

TE KAPU O WAITAHA SUBMISSION 17.07.2017

KAITUNA RIVER DOCUMENT

SUMMARY

This submission is made by Te Kapu O Waitaha, and holds no prejudice to other iwi representations. The submission takes the view that the Kaituna and other waterways are living entities therefore any planned activity must reflect the strongest position and integrity to proposed efforts. It is for this reason that our recommendations be seen as “deepening” the line in the sand in support of a strong stance and is not in any shape or form a criticism.

We acknowledge the previous work, and intended work of Te Maru o Kaituna collective, and look forward to the future results.

1. Kaituna River Document

Mana can be derived in more ways than one, sometimes acquired, sometimes bestowed. Regardless it says something about someone or something. In particular how we as tangata might afford a place or position in society, and most certainly a value. Naming of anything is in laymen terms a “very big deal”. The Kaituna is “a very big deal” and should be recognised through the appropriate naming. This “document” has gone out into the public. It about the Kaituna river. Our view is that the detail is an intimate value on how we feel about the Kaituna. Our recommendation would be that future publications must reflect those values. It is our belief that the “mana”, “values”, “respect” and “relationship” we have with the Kaituna is not reflected in the name “ Kaituna River Document”. We seek an appropriate change by its’ iwi membership.

2. Waharoa

The Kaituna River Document refers to the kupu “waharoa”, and is used metaphorically as an introduction to the historical background of the Tapuika Treaty Claim by which the Kaituna River Authority was established. The context cited herein;

“it is customary for manuhiri (visitors) to gather at the waharoa and await the call from the tāngata whenua (people of the land) to enter. In many respects, waiting at the waharoa provides the opportunity for manuhiri to select their kaikōrero (speakers), to briefly discuss the issues of the day [..]” (pg 7).

Secondly the River plan also refers to the *Kaituna including all its’ tributaries within the Kaituna catchment*. There are 24 named tributary streams, some of which are listed below;

- (i) Waiari
- (ii) Ohineanaanga
- (iii) Te Raparapaahoe
- (iv) Mangorewa
- (v) Paraiti
- (vi) Pakipaki

(vii) Lakes Rotoiti and Rotorua (discharge)

Kawa associated with a waharoa is that no entry is permissible onto the marae aatea without the call of the kai karanga, the process of powhiri & wero identify the positive or negative intent of manuhiri.

The point is that all tributaries and lake discharge each reach the waharoa of the Kaituna. Recent reports of most tributaries and discharge into the Kaituna brings with it some form of negative impact. From a Maori perspective where this occurs, such entry would be denied and defended for the very reasons stated in the vision

*“Ko Kaituna Te Awa Tupua
Ko Kaituna Te Mauri Tapu
Ko Kaituna Te Oranga Tangata
Mai ki Uta ki te Tai”*

The Kaituna River Management plan does not clearly state how it will manage the negative influences which the polluted, or degraded tributaries may bring through the “waharoa” and into the Kaituna. It is our opinion that linkages between the management and monitoring of those tributaries are of significant importance to any efforts for restoration and management of the mauri of the Kaituna.

Whilst there is a relationship between governance bodies i.e. Te Maru O Kaituna, and the Rotorua Lakes, there are also wider accountabilities for the regulation of all other contributing tributaries that flow into the Kaituna.

“The past 200 years has seen the degradation of water quality in parts of the Kaituna River catchment. It is important that measures are taken to ensure any further decline is halted”,[.] (pg 15).

Recommendations:

That the BOPRC as a regulating body, provide assurances in the plan for mitigation and updates on those impacting tributaries in the Kaituna river management plan.

3. Who is Te Maru o Kaituna River Authority? (pg 5).

Waitaha membership in the diagram appears as a shared membership. When examining the legislation it appears broad, in that each listed in the Act may appoint a member without determining any parameters as to whom that member is. Our interpretation of the Act is that the Waitaha has 1 membership, and not a shared membership. Our understanding is that a policy exists where an alternate is also permissible. It is the expectation that the alternate where required would attend Waitaha Hui-A-Iwi, along with meetings with Te Kapu O Waitaha Board for reporting. For the purposes stated, and without prejudice, the alternate must also be Waitaha.

It is also noted that of all memberships including agents of the crown are not required to “jointly” appoint with any other body except Waitaha & Tapuika. It is considered therefore that Tapuika has the liberty of influencing 2 appointments. Waitaha seeks an understanding from the membership that it be afforded equity in the appointment process, as with the internal policy of the *Alternate membership* appointments.

