering and trading of permits, this implies ownership. This will greatly affect our river claim and co-management.

Regional councils should have some discretionary powers to change conditions immediately and iwi must be able to review those permits. How are government departments working together to develop national standards?

*Answer:* We want to hear from you first whether the national standards approach is the approach to take. There are a number of govt departments involved, and there is a joint lead for this work – MAF and MfE. We are trying an integrated approach, and trying to encourage ministers to work together too.

## **5.6 Norman Hill**

On the issue of more tools: a subset of that was raising awareness and the Tūwharetoa example – that is an unfortunate situation and the approach is reactive.

In our hapū, our waterways are being degraded. If you are looking at being proactive, you need to work collectively with whānau, hapū and iwi for the betterment of our future and to avoid the situation that is occurring now in Tūwharetoa – which is the result of farming practices of 50 years ago.

We need more than input, we need membership and representation of the whole motu – we would have more confidence in the process – we have the expertise.

We look at the river in a spiritual way. We have used it as a food basket, and for healing.

## 5.7 Helen Nuku

What is a technical expert?

*Rebecca:* Jane West has expertise in wastewater association; Waaka Vercoe has expertise from a Regional Council background; Paul Morgan has expertise in economic development; and Gail Tipa is developing Cultural health index for water quality

## 5.8 Te Mana Taiao o Raukawa

Consultation process:

- Te Mana Taiao firstly congratulated the team of officials for coming to talk – this is the beginning of consultation – this is not the consultation. Concerned about the closing date, we need time to discuss these issues amongst ourselves and hear from other experts.
- We invite you to attend our Te Mana Taiao o Raukawa hui on 8 March 2005 when we will discuss this issue with the representatives of our marae within Raukawa.

*(Postscript: representatives from the Ministry of Agriculture and Fisheries attended the hui on 8 March with Te Mana Taiao o Raukawa.)*

Tupuna Awa:

- Our key point is that our **tupuna awa** provides our identity and our wairua. Our awa is directly connected to our spiritual and physical wellbeing.
- Certain activities have had a direct impact on our Tupuna Awa (eg, Karapiro Dam).
  - This dam covered a burial site of the battle of *taumata wīwī*, a wāhi tapu. Subsequently part of that wāhi tapu (made of stone) was removed. This site is of similar significance to that of Pearl Harbour to Americans.
  - One million elvers are trapped each year and physically transferred through the catchment.
  - There is a huge weed problem in Karapiro.

We need to get the **Treaty Relationship** right.

- This includes joint governance, joint management, planning, regulation, compliance and enforcement for non-compliance.
  - For example, our aspirations for Maungatautari where we own the Maunga but jointly govern and manage the resource.

Resourcing:

- Scholarships for Māori to be educated in the necessary fields of science.
- At the very least, we should be resourced to meet amongst ourselves, meet with our Tainui waka iwi, utilise our own specialists/policy writers, then meet with you, work together, to ultimately achieve a policy that both Māori and the Crown have had meaningful input into.
- We need funding to create our own pilot programmes – and for education, we want funding in order to create a level playing field. Some of our ideas include: fencing off waterways, creating riparian strips, land based effluent treatment and technology (ultraviolet treatment), recycling of water from rooves.



Other issues:

- Consent condition requirements should acknowledge the claims to the awa and ensure that the consents are reviewed against any settlements. This should be the norm, rather than the exception.
- We support the call to avoid repetitive submissions (eg, the benchmark repeatedly put to industry that the water be of a drinkable quality). This should be standardised across the region which encompasses the Waikato River.
- There should be separate legislation for the Tupuna awa – the RMA process and the LGA process does not work for us. We, in Raukawa, are walking the talk in terms of the impacts on tupuna awa and have had to battle bureaucracy time and time again. We are grouped, marginalised/divided and ruled.
- We caution you about standardising Māori values, Raukawa values may be different from other iwi, and our values should be clearly stated.
- There needs to be education programmes for schools, and we want to contribute to those programmes.
- Allocation: did the concept of transfer include transfer of allocation? We have already had to deal with the transfer of our water to other rohe, this has strong cultural and spiritual impacts. Who is responsible for dealing with those issues?

*Response from Rebecca:* The concept of transfer relates to transfers of water permits within a catchment.

## **5.9 John Wi**

We strenuously support the concept of resourcing and education of our people at all levels of the process.

If you take our catchment, the taking of the water from the upper reaches of the Wanganui (there was no consultation on that issue) this had great environmental effects on the wider area (eg, Pureora Wetlands). Inter-departmental buy-in is something we like to hear.

In our area, many of our people are going through the courts on the Genesis issue. This is a complex area and it will be difficult to come up with policy to deal with these issues.

It was clarified that underground water is covered in the programme.

## **5.10 Te Mana Taiao o Raukawa**

We have experienced the balancing of cultural issues with ‘sustainable development’ eg energy needs which are seen as national interests – these competing needs often override our interests. We need to have our voice heard. Our river is an ancestor to us, and we need to make sure that we do everything possible to make it pristine. But we are realists and we need to look at ways that we can better manage the waterway.

## **5.11 Norman Hill**

As we speak, the government is reviewing the RMA – sections 6(e), 7 and 8.

If there are changes in the RMA, they should strengthen the indigenous culture's position rather than weaken it. We are significant, we are tangata whenua, but we are treated as “average Joes”.

We need to enhance our status rather than have it watered down.

*Willie Te Aho*: Submissions on the RMA changes have closed, but there is still an opportunity to try to make a late submission and to try to engage in the select committee process.

## **5.12 Te Mana Taiao o Raukawa**

On the issue of what freshwater includes, in our claim, our definition of the Tupuna River incorporates the total catchment – underground waters, tributaries, and estuaries.

## **5.13 Julian Williams**

The Waikato River is the indicator of what is happening around us.

## **5.14 Niketi Toataua**

We have heard about Genesis, Mighty River etc, but we also have individual rich farmers. They can create their own dams which can affect waterways. Does this document prevent people from doing things their own way?

## **5.15 Alice Anderson**

The Treaty is not mentioned in the document – somewhere the treaty claims need to be acknowledged.

Agrees that Central Government needs to be involved in national standards.

There also needs to be meaningful engagement in a number of levels within Māori and non-Māori – we don't want another Oceans Policy – this has been a real stumbling block.

Integration is a key issue for us – we need to look at the policy in a holistic way.

Values are pivotal – Raukawa may have values, and Hauraki may have values. We need to talk together.

Don't like the idea of prioritising values – cultural values always come at the bottom of the list.

There needs to be commitment from councils at all levels – from governance level in councils to work with governance of Māori.

There needs to be a ‘big picture’ approach (eg, Waihou River) high intensity of agricultural activity, we as Māori know the indicators of the change of the river. Council have said that the water take for farmers is sustainable, but now they say that the water levels are under pressure.

Fully support and highly recommend catchment based strategies – we as kaitiaki know what is happening in our catchments and how we can work together to deal with these issues of allocation.

## **5.16 Te Mana Taiao o Raukawa**

The river is like blood running through veins – the dams built on the river are like rubber bands which block the flow of blood and will ultimately be fatal.

Quadruple bottom line, the problems didn’t happen overnight and we appreciate that it will take 50–100 years to rectify.

## **5.17 Alice Anderson**

Would like an opportunity to explore co-management, co-regulation and delegated authority – these could become useful mechanisms to allow Māori to participate more effectively in the decision-making.

*Willie Te Aho:* Through these hui we have heard about EBOP process of ensuring representation at Regional Authority level, and we have heard the call for more commissioners who represent tangata whenua.

## **5.18 Alice Anderson**

EBOP works for them, we could look at this.

In terms of commissioners, the lack of numbers makes it incredibly difficult for them.

It comes back to regional and district councils and we need to be involved at different levels, on a more proactive approach at the decision making end of policy and planning.

## **5.19 Philip White**

It comes back to the people in the community, the local people who know what is happening on the ground and local ownership of the problems and answers is important. Money doesn’t solve all the problems, acknowledges the work Raukawa has done with Kinleith, there are a lot of people here who do a lot for our environment. There is a real sense of willingness for people to work co-operatively.

## 5.20 Rajiv Raman (Hamilton City Council)

Council is interested in the outcome. What will come out of this – national environmental standards or national policy statements?

*Paul's response:* What do you think? Remember that this is the beginning of the work. We have heard throughout these hui how wonderful the RMA is, but the implementation has fallen off track. So we have been asked, are we using the tools that we have already? Is there actually a need for environmental standards? We have heard about guidelines. We have heard a number of differing views, we have heard councils crying out for guidance – but be careful what you wish for. What do you want?

*Rajiv Raman:* No to national policy statements. We don't want more policy or more 1000-page documents. Yes to environmental standards.

## 5.21 George Ria

The outcome that Māori have unanimously sought is to restore the *mauri* of the water for us to be sustained into the future. There is likely to be a similarity between your own ethnic values and ours. You are an individual and you have a view that might be different from your council viewpoint.

## 5.22 Willie Te Aho

Overview of the diversity of views from some of the hui to date:

- Waitara – representatives from the council stated that they were not working well with Māori.
- Kaitia – there they said they don't want national standards; they want their own standards.
- Ngāti Whātua – they span two regional councils and nine district councils and they want consistency.

## 5.23 Te Mana Taiao o Raukawa

Within Raukawa there are a number of different local authorities, we duplicate our efforts on less resources than councils have. Any result needs to address Raukawa issues, but not at the expense of others.

## 5.24 Taipu Paki

Consistency and water quality – there are different levels. We want water to be clean. As an individual and whanau member, I want to see some standards put in place.

For our marae, there have been changes in the requirements regarding water tank supply – so we had to bore down, now we can't bore down because the water quality is undrinkable and we cannot afford to link up to the supply. Requirements change and we have to deal with the hurdles.

## 5.25 Julian Williams

We seek consistency, we would like a standard that we write. The RMA uses the language of ‘avoid, remedy or mitigate’. In reality, however, we always end up in the mitigation stage. Local governments need to be educated on treaty claims, councils try to avoid the conversation on the basis that they are not the Crown. We are going to talk about Treaty claims every time.

## 5.26 Norm Hill

For the record, the views of Raukawa and Hauraki are consistent with the views of Waikato – we desire clean water, and we are interested in talking about *co-management* rather than ownership. Sir Robert Mahuta’s view prevails, that we *know* we own the river but we are interested in co-management.

# 6 Summary and conclusion

## 6.1 Key themes

Paul’s reflection on key themes:

- Governance: Māori need to be talked to at all levels. We need a holistic approach and talk across jurisdictions – co management, co regulation, delegated authority. These are about the rules that are set, what the rules say and how the rules are used. You don’t want serial consultation – you want to be in it from the start, you want to have a say.
- Sustainable development: We need to have the right conversation about competing interests – currently we are in a linear conversation, we start at economic and cultural ends up at the end. We need to have a conversation which looks at all of the interests at once.
- Funding: There is work being done by Raukawa and should be considered as pilots – government needs to look around the land and see what pilots are already going on, taken notice of them and resource them.
- Principles being enshrined in legislation, any legislation needs to be responsive to the needs of Māori.
- The need for proactive approach to avoid situations like Taupo.
- A strong call for iwi management plans and stopping the need for repetitive submissions on everything going on.
- The need to set high expectations (eg, the need to be able to drink water), in time. Charting the course to do it. The intergenerational responsibility in thinking about this issue.

## **6.2 George Ria**

Education is important – it is a two-way process – government (central and local) needs education and we need to work together.

There has been too much emphasis on economic interests. Other interests need to be taken into account.

Congratulates Tainui for the structure and process of the feedback in hui.

Closing kōrero – Henare Smith.

Closing karakia – Mac Karauria 1.30 pm.

# **Consultation hui: Freshwater for a sustainable future: issues and options (Maungarongo Marae – Ohope, 21 February 2005, 10.45 am)**

## **1 Karakia (Tame)/mihimihi (Waaka Vercoe)**

## **2 Introductions**

Mike Jebson, George Ria (Ministry of Agriculture & Forestry); Claire Nesus (Te Puni Kōkiri); Livia Hollins, Sandra McIntyre (Ministry for the Environment); Willie Te Aho and Michelle Ngatai (facilitator and minute secretary – Indigenous Corporate Solutions Limited).

## **3 Introductions of those in attendance**

See separate attendance list.

During introductions the following points were made.

### **3.1 Karen Walmsley (TPK)**

Keen interest to hear what information is available in caring for our ‘taonga’.

### **3.2 Jim Gray (Te Arawa)**

We need to go back to the ‘putake’ of this hui. Rotorua and Taupo is where the main concerns lie, it’s about time this mess was sorted out. A hui should be held in Rotorua.

### **3.3 Maanu Paul (grandparent and great grandparent)**

It is our role to make sure that the environment is sustainable for our future generations to inherit. It is my aspiration that I will be remembered as a having ‘ngā raho nui o te ao’ for having the skills to leave a legacy for my ‘mokopuna’ about sustainable development.

This hui is about talking ‘face to face’ and not via email etc as you can say what you like without really believing in it via the e-mail. But this smacks of another taking similar to the ‘taku taimoana’.

With reference to the discussion document (page 12) it notes that the Crown has vested the right to manage water in itself. We challenge the Crown who has vested unto themselves our ‘tīpuna’ (Ohinemataroa – the Whakatāne River). I have difficulties with this. We need to address this issue first. This is the ideal time to ask “Who owns the water’ ... under the Treaty of Waitangi ... it is ours, it is ours, it is ours”.

### **3.4 Te Poroa Heurea (Tūhoe – Project Manager for Ohinemataroa)**

Happy to take the outcomes of the day back to Tūhoe. Important for Ngāti Awa and Tūhoe to work together and develop our own plans for the environment and our water.

### **3.5 Waka Vercoe (Māori Reference Group)**

The outcomes of this hui will be distributed to the other rohe. With regard to the ownership of the water, we have to take the 'rough with the smooth' – if we own it then we have the take the responsibility that comes with that ownership.

*Willie Te Aho* explained the purpose of this 'hui.' Gave a brief summary of the previous hui held to date and explained the process for submissions and the closing date of 18 March 2005. The Te Arawa hui will be held on 4 March 2005 in Taupo. *Willie Te Aho* then explained the minute taking process and for making minutes available from other areas when all the hui have been completed.

## **4 Presentation (Mike Jebson)**

### **4.1 Background**

We're here to ask you to help us with the issues.

- Mike gave an example from his own personal experiences which is why he is so passionate about these issues. Without the cultural values Mike feels he can still appreciate the importance of these issues concerning water management.
- Mike acknowledged the commitment that Ministry of Agriculture and Forestry and Ministry for the Environment have as joint leaders of the Sustainable Water Programme of Action – a critical piece of work which has an integrated 'all of government approach'.
- This focus of this programme is fresh water from the mountains to the sea – including entire catchments, rivers, lakes and water under the ground.
- Mike provided an explanation of which freshwater issues are being focused upon in this programme of action, and explained that we recognise that some issues are not directly included in the programme (eg, estuaries, urban water issues) but noted that these issues are linked.
- The purpose of this programme is to improve our current water management system so that we can sustainably manage freshwater. There are many dimensions to this work – social, cultural, economic, environmental – this makes this project difficult because we are looking at differing perspectives on the values of freshwater.

### **4.2 Maanu Paul**

Canterbury Plains is not a good example. Previously, the water would naturally flood that area and replenish the land. Now the water is channelled for use by industry and then to flushed out to sea which then pollutes our 'kaimoana' because of the non organic practices.



