Before an Independent Hearing Panel of the Hawke's Bay Regional Council

In the matter of the Resource Management Act 1991 (the Act)

And

In the matter of of applications for resource consent (APP-123534, APP-123548, APP-123526, APP-123550, APP-123535 and APP-123536)

Statement of Evidence of **Grey Wilson** on behalf of
Ngāti Kahungunu Iwi Incorporated and Te Taiwhenua o Heretaunga
as Submitters to the Applications

01 December 2021

Introduction

1. My full name is Grey Lewis Bireh Wilson. I hold the position of Principal Planner at Good Earth Matters Consulting Limited based in Palmerston North. I work from my home office in Te Kapu/Frasertown, Wairoa in northern Hawke's Bay.

2. I hold a Bachelor of Resource and Environmental Planning (Hons) from Massey University and have over 14 years of experience as a planning consultant with Good Earth Matters. I am a full member of the New Zealand Planning Institute and a Certified Independent Commissioner under the Making Good Decisions Programme.

3. I have experience across the resource management sector and have worked extensively in both consenting and policy development. I have been involved in work relating to gravel extraction, as well as flood control and river management over the entirety of my career. I have prepared numerous resource consent applications for various sized river and land based extraction and processing proposals, including in Hawke's Bay, and have given planning evidence on regional and district plan changes in relation to gravel extraction. I have worked in the area of aggregate protection strategies around ensuring land-based resources are not 'locked up' by way of surrounding development; written policy relating to reverse sensitivity matters often arising in relation to quarrying and extraction; and worked closely with river managers to secure consents needed for flood protection and river control activities.

4. I was involved in the development of the Waimakariri Flood Protection Project resource consent applications for Environment Canterbury; assisted in preparing the application for the Lower Manawatū global consent for river extraction for Horizons Regional Council; have undertaken and continue to undertake work on behalf of a number of private operators in relation to gravel extraction; am currently assisting Horizons Regional Council in relation to its work in the Lower Rangitīkei River including a global consent for gravel extraction; and have recently lodged an application seeking referral of the Te Awahou Foxton Flood Mitigation project under the Covid-19 Recovery (Fast-track Consenting Act) 2020. I have and continue to work with various contractors in developing and preparing environmental management plans for the purpose of resource consenting, including demonstrating compliance of in-river works with the permitted activities standards of Hawke's Bay Regional Council's (HBRC) Regional Plan and Environmental Code of Practice.

5. I regularly work with tangata whenua and iwi and hapū representatives both in consultation and engagement relating to resource consent proposals as well as other projects including

current work in identifying options for a rural water supply to service a currently un-serviced rohe. I gave planning evidence to support the submission of Ngāti Kahungunu Iwi Incorporated at the recent HBRC Proposed Plan Change 9 (PC9 or TANK) hearings. I also currently undertake various infrastructure work within Hawke's Bay including as Lead Planner for Hastings District Council's Drinking Water Supply upgrades. I regularly undertake work relating to the consenting of network utility and other 'corridor' activities where consent is sought and required over a multitude of sites.

6. I have been engaged by Te Taiwhenua o Heretaunga (TToH) and Ngāti Kahungunu Iwi Incorporated (NKII) to provide planning evidence in relation to their submissions on the applications. I confirm that I am not currently engaged, nor is Good Earth Matters currently engaged, on any project/work relating to gravel extraction within any of the awa, or surrounding areas, to which the Applications relate and am not aware of any conflicts of interest arising.

7. I have not undertaken a site visit specifically for the purpose of this evidence, but have familiarity with the awa to which the applications relate and with gravel extraction operations as above. In preparing this statement of evidence I have considered the section 42A RMA Officers' report and supplementary evidence, Applicant evidence and associated documentation as available on HBRC's webpage for this consent.

Code of Conduct

8. I confirm that I have read the Expert Witnesses Code of Conduct contained in the Environment Court of New Zealand Practice Note 2014. My evidence has been prepared in compliance with that Code in the same way as I would if giving evidence in the Environment Court. In particular, unless I state otherwise, this evidence is within my sphere of expertise and I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.

Summary of Evidence

9. My assessment of the Applications is that there are inconsistencies in the description and scope of the proposed activities and there are potentially inaccuracies and/or gaps in the consents that have been sought (ie additional consents may be required). There also appear to be gaps in the assessment of the proposal within the relevant planning framework including the relevant regional and district planning provisions and the National Policy Statement for Freshwater Management 2020 (NPSFM20).

10. As a result, the process of consultation and engagement with submitter parties, including TToH and NKII, appears to have resulted in more questions that it has answers, as evidenced in the letter from TToH to the Applicant dated March 2021. It has also resulted in what I consider to be a piecemeal approach to assessing and avoiding, remedying or mitigating the potential adverse effects of the proposed activities and what I consider to be a partially inadequate and inappropriate conditions framework.

11. In my assessment, there is no clear line of sight or logical progression from an accurate description of the proposed activities and their locations to a comprehensive assessment of the relevant regulatory framework, through to a fulsome consideration of the effects of the proposed activities, with due regard to the applicable policy framework, and thence to a robust and appropriate suite of conditions. This may impact the ability of the Panel to make a determination of the Application in accordance with Section 104 of the Act.

12. I do not share the view of the Reporting Officer and the Applicant's Planner that all that is needed is further refinement of consent conditions to ensure a sustainable and effective consenting regime for large scale global gravel extraction from three of the most significant Rivers and catchments in the Hawke's Bay Region. I consider there are fundamental deficiencies in the Application in its current state that must be addressed before any grant of consent is able to be considered.

13. I have set out my evidence in two main parts. The first part addresses matters relating to the scope and planning framework matters, including the scope of the TToH and NKII submissions and the second relates to a consideration of the relevant statutory instruments, the assessment of effects of the proposal and the proposed/recommended conditions of consent as set out below. I have done this in an attempt to assist the Panel in bringing structure to its consideration of the proposal and relevant matters by separating the regulatory framework considerations from those of the effects of the various locations of the proposed activities and of the proposal under the relevant instruments. This is in an effort to lead towards a clearer line of sight from the proposed activities to the conditions necessary to avoid, remedy or mitigate their effects.

14. For clarification, I have also used this approach because I am aware that there may be some questions of law arising from the regulatory framework considerations and the Panel may wish to seek legal advice in this regard, whether from the Applicant or of its own accord. However, my view is that irrespective of the findings of the Panel with regard to those considerations (i.e. if it is accepted that the Applications only require consent as restricted discretionary

activities under the Regional Coastal Plan and the Regional Resource Management Plan for Hawke's Bay) there are substantial outstanding matters relating to the assessment of effects and proposed/recommended conditions that need to be addressed before grant of consent can be contemplated and I set these out in Part II of my evidence.

15. In summary, the matters addressed in my evidence are as follows:

Part I

- Scope of the Te Taiwhenua o Heretaunga and Ngāti Kahungunu Iwi Incorporated submissions
- Regulatory Framework - Scope of the Proposed Activities, Consents Required and Activity Status and Scope of Matters to be Considered

Part II

- Applicability and Requirements of Statutory Planning Instruments
- Assessment of Effects of Location of Proposed Activities
- Conditions Regime

Part I

Scope of the NKII and TToH Submissions

16. The TToH and NKII submissions on the Applications as notified are generally supportive of the 'global' consent approach promulgated in the Applications, subject to a number of interests and effects (as set out in those submissions) being adequately addressed. TToH's letter to the Applicant dated 24 March 2021[1] sets out further concerns based on site visits and additional information provided and understanding gained of the nature and scale of the proposed activities. My reading of both the TToH submission and letter, the NKII submission and variously documented formal and informal pre-hearing meetings and correspondence, is that the key themes of the concerns raised by both submitters are firstly the location and extent of proposed extraction activities, and subsequently the effects on tangata whenua arising from these activities in these locations as well as effects on the environment more broadly; and secondly the way in which extraction activities will occur from an operations and management perspective.

[1] Letter Te Taiwhenua o Heretaunga to HBRC Asset Management Group 24 March 2021

17. I discuss the matter of the activity status under the Hawke's Bay Regional Resource Management Plan (RRMP) and the Hawke's Bay Regional Coastal Plan (RCEP) in a later section of this evidence, and agree with the Applicant and Reporting Officer that the status of large scale gravel extraction **from the beds** of the relevant awa is restricted discretionary under both Plans. However, I am of the view that additional and more specific consideration of the consenting requirements of the proposed activities is necessary to determine any potential section 91 RMA matters arising, and perhaps more importantly, ensure that all potential effects of the activities are appropriately assessed and addressed, including the effects identified in both the TToH and NKII submissions.

18. If it is confirmed that the proposed activities only require consent as restricted discretionary activities under the RRMP and RCEP, a matter to which discretion is restricted under the RRMP is "*the location of extraction sites and stockpile activities*" and under the RCEP is "*location of extraction sites and stockpile areas*". It is therefore my view that any matters relating to and arising from the proposed location of the activities, which includes the entirety of the "active river channel and berm areas" of the Tūtaekurī River, Ngaruroro River and Tukituki Catchment Rivers, are both within the scope of the TToH and NKII submissions and within the scope of the matters which the Panel is able to consider in making its determination on the Applications.

Scope of the Proposed Activities, Consents Required and Activity Status

Scope of the Proposed Activities – Activity Description and Location Extent

19. With regard to scope of the proposed activities, the activity description and the precise nature of the consents sought is described differently in different parts of the application documentation as follows:

Document	**Activity Description**
Form 9 for each of the Applications	*To extract gravel (defined as gravel and associated sand, silt and other riverbed sediments) from the* [XX] *River bed, comprising the active river channel and berms, for the purposes of maintaining the design channel capacity and the alleviation of flood and erosion risk.*
Statement of Evidence of Simon Bendall 5 November 2021	*Extraction of gravel within river channels and berms and coastal margin*

Section 42A RMA Officer's Report – Cover Page	*Consent Type: Extraction of gravel within river channels and berms and coastal margins*
Recommended consent conditions as per the section 42A RMA Report dated 7 October 2021	*To extract sand, gravel or other material from the bed of the* [XX] *River and to undertake other activities directly associated with the activity that may be restricted by Section 13 of the RMA*
Evidence statement of Sven Exeter dated 18 November 21	*to remove gravel and undertake other earthworks at various locations along the Ngaruroro River, Tukituki Catchment Rivers and Tūtaekurī River to the coast.*

20. I understand that on the face of it, this may be a trivial or administrative matter rather than a substantive one. However, based on my experience with large scale gravel extraction as well as consenting over multiple sites or within a 'corridor' (ie the Rivers in this case) is that the description of the activity for which consent is sought, paired with the way in which the proposed location is described, are critically important in accurately identifying the regulatory framework and properly assessing the nature and scale of the effects of the proposed activities.

21. For these Applications, it is not clear whether consent is sought for other activities associated with gravel extraction including stockpiling and processing and I discuss the implications of this subsequently.

22. Further, the locations to which the Applications relate are described at a broad scale within Appendix A for each of the consents as recommended in the s42A Report and use a broad brush approach to defining the subject reaches, which I believe lacks the detail and certainty needed to ensure that effects can be appropriately avoided, remedied or mitigated and lacks fulsome consideration of the various zoning, features, overlays and values which apply to the Rivers and their margins.

23. Mr Bendall in his evidence of 17 November 2021 has provided some clarification regarding the extent of the Applications in terms of the Coastal Marine Area. I consider Mr Bendall's clarification to be helpful and it should, in my view, be expanded upon and further clarified through the use of more detailed maps and descriptors in the consent and conditions. This

would also assist submitter parties to be able to identify 'no-go' or other areas of concern for them and would generally be helpful in both the additional assessments of effects that I consider necessary, as well as in the implementation of the global consent. This is including more specific consent condition(s) to protect sites of particular significance to tangata whenua (both registered/identified in the district plan and those that have not been) as envisaged by Mr Apatu in his evidence, at for example para 22.

24. I discuss additional, more specific matters arising from Mr Bendall's discussion of the extent of the proposal area within the Coastal Environment in my discussion of potential effects of the proposal on Significant Conservation Areas later in my evidence.

25. I consider that an accurate description of the activities for which consent is sought, which is used consistently throughout the assessments and conditions, along with a more detailed and accurate description of the location of the proposed activities, taking into account the regulatory framework considerations below, would greatly assist in bringing clarity and certainty to the consideration of the Application and ultimately would greatly assist in refinement of the proposal and conditions to ensure that they adequately address the concerns of TToH and NKII and ensure that any condition framework is robust and enforceable.