Who is Te Maru o Kaituna River Authority?

Te Maru o Kaituna River Authority is a co-governance partnership made up of iwi representatives from Tapuika Iwi Authority Trust, Te Kapu Ō Waitaha, Te Pumautanga o Te Arawa Trust, Te Tāhuhu o Tawakeheimoa Trust, and Ngāti Whakaue; plus council representatives. It is a permanent joint committee of the four councils.

The purpose of Te Maru o Kaituna is *‘the restoration, protection, and enhancement of the environmental, cultural and spiritual health and well-being of the Kaituna River.’*



Tapuika Claims Settlement Act 2014

118 Members of Authority

- (1) As at the settlement date, the Authority consists of 8 members, as follows:
 - (a) 1 member appointed by the Tapuika Iwi Authority Trust; and
 - (b) 1 member jointly appointed by the Tapuika Iwi Authority Trust and Te Kapu o Waitaha; and
 - (c) 1 member appointed by the Te Pumautanga o Te Arawa Trust; and
 - (d) 1 member appointed by the Te Tāhuhu o Tawakeheimoa Trust; and
 - (e) 1 member appointed by the Bay of Plenty Regional Council; and
 - (f) 1 member appointed by the Rotorua District Council; and
 - (g) 1 member appointed by the Tauranga City Council; and
 - (h) 1 member appointed by the Western Bay of Plenty District Council.
- (2) A member appointed by a local authority must be a member or the mayor of that local authority.
- (3) In appointing a member to the Authority, the appointing organisation—
 - (a) must be satisfied that the person has the skills, knowledge, or experience—
 - (i) to participate effectively in the Authority; and
 - (ii) to contribute to the achievement of the purpose of the Authority; and
 - (b) must have regard to the skills of any members already appointed to the Authority to ensure that the membership reflects a balanced mix of skills, knowledge, and experience in relation to the Kaituna River.
- (4) Each member is appointed for a term of 3 years and may be reappointed.
- (5) Where there is a vacancy on the Authority, the person who appointed the person who has ceased to be a member must fill that vacancy as soon as is reasonably practicable.
- (6) Clause 31(1) of Schedule 7 of the Local Government Act 2002 applies only to the appointment and discharge of the members appointed by the local authorities.
- (7) Clauses 30(2), (3), (5), and (7) and 31(2) to (6) of Schedule 7 of the Local Government Act 2002 do not apply to the Authority.
- (8) To avoid doubt, members of the Authority who are appointed under subsection (1)(a) to (d) are not, by virtue of that membership, members of a local authority.

Recommendations:

That the diagram on page 5 of the plan reflect the legislation as intended.

- 3.1 Noted is that Te Tāhuhu o Tawakaheimoa Trust appears in the written documentation it would be beneficial to add in brackets the representation as described in the diagram to mitigate any public confusion.

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4. Standards

Objective three (pge 9)., states the following;

Objective 3

“Water quality and the mauri of the water in the Kaituna River are restored to a healthy state and meet agreed standards”

Recommendations

It would be beneficial to state what is meant by *“agreed standards”*. Objectives must be measurable, the statement is vague, therefore it is uncertain how the outcome to this objective is measured.

5. Sustainable water allocation

All water take allocations are considered on a case by case basis. Most will inform minor impact if any to our river systems. Yet **collectively** all consents approved for water allocation from a specific waterway may paint quite a different picture. Examples of over prescribed water allocations currently exist for example the Ohineaanganga stream . A Maori view on any topic is multi-dimensional and never linear, in that consideration **MUST** take into account all that feature positives, and consequence. In other words nothing is treated in a silo fashion, in particular when using the term “mauri”. Any failure to do so is also a failure to protect “mauri”. The following Objective, and desired outcomes do not capture this approach to assure sustainable allocation in order to protect “mauri”.

Objective 5

Water from the Kaituna River is sustainably allocated and efficiently used to provide for the social, economic and cultural well-being of iwi, hapū and communities, now and for future generations.

Desired Outcomes

- a Limits for contaminants in the Kaituna River are established to ensure that, wherever practical, the water:
 - i is clean and safe for swimming in locations where people wish to swim, with specific locations identified and recommended by Te Maru o Kaituna,
 - ii provides safe drinking water sources,
 - iii is suitable to sustain plentiful kai awa (food sourced from the river) and kai moana (food sourced from the sea) which is safe to eat. Kai of particular importance are tuna (eels), inanga (whitebait), kōura (crayfish), kākahi (freshwater mussels), and other shellfish, and
 - iv is suitable for cultural ceremonies.
- b Mātauranga Māori (Māori knowledge) is acknowledged and used as a credible tool alongside western science, to support the restoration of water quality and mauri in the Kaituna River.
- c Aquifers are sustainably managed so that abstraction of groundwater does not compromise the objectives and desired outcomes for the Kaituna River.
- d Damage to shallow aquifers and puna (springs) from over use of groundwater is avoided.