### 4.3 Waaka Vercoe

Conditions in North Canterbury are just as bad in South Canterbury. We need another means of sustainable economic development.

*[Presentation continued]*

- Ownership – this document does not suggest that ownership should be transferred to the Crown. But the Crown acknowledges that it is responsible for management of freshwater.

### 4.4 Maanu Paul

As part of the Crown's responsibility in article 1 of the Treaty – governorship – the Crown has a duty to protect Māori rights in Articles 2 and 3. The Government must address the issue of ownership because ownership is the basis on which water is allocated. The Government must address ownership of freshwater if it wants the help of iwi and Māori as you have said today.

### 4.5 Jim Gray

Ownership of freshwater is a separate issue that we are not looking at today. No matter who owns freshwater, freshwater has to be managed. I don't want the responsibility of ownership, I want the right to co-manage and the resources to manage it properly. There are good examples from Ngai Tahu with respect to Aorangi where it 'belongs' to the whole of Aotearoa but there is co-management with the Crown and also the resourcing to manage the resource comes from the Crown. This approach also engenders considerable goodwill of the public.

*Mike* explained the roles of government officials present, and the government departments involved in the water programme of action.

### 4.6 Jim Gray

Do you have a Māori team from the Ministry for the Environment? Where are they?

*Waka Vercoe:* Ricky Ellison is the manager for the Māori team within MFE. He has attended all of the working party meetings.

*Mike:* Ricky also attended the hui in Christchurch.

*George Ria* explained his presence at the hui for the government but undertook to return the concerns raised today back to the government.

*[Presentation continued]*

- We are here today to engage in a conversation which is very much at the beginning of the process. It has been going for a little over a year.

- Explanation of two reference groups which provided some high level guidance – one was made up of about 25 ‘stakeholder groups’ (eg, Federated Farmers, Forest & Bird, Fish & Game, Federation of Māori Authorities, energy companies) and the other was a Māori Reference Group (MRG) which George and Waka are involved in. Hekia Hiha, Morgan, Jane West, Gail Tipa, Waaka Vercoe are all part of that group.

## 4.7 Major issues

The Sustainable Water Programme of Action looks at three major issues:

- Allocation:
  - how we share it around, it is about what we use (irrigation, diversion, electricity generation) and also what should stay
  - there is not enough water to meet everyone’s needs and demand is going to continue to grow. So, the potential for conflict can only increase
  - wasteful use and inefficient use of water.

## 4.8 Maanu Paul

Water has to be treated as a public good. Then Treasury will have no problem funding the solutions needed. What is the Government doing about the allocation of the water?

*Mike:* The government is actively involved in addressing the issue of allocation. This is what these hui and the other meetings are about – to find out the best way forward.

## 4.9 Jim Gray

We only have to look at the lakes to see what is happening. The Government has allowed things to happen where it has reached the point where reversibility is absolutely impossible.

## 4.10 George Ria

Government has developed a sustainability framework, which has four cornerstones, to work with including cultural, environment, social and economic. This is the first step in this process, which the Government is still developing. This is where your input is important if we are to achieve positive change.

## 4.11 Maanu Paul

Government is talking amongst itself, and now asking for a hand where they should be talking directly with Māori alongside Māori. Also, there is a resourcing issue.

## 4.12 Waaka Vercoe

Funding is not an issue. That will follow once we get the programme identified.

#### 4.13 George Ria

Again, this is an opportunity for Māori to have input at the front end of this development.

*Maanu Paul:* I don't want to respond; I want to initiate discussion on my terms.

*George Ria:* Your kōrero (submissions) about how we should engage, initiate discussion is the type of response we want.

*[Presentation continued]*

- Water quality:
  - We know that quality is declining – this is a growing problem and affects some of our iconic waterways.
  - We want to be able to drink it, and to swim in it.
  - Some lakes are more sensitive than others, and there is an intensification in farming which has caused degradation.
  - The *mauri* of our rivers is under attack.
- Nationally important water bodies – water bodies that are nationally significant for some reason (eg, 'iconic' lakes such as Taupo, Rotorua, Rotoiti).

Other issues:

- The role of central government – when should it be involved, and how should it be involved, the government's approach has tended to be reactive rather than proactive – though there is some good work being done in Taupo – and there needs to be some prioritisation for central government involvement.
- It is critical that good work being done locally is built upon, and to support regional and local councils.

#### 4.14 Possible solutions: ideas for a new approach (Sandra McIntyre)

##### (a) Providing national direction

Some ideas are to make use of the Resource Management Act provisions for national policy statements and national environmental standards (currently there are none) these could set down ways that we can get more consistencies; for the Government to target where it gets more directly involved in water management (eg, identifying the 'nationally important' water bodies).

##### (b) Central government could become more involved

Are there ways in which central government can add value to the way in which local government manages water (eg, in making submissions on plans, should central government be more involved in developing best practice information and sharing that information out into communities, funding, pilot programmes – such as Lake Taupo, Lake Rotorua – the collaborative project to cut down nitrogen levels in the lake)?

### **(c) Working together**

Water management is complex, the community needs to understand that there are issues and therefore there is a need to raise awareness of the water quality problems and that water is a scarce resource.

Raising awareness – looking for solutions as well as identifying problems.

We want to work on building relationships with Māori, we hope that an outcome of the programme is better involvement of Māori and improving the appreciation of Māori cultural values in the planning and policy process to avoid Māori having to make repetitive submissions.

‘Building relations with Māori’ – central government is looking to provide guidance for better engagement on a much wider range of issues (ie, not just about water).

### **(d) Provide more tools (*presentation continued*)**

- Current first in first served might not be appropriate anymore. The discussion booklet sets out some ideas around auctioning and tendering of water. Invited discussion around these ideas.
- Local government prepares plans: local authorities could be required to prepare a plan concerning water issues.
- Transfer of consents and discharge permits.
- Allocation/declination: explore methods that the local government can assist. It may require changes in legislation.

## **5 Discussion**

### **5.1 Willie Te Aho**

Gave a brief summary of similar issues raised in other areas.

- Treaty: The treaty has been specifically covered at each of the hui. On this issue most people have said that with respect to relationships with Māori this is the key issue to be resolved first.
- Waitaha (Canterbury): Health of the water and the life with in comes first. Those animals that were transported in can be transported out.
- Māori Reference Group: Jane West noted last Thursday that the Māori Reference Group had made suggestions that were not included in the document of discussion. This process has allowed the MRG members to reiterate their views.
- Consultation: People at Waitara wanted consultation amongst Māori by Māori before consulting with Government.
- Kaitia: some people openly accepted responsibility for their state of water as farmers and polluters.

## **5.2 Waaka Vercoe (as Chair)**

We are able to make submissions which will be recorded and can be submitted in this way through these minutes. Waaka also encourages people to make personal submissions as well.

## **5.3 Jim Gray**

I don't want to own the water because it makes me responsible for it. I'm also short of resources which is the predicament Lake Rotorua is in. I do want to be a part of the management. If Māori take ownership and things don't work out then it's our fault.

Agriculture is the main pollutant, we could stop it but how practical is that. What do we replace it with? We cannot isolate New Zealand from the world; we need to grow economically.

Government needs to set standards for the quality of our water. Local government can then enforce standards.

## **5.4 Maanu Paul**

The Crown needs to implement the Treaty. Consultation has become a checklist – with the Crown more interested in ticking the box rather than true engagement.

This is not about water, it is about sustainability, sustaining a resource. Economics is the process. There is also a problem with the research process which should underpin the economic process. For example, funding application to FORST for organic orchards (Te Waka Kaiora) was refused. The reason given: 'because organics is not a science'. Too much funding is invested in scientific research (FORST) rather than the view of people of the land.

Wai 212 – Ika whenua claim: we claim that we own the water and this sets out our position on water. Courts would not say that the waters and river ways are owned by our people (iwi).

I have no faith in this process because of the past (eg, Ohinemataroa). A permit was sort by the Whakatāne Borough Council to discharge to the Whakatāne River (Ohinemataroa) under the Town and Country Planning Act 1977 (also Soil and Water Act). We made a submission that WBC had no right to pollute our Tīpuna (ancestor – Hinemataroa). Defence lawyers referred to our submission as a 'fairytale'. To us, Hinemataroa went to Maungapohatu to live. A karere (notice) reached her that her granddaughter was born. She sent a message to her daughter to place the grandchild on a certain rock at the Whakatāne heads. Ka mimi (she then urinated) – and this created the Whakatāne river – so that her grandchild could be transported on river up to Maungapohatu. Decision: WBC cannot pollute river.

Q: What about floods?

A: Floods are an act of God.

Basis of stories: not once is there reference in discussion document to Māori spirituality and culture about the water. Also, our values will be weighed against the electorate, the significant majority who are opposed to our view: history shows this.

Our view is that we own the water.

There must be a transition period for industry to work with government to change the economic development so that it becomes more sustainable.

Forestry trend – to stop forestry and use land for farming: greater economic return. Not concerned about the environment.

There should be a transition of 50 years with clear goals for 2050. Goal 1: Put the substance into our clean green image.

Yes our history is in agriculture, but our future should be in sustainable development. Not against development, but against unsustainable development.

Why is the government holding a Hui Taumata (next week) without reference to this? (*Jim* – why is it holding one at all!)

Awarded a Fulbright scholarship – My brief was to study training and re-training. My study was on ethnic minority small business and motorcar/carpet industries. Commonality with other indigenous peoples when referring to mountains and rivers as a part of my identity. In Rhode Island – I saw Te Rangitukehu's Bill of Lading for kauri spas, pork and flax that he exported to the USA by sailing ship. I can't export Kiwi fruit – because of an Act of the government.

It relates to this issue because the government is making the decisions – this is not 'tino rangatiratanga' or my right to make my decisions.

## **5.5 Waaka Vercoe (personal views from hapū)**

- As Māori we sometimes take the direct 'head on' approach.
- We need to work out the rules, and then play . An example of this is how EBOP accepted the need for Māori representation on council:
  - Maureen Waka advocated for Māori to be represented on regional council.
  - First step: need to work out strategy on how we are going to achieve this goal.
  - Second step: targeted EBOP Chair (mirimiri nga raho – influence) – once the Chair agrees then he becomes our advocate to the rest of council.
  - End result: now EBOP has 3/14 seats (Raewyn Bennett, Eru Tai, Steve Marr).
  - Use your tactics wisely.
  - Councils are run by middle class people: always been there and regard councils as their heritage. Need to be clever in achieving your strategy.
- Consultation: We need to take a fresh Māori approach. An example: EBOP already had plans ready for a proposed development and then wanted to consult with Māori. The lateness of the consultation was noted. The way forward was to present the plans through a waiata for all the presenters to learn. This is a tool for communicating to our people – our old people did this.
  - Our kuia are still the repositories of the knowledge within our communities – we need to make greater use of them. They have a clearer perception of what we need to do, and also they can communicate through our waiata (songs). The young people respect our kuia – the young people know that the kuia take time to consider points.
  - We need to use a range of strategies/tactics to reach our goals.

- Quite happy to compose a waiata to get our people thinking about these issues for another perspective.
- Management of a resource that we do not have a great deal of is our challenge – past thinking of an abundance of water is wrong.
- Putauaki Farm (AgResearch/FORST), lead scientist is a Māori (Roger Pikia). Farm being used as a pilot to try different ideas which includes how we can use water in the most optimum way.
- Stormwater: being wasted and going straight out to sea.
  - In Brisbane, water being captured in water tanks and then used on gardens. If this was used in Auckland they would not have to use the water from Tainui/Waikato.
- Māori values: example of the Land Plan and Water Plan being developed separately by EBOP. It was advocated that these plans be developed together. You can't separate the two – they should be done together. Now there is a Water and Land Plan. From a Māori perspective, the water is always first – when a child is born the water comes first then the afterbirth (whenua).
- Common goals/outcomes: need to look at outcomes which everyone is comfortable with. You can put things through in a way which people can be comfortable with.
- The Māori Reference Group issues have not been lost – they need to be repackaged.

## 5.6 Te Poroa Heurea

- Maungapohatu:
  - Sustainable has come to mean your taonga being taken out or someone is building something in your rohe.
  - Sustainable logging (Ruātāhuna) – 10,000 m<sup>2</sup> per annum: one of the biggest impacts on our lower stream is the 'sustainable logging'.
  - Sustainable has come to mean easy access for someone else to use the resources in our area.
  - Tūhoe people are asking why they cannot make their own decisions for their own region.
  - Support Maanu – ownership of the resources is an issue. Also, our focus is to have the power to protect and manage our taonga in our rohe. This power is currently with the EBOP.
  - Taking gravel and taking water is having an impact on the lower stream: drying up of stream due to irrigation has led to a complaint to EBOP. Nothing has been done about this concern.
  - We need to sit down with Ngāti Awa and work through our plan.

## 5.7 Papanui Ruri (TPK)

- Went throughout the rohe to distribute the discussion document information.
- Asked the people what were their crucial points?
  - Water for themselves
  - There is 50 km plus travel from Ruatāhuna, Minginui, to Waiohau.
  - Looking at assistance – how can they manage their own water? They would like assistance (Ruatāhuna and Waiohau):
    - Expert knowledge (council only service 16 houses in Ruatāhuna) – they want engineering expertise; water articulation; to access water from their puna (puna – spring).
    - Some people have done courses on water management – they want to utilise their own people in the management of their water.
    - They want to use their own rates for their own purposes – outside of the council process.
    - No resources – no government agencies.
    - These ideas have been echoed in both Ruatāhuna and Waiohau.
  - Ruatoki:
    - like Whakatāne (water tank supply). Outlying areas rely on the bore.
    - Concerned that the river banks are eroding; extraction of metals from within the confiscation line is affecting the lower river
    - Ohinemataroa River Committee – one of its aims is to stop the erosion of the river banks.

## 5.8 Karen Walmsley

Concern: the government is wonderful creator of process. Submissions are required by 18 March. The discussion document is not Māori friendly. How do our people best participate in this process? Where to from here?

*Sandra:* Reports from hui, public meetings and council meetings will be made available to the public. Information will also be posted to the website. Information will eventually go into a cabinet paper (by end of April 2005). This will include proposals on the way forward.

*Mike:* The records of these hui will form a part of the process of reporting to the Ministers.

## 5.9 Waaka Vercoe

It is important that all of our ideas are noted.

*Mike:* This is a multi-year programme so there is time.

*Waka:* What is the end goal of this programme?

*Mike:* It depends on what comes out of the hui/meetings.



## **6 Summary and conclusion**

### **6.1 Key themes**

Mike's reflection on key themes:

- Specific communities and their needs
  - capacity issues – but they want to ultimately be responsible for their decisions.
- Ownership – if ownership is addressed then management will follow. But acknowledge the viewpoint noted regarding the challenges of owning water.
- Sustainable management – have heard what is being said that sustainable means different things to Māori at times.
- Water comes first – foundation of all things.
- Agricultural economy – there are challenges. Time horizon of 50 years was noted and this is needed.
- How the water should be managed; decision makers – who should be at the table. These are issues that Māori want to be a part of.
- Iwi have not heard the Crown's response to the iwi claims made to the ownership of waters – and this does affect how Iwi view the Crown.