Consents Required

Section 13 RMA

26. Section 5 in each of the Applications includes a section titled Resource Consent Required. Those sections identify Rule 74 of the RRMP and Rule 61 of the RCEP, relating to large scale **river bed** gravel extraction, and I agree these are the primary rules of relevance to the proposal.

27. However, my understanding of the Applications, including the description of the activity as included in the conditions of consent as recommended by the s42A Officer and in Condition 1 of each set of conditions, is that the proposal seeks to authorise extraction both in the 'active river channel' and the 'berm' of the three rivers/catchments.

28. There is no analysis within the Applications nor consideration in the s42A Report of the matter of how the terms 'active river channel' and 'berm' relate to the definition of 'bed of a river' under the RMA, despite the fact that consent is being recommended to be granted under Section 13 of the Act.

29. The definition of the 'bed of the river' has varied interpretations and a somewhat complex body of case law around it. The definition as set out in the RMA is:

> ***bed*** *means,—*
> ***(a)*** *in relation to any river—*
>
> ***(i)*** *for the purposes of esplanade reserves, esplanade strips, and subdivision, the space of land which the waters of the river cover at its annual fullest flow without overtopping its banks:*
>
> ***(ii)*** *in all other cases, the space of land which the waters of the river cover at its fullest flow without overtopping its banks;*

30. The question of what 'fullest flow' means (ie does that include flood events and of what frequency and intensity) and what 'count' as 'banks' (ie stopbanks or only natural banks), are in my experience not straightforward and the application of what constitutes the 'bed' differs in interpretation across local authorities and plans, and often requires consideration of specific locational characteristics.

31. For the Applications being considered here, it may be that the 'bed' is considered to be the area between stopbanks, in those reaches of the subject rivers where stopbanks are in place, being much of the Tukituki application area and the lower reaches of the Ngaruroro and Tūtaekurī application area. What is less clear however, is what constitutes the 'bed' in each of the areas where there are no stopbanks. The Applications include a definition of 'berm' which is:

> *Land between the active river channel and the stopbank (1) or naturally elevated land that forms part of the floodplain (2). The berm is an area that is generally only inundated during large flood events, i.e. greater than the mean annual flood.*

32. The Applications offer no analysis of the extent of the berm in relation to the 'bed', and therefore the locational extent of the proposed activities, particularly for each of the Rivers in the reaches where there are no stopbanks.

33. These questions were considered in the 2016 Dewhirst case[2] in which the long held (and in my experience often applied) 'bank to bank' interpretation of the 'bed' to include significant flood events and the entirety of a floodplain was not upheld. This case would suggest that the 'berm' as currently defined in the Applications and recommended conditions of consent may in fact not be within the 'bed' and therefore not be subject to section 13 RMA requirement, but

[2] Canterbury Regional Council v Dewhirst Land Company Ltd [2019] NZCA 486

rather to section 9 RMA requirements and may therefore be restricted in either the relevant district plans, regional plans or both.

34. Further compounding the issue is the fact that rivers are by nature dynamic and the location of the bed will change. The Application seems to recognise this at least to some extent where, in the Form 9 of the Tukituki consent application, it states that not all land to which that Application relates is crown-owned land because the River meanders and that some private land is affected.

35. I have been unable to find further discussion or assessment of this issue within the documentation and the implications it may have in terms of consents required, the nature and scale of effects and affected parties.

36. It is my view that the Applications need to confirm the relationship of the 'active river channel and berms' with the 'bed of the river' as defined in the RMA in order to confirm or otherwise the applicability of section 13 RMA to the entirety of the subject area and the need for any additional consents under the section 9 RMA land uses rules of the district plans, RRMP, TANK and the Regional Coastal Plan.

Sections 14 and 15 RMA

37. The Applications do not appear, in the Form 9 RMA pages at the start of each application or elsewhere, to explicitly seek consent for any disturbance of the bed; associated discharge of sediment; or diversion of water (being activities typically associated with river bed gravel extraction and encompassed by Rule 74 of the RRMP and Rule 61 of the RCEP). The Applications state that in various locations extraction will *typically* occur from dry beaches only and not within the actively flowing channel. However, the Applications also include photographs and descriptors, including in the activity descriptions provided (for example at pages 22 and 23 of the Tūtaekurī Application), that indicate that instream works are required. The Application also includes discussion of the potential sedimentation effects of the proposal, there is a relevant recommended condition of consent (relating to turbidity) and the Applicant's ecological evidence from Mr Holmes addresses the potential effects associated with sedimentation resulting from extraction activities (noting that this is also a key issue of concern for both TToH and NKII).

38. All of this would indicate that there is a need for consents under sections 14 and 15 of the RMA. These do not appear to have been sought.

District Council Consents

39. As discussed above, the Applications appear to rely on an assumption that the proposed extraction activities are entirely within the bed of the river as defined in the RMA, and that they therefore do not require consent from either district council, hence the absence of any consideration of the district plans.

40. My experience has been that often gravel/aggregate extraction proposals do require consent from both regional and district councils, sometimes due to issues around the 'bed of the river' definition as discussed above. In some instances, it is due to the fact that the extraction is occurring within a flood hazard area or similar zone as defined in a district plan or regional plan and therefore requires separate land use consent, sometimes it is for amenity reasons (eg noise impacts on nearby dwellings) and sometimes it is primarily to do with transport, stockpiling, and processing (washing and crushing) activities or vegetation clearance or earthworks rules set out in the district plan.

41. In addition to consideration of any section 9 RMA land use consent requirements, it is also necessary to consider any land use consents required for 'post extraction' activities including stockpiling and processing (crushing and washing). It is not clear to me if consent is being sought for stockpiling and processing activities and if so, where and how the effects of these activities have been assessed. I have been unable to find substantive discussion of this matter, noting the mention in the activity description that *"the dump trucks will remove the gravel to a site off the 'active' riverbed, where it will be further processed and stockpiled*". I also note the inclusion of '*authorised access paths*' and mention of gravel processing plants and dust effects on houses within the conditions of consent, as well as the mitigation measure noted (for example at page 24 of the Tūtaekuri Application) "*Gravel extractors will be required to minimise the generation of dust from access tracks and storage and processing sites, through measures such as water application*".

42. Typically, stockpiling and processing activities within the river environments require separate land use consents and I have attached an example of an application made for these activities within the Tukituki catchment to CHBDC under the Operative District Plan in 2017 in Attachment 2. Such activities also require assessment of any consenting requirements for air

discharges associated with crushing, and may require water take and discharge permits where washing is to occur and a water take is needed (in the example, a separate water permit was sought to take, use and discharge water for the purpose of washing gravel).

43. If the intention is that operators will seek any necessary consents that may be required from the district councils in association with gravel processing and associated activities, in my view this should be addressed and outlined in the Application and potentially included in an advice note or similar in the consent conditions.

44. I have not undertaken a fulsome assessment of the Applications with regard to each of the District Plans and Proposed District Plans, because the onus is on the Applicant to provide this information in accordance with the requirements of the Fourth Schedule of the Act. I have however considered some of the key provisions of each district plan as they relate to the proposed activities, noting again that I consider all of these matters to be within scope for consideration by the Panel in making its decision because they directly relate to the matter of "the location of the proposed activities".

45. Consideration of district plan matters may have been undertaken in some preliminary form prior to lodging the Applications being considered here, but in my view an assessment needs to be provided to the Panel in order to properly establish the relevant rule framework and the consents required. Further, my understanding of and impression from the various pre-hearing meetings and correspondence, and in-depth discussions with both submitter parties, is that the lack of clarity around the scope of the applications sought and relevant consenting framework has compounded some of the issues around developing an appropriate and acceptable conditions framework for the proposed activities.

Activity Status of the Applications Under the Regional Plans – Scope of Matters to be Considered

46. If it is confirmed that the Applications are to be assessed as Restricted Discretionary activities under the RRMP and the RCEP, I agree with the s42A Reporting Officer and Applicant's identification of the relevant matters to which discretion is restricted in making a determination on the Applications, as set out in Rule 74 of the RRMP and Rule 61 of the RCEP and I have not reproduced those here.

47. I have not read or considered the notification report and therefore am unaware if it was accepted that the application needed to be notified on the basis of potential significant adverse effects relating to one or more of the matters to which discretion is restricted; if the

Applicant requested public notification; or for some other reason [eg special circumstances under section 95A(9) RMA given the scope of the proposals and that the Applications are from HBRC as Applicant to HBRC as Consent Authority]. In other words, I cannot comment as to the relationship of the section 95 RMA assessment with the scope of the matters to which discretion is restricted, although it may be useful for the Applicant and/or s42A Reporting to provide discussion on this particularly if the scope of what can be considered by the Panel is in any way in doubt.

48. My understanding though from reviewing the Applications and background documents and the s42A Report, is that it is not directly in contention that the potential effects of the proposal on a range of matters, including those listed in the TToH letter of 24 March 2021 and on cultural values and practices of tangata whenua are relevant to and within the scope of matters to be considered in making a decision as to whether or not to grant consent to the applications.

49. Mr Bendall addresses this in his evidence at paras 91 through 93. I agree with Mr Bendall's summary of relevant case law therein and it reflects my own understanding relating to the applicability of Part 2 RMA and other Section 104 RMA matters to the consideration of the Application. However, Mr Bendall goes on to state that "*some of the assessments made in the s42A Report and in my evidence, are very broad, and arguably go beyond what is required for a restricted discretionary activity assessment. This analysis is still useful in my view as context, and to assist with considering the outstanding matters identified above*."

50. It may assist for Mr Bendall to provide clarification regarding what he considers to be 'within scope', particularly given the consenting requirement matters outlined previously.

51. Again, my view is that the matter of 'the location of proposed extraction' as a matter to be considered under both Rule 74 of the RRMP and Rule 61 of the RCEP provides scope to consider a wide range of effects, as there is potential for such effects to arise from a proposal to extract from numerous, undefined locations within the beds of the awa to which the consents relate.

Summary of Part I

52. In summary, I consider that in order for the Panel to be able to make its assessment and determination of the Applications, the following is required:

- Confirmation and clarification of the scope of the proposed activities and physical extent of the locations to which the Applications relate;
- Confirmation of the status of the proposed activities under the RMA and of any additional resource consents required, including consents under RMA sections 14 and 15 and any district council consents, and clarification of how/if these consents will be sought; and
- Irrespective of any findings of the Panel in relation to the above, there are a number of matters outstanding that require further analysis and consideration as set out in Part II below.

Part II

Applicability and Requirements of Statutory Planning Instruments

District Plans

53. If it is determined there are no district council consents required for the proposed activities, it is still necessary for the Applications to account for the relevant provisions of the Hastings and Central Hawke's Bay District Plans in accordance with section 104 of the Act, particularly in terms of considering the potential effects of the activities resulting from the proposed locations of extraction as a matter of discretion.

54. I have not undertaken a detailed assessment of the Applications against Operative and Proposed Central Hawke's Bay District Plans and the Partially Operative District Plans but have considered, at a high level, the various zones, features and overlays that relate the awa to which the Applications relate and their surrounding environments. I consider that a detailed assessment of the proposal with regard to these features, zones and overlays is required.

55. At Attachment 1 I have provided excerpted maps from the CHBDC Proposed District Plan and the HDC District Plan including the areas covered by the three consent applications being considered here. As can be seen in those maps, there are numerous zones, features and overlays within or near the subject reaches of the awa, a (not necessarily exhaustive) summarised list of the relevant features includes:

    - The Tukituki River, the Waipawa River, the Makaretu River and the Tukipo River (i.e. 4 of the 5 rivers/streams to which the Tukituki consent relates) are Significant Amenity Features under the Proposed Central Hawke's Bay District Plan;

- Various waahi tapu, waahi taonga and archaeological sites in and near the Ngaruroro and Tūtaekurī Rivers and identified within the Hastings District Plan;
- The Heretaunga Plains Unconfined Aquifer as mapped in the Hastings District Plan;
- Various network utilities and State Highways (although I understand those have been addressed by way of submissions and pre-hearing discussions with relevant submitters)
- Rural Landscape Area overlay over the Tūtaekurī River in the Hastings District Plan.

56. I recognise that *some* of the district plan features are recognised/discussed within the Environmental Management and Enhancement Plans [EMEPs] but there is no/limited planning analysis of these matters included in the Applications, noting that I also consider the generic reference to the EMEPs in the recommended consent conditions to be potentially problematic and discuss this later in my evidence with regard to the recommended conditions of consent.