Recommendations

That a stock take on ALL approved consents be undertaken for the Kaituna, and those tributaries that feed into it on the premise that what affects one waterway affects another.

Secondly that considerations for future water allocations will also take into account the collective volume of water take from the Kaituna. The impact will include the length of time, and consent expiry.

Finally, no new consent shall be approved above what is actually required for the purposes intended.

5.1 Limits for contaminants

The integrity relating to statements referring to the “protection of mauri” is conflicting with a desired outcome which states contamination is to be limited.

Desired Outcomes

- a Limits for contaminants in the Kaituna River are established to ensure that, wherever practical, the water:

Contamination is considered an imposed element affecting the Kaituna, yet it has become the rivers’ burden.

Recommendation

We recommend to avoid conflict that the desired outcome read “no contaminants in the Kaituna river to ensure is;

- (i) Clean and safe for swimming [...]
 - (ii) Provides safe drinking water [...]
- Etc.

6. Limitations of honouring weak Objectives

Objective 6, and its' outcomes have used the following terms;

- (a) enhancement
- (b) best practice
- (c) incentives
- (d) improvement

There may be difficulty in honouring these statements given the range of variables associated with measuring “enhancement”, “best practice”, “improvement” and so on.

Objective 6

The environmental well-being of the Kaituna River is enhanced through improved land management practices.

Desired Outcomes

- a An appropriate mix of rules, incentives and industry leadership is used to improve land management practices.
- b Rural land management is improved over time by adopting best practice techniques, taking advantage of technological and information advances and through more efficient use of inputs such as fertiliser, stock or crop quantity and/or outputs such as discharge quality and quantity limits.
- c Consented activities for agriculture, forestry, horticulture, industry, urban development, including the disposal of stormwater and wastewater are managed so that the ecological and cultural health of the Kaituna River is maintained or improved.
- d Kaitiakitanga (guardianship) and rangatiratanga (autonomy, authority, and ownership) are integrated into the management of land use, access to the river and protection of cultural heritage in specific locations in the catchment.

Recommendations

To re-word with a specific result in mind.

7. The strength of recommendations (Objective 7), (pge 11).

At a recent meeting with iwi leadership the Mayor of the Western Bay of Plenty DC has signalled that water is a top priority. Further the LTCCP for WBOPDC is due for review. It would be timely in our view to ensure restoration projects identified by Te Maru O Kaituna feature in the reviewed LTCCP as opposed to a recommendation. A *recommendation* does not necessarily achieve a result.

Desired Outcomes

- a Maintain and improve healthy ecosystems, including wetlands that support and sustain flora and fauna.
- b Specific areas of habitats and wetlands are identified and prioritised by Te Maru o Kaituna for restoration projects and recommended to the relevant local authority.

8. Objective 8

There are many industries which rely on the Kaituna river for discharge, water supply, storm water management, among other things. Some corporate bodies incorporate in their annual planning “environmental” responsibility. From a Maori perspective “koha” is based on the premise of give and take. The reciprocal nature of koha is the same as “what you give comes back ten fold”.

Objective 8 desired Outcome (c) indicates support to industry and local business who could help promote restoration, protection and enhancement of the Kaituna.

Kaituna River.

- c Te Maru o Kaituna will support opportunities for industry and local businesses to establish collaborative relationships that help promote the restoration, protection and enhancement of the Kaituna River.

Recommendation

We submit that Te Maru O Kaituna take the position that insists on all those industries and businesses who have received from the Kaituna to include in their annual plans “environmental” resourcing and contribution back to the river on the same premise of “koha”.

9. Outcomes

Our knowledge values and beliefs mean that our approach to living in harmony with our environment and the care of the environment is taken seriously. All efforts in this document should not in our view be undermined as a public document. We therefore encourage consideration to include not only outcomes but to state “what the benefits are” as a result of the efforts prescribed in the plan.

10. Resourcing

Given the National Water Policy from government, our expectation is that Government also front resourcing to Te Maru O Kaituna annually,

- as the recognized authority for the Kaituna River
- for the development and implementation of the plan (compliance within legislation)
- for the remedies consistent with the NWP