### **6.2 George Ria**

- Mike has captured the essence of what took place today.
- There has to be a change from the economic being the main driver.
- If our environment is to get better then we have to go back to the cultural and environmental perspective for balance – our values must underline how we develop. We must care for our water – and this will look after the people. Long term we will flourish.
- Waka talked about strategies – marrying values of Māori and Pakeha is a strategy as well.
- Jim's views on the Crown taking responsibility for the water and Māori managing is a strategy that should not be lost in the discussion as well.
- We need people continually advocating the need for change. The history of how the Treaty and Te Reo Māori gained prominence has taken time.
- He mihi whakamutunga ki te iwi kāenga (acknowledgement to the home people).

### **6.3 Waaka Vercoe**

Referred to a garden in front of the marae that was planted by Tāwhao Tioke. The earth and native plants were sourced from Waimana. Wonderful resource which highlights the foresight of Tāwhao 40 years ago. We need to have the same foresight for the next 40 years.

## 6.4 Maanu Paul

- Kuia – the place of Māori women and water is vital. This is emphasised by the fact that the place for local women to educate each other was based around water (Otarawairere).
- Ngāti Manawa – all the birthing is done by men. My father assisted with the delivery of all 13 children in a Kauta (hut) by the river (over a two-week period). The power of water and its spirituality is vital to us.
- We need consider more than the physical aspects of water, but also the spirituality of the water (including the transporting of images) – and the gifts of Tāwhirimātea, Tangaroa and Papatūānuku.
- Acknowledgement of the facilitator – despite being paid by the Crown, we know that he is Māori first.
- Acknowledgement of George, the importance of his role within MAF and support for this role.
- I believe that there is a growing resentment in the way that we are being treated. We thought that we would be treated equally with Pakeha when we gained an education. This has not happened. We also need to listen to all people from all walks of life.

Hui closed with a karakia from Maanu Paul at 1.45 pm.

# **Consultation hui: Freshwater for a sustainable future: issues and options (Gisborne Hotel, Tūranganui a Kiwa, 22 February 2005, 10 am)**

## **1 Karakia/mihimihi (Rapiata Ria)**

I hope that you are here to tell us how you will help clean up our river, Waikanae Creek. I grew up there and we once enjoyed the different kai: flounder, tuna, mullet but now it is totally desecrated. And I must mention our mighty river, the Waipaoa.

## **2 Introductions**

Mike Jebson, George Ria (Ministry of Agriculture & Forestry); Claire Nesus (Te Puni Kōkiri); Sandra McIntyre, Livia Hollins (Ministry for the Environment); Willie and Linda Te Aho (facilitator and minute secretary – Indigenous Corporate Solutions Limited).

## **3 Introductions of those in attendance**

See separate attendance list.

During introductions the following points were made.

### **3.1 Barney Tupara (Ngāti Oneone)**

Our waters are Waimata, Taruheru, Tūranganui and other streams that go out to the sea.

Ngāti Oneone would like to enter a relationship with Government, to sit down with the Government to talk about our concerns – either department by department, or this group on another day.

Specifically we want to enter a separate process to this to address issues around rejuvenating and restoring our rivers to pre-Cook times, to reintroduce our kai that is no longer there. We also want to address the impact that the waters in their present condition are having on our taniwha.

### **3.2 Roma Te Aho**

My rivers are Mōtu, Wairūrū and Awatere.

Fish come in from the sea to spawn in the river mouth, and then go back out to sea. I would like to see the river mouths protected.

### **3.3 Baker Postelnik (Friends of Mangawai Estuaries)**

After the air that we breathe, water is most important.

### **3.4 Tini Harmer**

We own our lands and waterways, councils have put up walls, we want to break those down and talk, I am here not to be told, but to speak.

### **3.5 Reg Rangihuna**

I am cynical – in all of our dealings with the Government (eg, foreshore and seabed) we have come off second best.

I am concerned about legislation – because it always takes our rights. You are the messenger and we won't shoot the messenger, we want to talk about these issues. We have concerns and we want to voice those concerns. I am standing for our Tūpuna and for future generations who will need access to freshwater.

### **3.6 Jason Koia**

It is a full-time job trying to keep up with these consultation rounds. I agree with everything Barney says (except for partnership).

### **3.7 Miniata Westrupp (Chair of the iwi of Rongomaiwahine)**

My passion has always been for my people for their land and what belongs to them. I would like to be around a table discussing these issues. We want management and to be a part of the decision-making.

*(10.45 am to 11.05 am – break for morning tea)*

Willie Te Aho explained the process for the hui – this is an opportunity for people to have their say – there is also an opportunity for making submissions by 18 March. If you, like Barney, wish to engage further with the Government, then make that point.

## **4 Presentation (Mike Jebson, Ministry of Agriculture and Forestry)**

### **4.1 Background**

- Rather than saying “I’m here from the Ministry and I’m here to help you”, Mike’s version is “I’m here from the Ministry and I’m here for you to help me”. Mike explained his responsibility together with Sue Powell (Ministry for the Environment) to lead the cross-government team focussing upon water.

- Via this programme, the Government is recognising that water management is not going to meet the needs of the future.
- The programme involves freshwater from the mountains to the sea – as was said in Dunedin, the rivers and streams are the arteries and veins of Papatūānuku:
  - Mike gave a background of his own experience of declining water quality in the streams he enjoyed in his upbringing, and the value of water in terms of his family’s farming background in the Canterbury Plains.
- This programme focuses upon “sustainable development” – a new paradigm for managing water in New Zealand.
- We need a healthy water system for all dimensions and values relating to water – social, health, cultural, spiritual and economic (hydro, irrigation – the wealth of the nation depends upon the land), environmental, mahinga kai.
- This discussion document and the water programme reflect some 18 months of initial thinking around what the problems are and some proposals and ideas to address those problems. This stage is testing that thinking, and that is why we are here today. If there are other problems or other ideas, we value your feedback.
- Some of the preliminary ideas were tested with:
  - a general stakeholders group (eg, Fish & Game, Federated Farmers, FOMA, energy companies)
  - a Māori Reference Group – a useful forum: Heitia Hiha, Waaka Vercoe, Paul Morgan, Jane West, Gail Tipa (however this document is a government document – and if you don’t like the document – don’t blame the Māori Reference Group).

## 4.2 Main issues

The two main issues are:

- Water quality is declining – examples of high profile cases (eg, Rotorua, Taupo).
- Allocation – involves taking of water, as well as issues around how much water should remain in rivers. There is not enough water to meet everyone’s desires and needs. Demand continues to grow. There needs to be much wiser use – how can we meet those needs so that the rivers don’t suffer, and so that communities don’t suffer.

There is also another issue that we will be addressing: water bodies of national importance – this issue needs to be tested more with communities. To date, the Government has been ‘fire fighting’ the specific major problems, what are other nationally significant water bodies that the government can step in and provide assistance with – as it has in Waitaki, Taupo, Rotorua, Rotoiti? What is the central role in this issue?

Mike referred to the Treaty relationship reference in the document.

New Zealanders have taken water for granted for too long. We cannot continue to do so.

### **4.3 Possible solutions: ideas for a new approach (Sandra McIntyre)**

The ideas that I will talk about are just ideas and we really need to hear what you think about them. You may disagree with our ideas and have better ideas.

#### **(a) Providing national direction**

Local and regional councils manage freshwater – and they have been left alone to do this. But what happens where there are issues that affect the country as a whole, or national priorities?

Some ideas are:

- to make use of RMA provisions for national policy statements and national environmental standards – this would allow priorities for water management and environmental bottom lines to be set upfront (eg, how much water should stay in a lake or river – currently there no national policies or standards)
- how to identify priorities – Government targeting where it gets more directly involved in water management – identifying the ‘nationally important’ water bodies (eg, water quality in Rotorua lakes) – maybe government should be involved earlier.

#### **(b) Central government involvement**

Central government could become more involved in developing best practice information and sharing around information, funding, pilot programmes.

#### **(c) Working together**

- How can all different sectors (eg, councils, scientists, Māori) come together to address some of the problems?
- Raising awareness – education – Sandra has heard many times that rural people are aware of the problems with water, but people in the cities are not.
- Building relationships with Māori:
  - clearly Māori have a really big interest. We want to look at ways of making Māori participation more effective. What other things can we be doing to make this more effective?
- Pilot programmes (eg, Lake Taupo – co-operative approach, sharing information)

#### **(d) Providing more tools for regional councils**

- The discussion booklet sets out some ideas around comparing consents (rather than looking at applications in isolation) should there be some kind of auctioning and tendering of water?
- Transfer of water permits and consents – if some have more water than they need, should transfer be made easier?
- Local government prepares plans – local authorities could be required to prepare a plan concerning ‘big’ issues relating to water.
- Providing a way for councils to reduce the taking to address issues of over allocation and water quality – is it something we need to look at?

As Mike has said, we need to hear from you as to which ideas are good and which are not.

## **5 Discussion**

### **5.1 Roma Te Aho**

My late aunt lived near Lake Rotorua which is one of the first lakes polluted in this country. The lake has been choked. This issue was put before the government and nothing seems to have been done.

With regard to our rivers, which were mighty rivers when I was a child, they are getting smaller. Things like the Public Works Act, and the digging into our rivers, digging out stones, have caused our rivers to change their courses (eg, in Te Araroa). This is like changing the course of nature and an imbalance occurs – and the whole ecological system breaks down.

On the east coast, a remote part of the country, water is a problem, and in some places it now costs people a lot to buy water.

In the summer the Waiapu River shrinks, and I have seen the damage with my own eyes. We need to stop discharging waste into the rivers – farmers have been found guilty of doing this.

I grew up with my grandparents and they were conservationists. In those days, you only took enough to feed your families and the balance remained intact.

There needs to be funding to help people in dire straits (ie, those who have no water for basic needs). We need to leave the rivers alone – stop digging into them, stop making fountains – this is a wasteful use of a precious commodity. The local council has received a number of complaints, but nothing gets done.

### **5.2 Barney Tupara**

I want to clarify a basic premise – my Tipuna (Rawiri Te Eke) signed Te Tiriti under which the government was granted kawanatanga and in return our tino rangatiratanga was affirmed. Based upon that, we still retain ownership of the water. If that is not the premise, then that needs to be stated upfront.

If as with foreshore the Prime Minister is going to say that she owns the foreshore, is the government saying that the Crown owns the water? That will determine or impact upon our view.

Working on the premise that we still own the water, and our reliance on the Crown to look after it, then you should give us the resources to manage it ourselves, because you have not done a good job.

I am concerned about the whole process – water is not something that could be sold. What is the real agenda here? Where is this really all leading? Water is so essential to all of us.

You cannot give local government this responsibility to manage water, this is central government responsibility. To delegate is to abrogate duties under the Treaty. We retained ownership. Your Queen did not say she would give it to someone else to manage.

Local government cannot do this job, we cannot rely the local government in this area them to make decisions that are good for us, we have had to go to the Environment Court time and time again.

*Mike:* This document does not make any statements that change the status quo – that the government has guardianship of the waters.

### **5.3 Reg Rangihuna**

We challenge that the government has guardianship.

We have an international right as tangata whenua to our property. We are not trusting of the last 160 years. Last year we went through the process of the foreshore seabed and we were hard done by and now we are talking about water and it is scary – in some countries, they have civil wars over these types of issues.

The New Zealand Parliament is a law unto themselves – they are making international relationships to sell our water.

Legislation looks after particular people, but not our own. We still welcome all people who make this country their home.

Is this just another debacle – grabbing our taonga again, just like the foreshore? Our property rights are being taken from us. We are talking about legal issues. We want to assert our international rights which existed prior to the Treaty. What next? Will we lose our land? I consider this country to be Aotearoa, to be Oneone, I am not a ‘New Zealander’, I am tangata whenua.

Who knows best? If you go to a community – they know best. Really “consultation” has been about people coming to a community telling us what you are going to do next.

We live off the water, we live off eels. We have a number of claims dating back to 1840. We have lost 63 million acres of land that we were kaitiaki of. We are sceptical about this whole issue.

This process seems all pre-meditated. People in Te Araroa pay hundreds of dollars for rates and they get nothing in return.

Long drops have been outlawed, people pay money for septic tanks that do not work.



## 5.4 Miniata Westrupp

I like to talk about my experiences – I was brought up at Māhia by my grandparents. We never had tanks, we had a little stream that flowed beside where, from that we had cooking water, washed clothes etc. We looked after that stream – we physically brought flat rocks. Where water came down from the top end, that was the drinking and cooking place. Further down was for washing, and further down there were the Muscovy Ducks, then out to sea.

The water always looked clean, and today the same stream has a different look. We didn't take care of it.

I want to remember the good things that we had. We had a well that never went dry – near the stream. We had a marae close by.

There are a lot of little streams in Mahia like that, and springs, we know where they are.

If you look at the map, we are just about an island. Water is a big thing for us, there is more water than land itself. We need help, we need to sit down face to face and make decisions for us. All these things we have been saying in other forums.

## 5.5 Ruby Smith (Administrator, Rongomaiwahine Trust)

Ruby tabled a summary of key points from Te Whānau o Rongomaiwahine.

- Rongomaiwahine – importance of water:
  - Our identity is linked to our kaimoana – and the abundance of our kaimoana.
  - Wai Māori is directly linked to Waitai and kaimoana – they are inseparable. Health of one affects the other.
  - The health of the waitai and kaimoana is the test of the health of our freshwaters.
  - Our kaimoana is declining for a range of reasons including eh declining of water quality due to pollution. We are taking responsibility and leadership for overfishing (both commercial and customary) but we need to work jointly with central and local government to address the issues of water quality: we are aiming to improve our relationship with local government.
- Direct impacts on our water:
  - Large-scale farming (and we are farmers) – direct pollution of waterways through fertilisers, stock in the waterways.
  - Forestry clear felling – flooding at Kopuawhara and Kaiwaitau River.
  - Residential developments – 200 new residential sections for this year alone. New sewerage system for Mahia beach – we don't have proper infrastructure for this development.
- Treaty of Waitangi issue – the priority is to sort out the relationship. We believe that it should include:
  - joint governance (look at EBOP model) joint management (Ngāi Tahu experience); joint planning; joint regulation; joint compliance and enforcement (for non-compliance)
  - resourcing/scholarships for Māori to be educated in the areas of sciences and sustainability – we need to excel in all of these areas
  - Rongomaiwahine – we want all discharges to eventually meet drinking water standards.

- Consultation: This is a good start but it is not consultation. We recommend that the Crown resource us to enable us to hold another meeting amongst ourselves, to enable us to meet with our neighbouring iwi. We have our own specialists and policy writers who can meet with the Crown and write a joint policy.
- Key take home points for discussion document:
  - Treaty relationship should be at the top.
  - Māori values – our Rongomaiwahine values – should be clearly stated.
  - Our water standards – drinkability – should be noted as the goal for discharges.
  - Fence off waterways and riparian strips together with land-based effluent treatment.
  - Recycling of water from rooves to roading (which is one of the biggest pollutants).
  - Education programmes for schools, communities – “Be a tidy Kiwi”.
  - It may take time to achieve, but the biggest thing we need is commitment.

## 5.6 Jason Koia

We (Māori) had sophisticated planning and environmental systems mai rā anō (since time immemorial). Legislation has taken away our rights and excluded us (eg, Public Works Act – confiscation; the Town and Country Planning Act moved tangata whenua and kaitiakitanga away from iwi kainga).

Te Tiriti o Waitangi did not cede property rights, or sovereignty.

Refers to Page 12: 2.2 “Roles and relationships”– The right to manage water is vested in the Crown, which delegates management responsibility to local councils.

We want you to show us how the Crown got that presumed ownership over the water.