57. Again, even if the Applications are determined to be accurately classified as Restricted Discretionary and consent is only required under Rule 74 of the RRMP and 64 of the RCEP, I consider that district plan matters are relevant to the consideration of the proposal because they relate to the location of the proposed activities, and indeed must be considered under section 104(b)(vi) of the Act.

National Policy Statement for Freshwater Management 2020

58. Both the Reporting Officer and the Applicant agree that the NPSFM20 is relevant to the consideration of the Application, and it is discussed in the s42A Report and Mr Bendall's statement of evidence.

59. In section 5 of the s42A Report, the Reporting Officer describes, at a high level, the provisions of the NPSFM20 and quotes several provisions of the NPS. He then sets out his assessment of the proposed activities in relation to the NPSFM20 which is as follows:

It is considered that the recommended consent conditions 14 and 15 regarding the Kaitiaki Liaison Group are generally consistent with the intent of Te Mana O Te Wai.

Overall, I consider proposed activities are not contrary to the Freshwater NPS.

60. In his 17 November 2021 evidence, Mr Bendall states his assessment of the proposal with regard to the NPSFM20 which is:

I concur with the statement made by the reporting officer that the proposed activities are not contrary to the NPSFM20.

61. I do not consider either of these to be fulsome assessments of the Applications with regard to the NPSFM20 and that the Panel would not be able to rely on this in its decision making under section 104 RMA without further information and clarification from the Applicant and potentially the Reporting Officer.

62. In addition to presenting no or very little information as to how their conclusions were reached, neither the Reporting Officer nor Mr Bendall have, in my view, applied the correct statutory consideration.

63. In having regard to the provisions of the NPSFM20, as it must do in accordance with sections 104 and 104C of the Act (again assuming restricted discretionary activity status is accepted), the Panel must consider whether or not the proposal gives effect to Te Mana o Te Wai. That is the overarching test and requirement set out in Policy 1 of the NPSFM.

64. Therefore, the statements by the Reporting Officer and Mr Bendall '*that the Application is generally consistent with Te Mana o Te Wai*' and is '*not contrary to the NPSFM20*' are not, in my view, particularly helpful.

65. I do not disagree with the Reporting Officer that establishment of a Kaitiaki Liaison Group (KLG) assists in ensuring that the Application is consistent with the intent of Te Mana o Te Wai, although a more accurate statement I believe is that the KLG approach is generally consistent with the intent of the NPSFM20 and particularly the six principles upon which it is based.

66. However, I do not consider that the inclusion of the KLG in and of itself ensures that the Application gives effect to Te Mana o Te Wai.

67. Te Mana o Te Wai as described in the NPSFM20 is about putting the health of the waterbody and freshwater ecosystems first. Te Mana o Te Wai is not limited to the roles, interests and effects of a proposal on tangata whenua, which is the purpose of the KLG. The KLG and consultation with tangata whenua also does not absolve the Applicant of its responsibilities to avoid, remedy or mitigate the potential adverse effects of the proposal in a way that gives effect to Te Mana o Te Wai and is consistent with the NPSFM20.

68. I have not undertaken a detailed assessment of the Application with regard to the policies of the NPSFM20 as again it is incumbent upon the Applicant to do so. I note however that I consider the Policies 1, 2, 3, 7 and 8; as well as Policy 3.5 relating to integrated management, particularly taking into account the complex values and planning framework which apply to the Application Rivers; and Policy 3.24(3) relating to specific requirements for rivers and regarding the loss of river extent and values and in relation to functional need to be particularly relevant to the consideration of the proposal.

69. Further, I have considered the overall approach being promulgated in the Application, primarily by way of the Gravel Management Plan but also as reflected in the consenting approach (whether intentionally or not), that the flood control and river management outcomes sought by Regional Council are inherently more important or fundamentally superior to other values. I recognise that flood protection is of utmost importance to our developed urban areas and I also understand the difficulties for Regional Councils in maintaining flood schemes and meeting the expectations of scheme land owners.

70. However, flood protection is one of a multitude of values for which a river is managed and which must be considered under the RMA. And, under the Te Mana o Te Wai hierarchy introduced by way of the NPSFM20, the top of the hierarchy is in fact the water body itself.

71. Section 2.3 of the Gravel Management Plan (GMP) summarises the overall approach to gravel management by HBRC in terms of flood protection and appears to assume that the current, and historic, approach is appropriate, generally being one of high modification of river environments and general restriction/entrenchment of channels to avoid spill out into surrounding land.

72. The Applicant will be aware, that the interconnectivity of braided rivers and groundwater is an area of current focus in river management in Aotearoa New Zealand[3] as is the idea of mobility corridors and 'making room for rivers' (this is in fact the topic for the 2021 Rivers Group Conference which was postponed until 2022 due to covid-19[4]). Entrenchment and restriction of rivers can potentially lead to a loss of habitat and have other implications including costly maintenance of infrastructure with higher velocity channels and scouring effects.

73. The functional need for gravel extraction in relation to flood control and river management, and therefore its appropriateness within the proposed locations of extraction, is particularly

[3] https://www.lincolnagritech.co.nz/news/braided-rivers-programme-update/
[4] https://www.riversconference2021.co.nz/ The Rivers Group is a Technical Group of Engineering New Zealand and Water New Zealand

relevant in the upper reaches of the Application area within the Tukituki River. This was considered by the Peer Reviewers of the GMP and the subsequent request for further information (refer page 125 of the GMP with s92 Request Response Attached) from the Applicant. The Peer Reviewers sought an assessment of alternatives to gravel extraction, particularly in those reaches, to achieve flood control outcomes and sought more information as to what those outcomes are and how they are determined. The Applicant's response was that this is outside the scope of the Application and that there was an expectation from scheme landowners that flood protection would be provided.

74. I understand the conundrum this presents for the Applicant and the difficulty in reconciling different values in river environments. However, the hierarchy of obligations imposed by the NPSFM20 requires that the health and mauri of the water body itself be treated as paramount to all other matters in the management of freshwater. I consider that the alternatives assessment sought by the Peer Reviewers remains necessary, and is in fact within the scope of matters to be considered in making a determination on these Applications.

75. Likewise, I consider that it is necessary and would be helpful for the Applicant to provide a more fulsome assessment of the overall proposal with regard to the NPSFM20 in order to assist the Panel in coming to a conclusion as to whether or not the Application gives effect to Te Mana o Te Wai.

Iwi Management Plans

76. The Reporting Officer has identified a number of Iwi and Hapū management plans of relevance to the Applications, and I agree that these need to be considered in the assessment and determination of the proposal.

77. The Reporting Officer did not include the *Tangata whenua values to attributes and management priorities for the Ngaruroro River*. This was developed for particular use in the TANK plan change process but includes a significant amount of information which is of direct relevance to the consideration of the Applications, particularly relating to the Heretaunga Muriwaihou and waahi tapu and waahi taonga sites. I have provided a copy of this document as Attachment 3 of my evidence.

78. The Application relies on the s42A assessment of the Iwi Management Plans, in a similar approach to the high level and somewhat cursory assessment of the NPSFM20. I do not consider that the assessment provided includes sufficient detail as corresponds with the scale

of the potential effects of the locations of the proposed activities on the environment, as is required by the Fourth Schedule of the Act.

79. I consider that a detailed assessment of the proposed activities with regard to all relevant iwi and hapū management plans is required and remains outstanding, noting that this could form part of the Cultural Impact Assessment which I discuss below.

Assessment of Effects of the Locations of the Proposed Activities

80. I acknowledge that the road to this hearing has been a long one for all parties involved and that the Applicant has provided a large volume of background information in relation to the proposed activities. My assessment of the Applications however is that, in part due to the issues I addressed in Part I of my evidence relating to scope and status, the approach to the effects assessments is broad brush in nature and that effects management relies heavily on management plans and future work to occur under the conditions framework.

81. I consider there to be a number of outstanding issues relating to the potential effects of the locations of the proposed activities that need to be addressed in order for a decision on the Applications to become possible and before a detailed conditions framework is able to be confirmed.

Cultural Effects

82. The s42 Report at section 2.3 states the following (which is also reiterated in Mr Exeter's evidence at para 18):

> *A cultural impact assessment was not undertaken by mana whenua on behalf of the applicant, but a high-level assessment of the effects on cultural and spiritual values was undertaken in the AEE and draft supplementary assessment was also provided by the applicant. Consultation has been undertaken with mana whenua and submissions have been received from two mana whenua groups (NKII and TToH). Mana whenua are generally in support of the consent applications pending their requested consent conditions which I discuss in Section 11. NKII have requested through consent conditions that "the adverse impact on tangata whenua access and use of the rivers and associated resources, particularly cultural practices such as but not limited to mahinga kai, kaitiakitanga, nohoanga (see Regional Policy Statement), wananga and manaakitanga should be avoided." TToH have requested consent conditions that protect mahinga kai customary practices and areas. Overall, I consider that with the recommended consent conditions, the actual and potential effects on mana*

whenua values are likely to be no more than minor. This conclusion was based on the Ngati Kahungunu Iwi Incorporated submission, consent application and AEE. Given the absence of a CIA and the letter received, the scale of adverse cultural effects in now in question.

83. Mr Bendall, at para 138 of his statement of evidence states "*the key outstanding matter that I have not been able to address in my evidence are the cultural values and impacts of concern to TTOH and NKII, as outlined in the letter of 24 March from TTOH, which are to be the subject of discussion at the site visit on 9 November 2021*".

84. I agree with the Reporting Planner and Mr Bendall that the matter of the cultural effects of the proposed activities is in question and remains outstanding.

85. I have considered the way in which cultural effects have been addressed in the Application and the background documents, and in particular have considered the *"Hawkes Bay Gravel Management Plan and Resource Consents – Consultation with Iwi/hapu and Cultural Values (undated)"* as provided by the Applicant. This document includes some background information as to the ways in which tangata whenua have contributed to the Gravel Management Plan process and the Ecological Management and Enhancement Plans but it does not include any effects assessment or mitigation measures as such. I therefore do not understand why it is referred to in the conditions of consent, particularly given that it includes notes from hui from a decade ago and refers to a Cultural Impact Assessment that was undertaken in respect of the Ruataniwha dam project which is not relevant to the assessment of effects for the proposal being considered here.

86. There is no discussion in the Applications of the particular mitigation measures identified in the EMEPs by tangata whenua, including for example a financial contribution for offsetting effects of gravel extraction in the Tūtaekurī (refer page 47 of the Tūtaekurī EMEP) or specific ways that the ability for tangata whenua to express their relationship with or gain access to the awa will be provided (refer page 69 of the Ngaruroro EMEP).

87. The approach promulgated by the Applicant to cultural effects, based on the information provided and my understanding of informal and formal pre-hearing hui, appears to be that because the Applicant, in its various statutory management roles, is engaging, or has or will engage, with tangata whenua, it follows that the cultural effects of the proposed activities have or will be satisfactorily identified and addressed. Likewise, it appears that the Applicant Planner and Reporting Planner have relied on the establishment of the KLG to address cultural

effects, albeit that both accept that there is an outstanding issue or issues in this regard, as discussed above.

88. Whilst the relationship between iwi and tangata whenua representatives and the Applicant is of the utmost importance in the confirmation of an appropriate conditions framework and the implementation of the consent, I consider there is a fundamental gap in the information before the Panel in that there is no Cultural Impact Assessment relevant to the current proposal for global consent.

89. I also note that the Reporting Officer recognises that the Applications are within the Statutory Acknowledgement Area of Heretaunga Tamatea Settlement Trust (HTST) and agree with the intent of his recommendations in this regard. However, I question the usefulness of providing the consent Applications in their current form to the HTST for comment (and do not entirely understand how the Officer envisages this feeding into the hearing process).

90. I consider that it would greatly benefit the consideration and determination of the applications, and indeed that this is required under the relevant statutory framework, to have a clear statement from the Applicant around the potential cultural effects of the proposed activities in the form of a Cultural Impacts Assessment at a scope and methodology agreed by TToH and NKII and other tangata whenua representatives (being at least HTST given the Statutory Acknowledgement, as well as the parties referred to in the KLG condition) along with a fulsome consideration of Iwi Management Plans and the matters raised in submissions and evidence from TToH and NKII, along with a detailed commentary of the way in which these effects will be addressed including relevant consent conditions.

91. Further, and based on the evidence already before the Panel (ie irrespective of any forthcoming Cultural Impact Assessment), I consider it would be appropriate for there to be particular condition(s) addressing 'no-go' areas and specific mitigation measures for sites in close proximity to, and likely potentially affected by, any works including for example near the Ohiti Pa and urupa site and waahi tapu adjacent to the Ngaruroro the River. This a hugely significant area that is formally recognised within the Hastings District Plan and as demonstrated in the evidence of Mr Apatu. It is therefore necessary to include specific conditions relating to this area on any grant of consent to ensure that any adverse effects of the proposed activities on it will be avoided, remedied or mitigated and I do not consider it appropriate to leave this as a matter to be further determined/refined by way of the KLG or any similar process.