Based on our previous experience with the aquaculture consultation and foreshore, whatever input we make, will be ignored.

I have looked through the document and cannot see any reference to wāhi tapu – even though it is legislated for. This is critical. The RMA has not had the effect it was meant to, because of the way local government’s application of the Act.

He refers to 2.4 (page 14) the figure – 80% of water allocated for irrigation is driven by economic factors. However if we had been able to exercise our kaitiakitanga rights we would not have let what is happening happen.

There needs to be riparian management plan to stop tutae going into streams and to stop sediment. Only kaitiaki know how to address problems relating to our wahi tapu.

As reconciliation and pathway for healing, there need to be development plans that local communities can become involved in.

Issue 6 (page 16) Māori participation in water management could be improved.

Despite sections 6(e), 7 and 8 RMA and the ability for ‘positive discrimination’ (through sections of Human Rights Act and the Bill of Rights Act), other provisions such as section 23 RMA limit our ability to exercise our kaitiaki rights.

Is this real consultation that will be given effect to? How can we trust the Crown – a thief that is now a judge?

Referring to Issue 8: water infrastructure: there is no iwi management plan in Ruawaipu. Waiaipu area is ranked as lowest decile – we can’t sustain ourselves, so how can we sustain our land and our waterways. He agrees with the points made about the east coast. There are pathways forward which are provided for in legislation, such as tangata whenua development plans.

He does not believe that either local government or central government is a treaty partner.

## **5.7 Mike Jebson**

Firstly I acknowledge that treaty issues are complex and it is difficult for a public servant to get into those issues: but I do confirm that this programme is not about taking rights away from Māori.

Wāhi tapu is recognised in the RMA, and there is no suggestion to change those provisions. This programme seeks to make those provisions more effective.

We have heard about some good models in other parts of the country (eg, Invercargill) – there is a positive relationship between iwi and local government. We want to share information like that and encourage more of that in other parts of the country.

There has been some work on riparian management schemes. Via national policy statements and standards, central government can be more involved in encouraging more of these.

Reiterates that Crown has not asserted ownership, but it has asserted a responsibility for management based upon advice from Crown Law. We will note your request for the basis upon which the Crown asserts the right to manage and delegate responsibility for water.

The issue of discharge of sewage into rivers is a key issue and is being addressed.

In terms of the ‘agenda’ – it is sustainable development – economics is part of that – but there are other parts to it. We have had too much of an emphasis on economics and we want to bring it back into balance. There is a legitimate criticism that the Crown has been missing in action on water management issues.

We have come from a legacy of New Zealand thinking of itself as a water rich country and we cannot continue to think like that anymore. Rotorua has shown us that.

## 5.8 George Ria

In terms of the timeline for this agenda – there is no intention for this to be completed before the elections. There is a strong commitment from the Ministries to hold back and allow people to have a say. If you believe that the Treaty is the strategy to take you forward, then by all means use it. It is absolutely clear that we need to look after our water, and for Māori to use our values to exercise our kaitiakitanga.

*Jason:* Our vision and strategy is based on native title and our tikanga and other strategies.

*George* invited Jason to make a submission that sets out that vision and strategy clearly.

## 5.9 Roma Te Aho

Retaining trees and planting more trees are vitally important to stop road slips (eg, Waioeka Gorge) and erosion. We could use the unemployed to plant trees. Atareta Poananga is trying her best, but she is a voice in the wilderness. We need a partnership – because we need to be recognised, our people know the land, the sea and the rivers from when we were babies, we have been taught how to look after things. We need to work together. My grandmother, Mihikotukutuku (wahine rangatira of Te Whānau a Apanui), was presented to King George VI, and was presented a scroll which confirmed that Mihikotukutuku owned the land, seas, and waterways. We need our tino rangatiratanga back.

## 5.10 Wairata Te Oneone

Question: Where is the mana coming from to overrule the sovereign council of Te Oneone? Parekura should have come, but in his absence tables a Summons to Witness for Conspiracy to Defraud Native Title.

## 5.11 Baker Postelnik

The top priority has to be to clean up all sources of water: rivers, tributaries, streams and lakes.

Honouring the treaty involves showing respect for Māori cultural, tradition and environment in which Māori culture and tradition developed. That is: pristine forests, clean rivers, unpolluted estuaries and coasts.

It also involves mutual tolerance with the different ways and means we use to achieve our goals (the concepts of tapu and noa, rahui and others).

We are not the same – but we are or ought to be equal. Or ideas, knowledge and wisdom have to receive equal consideration. Too many Māori people have embraced pakeha ideas to the detriment of our society. Too few Pākehā have embraced Māori wisdom – to enrich our lives.

Politicians at all levels have to be constantly reminded that we are not an American suburb! We don't want to buy water in bottles or tankers. We don't want all the chemicals that are poured into town water to make it potable. (Auckland City water smells, stinks like a chemist shop.) It is time we put our environment and culture first and help all of our people to live the good life.

My question is: “How can we get Parliament to understand that the small community on the East Coast who has seen a river deteriorate to nothing, so that they have to buy their water, that that community knows more about the rivers than they do”?

## 5.12 Reg Rangihuna

Question to the GDC representatives: What was so wrong with long drops which have been outlawed – in rural areas? And yet in the cities we are pumping waste out to our sea?

*Response:* Unsure about the context – problems arise in small communities where there are too many.

*Baker* suggested the idea of compost toilets.

*Response:* There is a problem with some who may look after those, and some may not, when they go wrong they go very wrong.

## 6 Summary of key points

### 6.1 Mike Jebson

Reflected upon what he heard:

- fundamental issues about the Treaty and international rights and how they impact upon water
- that there are flaws in the document
- a clear statement that you want to see us again, that there cannot be just a once around the country and that is it
- concerns about how things are operating in this area – partnerships that aren’t there (eg, with council)
- suggestions such as riparian planting
- that water is so fundamental to so many people
- that the Crown has been failing in its duty to address these issues
- that Māhia is looking at models that might work in the face of challenges such as growth in residential demand and forestry etc
- concerns about ‘playing with nature’ and the impact on people
- issues about ownership – why is the Crown asserting its right to control water? (this has not been an uncommon challenge coming from Māori)
- that the Treaty is about tolerance, equality and respect
- that water is a big issue and a long-term issue
- that the Crown is not recognising the sovereignty of the council and that you (the sovereign council) want to hear about these issues first-hand.

## 6.2 George Ria

There are some people here who might be considered to be “radicals”. You play an important role to effect change. Ngā Tama Toa fought for te reo, and for Te Tiriti.

George agrees that there has been too much emphasis on economic factors. There are two peoples in this country, and we all have values. Balance needs to be restored in the areas of cultural, social and environment.

Our water is the lifeblood of Papatūānuku, without it we die.

## 6.3 Reg Rangihuna

Question: What is different about *this* process compared with others? Is there a change in mindset why we should trust this process?

*George Ria:* This is the first time that your comments are being captured and they will be packaged along with all other minutes from other hui and put in front of ministers. You also have an opportunity to view the minutes from other hui. I will do my best to ensure that your views are visible in this process but at the end of the day, I do not make the decisions.

## 6.4 Closing kōrero – Rapiata Ria

Some of the suggestions put forward to you today have been excellent, and I hope that you will be able to utilise some of them to help on this very important kaupapa.

Closing karakia – 1.30 pm.

# **Consultation hui: Freshwater for a sustainable future: issues and options (Te tari o te Taiwhenua o Heretaunga, Heretaunga, 23 February 2005, 10 am)**

## **1 Karakia (Heitia Hiha)/mihimihi (Ngāhiwi Tomoana)**

## **2 Introductions**

Mike Jebson, George Ria (Ministry of Agriculture & Forestry); Claire Nesus (Te Puni Kōkiri); Sandra McIntyre; Livia Hollins (Ministry for the Environment); Willie and Linda Te Aho (facilitator and minute secretary – Indigenous Corporate Solutions Limited).

## **3 Introductions of those in attendance**

See separate attendance list.

During introductions the following points were made.

### **3.1 Ngāhiwi Tomoana**

Some time ago, our Tupuna gave us a publication – *He Toa Takitini* – and it speaks about te arohanui o Ranginui ki a Papatūānuku, we have been given a whakapapa and the mauri of that whakapapa, and our job is to uphold that. This is fundamental to us and we will talk about it *ad nauseum*.

### **3.2 Serena O'Donnell**

Recently returned from the Waikato, and I became interested in this issue because of the pollution I saw in the Waikato River.

### **3.3 Marei Apatu**

Acknowledges the process of having a scribe who is able to pick up on the essence of what we are saying, it provides integrity to the process of consultation and provides a level of comfort that what we say is going to be put forward.

### 3.4 Heitia Hiha

This issue has shades of the *Merchant of Venice* – trying to separate water from land is similar to Shylock trying to separate the flesh from blood – water should not be taken from the land and should not be sold to others.

### 3.5 Morry Black

I am concerned about over allocation of river waters and the relationship of the aquifers and the rivers is not being recognised. As a Māori I see the whole thing connected – mountains to the sea.

### 3.6 Leon Hawea

A concern to us is the slowly withering away of our mana whenua, tangata whenua status as we see other peoples' rights having more priority to ours – we want better participation in decision-making.

*Willie Te Aho* explained the process for the hui, and the closing date for submissions – 18 March.

## 4 Presentation (Mike Jebson, Ministry of Agriculture and Forestry)

### 4.1 Background

- Rather than saying “I’m here from the Ministry and I’m here to help you” Mike’s version is: “I’m here from the Ministry and I’m here for you to help me”. Mike explained his responsibility together with Sue Powell (Ministry for the Environment) to lead the cross-government team focusing upon water – involving a number of government departments.
- Mike referred to the reference in the booklet to the Treaty Relationship – we want to know how do we make that more relationship more meaningful?
- This programme involves freshwater from the mountains to the sea – as was said in Karitane (Dunedin), the rivers and streams are the arteries and veins of Papatūānuku, and this message of connectedness is a powerful one.
- This programme does not address fisheries management, nor does it address the urban water supply, but the connectedness of those issues is recognised.
- Mike gave a background of his own experience of declining water quality in the streams he enjoyed in his farming upbringing, and the value of water in terms of his family’s farming background in the Canterbury Plains.
- We need a healthy water system for all dimensions and value sets relating to water – social, health, cultural, spiritual and economic (hydro, irrigation – the wealth of the nation depends upon the land), environmental, mahinga kai – therefore wise management is needed.



- This discussion document and the water programme reflect some 18 months of initial thinking around what the problems are and some proposals and ideas to address those problems. This stage is testing that thinking, and that is why we are here today.
- If there are other problems or other ideas, we value your feedback.
- Some of the preliminary ideas were tested with:
  - a general stakeholders group (eg, Fish & Game, Forest & Bird, Federated Farmers, FOMA, energy companies)
  - a Māori Reference Group – a useful forum: Heitia Hiha, Waaka Vercoe, Paul Morgan, Jane West, Gail Tipa (however this document is a government document – and if you don't like the document – don't blame the Māori Reference Group).

## 4.2 Main issues

The two main issues are:

- water quality is declining:
  - examples of high profile cases (eg, Rotorua, Taupo)
  - we cannot sit back and allow this to happen to such precious resources
- allocation: involves taking of water, as well as issues around how much water should remain in rivers. There is not enough water to meet everyone's desires and needs. Demand continues to grow. There needs to be much wiser use – how can we meet those needs so that the rivers don't suffer, and so that communities don't suffer
- there is also another issue that we will be addressing: Water bodies of National Importance – this issue needs to be tested more with communities. To date, the Government has been 'fire fighting' the specific major problems, what are other nationally significant water bodies that the government can step in and provide assistance with – as it has in Waitaki, Taupo, Rotorua, Rotoiti? What is the role of Central role in this issue? We have been told at many hui so far that the Government is not fulfilling its duties under the Treaty of Waitangi with regard to water – when should it step in? How can we work together more effectively to solve the problems relating to water?

## 4.3 Possible solutions: ideas for a new approach (Sandra McIntyre)

The ideas that I will talk about are just ideas and we really need to hear what you think about them. You may disagree with these ideas and have better ideas.

### (a) Providing national direction

Local and regional councils manage freshwater – and they have been left alone to do this. But what happens where there are issues that affect the country as a whole, or national priorities?

Some ideas are:

- to make use of RMA provisions for national policy statements and national environmental standards – this would allow priorities for water management and environmental bottom lines to be set upfront (eg, how much water should stay in a lake or river – currently there no national policies or standards)

- how to identify priorities – Government targeting where it gets more directly involved in water management –identifying the ‘nationally important’ water bodies (eg, water quality in Rotorua lakes) – maybe government should be involved earlier.

### **(b) Central Government involvement**

Central government could become more involved, such as in getting together to make submissions on regional plans, in developing best practice information and sharing around that information, funding for councils, use more pilot programmes (eg, local projects and solutions that are already established).

### **(c) Working together**

- How can all different sectors (eg, councils, scientists, Māori) come together to address some of the problems?
- Raising awareness – education – Sandra has heard many times that rural people are aware of the problems with water, but people in the cities are not.
- Building relationships with Māori:
  - clearly Māori have a really big interest. We want to look at ways of making Māori participation more effective. What other things can we be doing to make this more effective?
- Pilot programmes (eg, Lake Taupo – co-operative approach, sharing information).

### **(d) Providing more tools for regional councils**

- The discussion booklet sets out some ideas around comparing and prioritising consents (rather than looking at applications in isolation) should there be some kind of auctioning and tendering of water where there are competing applications?
- Transfer of water permits and consents – if some users have more water than they need, should transfer be made easier?
- Local government prepares plans – local authorities could be required to prepare a plan concerning ‘big’ issues relating to water.
- Providing a way for councils to reduce the taking to address issues of over allocation and water quality – is it something we need to look at?

As Mike has said, we need to hear from you which ideas are good and which are not.

## **5 Discussion**

### **5.1 Marei Apatu**

Whose rights are right? I refer to the Treaty and the rights that it gives to us as tangata whenua, not the principles of the treaty, but the spirit in its entirety. There has been a huge failure in the delegation of management to local government who continue to deny their responsibility. The relationships need to develop.

There needs to be a complete change of attitude on the part of local government, central government may well need to come in to take a big stick to local government.

In terms of relationships, we want to participate as **tangata whenua**, not as a stakeholder. We must play an integral part of the decision-making processes. We have a lot to offer in co-management regimes, we can make meaningful contribution as kaitiaki. If we want to cast the image of clean green, then we need to recognise the cultural face that can help to provide this. On the (foreshore and seabed) hīkoi we heard that ‘they want our culture, but they don’t want us’.

We are marae, and pā people. We often do this type of work because we are involved in our marae committee etc. We take up huge amounts of time to take part in these processes – mōumou taima (a waste of time). Of course we need more resources, applied appropriately to make the process more effective, we need to build our capacity.

We know there are Crown rentals in shingle management. We don’t see any of that; it goes back into the coffers of government. This is economically driven.

The RMA review and the foreshore process has meant that we do not have confidence in the government. Material has been snuck through over Christmas, which prioritises economic players over environmental issues.

My fear is that what used to be notified activities will now become discretionary non-notified activities and transparency will be lost. I do not have faith in the local government decision-making – given past decisions over water allocation.

The focus on economic issues must be changed: environmental imperatives must take more priority over economic imperatives. However we acknowledge that they do go cap in hand because our people own vineyards, but there must be a balance.