Effects on Groundwater

92. In section 1.3.1.1 of the section 42A Report, the Officer states that "*at the pre-hearing meetings, Ngāti Kahungunu Iwi Incorporated stated gravel extraction activities are potentially impacting groundwater and aquifers. I could not quite understand the causal link between gravel extraction and the effects on groundwater. Understanding this matter would require further dialogue between the applicant and Ngati Kahungunu Iwi Incorporated hence it was considered that the wording of condition 14e accommodated this process."*

93. I do not agree with the Reporting Officer that further discussions with NKII is the appropriate primary pathway to rely upon to gain an understanding of the causal link between gravel extraction and groundwater effects. It is a matter that must be addressed by the Applicant.

94. The potential effects of gravel and aggregate extraction on groundwater are well recognised as needing consideration in any extraction proposal, as evidenced for example in the Quality Planning advice note prepared by the Aggregate and Quarry Association at page 41[5].

95. Rivers and river margins (ie the 'berm' as identified in the Application) are generally highly connected areas and it is common practice to treat groundwater takes within close proximity to a river as surface water takes because of this connectivity. This is particularly the case in braided rivers including in the lower reaches of the Ngaruroro River.

96. As shown in Attachment 1, part of the Application area is within the Unconfined Aquifer as shown in the Hastings District Plan. Additionally, parts of the Application areas are within the Source Protection Zones for the Hastings and Napier Urban Water Supplies (both of which are groundwater supplies) as identified in the proposed TANK plan change maps and included at Attachment 4.

97. The s42A Report, in section 3.2.1 states (with regard to PC9 or 'TANK'):
Policy 6, 7, 8 and 9 requires the protection of the quality of groundwater of the Heretaunga Plains and surface waters used as source water for Registered Drinking Water Supplies through considering activities that may impact the water supplies.

[5] https://www.qualityplanning.org.nz/sites/default/files/2018-11/Aggregates%20and%20Quarry%20Industry_0.pdf

It is considered that the proposed activities are not contrary to PC9."

98. It is unclear what the basis of this statement is given that there is no consideration of the source protection zones and related matters within the Application.

99. In section 1.3.1.1 of the s42A Report, the Officer questions whether the effects of the proposal on groundwater are within the scope of matters than can be considered because they weren't specifically mentioned in the NKII submission on the Application.

100. I consider that these matters are within scope for two reasons, being firstly that the Applications must consider any and all effects associated with the locations of the proposed activities which includes potential effects on groundwater and on drinking water supplies. Secondly, it is within scope because both the NKII and TToH identify potential cultural effects as key issues of concern and effects on groundwater, particularly the Heretaunga muriwaihou, is of fundamental importance for tangata whenua in this area. Section 9.2 of the Heretaunga Values Report discussed previously discusses the interconnectedness of the aquifer and surface water and also highlights the significance of the aquifer to local Māori:

"The Heretaunga Aquifer was the subject of a specific Treaty of Waitangi claim by Ngāti Kahungunu hapū ki Heretaunga (WAI595). The claimants highlighted that the Heretaunga Aquifer is a 'sacred taonga of immense cultural and spiritual significance' that is 'central to the mana and mauri of our people' whom are kaitiaki over it."

101. Therefore, I consider that the potential effects of the proposed activities on groundwater is within scope for consideration and that further information is required from the Applicant in this regard.

Significant Conservation Areas (SCAs)

102. There are two SCAs within or directly adjacent to the area covered by the Applications, being SCA10 the Tukituki River Mouth and SCA11 the Waitangi Estuary as identified in the Regional Coastal Plan. I understand from Mr Bendall's evidence at paras 27 and 28 that no works are proposed within the Coastal Hazard Zone 1 or the Coastal Marine Area as defined within the Regional Coastal Plan. It follows, presumably, that there are no works proposed within SCA 11 which extends from the coast upstream into the Ngaruroro to the State Highway Bridge at Clive as shown on RCEP Map 67 or on RCEP Map 117 at a larger scale, and attached to my evidence at Attachment 5.

103. The downstream effect on the rivers and estuaries, including the Waitangi Estuary, is a particular matter of concern for tangata whenua, as highlighted in the 24 March 2021 letter from TToH to the Applicant.

104. I could not find reference to or consideration of SCA 11 within the Application documents including within the evidence of Dr Forbes.

105. I have also been unable to find reference to SCA10 within the Tukituki Application and the Applications do not appear to include an assessment of the potential effects of the proposal on these two Significant Conservation Areas despite the Applications proposing extraction from within the Coastal Environment.

106. In addition to a need for this to be addressed by the Applicant, I consider that a condition is required to explicitly prevent any extraction beyond the landward boundary of the Coastal Hazard Zone 1 or within the Coastal Marine Area, for certainty and ease of reference, particularly given the scale and readability of the map included in the recommended conditions for the Ngaruroro consent at page 10. That map appears to show the extent of the Application area to extend past the SH2 bridge and all the way to the coast, which doesn't match the map on page 11 of the conditions on the Ngaruroro consent, which also doesn't match the plan included on page 10 of the Tūtaekurī consent which appears to show that the proposal extends into the Clive River (also indicated in Condition 7 of the Ngarururo consent which refers to the Clive River Bridge – noting that reference to this Bridge was removed elsewhere in the conditions).

107. As I have discussed elsewhere, it is my view that clarification is required as to the extent of the Application areas and proposed locations of extraction and these need to be accurately reflected in the consent documentation in order to ensure certainty and enforceability, as well as to ensure that potential effects are properly addressed including potential effects on Significant Conservation Areas 10 and 11.

Effects of 'Post-Extraction' Associated Activities

108. I have discussed in Part 1 the consenting issues arising around the consents required if post-extraction activities such as transport, stockpiling and processing are intended to be covered by these Applications, and note that some effects such as dust and amenity effects of post-extraction activities are addressed in the Applications.

109. I consider that subsequent to the matters raised in Part 1 of my evidence, the potential effects of any post-extraction activities encompassed by the Applications needs to be revisited to ensure that any and all potential effects are appropriately addressed, including in particular effects on the multiple waahi tapu and waahi taonga sites as identified in the District Plans and Mr Apatu's evidence and this should be addressed within any forthcoming CIA.

Sedimentation Effects

110. The potential effects of sedimentation of the proposed gravel extraction activities is a key matter of concern for both TToH and NKII, as raised in NKII's original submission and reiterated in TToH's letter in March 2021 and I note again the matter of additional consents that appear to be required for the proposed activity including discharges associated with the proposed extraction.

111. Both the Ngaruroro and Tūtaekurī catchments are identified as "High Priority" for sediment loss management within the Proposed TANK plan change[6]. I recognise that this is for the purpose of managing land uses within the catchments, and that in fact part of the reason for the proposed extraction within these rivers is to deal with sedimentation issues. However, it follows, in my view, that the Application should give particular consideration to the matter of sedimentation and associated effects.

112. Mr Forbes addresses sedimentation in his evidence and states, at para 2017 "at the time of writing the 2017 report, there was no information available on the degree or extent of turbidity increases as a result of gravel extraction activities. To my knowledge this information still does not exist. Therefore, my recommendation in the 2017 report – to assess the severity, extent and duration of turbidity plumes that result from any gravel extraction activities, is still relevant' and Mr Forbes has included a recommendation for monitoring in this regard which the Reporting Officer has accepted in his November 2021 Statement of Evidence. I agree that this must be included in the conditions of consent.

113. However, Mr Forbes includes a number of other recommendations for evaluation and monitoring in relation to the effects of sedimentation and the effects of changes to channel form. I have not reproduced them here but note that they are detailed in nature and include

[6] https://www.hbrc.govt.nz/assets/Document-Library/TANK/Planning-Maps/Map-1-Priority-Catchment-Sediment-Loss-Oct-19.pdf

the engagement of a fluvial geomorphologist. Mr Bendall, at para 58, state that these recommendations (along with those set out by Mr Beya in his evidence relating to bed level monitoring for the purpose of determining the annual gravel allocation volumes), should in his view be reflected in further revisions of the conditions of consent. I agree with Mr Bendall.

River System Effects

114. My assessment of the Applications is that they are lacking in an overall, whole of river assessment regarding the potential effects of the proposed activities on the various river systems under consideration. Various expert analysis included in the documentation recognises limitations of the information/assessments available to date in terms of both an overall geomorphological assessment of the Applications and the subsequent potential ecological, habitat and natural character effects that may arise.

115. Each of the consents relies on the use of an Ecological Management and Enhancement Plan but these primarily relate to the temporary and more localised 'operational' effects of gravel extraction and notably do not cover the ecological changes in the flow regime of the rivers (refer for example to page 6 of the Ngaruroro EMEP). Further, there is no synthesis of the various matters raised and addressed (or not addressed) in the EMEPs within the Application and therefore there is no clear line of sight between the proposed activities and the specific mitigation measures proposed.

116. Recommended Condition 33 of the consents requires a 'Water Quality Effects Investigation Programme of Work" to be submitted prior to the first exercise of consent and states that the programme shall "take into account the recommendations of the Cawthron Report No 2968 dated January 2017" and shall be implemented in full within 5 years of the commencement of the consent. This suggests an acknowledgement within the Applications that there are numerous effects of the proposal that have not as yet been assessed and proposes a future assessment regime to identify these. Again, there is no synthesis of the recommendations of the Cawthron Report to assist in identifying specifically what the relevant recommendations are (my reading of that report is that there are numerous recommendations throughout) and how they will be taken account of in the Water Quality Effects Investigation.

117. Implementation of the recommendations from Dr Forbes by way of specific conditions of consent will assist to some extent by ensuring that geomorphological investigations and assessment occur, but I consider that it would be useful for the Applicant to provide a more

detailed, whole of system identification of potential effects and proposed mitigation measures, including specifically identifying the relevant measures from the EMEP and other recommendations from experts included in the documentation.

118. This would in turn assist in a more fulsome assessment of the Applications with regard to the NPSFM and ensuring that they give effect to Te Mana o Te Wai. Without this 'whole of river' assessment and bringing together of the various assessments and information gathering recommended by contributing experts, it is difficult in my view, to confirm an appropriate conditions regime and also to justify a long term consent duration (ie one exceeding the ten years sought by TToH).

Appropriateness of the Conditions Regime

119. Given the matters raised in Part 1 of my evidence, including clarification of the scope and location of the proposed activities and subsequent confirmation of the consenting requirements, along with gaps in information including the absence of a cultural impact assessment and other matters as also outlined by the Reporting Officer and the Applicant's Planner, I have not provided a 'track changes' version of the recommended conditions of consent as set out in the section 42A Report. I consider that this would potentially be pre-mature, but also potentially not very helpful for the Panel. Instead, I have provided a qualitative discussion of what I consider to be the key issues arising from recommended conditions of consent, matters that should be addressed and made some suggestions as to changes that I consider would assist with certainty, operational effectiveness and enforceability:

- Appropriately scaled maps paired with accurate and consistent activity description and identification of agreed 'no- go' and seasonlally restricted areas, mapped, particularly to protect waahi tapu sites and mahinga kai sites (as per NKII submission). There can be ability/flexibility for these to be revised and reviewed into the conditions but there must be an established set of baseline locations, and maps to enable this, (derived from Iwi Management Plans, TToH and NKII information supplied to date and any forthcoming Cultural Impact Assessment) in order for this to be effective and have the certainty sought by TToH and NKII in terms of ensuring that approriate protections are in place and will be adhered to. Without this, or very similar instrument, there is no certainty within the conditions framework that the locations of extraction will be managed in such a way that avoids significant adverse effects on tangata whenua rights, interests and values, particularly as expressed through relationships with the waterbodies to which the Applications relate and as provided for as a matter of national importance under Section 6(e) of the Resource Management Act.

- Re-ordering of the conditions in groupings (eg information and reporting requirements; operational requirements, monitoring, consultation and engagement, feedback loops etc) would assist with readability, and especially would provide clarity for operators as to the specific 'on the ground' measures that they need to be aware of and comply with as they undertake works authorisied by the consents;

- Refinement of supporting information to which the consent refers particularly removal of the 'Cultural Values' document;

- Derivation of a clarified, succinct version of matters set out in the Environmental Management and Enhancement Plans as they specifically relate to each consent to ensure that operations 'on the ground' occur accordingly – identification of particular mitigation measures set out in the EMEPs and recommendations from contributing Experts to address potential effects of the proposed activities and including these in the conditions of consent so that it is clear what the 'bottom lines' are in this regard and additional/other matters can be more flexible and able to be dealt with on a case by case and over time.