We have taken the opportunity to meet and discuss some of these issues and they include:

- on the issue of “first in first served” we are tangata whenua, we were first here therefore our priorities should be first
- we need to set some kind of performance indicator that takes us back to how we remember the former glory of our resources
- catchment plans – *ngā puna roimata*, the tears of Ranginui that comes down to Papatūānuku. We agree with the kōrero of the veins of Papatūānuku. We also have a view on the veins of Tangaroa. We talk of the continual cycle from Ranginui to Papatūānuku. So the notion of having a split process of having catchments that is broken up, with different sets of decision-making and no cultural input. This has been relegated to second class, second tier position. The continuum of a whole catchment needs to be the look. These are big issues. How can we make this happen? Is there any political willingness to make provision for this to happen – this needs to come from the top and be recognised from the top. The Treaty is sacrosanct and this must be the starting point of the management of water
- if there is any form of water rental then this is an opportunity to put some of that aside to support our young people to go through university to upskill in this area – to build our capacity – to prop up tangata whenua to grow our own people around these particular sorts of issues. These people (skilled in resource management technical issues) are rare, and we need to turn that around.

In summary:

- we need to look at a system that takes more account of factors other than economic (environmental, cultural)
- we do want to get to a position where we have a good model in place – that recognises our status as tangata whenua
- we had to fight the Hastings District Council over the issue of water quality and water standards in terms of discharge of waste to water. We went through a long and enduring process to have our cultural imperatives taken into account. The council has placed too much emphasis on economic imperatives. We fought to ensure that what was discharged was ultimately inert to Tangaroa and Papatūānuku. Tangata whenua had a win, and this was a win for the community – and what has been established is a committee that has 50/50 balance
- we don't have the resources to sit alongside of the hydro companies and others who have major economic interests.

## 5.2 Heitia Hiha

On the point regarding the committee, it is not a nice job; it is a difficult job. So it is right to have a 50/50 balance. But when it comes to the good things, there is no 50/50.

## 5.3 Peter Paku

Water has been very important to our family for many a year. I am part of two committees that deal with waste – we have huge problems in this area, and much of the work that I have put into these issues is unpaid.

With regard to some of the tools that were on the screen earlier, the regional councils have shares in the port companies. They are the 'Crown in drag'. So when they say there is no putea, this is rubbish.

Some of those pictures that we have seen how did we let it get to that level?

The milk and cheese industry here is based on water – and we see some of the messes that are happening and we need to address these issues.

Stock herds are being switched now, and a lot more water is needed for them now.

I worked on the 'second generation regional plan' which took us three years to alter. Throughout that process we could not pick winners. We don't have a policy on land use. There needs to be planning on land use. The RMA allows for transferable water permits. There are areas that need to be changed.

Changes for regional rules and monitoring require Māori commissioners, not advisors that are seconded. There must be funding for that from the ports.

The current allocation method is flawed. If people lose water, we lose crops and we lose employment.

We have told HDC in their planning not to allow too much taking above the aquifers/springs. Our springs are not being harnessed. They are being pumped when they are already draining the land at the same time – the system is inefficient.

Water not being used should go back in the melting pot. Even though it is said that there is no right to renewal, in reality they do, and we will end up in the Environment Court.

Coastal villages are being set up and septic tanks are making their way into them. From a sewage point of view, you can smell it – soap leaves tell-tale signs. We need better monitoring.

In terms of allocation – I have never been a fan of first in first served. Glazebrook was allocated one third many years ago. If we stuck with this, Glazebrook would still be taking one third. One third was to flow to recharge our system.

We need a better definition of what is a drain and what is a stream. What flows into our streams (like Pakowhai) are being polluted by drains.

There are crazy rules on septic tanks etc that will impact on us as well. It costs up to \$15,000 to establish a septic system.

Old style of living – you used to put your kāinga near a stream, which was usually clean, there was kai. As Kaitiaki we who live at the bottom of the river control of the river, if you lived upstream in the old times and you put paru in the river, I would be up there poking a stick in you.

Karamu stream is filthy and polluted and full of weed. How do we make the councils do anything?

The council's approach to shingle – this needs to be changed.

## **5.4 Heitia Hiha**

I was involved in the MRG on cultural issues. Since this has come out, I have looked more at the management side and the legal side.

Our relationship treaty wise has always been with Crown, we used to have the department of Māori Affairs and if we had problems, we could feed these back through the department. Now TPK is policy focused, not a community active organisation, we have lost our direct chain of communication to the Minister.

The Crown is delegating its responsibility to local bodies and therein lies the problem. The development of SABU and LATES organisations within a local body, private arms – we hope that the Crown will set up Māori constituency like the Bay of Plenty where Māori will be ensured participation at regional council level.

Seabed/foreshore – an assumption was made by the Crown. Today I hear a lot of other assumptions, like the Crown owns the gravel. Where is the legal say so that the Crown owns the gravel? At least it doesn't say it owns the water.

Some time ago, I asked Nick Smith the difference between a water right and ownership of water. He said that was a can of worms. Now this programme has opened up that can of worms.

The statement in the document that the Crown is vested with the right to manage – where is the legal basis for that statement? It is too similar to the assumption made regarding the foreshore. Māori have always been willing to share resources, but as soon as a commercial value is placed on the resource (eg, quota) then we jumped up and down.

The document (issue 6) says that Māori Participation in water management ‘could’ be improved. I say that Māori participation in water management **must** be improved.

The Crown is passing responsibility to Local bodies but they are considered to be private under the Public Finance Act.

Things like endowment lands get hidden out of sight. Those of us on the RC Māori committee feel we have a fairly good relationship in the development of policy.

But the real place is back at the table where the decision is made. We need someone at that table to speak on our behalf, so how can it be said that we have our say?

Water permits – I am pleased that the wording is permits and not water rights (Glazebrook says he has 32% but what he has is a *quantity* regardless of the water level in the river). Allocation should allocate a percentage of what is in the river at a particular time.

I disagree with first in first served. Water belongs to the land, it shouldn’t belong to a person.

I agree with transfer of permits. Sometimes people aren’t using their water, and sometimes those who have the rights live overseas and it isn’t used. This needs straightening up.

I am against the water auction idea or selling water. If it is RC managing the use of water, then all of those should come back to RC to be reissued.

Perhaps in anticipation of what is going to happen, Glazebrook has already developed its own 11 hectare lake.

People are responsible to their neighbours.

## 5.5 Leon Hawea

Ka whati te wai, ka whati te whenua.

At the end of the day when you return to Wellington and write your policies etc, those of us at the chalk face are still dealing with water quality and management. We need to know what type of time we will see results of our contribution to your process– such as within 10 years, the quality of this stream will be swimmable, in what amount of time will we have no pollution? How can you guarantee us that what we say will trickle down to guide us and help us to sustain this resource?

The blockage in terms of relationship of iwi with Crown – the problems occur at the level of local government. There is no Māori participation in the decision-making. You must impress the role of tangata whenua, and how RC and DC relate to those parties in a decision-making role, not just as providers of advice. We must contribute at the beginning not at the end.

The system currently in place is not working. We are always on the back foot. Water is an important issue, but our lack of participation is a much wider issue.

Maybe Ministry for the Environment can fund a different organisation so that Māori can pay our rates to a Māori 'council' who will look after our interests. Water management is so critical to us.

We know councils operate through policy writing. We live in a racist regime that is intent on cutting out participation of Māori, because the focus of local councils has been economic. This programme seems to be coming from an environmental base. Where do our beliefs and our values lie? You may need to show the light on how councils are going to relate. They do not recognise the Treaty in their policies.

## **5.6 Waa Harris**

Two creeks meet behind me are dead and have been for years. The waters do not flow. How do I get my streams back to how they once were? I tell my mokopuna that I used to swim in there, get crayfish and other kai. Now the smell is disgusting because the water is stagnant, and I am left with their paru. The Regional Council should be answerable to somebody. On 19 December last year, a horticulturalist put two bores in paddocks before he got the application for the water. I am not a scientist but this is not common sense. The Regional Council put a little circle around it and only let those houses know about the resource consent. I live opposite the marae, but I was told that I couldn't speak. So I responded that the aquifer starts and stops within that aquifer? This is ridiculous. Now my aunty has no water in her bore in the summertime, because everyone else is drawing water. There are health and safety issues. Hastings District Council put a bore down and wanted us all to join their line and go on their bores and not on our own. We have to pay for pipes that pipe the water. Now, the council goes elsewhere, but we are expected to stay on their bore.

We are a captured community. We were there before everyone else. Now we are surrounded by lifestyle blocks that are taking the water. But they won't acknowledge that they live in Pakipaki. Further down in Bridge Pa is the same. They don't say it but we know we don't constitute enough money in the rates to be worthwhile.

## **5.7 Heitia Hiha**

Te Awa o te Atua used to be a flowing stream now it is dry. Glazebrook lives next door and he has all the water. The little kids play in the dry bed and sometimes they leave the little kids in there and sometimes Glazebrook opens the gate and lets the water flow without warning.

I liked Paul Morgan's model at the top of the South Island where some water is allocated to the environment. That system of water allocation could happen here.

Water users and polluters, their intake should be below their outlet. The well should be at the lower end of their stream.

During the resource consent process for outlet for sewage, we argued that the permit should be intergenerational, not beyond the generation of those decision-makers. Thirty-five years passes outside the knowledge of the people who are present. So it was lowered to 12.

## **5.8 Morry Black**

Under the RMA, in terms of the allocation of permits, Māori should have more say in, as rivers are recognised as taonga under Article 2 of Te Tiriti.

The concept of water bodies of national importance should not have more weight than existing matters of national importance.

The Water Programme of Action is needed, we all know of the quality declining and that our rivers are drying up, who is responsible for that? It is regional council – they have been remiss in their duties. It is time for Māori to have a greater role.

There needs to be a cap on the amount of groundwater that is taken. There are always new applications for water permits, the affected parties status needs to be changed.

Environmental and cultural factors should be prioritised over economic factors – which should come last. If we fail on the environmental side, who has to pay? Rotorua and Taupo are classic examples.

In the summer, you can't swim in our lagoon. We all know that it is caused by nutrients, they are passing the buck by not recognising this.

There are many sites discharging contaminants into our river systems. Wineries need water to irrigate. And now wineries are on our side, because they are marketing their grapes which are irrigated with water that has human effluent in it. Yesterday's enemy is today's friend. We need pilot programmes to compensate for our past actions and inaction and Māori need to part of the design of those programmes

## **5.9 Robert MacDonald**

I agree with what has been said previously. I agree that the regional council is responsible for the problems.

Māori communities are dying for lack of water, but people seem more concerned about putting ducks on a puddle.

Ownership – interesting experience in Waimarama – water was shared but now, if you haven't got a right, it is not legal, so if you fall out with your neighbour, tough. Rights under the Treaty need to be clarified.

There is a lot more that we can do. Our Incorporation has taken up riparian planting. We can close off waterways that run through our farm and start our project. However our legal situation has not been resolved satisfactorily in the Māori Land Court.

## **5.10 Jenny Manger**

Tangata whenua got here first. We are a first nation, and we are winners. Observations about our environment that were made by our grandparents are only now being recognised by the scientists.



It is unjust that this process is not going to each hapū and each marae to allow tangata whenua to have their say.

We need water in our veins. There was a perfect description today about the veins and arteries about Papatūānuku. We have many water-laden whakatauki. I had hoped that our people would bombard you with those, but perhaps we need to live them as well as chant them.

I implore you to be proactive.

We want our own management teams, we don't want to just be policy people, we want to be practitioners – leading the way for other communities. We have an opportunity from rentals, for capacity building. We need practice, not theory. I am against theory. I have spent hundreds of thousands of dollars cramming my head full of theory at university. We need to live our reality.

I am part of the Tukituki Cultural Health Index, a team with some young brilliant people on it. Every site we looked at was impacted upon, there was not one pristine site. It was astonishing to see the number of dried up streams – with no overhanging vegetation, or framed with exotic plants or grass. Our own mindset of a healthy river is different to 100 years ago.

My idea was not to moan, but to go out and get the tools of the decision makers. Ngāhiwi has been the main driver of us having a mussel farm out in the bay.

We have to go to so many lengths just to be tangata whenua. We have to participate in so many worlds and be twice as good.

### **5.11 Serena O'Donnell**

Today was more of an information gathering exercise for me, and I have learned a lot today.

Secondly I came to see what difference the two trusts that I am involved in can make. One way is that we have people who lease from us, and we can see the amount of water wasted on crops particularly in the summer, and we could sit down with them and work out a better way of meeting their needs and the wider community's. We can personalise it more. Everyone has a personal responsibility to improve the quality of the water, to do whatever they can do. Water is wasted by orchardists who wet the road. There are ways of growing your crops – meeting your economic needs – and balance other needs. Because they can get away with it, they do get away with it.

### **5.12 Stirling Halbert**

From what I have heard, if we are going to earmark anything, mindsets need to change at our regional level and at central government level. Our representation of Māori needs to be there and recognised in our region.

Māori Affairs – that representative body needs to be reformed so that we can have representation with our regional council.

## 5.13 Ngāhiwi Tomoana

I am from the iwi and I am here to help you. Every hapū was against the foreshore, and the Crown took no notice. So our comments are based on our history and our whakapapa. We need to be kaitiaki of our own whakapapa.

### Whakatauaki: Our symbols

*Heretaunga haukunui – Heretaunga of the life giving dews.*

We are kaitiaki of the mist and dew

*Heretaunga ararau – Heretaunga of the arcadian pathways.*

This refers to a place in Macedonia, a place where orchards and rural communities thrived.

*Heretaunga haro te kaahu – Heretaunga seen through the eyes of the soaring hawk.*

*Heretaunga takoto noa – Heretaunga of the departed chiefs.*

Our language “ko wai”, nā wai, nō wai etc, illustrates that our waters are absolutely vital.

The regional council is not here to look after tangata whenua interests, they are farmers and look after farming interests.

### Our shopping list – our way forward is based on the 13 actions outlined in your document

Our Plan B, to make the Crown listen, is to sue them – just as we did on the foreshore issue, we won in the Māori Land Court, then the Court of Appeal (then the Government changed the legislation).

1. Develop national policy statements – we must have our own wharenui with our own paepae – our own experts that every policy must run through. Policy statements should reflect that iwi (whanau, hapū, waka) as tangata whenua are the kaitiaki over the mauri of all freshwater.
2. National policy statements and standards must meet criteria that tangata whenua set (too often we have experienced “save the native species, stuff the natives”).
3. Address nationally important values: they must recognise tikanga, kawa, whakapapa.
4. Central government must provide legislation that regional councils **must** take into account tangata whenua issues. The RMA does make provision for this but it has not been applied.
5. Increase central government’s support for local government: A *LITE* or local iwi trading enterprise should be set up to monitor and collect water rates from every user. We can then manage the water as kaitiaki.
- 6–8. Developing mechanisms: Just like lawyers have to pay into a fidelity fund, there should be a **bond** on all dischargers (eg, Fonterra’s requirement that if you do not comply with our requirements/standards, we will not buy your milk).
9. Set requirements for plans – punish those who ignore standards.
10. Enhance Māori participation – refer to Action 1 set up our own paepae.
11. Allow regional councils to allocate water to priority uses. Yes, as long as it goes through LITE. It is also our tikanga is to Manaaki.

12. Raise awareness: We already have programmes for education, etc.
13. Collaboration: We must create our own strategic plan. Tangata whenua still own vast quantities in our headlands, maybe we could store water up there as kaitiaki, and then look after our downstream people.