- Any Memorandum of Understanding between the Applicant, TToH and NKII should only be referred to in the conditions of consent as a precursor for the KLG (eg 'subject to an MOU being signed by all parties, the KLG becomes established) as a mechanism by which the Submitters have certainty that the MOU will be agreed prior to the commencement of consent. I agree with Mr Bendall that the content of the MOU is not a matter for the Panel to consider, and furthermore any matters relating to the avoidance, remediation or mitigation of the potential effects of the activity should be stipulated in the consent conditions, not in the MOU;

- KLG terms of reference to be stated in the conditions and include an agreed 'operational process' by which pre-works in stream and assocaited assessments are to occur and other operational details.

- Duration of consent – I agree with the suggested ten year term as sought in TToH's original submission with a 5 year review to ensure tangata whenua rights and interests have been adequately provided for, to amend conditions as needed and to monitor HBRC progress. A longer consent duration could potentially be appropriate if all matters set out in the TToH and NKII submissions and evidence are appropriately addressed, and particularly if a project specific CIA occurs, an MOU is agreed upon and the KLG is established and implemented successfully.

Summary of Part II

- Subject to clarification of the scope and locational extent of the proposed activities, further information/clarification regarding some of the potential effects of the proposed activities is necessary including a Cultural Impact Assessment; and
- The conditions regime requires not insignificant re-working in order to encompass and address all matters raised herein and to ensure clarity, certainty, operational usefulness and enforceability.

Conclusion

120. My overall assessment of the Applications is that they are high level and lacking in detail around a number of matters. There is a heavy reliance on documents that are, in my view, outdated and some of them irrelevant. Whilst I understand that the intention of including at least some of these is to demonstrate the not insignificant work that has occurred in relation to the proposals by a number of parties, I do not consider that all of this information is particularly useful in terms of determining the Applications under the RMA.

121. It is my opinion that, as currently drafted, the Applications are potentially deficient for the reasons I have outlined in my evidence, particularly with respect to effects on cultural values and interests and groundwater; additional consents and effects of activities associated with and necessitated by large scale gravel extraction; and a fulsome assessment of the NPSFM20 and Iwi Management Plans. If the Panel is of the view that consideration of the Applications can proceed, it is my view that it would be significantly beneficial to the process to substantially overhaul the documentation in order to provide clear assessment and activity status tables; clear descriptions of the activities for which consent is sought that fully address all relevant section 9, 13, 14, and 15 RMA requirements and the relevant statutory considerations and policy framework; and remove out of date documentation that is not directly relevant and instead, if considered necessary, provide summaries of that information.

122. Both NKII and TToH have been frustrated by the approach being promulgated by the Applicant in talking through consent conditions, in part due to what they consider to be inaccurate information being provided to them as to the nature and scale of effects, and in part for the process and related issues Mr Tiuka will outline in his submissions.

123. My assessment is that the consultative process has been used to replace, or as a reason not to undertake, fulsome cultural impact and other assessments. The result in my view is that the Panel now has before it an application that it is unable to make a decision on in its current state.

124. This said, I accept that both NKII and TToH submissions are generally in support of the overall approach.

125. My view is that the Panel would need to request further information from the Applicant relating to the matters I have outlined, and any other matters arising from the hearing, before contemplating grant of consent to the Applications, at which time more detailed consideration and refinement of the conditions of consent would be appropriate.

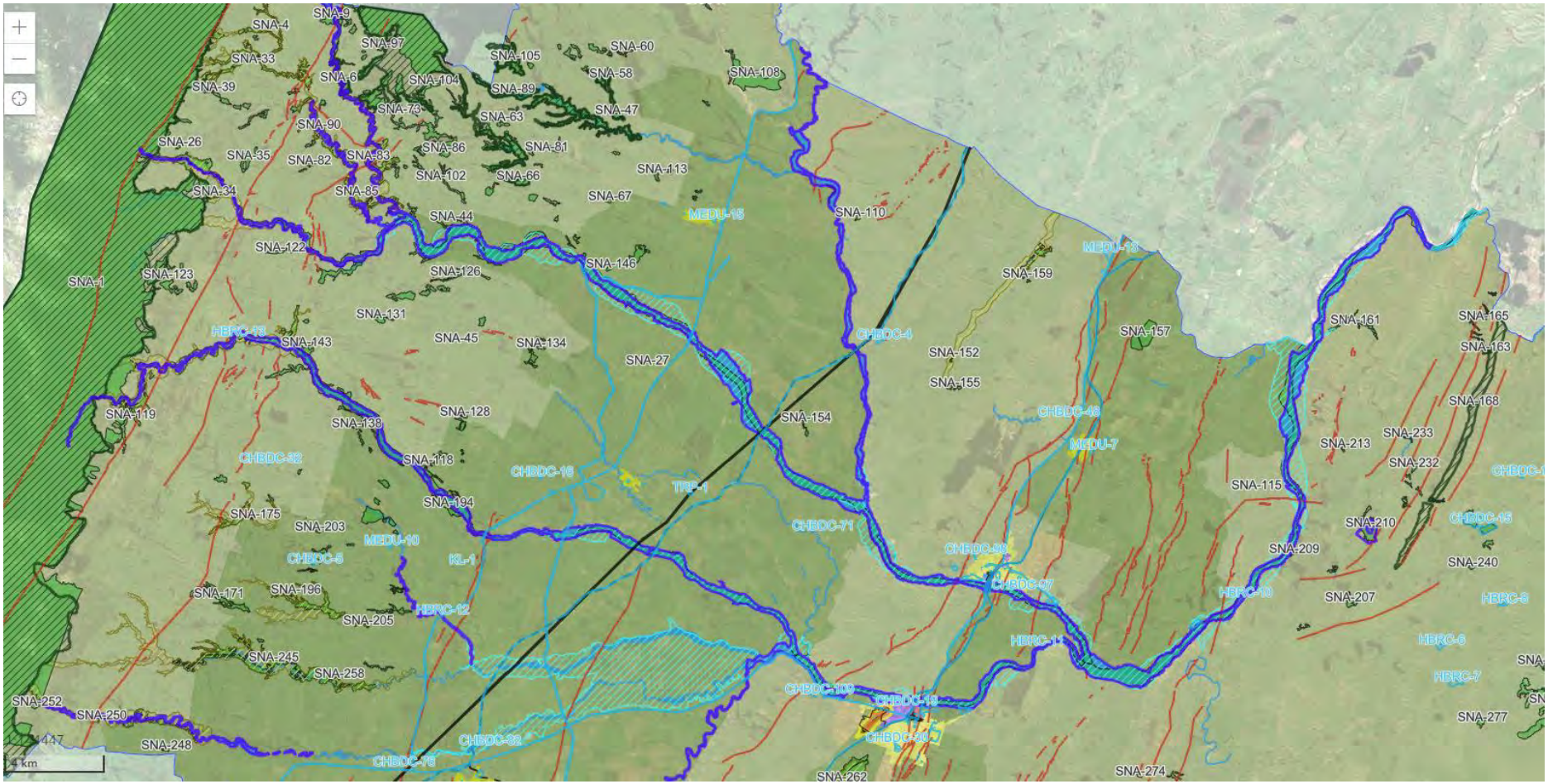
_____

Grey Wilson
01 December 2021

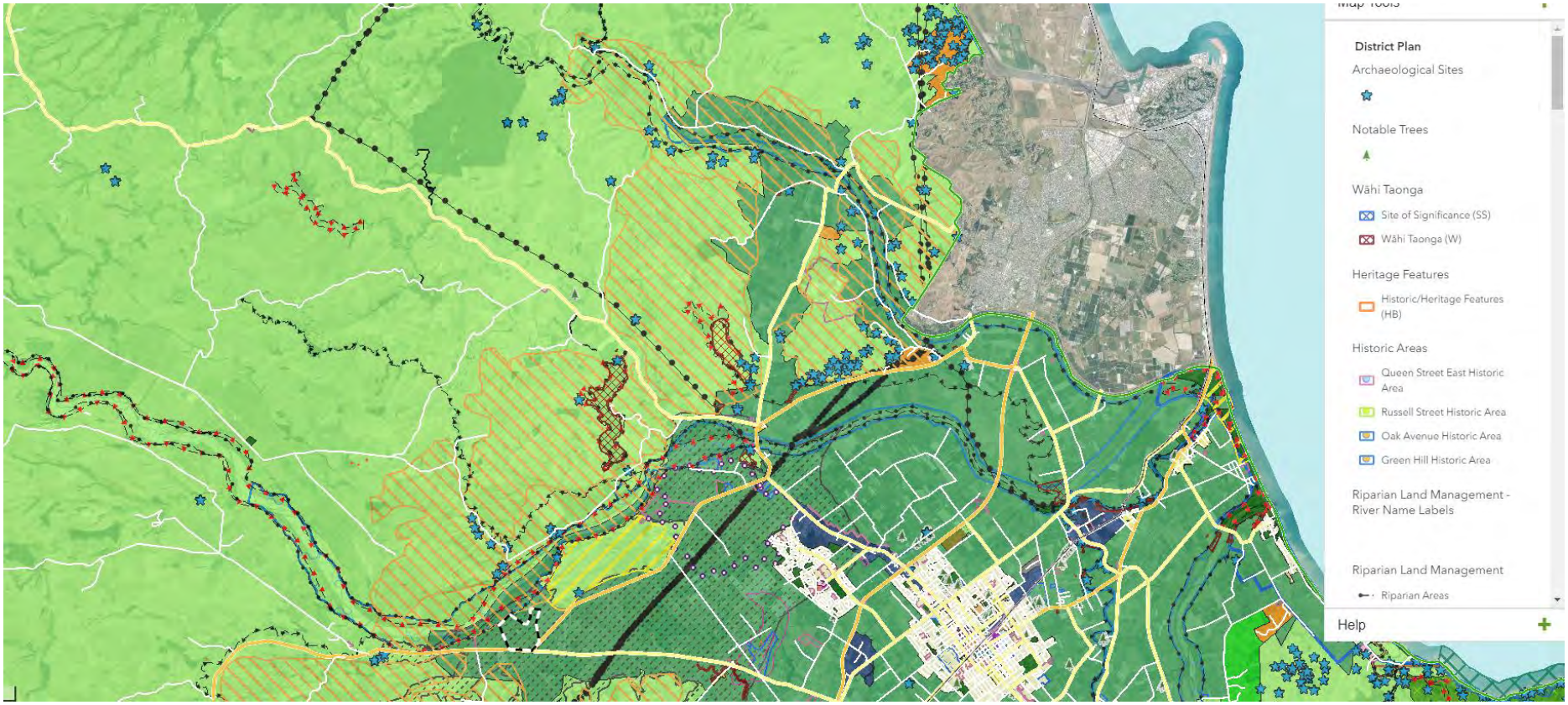
Attachments:

1. District Plan Maps (excerpted)
2. Example - Land use consent application for processing and stockpiling, GEM, 2017
3. *Tangata whenua values to attributes and management priorities for the Ngaruroro River*, K McArthur et al, 2016
4. HBRC Proposed Plan Change 9 (TANK) Source Protection Zones (Hastings and Napier Urban Supplies) Maps
5. HBRC Regional Coastal Plan Map 117

Attachment 1



CHBDC Proposed District Plan – Area covering Tukituki Catchment Rivers



HDC District Plan (excerpt) – showing part of Tūtaekurī and Ngaruroro Application Areas

Attachment 2

goodearthmatters
sustainable solutions enabling communities

Burnside Road, Ongaonga - Land Use Consent for the Processing and Stockpiling of River Gravel

Resource Consent Application and Assessment of Environmental Effects
December 2017

[redacted]

FOR LODGEMENT

Client:	[redacted]		
Report Title:	Burnside Road, Ongaonga - Land Use Consent for the Processing and Stockpiling of River Gravel		
File Reference:	67504.027\CHBDC Burnside Road, Tukituki RCA & AEE.docx		
Report Issue:	FOR LODGEMENT		December 2017
	DRAFT FOR CLIENT REVIEW	Date:	December 2017

Prepared:	Good Earth Matters Consulting Limited	Date:	December 2017
Authorised for Issue:	Annette Sweeney	Date:	December 2017
On behalf of:	Good Earth Matters Consulting Limited		

Form 9
APPLICATION FOR RESOURCE CONSENT

Section 88, Resource Management Act 1991

To: Central Hawke's Bay District Council
PO Box 127
Waipawa 4240

[redacted] hereby applies for the following type of resource consent:

- Land Use Consent for an Industrial Activity pursuant to s9(3) RMA.

The activity to which the application relates (the proposed activity) is as follows:

- The processing and stockpiling of aggregate material (river gravel) and the construction of a settlement pond system near the Tukituki River at Burnside Road, Ongaonga.

The site at which the proposed activity is to occur is as follows:

- Lot 3 DP 12943 at 1063 Burnside Road, Ongaonga (NZTopo50 map reference BL37 928 732)

The full name and address of each owner or occupier of the site to which this application relates are as follows:

- Margaret Ngaire Yoskyl Jackson 1063 Burnside Road, Ongaonga

The other activities that are part of the proposal to which the application relates are as follows:

- Gravel extraction from the bed of the Tukituki River, a permitted activity pursuant to Rule 4.8.1(l) of the District Plan.

The following additional resource consents are needed from the Hawke's Bay Regional Council for the proposal to which this application relates and have been applied for:

- Taking and use of water pursuant to s14 RMA.
- Discharge of contaminants (stormwater and wash water) into water or onto or into land pursuant to s15 RMA.

I attach an assessment of the proposed activity's effect on the environment that—

a. includes the information required by clause 6 of Schedule 4 of the Resource Management Act 1991; and

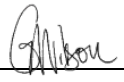
b. addresses the matters specified in clause 7 of Schedule 4 of the Resource Management Act 1991; and

c. includes such detail as corresponds with the scale and significance of the effects that the activity may have on the environment

I attach an assessment of the proposed activity against the matters set out in Part 2 of the Resource Management Act 1991.

I attach an assessment of the proposed activity against any relevant provisions of a document referred to in section 104(1)(b) of the Resource Management Act 1991, including the information required by clause 2(2) of Schedule 4 of that Act.

I attach the following further information required to be included in this application by the district plan, the regional plan, the Resource Management Act 1991, or any regulations made under that Act:



21 December 2017

(Signature of applicant or person authorised to sign on behalf of applicant)

(Date)

Address for Service of Applicant:

[redacted]
c/- Good Earth Matters Consulting Limited
PO Box 1268
Palmerston North 4440

Attention: Grey Wilson
Telephone: 027 255 1035
Email: grey.wilson@goodearthmatters.com

goodearthmatters
sustainable solutions enabling communities

Burnside Road, Ongaonga - Land Use Consent for the Processing and Stockpiling of River Gravel

Assessment of Environmental Effects
December 2017

[redacted]

FOR LODGEMENT

TABLE OF CONTENTS

Appendices

1 INTRODUCTION

[redacted] which operates numerous aggregate extraction sites within the central North Island, seeks to process (wash) and stockpile gravel on land adjacent to the Tukituki River at Burnside Road near Ongaonga.

The Hawke's Bay Regional Council has identified a need for gravel to be extracted from the Tukituki River in the vicinity of the subject site as soon as possible in order to address flood control and river management issues in the area and have recently granted [redacted] a resource consent to extract the gravel. [redacted] wish to transport, process and stockpile river gravel at the subject site, which is in close proximity to the extraction area.

[redacted] undertakes to carry out all of its operations in a way that limits any adverse environmental effects and takes into account all relevant resource and consenting constraints in developing proposals for new activities.

This application to the District Council relates only to the land use aspects of the proposal, being the processing and stockpiling of river gravel and the associated construction of a settlement pond, which constitute an industrial activity under the Central Hawke's Bay District Plan.

1.1 Reason for the Application

Aggregate resources are vital to the maintenance, growth and development of communities as they are essential to the construction of buildings, roads and infrastructure. In rural areas, aggregates are also widely used on farms for drainage material and for metalling roads and farm tracks. [redacted] seeks to undertake all of its aggregate extraction and processing activities in a sustainable and well-planned manner. There is local demand for aggregate resources in the area and extraction at the site serves the dual purposes of meeting this demand and assisting the Regional Council in achieving its river management and flood control responsibilities. All activities associated with the extraction and processing of gravel at this site are able to be undertaken in a manner which will have minor or less than minor effects on the environment. The proposal is therefore one that meets the overall sustainable management purpose of the Resource Management Act 1991 (RMA).

1.2 Statement of Completeness

This document has been prepared to support an application for resource consent from the Central Hawke's Bay District Council (CHBDC) for an industrial activity including the processing and stockpiling of river gravel and the associated construction of a settlement pond at Burnside Road, Ongaonga. It has been prepared in accordance with Section 88 and the Fourth Schedule of the RMA.

2 DESCRIPTION OF PROPOSED ACTIVITY

2.1 The Site and Surrounding Environment

The subject site is adjacent to the Tukituki River and is described as Lot 3 DP 12943 at Burnside Road in Ongaonga (NZTopo50 map reference BL37 928 732). Access to the site is via the unsealed end of Burnside Road. A copy of the registered title is attached at Appendix A.

The subject site is located approximately 3km south-east of the settlement at Ongaonga and approximately 13km west of the Waipukurau and Waipawa townships, as shown in Figure 2.1 below.

Figure 2.1
Site Location
(Source: NZ Topo Map 250)

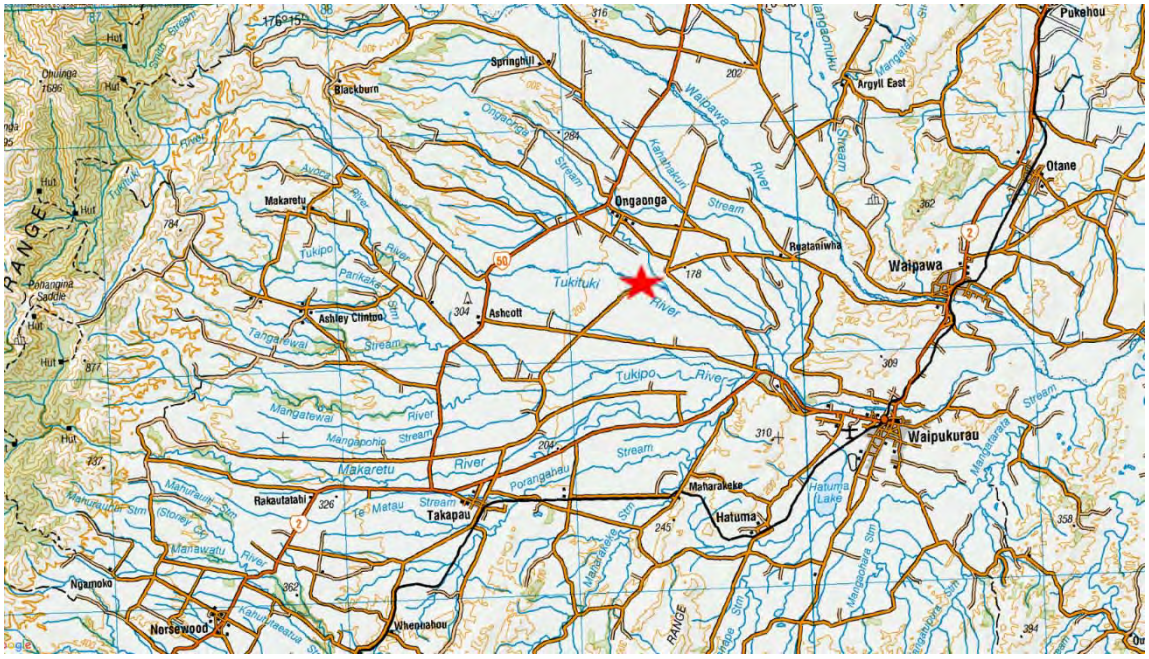


Figure 2.2
Gravel Processing Site
(Central Hawke's Bay District Council Rural Imagery 2015)

The proposed river gravel processing area is approximately 2.2 hectares in size, the overall size of the land parcel is approximately 155 hectares. The subject site is relatively flat and is planted in pasture and used predominantly for agricultural purposes.

The Tukituki River is located approximately 100 metres to the north of the processing area, separated by a wide, vegetated riparian area. The Tukituki River provides water for farms and orchards from Central Hawke's Bay through to the eastern corner of the Heretaunga Plains. Public access to the Tukituki River is provided at the end of Burnside Road. The Tukituki catchment supports significant ecological values associated with the aquatic and riparian ecosystems, and habitats for a regionally significant brown and rainbow trout fishery.

Transpower high voltage transmission line dissects the subject site, approximately 400 metres to the west of the gravel processing area. The surrounding land is predominantly used for pastoral farming and other agricultural land uses, shown above in Figure 2.2.

2.2 Activity

2.2.1 Gravel Processing and Stockpiling

River gravel is to be extracted from the Tukituki River at the end of Burnside Road. [redacted] propose the processing of gravel material at the subject site for chip production and aggregate will be washed, stockpiled and transported off site as needed.

The aggregate washing activity occurs using a wash plant. Extracted material will be loaded into a conveyor belt type system, and water is then pumped in and the material is washed and sorted by size (graded). Sediment ponds will be used to settle the processing water.

Up to 10,000 cubes of gravel will be extracted, however activities are limited by the timing of the water take period and the amount of water able to be taken from the Tukituki River for processing. Gravel is stockpiled and trucked out from the site on an as needed basis.

Concurrently to this application, resource consent is being sought from the HBRC for resource consent to take water from the Tukituki River under high flow conditions for the purpose of gravel washing, as well as for the discharge of used washwater to a settling pond and the discharge of stormwater from the site.

2.2.2 Construction of Settlement Pond

[redacted] intend to create a settlement pond within the processing area delineated in figure 2.2 above. The water that is discharged to the settlement pond system will contain riverine silts, sands and gravels and is likely to be recycled for reuse on the site before being returned to the pond.

The settling pond constructed from in situ material and will have an approximate capacity of 2,000m^3 (25m x 40m x 2m). The pond will provide several days retention which enables adequate settling of materials from the gravel washing activity. The permeable nature of the base of the pond means that the ponds are unlikely to overflow during typical rain fall events. If there were to be an overtopping during an extreme rainfall event, water would simply flow to the ground around the ponds and percolate into the alluvial gravel soils.

The pond will be desilted as necessary in order to ensure its effective operation. Maintenance of the pond system will include regular de-silting when gravel washing is occurring and will avoid the introduction of contaminants other than silt or sediment to the ponds.

2.2.3 Gravel Extraction

A land use resource consent has recently been granted by the Hawke's Bay Regional Council for the extraction of 10,000m^3 of gravel from the bed of the Tukituki River near the subject site (Consent Number 3061701) and a copy of this consent is attached at Appendix B.

The Hawke's Bay Regional Council has noted in their Draft Riverbed Gravel Management Plan that the upper and mid reaches of the Tukituki River are showing the greatest evidence of aggradation of any river in the region, and gravel extraction demand in this area has markedly declined in recent years. Analysis shows that approximately 800,000 cubic metres of gravel exists above the defined 'grade line' in the upper Tukituki; and a significant 14 million cubic metres above 'grade line' in the mid Tukituki reaches. Continued aggradation at the historical rates will result in less channel capacity and consequential flood and drainage issues, and therefore the upper Tukituki flood control scheme is under some pressure in terms of consistently achieving its scheme design standards due to the gravel build-up.

The extraction of gravel from a bed of a river, in unlimited amounts, is a permitted activity pursuant to Rule 4.8.1(l) of the District Plan, and therefore resource consent for gravel extraction is not being sought from the District Council.

3 REGULATORY FRAMEWORK

This section of the report sets out the regulatory framework (i.e. the rules) relevant to this application.

Section 9(3) of the RMA state that no person may use land in a manner that contravenes a national environmental standard or a district rule unless the use is expressly allowed by a resource consent.

There are no relevant National Environmental Standards, nor rules in the Operative District Plan that permit the proposed industrial activity.

Therefore, resource consent for the proposed activities is required as per Section 9(3) of the RMA.

3.1 Central Hawke's Bay District Plan

The relevant district plan is the Central Hawke's Bay District Plan (the District Plan). There is no Proposed District Plan relevant to this application. The District Plan sets out a policy framework for managing resource use activities in an integrated manner across the whole of the Central Hawke's Bay District.

The subject site is zoned Rural and is identified in Map No. 8 in the District Plan.

3.1.1 Relevant District Plan Rules

There are several rules from the District Plan in **Part 3 Tangata Whenua Rules**, **Part 4 Rural Zone** and **Part 8 Transport** that are relevant to this application.