We could be cynical and expect our shopping list to be ignored and thrown in the rubbish bin and revert to Plan B (court action). But not to list them would be remiss on our part as kaitiaki.

## **6. Reflection of key points**

### **6.1 Mike Jebson**

- Treaty is a key issue and the need for tangata whenua to be involved in decision-making.
- Clear statements and concerns that Treaty and role of tangata whenua as kaitiaki is not being recognised at regional level.
- Big problems with water management – access to water for small communities (eg, Māori communities seeing water being wasted around them but they do not have access).
- Some good ideas on rentals (eg, shingle).
- Concerns about separating land from water – and the need for integrated management from mountains to the sea, and that the systems are living systems.
- Avoid direct selling or market mechanisms, but look at the water as part of the land.
- The need for communities to take responsibility and embrace water management (eg, riparian management).
- Real concern around the Crown as Treaty partner delegating and relying upon local government without providing guidance on how they operate.
- Regional councils must be answerable in terms of their management and the need for a watchdog.
- The need for a timeframe – it needs to be measurable – is it a 10-year vision or a 50-year vision?
- The need for recognition of iwi, hapū, whānau, waka, tikanga.

This information will be put together with all other information and there will be a long reflection. This programme is about the balance that works for the community and for Māori. This is not a short-term programme, it will take years. There are no short term fixes, but our challenge it to find the right pathways.

### **6.2 George Ria**

The stories you have told today remind me of our own experience at home at Waikanae, Gisborne.

We know that what is good for one iwi is not necessarily good for others. We have different needs and different solutions.

Imagine the name of Waihiere – it should be abundant with water – but it is not. Where is the water?

Tikanga is not science, tikanga is common sense and that came out today. This programme is the first off the block for the government's 'sustainable development framework', the four well-beings.

More needs to be done to restore balance between these wellbeings. Cultural should perhaps be the most important.

Perhaps we need to educate Pākehā to understand our values base.

It was clear from today's hui that tangata whenua need to be part of:

- decision-making
- management
- regulators and compliance.

### **6.3 Marei Apatu**

Noted that further submissions would be made and this would be led by Morry Black.

1.50 pm closing kōrero (Marei Apatu), closing karakia (Heitia Hiha).

# **Consultation hui: Freshwater for a sustainable future: issues and options (Waiwhetū Marae, Wellington, 28 February 2005, 10 am)**

## **1 Karakia mihimihi**

## **2 Introductions**

Sue Powell, Ricky Ellison, Livia Hollins (Ministry for the Environment), George Ria; Rebecca Martel (Ministry of Agriculture & Forestry); Suzanne Doig (Te Puni Kōkiri); Willie and Linda Te Aho (facilitator and minute secretary – Indigenous Corporate Solutions Limited).

## **3 Introductions of those in attendance**

See separate attendance list.

*Willie Te Aho* explained the process for the hui, and the closing date for submissions – 18 March.

## **4 Presentation (Sue Powell, Ministry for the Environment)**

### **4.1 Background**

- This programme has involved a cross-Government team, several diverse government departments have come together and we speak with one voice.
- The aim of this programme is to improve water management, how to look after streams and rivers and how to protect them.
- This hui is for us to come and listen to you – this is the beginning of the consultation process – the intent is to harvest what people in the community know.
- Following all consultation hui and public meetings, several reports will go back to government, and one of them will be the report from the various hui.
- Some of the preliminary ideas were tested with:
  - a general stakeholders group (eg, Fish & Game, Forest & Bird, Federated Farmers, FOMA, energy companies)
  - a Māori Reference Group: Heitia Hiha, Waaka Vercoe, Paul Morgan, Jane West, Gail Tipa – their contribution has been valuable.
- This programme focuses on *rural* issues, it does not address the urban water supply, nor does it address marine issues but we acknowledge the importance of those issues.

- We are not here to talk about ownership, we are here to talk about management.
- If there are other problems or other ideas, we value your feedback.

## **4.2 Main issues**

The two main issues are:

- Water quality is declining: examples of high profile cases (eg, Rotorua, Taupo).
- Allocation: involves taking of water, as well as issues around how much water should remain in rivers. There is also another issue that we will be addressing: water bodies of national importance. To date, the Government has been reactive to major problems, what are other nationally significant water bodies that the government can step in and provide assistance with – as it has in Waitaki, Taupo, Rotorua, Waiwhetū Stream? What is the central role in this issue?

Note: The government is not intending to usurp the powers of regional and local councils.

## **4.3 Possible solutions: ideas for a new approach**

### **(a) Providing national direction**

Some ideas are:

- to make use of RMA provisions for national policy statements (eg, coastal policy) and national environmental standards (eg, around air quality standards for health) – this would allow priorities for water management and environmental bottom lines to be set upfront (eg, how much water should stay in a lake or river); should more be done with water conservation orders?
- how to identify priorities – government targeting where it gets more directly involved in water management –identifying the ‘nationally important’ water bodies (eg, water quality in Rotorua lakes) – maybe government should be involved earlier.

### **(b) Central government involvement**

Central government could become more involved, such as in getting together to make submissions on regional plans, in developing best practice information and sharing around that information, funding for councils, use more pilot programmes (eg, local projects and solutions that are already established).

### **(c) Working together**

- How can all different sectors come together to address some of the problems?
- Raising awareness – education.
- Building relationships with Māori.
- Pilot programmes (eg, Lake Taupo – co-operative approach, sharing information).

#### **(d) Providing more tools for regional councils**

- We are asking a number of questions around whether we have enough tools to deal with some of the problems we have identified.
- Should there be a system of comparing and prioritising consents (rather than looking at applications in isolation) should there be some kind of auctioning and tendering of water where there are competing applications?
- Should it be easier to transfer water permits and consents – if some users have more water than they need?
- Local government prepares plans – local authorities could be required to prepare a plan concerning ‘big’ issues relating to water.
- Should there be more tools to allow councils to reduce the taking to address issues of over allocation and water quality – is it something we need to look at?

## **5 Discussion**

### **5.1 Morris Love**

Our rohe covers Wellington City, Hutt City and Upper Hutt City.

There is not much irrigation here, and limited farming but there is a large amount of rural area that people don’t often see.

We have a very serious interest in the seawater regime, and the rivers and streams affect seawater quality.

Wellington Tenth (WT) does have a farm and does contribute to quality issues for streams and rivers in the area (Awakairangi – Hutt River). The quality of the Waiwhetū stream is a major concern.

Was part of earlier attempts to set national water standards that were done away with (in an era where Government did not consult widely).

From Wellington Tenth point of view the relationship with regional council has been a major effort. If you make changes, look at history of water management (ie, look at what worked).

It is disappointing that there hasn’t been a better lead from central government to local government (eg, setting national standards extraordinarily slow and we are paying the price for that).

The impact of urban development on water quality is a major issue. More rural area is becoming urbanised with the development of lifestyle blocks. Inevitably water quality will decrease.

Treaty of Waitangi claim settlement processes offers an ability to establish relationship with central government and advance co-management. You only have one hit – chances of getting it wrong are quite high.

We will need input into water issues over a number of years, in planning. There are things in the future that will change and we need to be there to continually ensure that the changes meet our expectations.

In the revision of plans, resourcing is an issue to do the analysis to ensure that the plan will do what it is supposed to do. This is very difficult to cover issues that will arise. Many consents are done in a non-notified way (eg discharging waste), so rely upon regional council to impose suitable conditions.

When you make changes, need to look at a whole raft of issues, there is a lot of experience in running the RMA with councils. Central government hasn't played a role, and may not understand what is happening out there.

Tools from settlement process need to be used more.

*Example:* In our area we have very few water bodies, but two lakes Kōhanga Piripiri and Kōhanga Te Rā are significant resources, but very degraded. There are DOC interests and district and regional council issues. Other interests include the marine environment and what happens with gravel, discharge. etc. A joint management operation such as that in Waihora could be used here, and elsewhere. Iwi are seeking much more significant recognition and control.

## **5.2 Robyn Anderson**

How can we support councils in harvesting our resources, how we can clean up our waste, what to do with thousands of car wrecks in our water systems, we need to have more environmental responsibility, seeking ways that we can get guidance at grass roots level, we don't have an abundance of water and we don't have an abundance of quality of water. We need to accept that.

## **5.3 Jenny Kaye Potaka**

In terms of what this programme covers, does it cover aquifers?

*Response:* Yes it covers all freshwater in its natural state.

Will the programme consider the issue of bottling and selling water? This implies ownership because that water comes from springs.

*Response:* We have not got into this issue in any level of detail at this point.

The concept of national importance – does that include Waitaki energy? Will there be a weighting on who gets to use water (eg, dams are said to support more people, therefore they might have more priority)?

*Response:* The website contains more information on values and waterways of national importance – there are seven reports on values available on the website. The values range from recreational values to energy values. Most reports have derived lists of what are the nationally important water bodies.

There has been much debate on whether it is possible or desirable to identify waterways that are of national importance to Māori.



## 5.4 Morris Love

It *is* possible to identify nationally important waterways: Wanganui is important to that iwi and it is nationally important – similarly Taupo is of national importance.

The call on those things depends upon the local people, but there is also a notion of what other iwi perceive, particularly where an iwi is identified by their river, lake. The Waiapu River is a national symbol, it is referred to in the song *Pokarekare Ana*.

## 5.5 Suzanne Doig

We have taken advice on the difficulties that could arise where iwi/hapū identify their waterway as important, but those waterways may not be seen as *nationally* important.

## 5.6 George Ria

It is simple, but there is a fear factor present.

## 5.7 Willie Te Aho

Every iwi or hapū have their own pepeha or whakatauki that identifies their water body, or waterway.

## 5.8 Morris Love

These are identifications of national importance.

## 5.9 Ihaia Puketapu

Is the central government looking at any major shifts in design? Are they looking at national building of stormwater treatments plants? Are we moving towards making it illegal to discharge?

The technology exists – in Europe they reuse their water, they don't discharge. They recycle their water. Why are we not moving this way? Cost seems to be the issue, but the cost of *not* doing this will be even worse.

Seaview – apparently the water is drinkable after treatment.

We are wasting water resources. I have read Morgan Williams' (Parliamentary Commissioner for the Environment) reports on sustainability and I am reiterating what is said in those reports.

Our problem has been the measuring of our nation's prosperity on GDP, but this is not the best measure to use. This focuses on economic use – not our total prosperity.

Is the government actually listening to those who have the best information (eg, the Parliamentary Commissioner for the Environment)?

It is difficult to accept the separation of freshwater from marine issues, we need to look at things holistically.

We sell a clean green image – this is just a marketing ploy. We depend upon that brand. We need put integrity behind that image and brand. We need to take ownership for doing this. Otherwise, we will suffer if people realise that we don't live up to this clean green image.

*Sue Powell:* This programme is complementary to the Parliamentary Commissioner for the Environment's reports. We do take that information on board. Fundamental redesign of urban system is a very long-term issue – and we are probably not looking at that kind of fundamental change.

*Ihaia Puketapu:* Is there a shift for free resource consents? You could buy your own sewerage treatment facility etc. We should facilitate that, facilitate the recycling of water. We are wasting clean aquifer water – why because that is the system we are hooked into.

*Sue Powell:* There are some councils taking a strong 'green' line. It differs from area to area.

*Ihaia Puketapu:* The term 'natural' is preferable to the term 'green'. What is happening now is 'unnatural'.

## 5.10 Jenny Kaye Potaka

People tend to ask how can we get *more*, rather than asking how can we need *less*? How can we waste less?

Manage the need rather than manage the quantity – that has to be part of any water programme of action.

## 5.11 Morris Love

We need to raise people's consciousness about freshwater resources – mainly in the urban area. One project is the "daylighting" of Waitangi Stream – to bring it up on to the surface to remind people that the stream still runs and still has eels in it – it has just run underground because of the urban development.

Seaview marina – building interrupted aquifer, keeping people's consciousness about these issues is important.

## 5.12 Ihaia Puketapu

The language of the RMA under the concept of sustainable management – talks about "avoid, remedy or mitigate". We seem to do more *remedying* and *mitigation* – why don't we just *avoid*? We have the technology to do this. We must remember that Papatūānuku is affected.

### 5.13 Te Rira Puketapu

On page 16 of the Document Issue 6 “Māori Participation in Water Management could be improved”. This implies that Māori have not really wanted to participate in water management. This is not true. Māori need to be more than just commentators. Someone else takes that commentary and says that they will do this or that with it while Māori sit on the sideline. Māori need to be on those bodies where the important decisions are made that will affect everyone in New Zealand.

Quotes Shane Jones – in 20 years’ time, the population of this country is going to be mainly Māori and Polynesian. Therefore Māori cannot remain as mere commentators. The foreshore issue is an example of what can happen if things are not done properly to involve people who have such a strong foothold in the land.

I have grown up and watched the denigration of the Waiwhetū Stream. It is very hard to recover part of it. We will never get all of it back.

The natural life should be able to live in it, survive and grow in it. It makes it difficult for us to say in our pepeha that that is our stream given the state it is in. We cannot get food from it (eels – too many contaminants).

Māori are directly affected, daily lives around marae with their people and there is responsibility upon all of us (all New Zealand) that where denigration has happened that it is put right.

Up until 20 years ago, factories were allowed to discharge into the stream, it would change colour every day. The insidious part of it is that a battery manufacturer – up to 20 years ago, discharged lead into the stream. Today, in that part of the stream, the silt contains 1% lead which is high enough to be mined. What responsibility does industry have? And how can they be made responsible for what they have done? They have made profits. Yet they are the first ones to squeal when they have to get resource consent. The ratepayers seem to bear the responsibility of cleaning up their messes.

Just flicking through the booklet, there does not seem to be any mention of the word “mauri” in the discussion booklet. This describes the almost spiritual life force that is in everything, including the waters. We know that 75% of our bodies are water, and we can live without food, but not without water. So we cannot live without it, it is essential. Mauri is fundamental in the way Māori speak and think about their waters.

If you read the labels of many bottles in our home, they say, don’t put this near skin, etc, but it all ends up in the drains and then in the waters. This is part of the insidious contribution to the contamination of our water.

We objected to use of sewage waste for the making of compost. The main objection was the fact that the collection of that sewage included human blood from embalming process, and that compost was used for fertilising market gardeners to grow food. Māori would not do this – it is abhorrent to our belief systems.

Te Rira referred to an objection to a land fill above the intake of our aquifer. Leachate from the landfill could find its way into the water. So the council put the leachate into the sewerage system. This was a good move.

Administration of the RMA is an important facet.

On issue of discharge or use of weedkiller in the water, parties were asked to compromise – illustrating how Māori opinion is regarded.

The RMA seems to be under a process of continual change. RMA talked about matters of national importance and the way that Māori think about how they are affected by the consent process.

In the last round of changes, Wellington Aratahi Committee noticed that ‘tangata whenua’ were not specified, there was a reference to ‘Māori’. Tangata whenua have responsibility as kaitiaki in our area, so if tangata whenua are seen as too difficult, councils can take the easy way out, Māori can be pitted against each other and we all lose.

I am not an engineer, but it seems practical when there is a sharing of resources, in the summer there are low flows in the stream, and the oxygen levels are down, aeration is needed. I have made the suggestion for low level weirs.

Settlement process – this is an obligation if the Treaty of Waitangi is going to be taken seriously. If we disparage the Treaty, we disparage ourselves, not just Māori (ie, if you make a commitment and walk away from it this is disparaging yourself).