- **3.6.1 Earthwork Activities**
- **4.8.1 Permitted Activities (Gravel Extraction)**
- **4.8.2 Controlled Activities (Industrial Activities)**
- **4.9.11 Noise**
- **8.5.1 Parking and Loading**

The stockpiling, processing (washing) of river gravel and the settlement pond come under the definition of 'industrial activity' and the site is in the Rural Zone. **Rule 4.8.2** provides for an industrial activity as a **controlled** activity where it meets the performance standards for the zone shown in Table 3.1 below.

Table 3.1
Rural Zone Performance Standards

Performance Standards	Assessment	Comment
4.9.1 Building Coverage	Complies.	There are no buildings or impervious surfaces proposed.
4.9.2 Height of Buildings	Complies.	There are no buildings proposed.
4.9.3 Recession Lines	Complies.	There are no buildings proposed.
4.9.4 Setback from Roads	Complies.	There are no buildings proposed.
4.9.5 Setback from Neighbours	Complies.	There are no buildings proposed.
4.9.6 Domestic Waste Water Disposal	Complies.	There are no ablution facilities proposed.
4.9.7 Factory Farming Effluent Disposal	N/A	
4.9.8 Electrical Safety Distances	Complies.	Any activity, including the establishment of structures or any earthworks, within the vicinity of overhead electric lines will comply with the New Zealand Electrical Code of Practice for Electrical Safety Distances (NZECP 34:1993).
4.9.9 Coastal Margin	N/A	
4.9.10 Tree Planting	Complies.	No tree planting is proposed.
4.9.11 Noise	Complies.	See discussion below.
4.9.12 Setback From Fault Lines	Complies.	There are no known fault lines within the required setback distance.
4.9.13 Areas of Significant Conservation Value	Complies.	There will be no modification to the Tukituki River.
4.9.14 Noise from Waipukurau Aerodrome	N/A	
4.9.15 Buildings by Waipukurau Aerodrome	Complies.	There are no buildings proposed.

4.9.11 Noise

On any site, activities shall be conducted such that the following noise levels are not exceeded at nor within the notional boundary of any residential unit, other than residential units on the same site as the activity:

- 55dBA L10 - 6:00am - 11.00pm Monday to Saturday
- 45dBA L10 - at all other times
- 75dBA Lmax - at all other times

The nearest residential unit not on the same site as the activity, is approximately 350 metres to the southwest of the subject site and appears to be held in the same ownership as the subject site

The nearest residential property, not in the same ownership is located on the opposite side of the road, approximately 600 metres from the subject site at No. 1046 Burnside Road. The separation distance means that the Applicant is likely to meet the applicable noise level of 55dBA L10 (during normal hours of operation) at the notional boundary of the residential unit at No. 1046 Burnside Road.

In summary, all the relevant Performance Standards for the Rural Zone can be met, including Noise, Electrical Safety Distances, and Areas of Significant Conservation Value. On this basis the proposal is for a **Controlled** activity.

The district wide rules must also be considered, including parking and earthworks. The proposed activity complies with the relevant rules for the following reasons.

Earthworks carried out for any purpose within a site of cultural significance to the Tangata Whenua shall be a discretionary activity unless prior written permission from the Tangata Whenua for the site is obtained. There are no sites of cultural significance to Tangata Whenua identified in the District Plan recorded at the subject site. Therefore, the earthworks needed to construct the settlement pond will be a permitted activity pursuant to **Rule 3.6.1 Earthwork Activities**.

Approximately a quarter of the subject site will be used to stockpile aggregate and therefore pursuant to **Rule 8.5.1 Parking and Loading**, approximately 55 on-site parking spaces would be required. This is considered excessive given the nature of the activities on site, which will be sporadic in operation and will generally only involve one or two heavy vehicles travelling to and from the site at a time. There are no visitors to this site and in fact it would be a safety hazard for there to be visitors. There might only be one or two light (private use) vehicles parked there on any day that the site is being worked but also, they may simply drive a dump truck and a digger transporter to site rather than have heavy machinery parked there overnight. Notwithstanding this there is ample space on site for [redacted] to set aside an area for parking and the parking spaces can be formed and finished in accordance with **Rule 8.5.1(i) Surface of Parking and Loading Areas.**

Overall the proposal is a **controlled** activity in accordance with **Rule 4.8.2** of the District Plan.

4 ASSESSMENT OF ENVIRONMENTAL EFFECTS

Pursuant to District Plan **Rule 4.8.2 Controlled Activities**, the Council has reserved its control over the matters set out below and each of these are considered within this section:

- Set back from internal boundaries
- Any landscaping to be provided
- The screening of activities from neighbours
- Noise, dust, glare, odour and vibration, and trade waste and solid waste

4.1 Internal Boundary Setbacks

There are no buildings proposed, and therefore internal boundary setbacks do not apply.

4.2 Landscaping and Screening

No additional landscaping or screen planting is proposed. Any machinery or crushing plant on site is mobile and moves between [redacted] processing sites, and so will be located there temporarily and only during processing periods. No permanent buildings are proposed.

The processing site is rural in its location and the same landowner owns the nearest residential dwelling and much of the surrounding farmland. The nearest residential dwelling not in the same ownership is approximately 600 metres away, on the opposite side of Burnside Road and so will have minimal views of the subject site.

The processing site is screened from the Tukituki River by a wide vegetated riparian area that varies in width of between 75 to 120 metres. No vegetation is proposed to be removed from the subject site, which is currently in pasture. On this basis the effect of the processing and stockpiling activities on visual character and landscape will be less than minor.

4.3 Rural Amenity Effects including Noise, Dust and Vibration

[redacted] propose to bring mobile crushing and screening plant onto site as needed. Whilst aggregate crushing and screening are noise generating activities, there are no neighbouring residential properties or dwellings near the subject site with the nearest residential dwelling, not also owned by the landowner, is approximately 600m away from the subject site. The noise standards of the District Plan can therefore be met.

Any air discharge from the processing site, which would include dust during times of crushing, will not cause any noxious, offensive or objectionable dust beyond the property boundary and will comply with the permitted activity conditions pursuant to Rule 25 (Moveable aggregate crushing & screening plants) of the Regional Resource Management Plan. Dust will be kept to a minimum by the active management of access tracks, processing areas, and the stockpile areas. Dust suppression methods will be utilised, as appropriate, to ensure there is no effect beyond the site boundary and the effects of any air discharge from the processing activities at the site, including vehicle movements along Burnside Road, will be less than minor.

Given the remote locality of the Burnside Road processing site, that the noise emissions will meet District Plan standards and dust emissions will meet Regional Plan standards, and that noise and dust will not have any significant adverse effect any adjacent private landowners, it is considered that the effects the proposal will have less than minor adverse effect on rural amenity values in terms of noise, dust or vibration.

4.4 Trade Waste and Solid Waste

Trade waste and solid waste generation and disposal are not applicable to this activity. The Applicant is currently seeking resource consent from the Regional Council for stormwater and gravel washwater discharge to ground via the on-site settlement pond system.

4.5 Summary of Effects

Overall, is considered that the proposed gravel extraction and processing site will not have any significant adverse visual, landscape or amenity effects on the rural environment and that the proposal makes efficient use of an existing gravel resource and will, in the long term, have positive flood management benefits for the Tukituki River catchment.

5 PROPOSED MITIGATION MEASURES

[redacted] will ensure the mitigation measures in Section 4 above are undertaken as proposed.

6 CONSULTATION AND NOTIFICATION

The application is for a controlled activity and is therefore envisaged and enabled by the District Plan. Furthermore, the proposal will have less than minor effects on the environment. The application can therefore be processed on a non-notified basis in accordance with the provisions of section 95 of the RMA.

7 SECTION 104(1)(B) ASSESSMENT

Section 104(1)(B) of the Resource Management Act states that:

> *"(1) When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to - …*
>
> *(b) any relevant provisions of:*
>
> *(i) a national environmental standard*
>
> *(ii) other regulations:*
>
> *(iii) a national policy statement:*
>
> *(iv) a New Zealand coastal policy statement:*
>
> *(v) a regional policy statement or proposed regional policy statement:*
>
> *(vi) a plan or proposed plan;"*

Form 9 and Clause 2(1)(g) of the Fourth Schedule of the Resource Management Act require an application for resource consent to include an assessment of the activity against the relevant provisions of a document referred to in section 104(1)(b). The following provides this assessment.

7.1 National Environmental Standards

There are no National Environmental Standards which are relevant to the proposed activity.

7.2 Other Regulations

There are no other regulations which are relevant to the proposed activity.

7.3 National Policy Statements

The only relevant National Policy Statement (NPS) to the proposed activities is the NPS for freshwater Management (2014) which is discussed in detail in the application to the Regional Council, given that that application seeks a take and discharge permit.

7.4 New Zealand Coastal Policy Statement

The site is not within the coastal area and therefore the New Zealand Coastal Policy Statement is not relevant to the application.

7.5 Regional Policy Statement or Proposed Regional Policy Statement

The relevant Regional Policy Statement is found in the combined operative Hawke's Bay Regional Resource Management Plan (Chapters 2 and 3). There is no Proposed Regional Policy Statement.

The Regional Policy Statement and Regional Plan includes several objectives and policies that relate to water quality and quantity, as well as to habitats and their life supporting capacity.

In summary, the proposed activity is considered to achieve the relevant objectives, and is consistent with the relevant policies of the Regional Policy Statement and the Regional Plan, as discussed in detail in the application to the Waikato Regional Council.

7.6 District Plan

The relevant District Plan is the operative Central Hawke's Bay District Plan. There is no Proposed District Plan. The relevant rules have been detailed in Section 3.1 of this report.

The District Plan contains objectives and policies relating to the management of noise, dust and traffic effects, natural hazards, rural amenity and landscape values, and Tangata Whenua cultural values. The proposed activity achieves the objectives and is consistent with the policies of the District Plan.

An assessment against the relevant objectives and policies of the District Plan is provided in Table 7.1.

Table 7.1
Relevant Objectives and Policies of the District Plan

Provision	Assessment
4.2.1 Objective **Rural Amenity and Quality of the Environment** *A level of rural amenity which is consistent with the range of activities anticipated in the rural areas, but which does not create unpleasant conditions for the District's rural residents; or adversely affect the quality of the rural environment.*	
4.2.2 Policies 1. *To encourage a wide range of land uses and land management practices in the Rural Zone while maintaining rural amenity.* 2. *To require some activities to be setback from property boundaries so as to reduce the probability of neighbouring dwellings being exposed to adverse effects.* 3. *To maintain clear distinctions between the urban and rural areas through zoning and the provision of performance standards specific to the rural zone, to assist in protecting the character and quality of the surrounding rural areas.*	The proposed gravel processing and stockpiling activities are able to meet the performance standards designed to protect the rural environment relating to controlled activities within the Rural Zone. The scale of development is such that there will be adequate land available to provide a buffer between the activity and neighbouring residences so that noise, dust, vibration and visual/landscape effects will be less than minor.

Provision	Assessment
6. *To encourage the use of gravel from the rivers as a means to reduce the risk of flooding, subject to policies set out in the Hawke's Bay Regional Council's Regional Gravel Extraction Plan.*	It is noted that the Council encourages the extraction of gravel from certain rivers in the District to safeguard investment in flood protection works. The Applicant holds a resource consent from the Regional Council to extract river gravel. Extraction of gravel from the Tukituki River is subject to the Regional Gravel Extraction Plan. The Plan controls commercial gravel extraction and mining to ensure the adverse effects relating to extraction and the carting of minerals and waste rock are avoided, remedied or mitigated. The benefits of extracting and processing river gravel in this location include an increase in channel capacity and a reduction in the risk of flooding downstream. The Regional Council has identified the upper/middle Tukituki River as having an excess of gravel and a decrease in demand. The proposal to wash and process gravel at the subject site, represents a sustainable use of the water and gravel resources in the region. The Burnside Road processing site is the preferred option not only because of the availability of excess gravel in this location, but because of the benefits in terms of minimising the environmental effects and costs associated with transporting aggregates long distances between extraction, processing and end use locations.
11. *To control the installation of septic tanks and other waste water treatment and disposal systems in order to mitigate potential health nuisances, odour and contamination of water.*	A settlement pond system will be constructed at the processing site and will provide treatment for gravel washwater and stormwater from the site so that it is not discharging directly to the Tukituki River. The Applicant is currently seeking resource consent from the Regional Council for the discharges. The proposal achieves this objective and is consistent with these policies.