#### **5.14 Morris Love**

In this region Māori participation is very active, it comes from the tangata whenua groups – those who do have the kaitiaki responsibility. Councils in this region haven’t had too much difficulty in discerning who is who. We probably deal with 10 resource consents per week, and one major one per month. An intimate knowledge of the place is necessary (eg, the earlier Silverstream tip that was affecting the aquifer).

We are poorly resourced in terms of getting a professional response.

There are some better tools that are available. The Whanganui people are currently in negotiations with government regarding the Whanganui River, but that is a good example in terms of having a much greater interest from the Māori authority. There is a sliding off of that in the political realm, too expensive or too difficult to deal with tangata whenua. I disagree. They know who we are and know that we fulfil our responsibilities well. With regard to costs, they unfortunately get our kaitiaki cheap, too cheap. These issues are not going away easily.

#### **5.15 Te Rira Puketapu**

Cost factors of putting things right – diverting the stream encapsulating the contaminated sediments and sealing it off. This could cost \$3.5 million. Now the question is *who is going to pay?* If no obligation is put on industry, then it must fall on government. The council has spent money on investigation, but not the diversion. Ultimately rates will go up if council is responsible.

*Sue* is responsible for contaminated sites and the remediation fund. Industry can be targeted, but this is no use if the industries are no longer operating. But government is dealing with legacy. There is a central government resource to apply for to address these issues.

### **5.16 Te Rira Puketapu**

New Zealand has a transient population. Why should ratepayers pay for something that they were not responsible for? Māori tend to stay within their rohe. This is something that may be overlooked. Government has to take more responsibility.

### **5.17 Bella Tuau (Health Protection Officer)**

Has attended today to listen and will be making a submission through health channels.

### **5.18 Tania McPherson (TOKM)**

There are some obvious connections between fisheries management and management of freshwater (eg, eel fishery), and sustainable management.

- Managing input and output controls – total allowable catch.
- A question is whether this programme will go down the path of market based mechanisms – that will commodify and privatise the resource similar to the quota management system).
- In the area of fisheries management there have been issues of prioritising – customary rights have priority, and non-commercial needs must be looked after. While New Zealand is a model internationally for fisheries management, we don't have very good co-ordinated mechanisms for dealing at local scale (eg, eel fishery).
- Freshwater plans seem similar to fisheries plans – this is a new development.

A huge topic is the issue of Māori rights, and the question of how you value things. How do you prioritise values, how do you balance the non-commercial and the commercial? We are still working through these issues.

It is easy to politically manipulate if you have a strong lobby group. So it is important that all the interests groups work together to achieve sustainable solutions – rather than politically motivated solutions.

### **5.19 Te Rira Puketapu**

Eels – current operators are catching commercially, they have come in and cleaned our rivers out because they knew there was going to be a change. We did some testing and a study to see where our iwi sat in terms of what resources are available to us, and it is poor.

Quota system is not the best option, customary rights are still most important.

### **5.20 Jenny Kay Potaka**

Jenny supports the concept of a whole catchment assessment rather than dividing up the management of catchments in terms of boundaries of councils etc.

The river should be viewed as a whole system.

Take money off the urban developers who are concreting over the land, getting an advantage out of abusing the resources and give that to those people who are doing things to restore the balance (eg, riparian planting).

## **5.21 Te Rira Puketapu**

Two lakes, Kōhanga Piripiri and Kōhanga Te Rā, one chain around lakes owned by Hutt City Council, and one owned by Regional council, how do we as Māori exercise our customary rights (eg, eeling) when we do not have control. We all know that it is very hard to change conservation estates.

In the future in the urban areas, I am convinced that we are going to have to have compulsory water metering to conserve water. People must take responsibility for the water they take.

## **6 Summary and conclusion**

### **6.1 Sue Powell**

Reflection of key themes:

- Waiwhetū Stream – the state of it and how there is a need to restore it – and who pays for this?
- Not to forget history of water management and keep the good things during this phase of change.
- The government hasn't been there since NWASCA.
- Careful in disturbing relationships.
- Look at Treaty processes.
- Challenged on national importance issue.
- Value of freshwater.
- Need to learn to manage waste and lessons (eg, PC).
- Maintain New Zealand brand image of 'clean green'.
- Role of Māori in decision making – deal with tangata whenua rather than "Māori".
- Role of industry.
- Focus on avoiding rather than remedying and mitigating.
- Find and support local solutions.
- Govt need to be involved in restoration in a substantive way.
- Encouraged to take a holistic view of catchments.
- Lessons from fisheries management system.
- The challenges of dealing with multiplicity of government departments.

## 6.2 Ricky Ellison

This hui reiterates what has been said around the country. *Whakatakoto manuka* – challenge to government to show more leadership, to incorporate Māori values better.

Tiakitanga and caring are the same thing. Everyone wants clean water, to be able to swim in the water, to get kai out of our water.

There are challenges at Local government levels, Māori need to participate better. There are some pretty significant names of our water bodies (Waimakariri, Taupō-nui-a-Tia). There are some good models of Māori engagement, but there is much that can be improved. Māori need to continue to push the boundaries of some of the good things that we are doing. Kaitiakitanga is an important responsibility and we cannot avoid it, so we have to participate in the system.

We know how to manage water. We have done it for a long time. The challenges are daunting, but exciting.

*Ki uta ki tai*, is how we talk about our waters at home.  
*Meaningful* co-management is a key.

Some of the small things we can do as individuals are important. It is essential that we look to the future.

## 6.3 George Ria

*Te Waiwhetū, Te Awakairangi* these are beautiful names, with significant meaning. These rivers are the veins of Papatūānuku, and they flow out to Tangaroa.

*Mauri* – all throughout the land we have heard of the need to restore the mauri of our waterways.

## 6.4 Closing korero (Te Rira Puketapu)

Acknowledges the Government for coming to the marae to provide an opportunity for discussion. However, it is difficult for our people to be available on a week day due to work commitments. We hope that government will take notice of our views, but having made submissions before which have been ignored, there is scepticism of the submission and consultation process.

Closing karakia 1.10 pm.

# Consultation hui: Freshwater for a sustainable future: issues and options (Wairākei Resort, Taupo, 4 March 2005, 10 am)

## 1 Karakia mihimihi (Lennie Johns)

*Ko te wai Māori he taonga tuku iho, kaaore he take tua atu i tēnei: ki te kore te wai, matemate katoa tatou. Nō hea tēnei kupu? ‘Mā ori’ – ‘mā ori ori’: i heke mai te wai i te rangi, i a Ranginui, ki runga i a Papatūānuku.*

(Freshwater is a treasure that has been passed down to us, there is no more important issue: if there is no water, we all die, Where does this word “Ma ori” come from? It encapsulates the continual descent of water from Ranginui, the Sky Father, to Papatūānuku, the Earth Mother.)

## 2 Introductions

Sue Powell; Ricky Ellison, Livia Hollins (Ministry for the Environment); Gerard Horgan (Ministry of Agriculture & Forestry); Suzanne Doig (Te Puni Kōkiri); Willie and Linda Te Aho (facilitator and minute secretary – Indigenous Corporate Solutions Limited).

## 3 Introductions of those in attendance

See separate attendance list.

During the introductions, the following points were made.

### 3.1 Tina Ngatai (Māori Trustee)

Tina is concerned about being prudent trustees, and about land use that does not negatively impact on lakes. Tina would like to swim again in the lakes as she did growing up in the Koutu area of Rotorua. Her children have never swum in Lake Rotorua. It would be nice to achieve for our mokopuna.

### 3.2 Topia Rameka

Forest trusts, landholder within the catchment. He is interested in hearing how issues affect hapū lands.

### 3.3 John Hepi

We own a forest and a farm. Our lake is a *taonga* not an asset, we must preserve it not develop it. If we are polluters of our lake, then we want to do something about it, so we are in the process of developing a plant that soaks up nitrate.



### 3.4 Dean Stebbing

First there needs to be a discussion between the Crown and Māori on issues about ownership. This is the principal issue for us. The discussion document doesn't deal with that issue. It seems to be a 'touchy, feely' document that talks about swimming and having barbecues on the foreshore of the lake. My key message is that the regions of this great country are quite different. Our community is quite different, specifically with regard to *tangata whenua*. Solutions must align with local values. The ownership construct is different here. Any regime of water allocation and discussion about values needs to align with our unique position. I am sure our whanaunga in Te Arawa will think similarly.

### 3.5 Lennie Johns

Lennie supports Dean's kōrero – we are interested in ownership of all our resources in our rohe. He also supports the idea of being able to drink our water.

*Willie Te Aho* explained the process for the hui, and the closing date for submissions – 18 March.

## 4 Presentation (Sue Powell, Ministry for the Environment)

Acknowledged the point made by Dean, his kōrero on ownership will be taken back to the Ministers, having said that, the 'riding' instructions for these hui were that ownership was 'not on the agenda'.

Sue acknowledged the work of and the subsequent passing of Mahlon Nepia.

### 4.1 Background

- This programme has involved a cross-Government team, several diverse government departments have come together and this is quite a new approach.
- Some of the preliminary ideas were tested with:
  - a general stakeholders group (eg, Fish & Game, Forest & Bird, Federated Farmers, FOMA, energy companies)
  - a Māori Reference Group – : Heitia Hiha, Waaka Vercoe, Paul Morgan, Jane West, Gail Tipa – their contribution has been valuable.
- We needed to create some boundaries for our work. This programme focuses on water in its natural state, it does not address water in pipes, so it does not include the urban water supply, nor does it address marine issues but we acknowledge the importance of those issues.
- The aim of this programme is to improve water management, how to look after streams and rivers and how to protect them.
- This hui is for us to come and listen to you – this is the beginning of the consultation process – the intent is to harvest what people in the community know.

- Following all consultation hui and public meetings, several reports will go back to government, and one of them will be the report from the various hui.
- If there are other problems or other ideas, we value your feedback.

## 4.2 Main issues

The two main issues are:

- Water quality is declining: examples of high profile cases (eg, Rotorua, Taupo).
- Allocation: involves taking of water, as well as issues around how much water should remain in rivers. There is also another issue that we will be addressing: water bodies of national importance. To date, the Government has been reactive to major problems, what are other nationally significant water bodies that the government can step in and provide assistance with – as it has in Waitaki, Taupo, Rotorua. What is the central role in this issue?

## 4.3 Possible solutions: ideas for a new approach

### (a) Providing national direction

Some ideas are:

- to make use of RMA provisions for national policy statements (eg, coastal policy) and national environmental standards (eg, around air quality standards for health) – this would allow priorities for water management and environmental bottom lines to be set upfront (eg, how much water should stay in a lake or river; should more be done with water conservation orders)?
- how to identify priorities – Government targeting where it gets more directly involved in water management –identifying the ‘nationally important’ water bodies (eg, water quality in Rotorua lakes) – maybe government should be involved earlier.

### (b) Central government involvement

Central government could become more involved, such as in getting together to make submissions on regional plans, in developing best practice information and sharing around that information, funding for councils, use more pilot programmes (eg, local projects and solutions that are already established).

### (c) Working together

- How can all different sectors come together to address some of the problems?
- Raising awareness – education about the issues that we are dealing with.
- Building relationships with Māori.

*Suzanne Doig:* One action identified in the discussion booklet is ‘Enhancing Māori participation’, we are looking to clarify issues around Māori participation in local government – one possible solution is for central government to make it clearer what local government has to do in terms of consultation with Māori; more widely, central government is looking to provide guidance for better engagement on a much wider range of issues (ie, not just about water).

Some of the themes that have emerged from hui so far is the poor performance of some councils and also capacity and capability issues for both iwi and for councils – should there be resourcing and or help with training to enable Māori to participate better, and to develop iwi management plans? Are there other ideas? We are interested on hearing your views.

- Pilot programmes (eg, Lake Taupo – co-operative approach working together in a partnership, sharing information).

#### **(d) Providing more tools for regional councils**

- We are asking a number of questions around whether we have enough tools to deal with some of the problems we have identified.
- Should there be a system of comparing and prioritising consents (rather than looking at applications in isolation) should there be some kind of auctioning and tendering of water where there are competing applications?
- Should it be easier to transfer water permits and consents – if some users have more water than they need?
- Local government prepares plans – local authorities could be required to prepare a plan concerning ‘big’ issues relating to water.
- Should there be more tools to allow councils to reduce the taking to address issues of over allocation and water quality – is it something we need to look at?

## **5 Discussion**

### **5.1 Dean Stebbing**

How will you come back to us on the issue of ownership? This is a key issue for the Trust Board.

Cabinet is currently hearing Lake Taupo issues re 1992 Deed.

This could be fixed quite easily by way of a separate issue. Understands that you don’t have a mandate to discuss ownership, but we are ‘miffed’ that it has been taken off the agenda.

*Sue:* we can report back faithfully your kōrero.

*Dean Stebbing* continues – This framework is useful as a discussion tool, but this is supposed to be consultation with ‘tangata whenua’. Yet we are only one of a key group of audiences. I am sure that you will make very good notes, but there are other interests in the community, and too often our values are watered down when combined with others.

Māori values associated with taonga don’t get watered down by community values which are different (eg, second generation water skiers) our tribe are kaitiaki. Our water has looked after our people for generations and will do so for generations to come.

‘Engagement’ needs to be more than frilly words like those in the LGA (eg, ‘capacity building to take place’), but it does not say ‘here is your guidance’. So you need to be quite clear how you seek that engagement. How you resource that engagement is important also.

The framework as proposed still doesn't meet some of those high values that Māori will have. Unfortunately because you want to divorce the issue ownership, that is an intrinsic part of that relationship. You cannot separate those intrinsic values. On a Māori view, ownership is about *looking after* something, there is a distinction in the values around ownership between Māori and European values. Each tribe has its own values. Inside tribes, many different hapū have their own themes.

There is a hugely complex resource consent system operating at both ends of the lake. The Lake is seen as convenient source of water for hydro. Big companies have huge teams and huge resources and teams of lawyers. The tools you say you might provide must include tools and mechanisms that would enable kaumatua to discuss the importance of streams for iwi, hapū and that has the same weight as the interests of the likes of Mighty River Power.

Framework must also identify that there are going to be huge users who will need to be monitored. The 35-year consent regime doesn't give comfort. Any legislative review should cover this issue.

## **5.2 Kia Paranihi**

More and more of our people are returning to our ahi kā, our papakāinga (place where we are truly from), to retire and so forth. We want our resources to be restored to the state they were in when our tīpuna cared for them. These taonga shape our identity.

When you say that 'ownership is outside the parameters' for discussion, this is an abuse. You cannot possibly separate these issues.

I appreciate all of the comments Dean has made (even though I have not yet read the discussion document fully).

In terms of the key value issues that he has raised: I know my hapū would agree with those.

This lake has been used primarily by outsiders as their playground. These users get a huge advantage – more so than us. There needs to be some balance between general use and the rights of those for whom it is our back yard and for whom there is a longstanding relationship and for whose identity is attached directly to it.

In terms of the discussion on nitrate levels and the impact on quality – there is a proposal that undeveloped land may need to stay undeveloped. This raises a huge question about the rights of people who have owned that land for a long time to do anything with it (when they eventually retire or return back to the rohe). It is like confiscation to have a policy preventing you from developing your land.

My primary concern, and that of my hapū, is for lake water quality to be preserved as much as possible, but there are other issues to be considered.

Maybe outside users can be responsible for restoring water quality.

*Dean Stebbing* – This could take the form of a tourist tax similar to what occurs in Japan.

No one really understood in the 1950s–1970s the impact of these issues. The eco-system around the lake is very sensitive. The local economy is lumbered with the cost of high quality sewerage and reticulation systems. Just like Queenstown the demand for houses in this area is growing.

### **5.3 Topia Rameka**

Adds to Kia's point regarding undeveloped land, this includes the issue of landowners not having the right to develop forests on their land.

### **5.4 Gayle Leaf**

Papakāinga living – there is a huge development going on in Taupo which has been given the go ahead by Environment Waikato and council. This will mean a large increase in numbers of houses going up and we are being penalised.

Gayle shared a story regarding working with council – it took a while to get it through to council that they needed to go and talk to tangata whenua. There was a lack of understanding of who does what. After having talked to tangata whenua, there was, for the first time, some understanding of the different roles of councils, and a good process was worked through. We (employees of councils) need resources in to enable us to go out to marae and talk to those whanau.

Consultation ought to take place on marae, not in the Wairākei Resort. The marae is the place of the people.

Programmes – we need resources for councils to conduct education programmes with tangata whenua. We have come a long way since the RMA. We have the right to be educated on all these policies. We don't really care about the 'national good'. Our whenua has been taken for the dams for the 'national good'. So much of our culture has been destroyed in the name of the national good. Consultation should involve talking to the proper people in the proper places. It takes time to gain trust, because so many government departments have come and gone and because of the inconsistency between regional and district councils.

Submission process – resources are needed to teach people how to do submissions (not just Māori but for the whole community). These are basic needs. If these are not covered, then these processes are a waste of energy.

*Suzanne:* On these issues of education and resources – the focus has been on resourcing councils to understand Māori. This needs to be refocused.

*Gayle:* One planner took the time to explain discretionary and non-discretionary processes, in simple terms and this was valuable.

*Dean:* There is an issue regarding scale: this is a really important topic and there are very few people here. If it wasn't for the TPK email, there'd be less people here. Our people are hui fatigued. There are other major Treaty issues being dealt with (and this is a high priority), there are tangihanga. It is difficult to engage on this important issue.

## 5.5 Kia Paranihi

I used to attend the lakes and waterways meetings, but Māori tend to steer away from ‘community’ groups and hui, and our views are not properly represented. This has resulted in Tuwharetoa interests being ignored (eg, in discussion on the water conservation order process). People will not be properly informed.

It is good that Ministry for the Environment is involved. It is difficult to know who to go to in order to deal with certain issues.

*Gayle Leaf:* There are some instances where Māori and the community have worked well together, knowing that at certain times, we have to go our separate ways.

*Kia Paranihi:* How is it that the RMA process does not deal with comparing interests in terms of allocation? Perhaps there can be a system whereby councils can reserve to avoid a tenders and auctions system would be ghastly.

*Sue Powell:* Case law has established the ‘first in first served’ system. One of the questions we raise is, is this the smartest way of dealing with it. Some councils are now reserving and are only giving short term consents (10 rather than 35 years) and this is heartening. But it doesn’t happen much. Once people have their allocation, they tend to want to hang on to it.

## 5.6 Karen Walmsley (Tūhourangi)

Our iwi/hapū sought to have input into the variation of District Plan – water quality was a major issue – Lake Tarawera. One of the biggest issues was the council acknowledging the special relationship with our water, we still have not achieved this understanding or the respect after a four-year journey which has taken tribal resources – a lot of money in the Environment Court and legal fees. But we have been very clear on how we wanted to be treated, not just on ownership issue but on management – in informing policy and legislation around the use of our taonga. Because our relationship has not been acknowledged, we cannot even get into a conversation until this issue is sorted out.

Now that we have resolved ownership issues for the Rotorua lakes, we have inherited paru water, and as owners of lakebed we have to be more involved in cleaning up.

This particular process is too far ahead. I commend you for your efforts, but it is not enough. We are not at the table yet. How you come back to us and how we sit in that forum, we need to be proactive, we will get less tired. You are applying pressure on us to come up with answers and solutions. But a fundamental flaw in the process is that we have not yet been recognised.

## 5.7 Tina Ngatai

I may have mandate to speak on behalf of my iwi/hapū, but this is not consultation and my comments cannot be taken as consultation with my iwi, who do not know about this hui, and who are not here. I have not read this document.

The MfE is taking the wrong tack at this stage. Your job is to look at what should the national standards, be and monitoring that. We have enough regulations, we don't want more. You need to look at our communities individually. We are different and we are unique. Ownership must be acknowledged first. Then we can grant resource consents to water which we consider that we own.

The threats from EBOP and various councils to extract water from our streams is enormous. A big hui is to be held regarding Rotoiti – and on the agenda is the idea of pumping paru into the Kaituna. Yet the Kaituna claim was heard years ago. The MfE should step back and come up with another solution.

There is much good work being done on the ground locally (eg, in the filtering of nitrates), why aren't those wonderful ideas being shared?

One of our streams, Waiari, our people granted consent to extract for Te Puke township, but because Te Puke is not using all, they have done a deal with Tauranga for the 'surplus'. Who is regulating that?

The imbalance regarding the Waihāhā housing issue: a 45-house development has been approved, yet tangata whenua are trying to develop five houses on their papakāinga, and this was declined.

The value of submissions, my kuia and koroua are being asked to do submissions and they don't know what they are doing. I can't take the time to do it for them. Where is your assistance?

Undeveloped land – previously we were unable to develop, but now we are better resourced and more innovative and we are being penalised by not being allowed to develop for the good of the environment. We are being told to plant trees – we can't farm. What are the pakeha doing? When are they going to be asked to do as much as Māori? We have given up so much and we continue to give our land for sewerage schemes.

## **5.8 Kia Paranihi**

Much of that kōrero supports that central government agencies being involved, because they can stand back more than local councillors and there will be more balanced outcomes.

## **5.9 Dean Stebbing**

A tool that the Crown can give us is *money*. Every area will have its own unique circumstances. Water quality will affect us all in unique ways and will require different solutions. Give us the dollars and we can develop our partnership. I would hate to see a national statement that gives central government certain roles or more roles, and establishing another layer of bureaucracy, where the money that pays for that bureaucracy could be coming into the community.

## **5.10 Karen Walmsley**

I note the minutes being taken and ask about why should we have to embark on a separate process of making submissions.

*Sue:* There will be several reports back. One of those reports will be just on these hui. This will have equal weighting. These hui aim to capture the kōrero and that kōrero will be put before the Ministers.

*Karen:* I ask for the emphasis to be on the kōrero rather than us having to transform the same information into submission format. (*Sue:* agrees)

*Dean:* seeing how the minutes of the hui are being captured gives me confidence that this hui will be reflected fairly.

*Willie Te Aho* explained that the kōrero throughout the various hui have been similar, but shared different examples of kōrero that has come from hui. We do not intend to ‘average out’ the kōrero, but to outline what was said in each area.

### **5.11 Sue Powell**

My people have sweated blood to get money into the Lake Taupo project, and I am hurting. And I acknowledge that you are hurting too.

### **5.12 Gayle Leaf**

Lake Taupo: we have a major development going on that is going to destroy our cultural sites (not the nation’s cultural sites). All these new households will be discharging their rubbish into *our* lake. I take on board what you are saying, but everything seems to be upside down. The voices of those of us who live here need to be heard. I reiterate the need for educational programmes.

### **5.13 Kia Paranihi**

There should not have been the situation where you did have to sweat blood. Proper planning, resourcing and balancing would have avoided this.

### **5.14 Dean Stebbing**

I am not a member of the infamous nitrates committee. The work of the MfE and the TPK has been great. I am embarrassed though that we have been able to pick up the Lake Taupo issue with the speed that we have, but our people at the other end of the waka (Pikiao) are suffering. I am thankful that we may have caught Lake Taupo in time. I say again that no one ever understood the delicate balance of the ecosystem around the lake.

### **5.15 Tina Ngatai**

I don’t apologise for my comments at all. My people have been hurting for a long time. Join the whanau!

The proposed solutions for Lake Rotoiti just amaze me – given the Kaituna Report which includes scientific evidence and also recognises the importance of that water to tangata whenua.



Willie Te Aho referred to the concept of ‘Māori Science’ heard around the motu: eg the Kotuku, Parore these are environmental indicators; and water standards proposed – not technical – but Māori – we want to drink the water, swim in the water right next to us – that is our test tube.

### 5.16 Tina Ngatai

A key role could be for the Ministries to gather the natural filters, instead of stopping me from developing, tell me *how* to do it *and* look after our whenua and our water.

Sue referred to “bathing water quality” work being conducted, and from this work it has become clear that our water is in trouble.

### 5.17 Ricky Ellison

Part of the Ngai Tahu settlement was the development of Cultural Health Indexes and they are working on two projects at the moment, including one at Taieri.

### 5.18 Lennie Johns

Quite simply it comes down to *three elements*: **ownership, control, management** of waterways or water bodies.

Our people did not see these elements as separate. In 1926 when the deal went down over the bed of Lake Taupo our people opposed it outright, for the same reasons that we are discussing today. This is *de ja vu*.

My grandfather did not see these elements as separate. The separation has come about for political reasons, it hasn’t come from us. So sitting here today, we are hearing about only one part of the story, even though it may be disguised.

Ownership – our view hasn’t changed – but it is so politically hot, it isn’t even worth going there.

Control – each community/hapū around the lake, exercises particular control over their water body, some of our people have tried to prevent access, to try to overcome hurdle of ownership – let’s talk about access.

Why can’t Waipahīhī have the say over the Nekenek Stream, no resource consents unless they say so? We don’t want a national approach. We need to be creative in the way in which we look at control.

Management: it amazes me that I am still hearing about people knocking holes in septic tanks to sink them into the aquifer so that when the inspector comes around, there is a ‘signed off’ consent to discharge into the aquifer. Let us apply the rules we have currently got and be consistent.

### 5.19 John Hepi

For years we have looked after our water, it is 96% pure (we know that because we drink it). As time goes by and water becomes a real issue – what will be imposed upon us for the ‘national good’?

I am concerned about the future policies that will be written that will impose upon our usage. When we go hunting we know where our streams are, and we know we can drink the water from them. We see the deer we are stalking drinking from the streams too. But when we want to connect our marae to that water, we have to spend money on putting a purification process in place that actually makes the water worse.

### 5.20 Dominic Otimi

The emotional descriptions that non-Māori give are always a concern.

Dominic shared a story about a kuia that drank water at the taihauauru end of Lake District, near Taumarunui, for 90-odd years. Council sent someone to test the water, who said the water was not fit to drink. The quality of the water had changed over the years. The water quality in Taumarunui is bad.

I agree with what everyone has said, but as long as emotional concerns of non-Māori aren’t going to have the most weight, we have to have.

### 5.21 Ross Himona

If you come to Mangakino the lake is paru, and Carter Holt Harvey pours all their paru in there.

### 5.22 Bill Sutton

In any discussion of natural resources, Māori are always going to raise the issue of ownership and the Treaty. At the end of the day it doesn’t matter who controls or manages the water. They will be faced with the same issues and conflicts. The effect on water of run-off will be the same. If you deny drinking water in townships, what about your cousins living in those towns? Those issues are very difficult and we are all trying to deal with them. There isn’t a silver bullet. I am impressed with the quality of the kōrero today. These are serious issues.

*Willie Te Aho:* The key difference lies in the *values* that drive the decision-making (eg, the life within the river should take priority over the life that was shipped in).

### 5.23 Topia Rameka

As a landowner of a large portion of the catchment, I am nervous about the concept of national interest, national standards which will lead to national policies which may not necessarily align with local interests. All rules and policies should be in line with specific catchments, the ownership of the catchment and what the catchment wants. One mould (eg, what is happening in Lake Taupo) may not sit nicely elsewhere. Waikato River – conversion of low nitrate forestry into dairy – this hasn’t been discussed.

## 5.24 Kia Paranihi

How useful have the national standards been to local authorities?

*Sue:* Until September last year there were no national standards, there were national guidelines (eg, air quality). People's health and people's needs for fresh air to breathe are consistent throughout the country.

## 5.25 Kia Paranihi

A policy group funded by central government (that includes scientists and expert advisers) could be formed to go around each of the territorial authorities to help formulate policies. This would allow councils to address local issues in a specific way. This same group could also work with Māori authorities.

## 5.26 Topia Rameka

Some of the smaller councils don't have Māori input, "tools" section could look at nitrogen trading in more detail.

## 5.27 Dean Stebbing

Raised a question about the process – who sits down now and looks at the kōrero? There would be some value in Māori experts analysing the information and that could include the Māori Reference Group.

*Willie Te Aho* explained the process of collation and dissemination of minutes of all hui.

*Sue Powell:* All reports (from hui, from public meetings and regional councils, and an interdepartmental report) will be posted to a website, and be submitted to Marian Hobbs and a report back to cabinet in May. Then the question will rise: what might we do? The intention is to go around again to let people know what is happening, but this is an election year and there is associated uncertainty.

# 6 Summary and conclusion

## 6.1 Sue Powell

Reflection on key issues:

- ownership, control and management cannot be separated out (Lake Taupo is a classic example)
- relationship of Māori with water and all taonga needs to be respected
- engagement needs to be meaningful
- concerns about the framework

- weighting of differing views and values (eg, of users and tangata whenua) and the unique issues here
- can assign economic numbers to values
- equity – rights of people to be able to develop and use their land
- process of consultation – to go to marae, the need to approach this differently
- the need for helping people to participate – to bring Māori to the table – and make submission and to help councils to do this
- what Government should be doing – a closer review function of local government
- support local solutions to local issues, rather than imposing national solutions – catchment specific – one size does not fit all
- particulars (eg, Mangakino)
- resourcing to assist iwi to participate, and to assist councils
- look at issues such as nitrogen trading
- beware of over-regulation.

## 6.2 Ricky Ellison

- Acknowledged Mahlon Nepia's work on the Māori Reference Group.
- He compares this rohe with Ngāi Tahu, mountains and lakes.
- Thanked Dean for putting the issue of ownership on the table immediately. *Kaitiakitanga* is a beautiful word. Ownership and control are the same thing. Māori cannot look after something they don't control. So, wearing a Ngāi Tahu hat, ownership *is* the issue.
- Section 6(e) RMA is one of many values to be balanced. The Whanganui decision is a watershed decision and we will have to wait and see what happens, but usually Māori values are pushed to the bottom of what is weighed up.
- Acknowledges that Māori are suffering from hui fatigue in terms of having to attend the many and various consultation hui, and that Māori are not resourced to attend hui such as this. This needs to be looked at. An associated issue is the balance of power – the likes of Mighty River and Genesis have huge resource bases.
- Individuality of catchments is a key point and this needs to be provided for. So it is important for this team to listen to your kōrero and hear your thoughts.
- Often Māori do not have enough understanding of the processes involved, what has been done during the time of the RMA to bring Māori up to speed? We want to address this front.
- Referred to (and acknowledged) a point made in Christchurch – that what is *in* the river should take first priority – allocation comes second.
- Māori always paying for development – this is something he knows too well, and cites examples in the South Island.
- Reflection on Hui Taumata and the reminder for Māori for us to take charge ourselves, the government might support us, but we shouldn't rely on them.

Closing kōrero (Lennie Johns) 'Na te iti te rahi' Ko te werowero, ehara i te wero tangata, he wero take. Closing karakia 1.10 pm.