8 PART 2 RMA ASSESSMENT

Form 9 and Clause 2(1)(f) of the Fourth Schedule of the Resource Management Act require an application for resource consent to include an assessment of the activity against the matters set out in Part 2 of the Resource Management Act. The following provides this assessment.

8.1 Section 5 – Purpose

The purpose of the Act is "to promote the sustainable management of natural and physical resources".

This proposal will see the use of natural and physical resources in a way that will allow for people and the local communities to provide for their social, economic and cultural wellbeing and for their health and safety by providing the required aggregates for necessary infrastructure maintenance and development. The life supporting capacity of air, water, soil or ecosystems will continue to be safeguarded and potential adverse effects on the environment will be mitigated, and in some cases avoided entirely, given the operational methods to be used.

8.2 Section 6 - Matters of National Importance

Section 6 sets out matters of national importance that decision makers must recognise and provide for. An assessment of the application against the matters of national importance is as follows:

a. *The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development.*

b. *The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development.*

d. *The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers.*

e. *The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.*

These matters have all been addressed in this proposal, as set out in the assessment of effects section and in the discussion of the relevant objectives and policies. It is considered that the Council can be satisfied that these matters have been adequately recognised and provided for.

8.3 Section 7 - Other Matters

Section 7 sets out other matters that decision makers shall have particular regard to. These matters are as follows:

a. Kaitiakitanga; and (aa) the ethic of stewardship:

b. The efficient use and development of natural and physical resources and (ba), the efficiency of the end use of energy:

c. The maintenance and enhancement of amenity values:

f. Maintenance and enhancement of the quality of the environment:

g. Any finite characteristics of natural and physical resources:

The proposal to process and stockpile river gravel at the subject site represents the efficient use and development of natural and physical resources, and will, in the long term, have positive flood management benefits for the Tukituki River catchment. The processing of gravel is close to its river source and the end users, thereby providing transportation efficiencies for road maintenance and construction projects within the local area. The visual and landscape, traffic, noise, dust and vibration effects can be managed onsite.

Amenity values of the wider rural area, will be protected by way of best practice site management, including on site traffic management, dust control measures, stormwater management, and hours of operation restrictions proposed by [redacted]. It is considered that the Council can be satisfied that particular regard has been had for the relevant Section 7 matters in the development of this proposal. There are no sites of significance to Maori recorded at the proposed gravel processing site. A condition addressing accidental discovery is anticipated to be included on the new consent.

8.4 Section 8 - Te Tiriti o Waitangi, The Treaty of Waitangi

Section 8 of the RMA requires decision makers to take into account the principles of the Treaty of Waitangi.

There are no known or recorded archaeological sites in the vicinity of the site.

8.5 Overall Assessment

The processing and stockpiling of river gravel at the Burnside Road processing site represents an efficient use of a gravel resource available in the Tukituki River. There will be no adverse noise, dust or rural amenity effects on any neighbouring properties, given the remote location of the site and the intermittent operating periods. Much of the adjoining farmland is in the same ownership as the subject site, and therefore there are no other parties affected by the proposal.

Overall, it is considered that the proposed river gravel processing and stockpiling activities will not cause any significant adverse effects on the environment and that the proposal is consistent with the objectives and policies of the Central Hawke's Bay District Plan. The proposal is also consistent with the principles of the RMA 1991 and it is considered that the purpose of the Act will be promoted through the grant of consent.

Appendix A

REGISTERED TITLE

COMPUTER FREEHOLD REGISTER
UNDER LAND TRANSFER ACT 1952

Search Copy

R.W. Muir
Registrar-General
of Land

Identifier **HBE1/1431**
Land Registration District **Hawkes Bay**
Date Issued 03 August 1972

Part-Cancelled

Prior References
HB199/35 HB44/33 HB44/54

Estate	Fee Simple
Area	155.2804 hectares more or less
Legal Description	Lot 3 Deposited Plan 12943

Proprietors
Margaret Ngaire Yoskyl Jackson

Interests

Subject to a right of way created by Transfer 68985 (affects part formerly Lot 4 DP 2414)

Subject to Section 59 Land Act 1948 (affects part formerly Section 8 Block XII Ruataniwha Survey District)

416126.1 Gazette Notice defining the middle line of part of the Hawke's Bay Pipeline - 26.1.1983 at 11.05 am

Subject to a natural gas pipeline right (in gross) over part in favour of The Natural Gas Corporation of New Zealand Limited created by Transfer 450689.1 - 18.7.1985 at 11.24 am

596222.1 Gazette Notice acquiring part within land (2153m²) now known as Section 1 SO 10447 for river control and soil conservation purposes and vesting the same in the Hawke's Bay Regional Council - 1.10.1993 at 2.45 pm

Appurtenant hereto is a right to convey water created by Transfer 691019.1 - 5.8.1999 at 2.37 pm

Appendix B

HAWKE'S BAY REGIONAL COUNCIL LAND USE CONSENT 3061701

HAWKE'S BAY
REGIONAL COUNCIL

When forwarding declarations please quote
Land Use Consent number : **3061701**

RESOURCE CONSENT TO EXTRACT GRAVEL

In accordance with the provisions of the Resource Management Act 1991 and subject to the attached conditions, the Hawkes's Bay Regional Council (the Council) for the reasons attached grants to :

Name : [redacted]
Address : [redacted]

Attention : Graeme de Rose

a Resource Consent for the purpose of extracting gravel.

DETAILS OF RESOURCE CONSENT

River : Tukituki River - Upper

Site of Extraction	Proposed Volume of extraction	
	Shingle (cubic metres)	Silt (cubic metres)
T58	10000	

Consent commences on **01 July 2017** and expires on **30 June 2018.**

Location of stockpile area(s):
(where applicable)

Rate of removal of gravel : cubic metres per day/week/month
(where applicable)

Fees : **$0.20 per cubic metre plus GST**

Note : All quantities to be based on loose measure and rounded to the nearest cubic metre. Declarations are requested by the 20th of the month following extraction. If no gravel is removed, a nil return must be forwarded for the period commenced.

Signature :

Manager - ASSET MANAGEMENT

Date :

goodearthmatters

sustainable solutions enabling communities

Palmerston North | Wairoa | Blenheim | Christchurch | contact@goodearthmatters.com

goodearthmatters.com

Attachment 3

HAWKE'S BAY REGIONAL COUNCIL

RECEIVED
- 2 JUL 2019
BY:

Office use only
File No: MAO4
Date Received:

1. Jo Lawrence
2. Pieri Munro
3. Tom Skerman
4. ~~Joyce-Anne Raihania~~

Iwi/Hapu Management Plan

Lodgement Form

2 JUL 2019

1. This application is for:
   - [x] A new iwi/hapu management plan.
   - [x] Updating or reviewing an existing document (Please name existing document below).

2. Name and contact details of iwi/hapu.
   Ngāti Kahungunu
   Email: Ngaio@Kahungunu.iwi.nz
   Phone: 06 8762718
   Mobile:
   Fax:

3. Name of the iwi/hapu management plan:
   Ngaruroro

4. Verification that the management plan is recognised by the Iwi Authority:
   Details of Authorised Iwi Authority representative:
   Name: NGAHAU TOMOANA Designation: CHAIR NKII
   Signature: Date: 1.7.2019

5. Have you:
   - [ ] Enclosed an electronic copy of the iwi/hapu management plan?
   - [ ] Enclosed verification that the iwi/hapu management plan is recognised by the Iwi Authority or completed section 4 above?

6. Authorised signature/s for lodgement:
   Name: Christina Angela Hape
   Role: Chief Executive Ngāti Kahungunu Iwi Inc
   Signature: Date: 1/7/2019
   Name: Ngaio Tinker
   Role: Director Environment and Natural Resources
   Signature: Date: 1.7.2019

7. Please direct to: Office of the Chief Executive and Chair, Hawke's Bay Regional Council, Private Bag 6006, Napier 4110

Tangata whenua values to attributes and management priorities for the Ngaruroro River

October 2016

28 October 2016

Te Tira Wai Tuhi
Kate McArthur - The Catalyst Group
Morry Black - Mauri Protection Agency
Marei Apatu - Te Taiwhenua o Heretaunga
Ngatai Huata – Auaha, Te Runanganui, Waipatu Te Ao Turoa Representative
Joella Brown – Te Runanganui, Korongata Te Ao Turoa Representative
Ngaio Tiuka - Ngāti Kahungunu Iwi Incorporated

He Rārangi Wai Ūpoko - List of Contents

Rārangi Whakaahua – List of Figures

Rārangi Ripanga – List of Tables

He Waitohu[1]

'Ko te mahara ki Ngā Wai o Wairua Waipuna Waiora e …'

E ngā Kurupounamu e noho nei nā i Rangiātea

E tū ana tēnei taonga he tohu whakamaharatanga ki ngā mātua tipuna …

Memories carry us back, to the Seed first planted, Reflected in Rangiātea,

From whence all knowledge and praxis of our esteemed beloved ancestors resides

He taonga tuku iho – the oral and traditional treasured 3 Kete of Knowledge

handed down through generations

Te Hononga Māreikura

The Marriage between Ariki Māreikura ki Ariki Rangatira, Waka –

Genealogy of Waka me Te Tangata!

Tamatea-Āriki-nui o Te Waka Tapu o Takitimu rāua Tōtō o Te Waka

Rongokako rāua Muriwhenua o Te Waka Kurahaupo

Tamatea-urehaea-pōkaiwhenua-pōkaimoana rāua Iwi-pupu-te Kura

Kahungunu rāua Hinetapu o Kaitaia

Kahungunu rāua Te Hau Taruke o Opotiki

Kahungunu rāua Ruarauhanga o Whāngarā

Kahungunu rāua Ruarereta i Opōpoia Tūranga-nui-ā-Kiwa

Kahungunu rāua Hine-Pūariari o Whareongaonga

Kahungunu rāua Kahukurawaiaraia o Te Māhanga

Kahungunu rāua Pouwharekura o Te Mahia

Kahungunu rāua Rongomaiwahine o Nukutaurua

Anei ra … ngā uri ō rātou mā …

[1] Nā AUAHA Ngatai Huata Te Waitohu nei.

He Pepeha

Kahungunu Ki Uta … Ahuwhenua … Kahungunu Ki Tai … Ahumoana

Kahungunu Industrious on the Land … Kahungunu Industrious on the Sea …

Te Pepeha o *Tamatea Pōkai Whenua Pōkai Moana*[2]

Tamatea –Takitimu Waka Navigator – Who Traversed and Discovered the Seas …

Tamatea the Explorer - Who Traversed and Discovered the Lands …

Tamatea with his Son Kahungunu lamenting from afar the poignant memories of home …

"Te Kārōrō tangi tararau mai i runga ō Tapu Te Ranga

"The seagulls screeching cries above Tapu te Ranga

Te Pātiki tahanui ō Otiere e …

The thick sided flounders of Otiere

Te Paua Pātōtō mai i runga o Tāhinga

The paua knocking on the rocks of Tāhinga

Te pūpū tangi mai i runga o Matakārohirohi e

The periwinkles crying on Matakārohirohi

Te kiore pekenui ō Rimariki

"The high jumping rats of Rimariki"

"Te aruhe maomaoanui ō Pukekohu e"

"The fern roots of Pukekohu in need of much cooking"

Whakatauki

E kore a Parawhenua e haere ki te kore a Rakahore

"Parawhenua will not come out in the absence of Rakahore"

Parawhenua-mea was the personification of water and mountain streams, while Rakahore was the personification of rocks. This meant that mountain springs and streams would not flow but for the solid rock from which they issued and over which they flowed.

Parawhenua-mea is also one of the gods of deluge and defacement of nature due to flooding, and was a wife of Kiwa (as was Hinemoana).

This is a Ngāti Kahungunu whakataukī that talks of the relationship, ki uta …ki tai … (from the mountains to the sea). All natural elements are interdependent and these relationships must be continued together. To eliminate or diminish one can cause imbalance, thus affecting the rest. Ngā Ngaru Ūpoko Roro Moko Tuararo (Ngaruroro) Awa would not exist if this did not happen.

[2] Ahuriri Hapū and the Crown. (2013) *Agreement in Principle to Settle Historical Claims*. Te Whanganui Ā Orotu. Pages 10-14

He Mihi

Ko te Amorangi ki mua ko te hapai o ki muri te tuturu mahi pono o te Māori mana motuhake
Te Wairātahi mauri ora ki te Rangi – Heretaunga hauku nui, Ararau, haaro te Kaahu
Te Wairātahi mauri or ki te Whenua – Heretaunga takoto noa, Ringahora
Kō wai te waka e takoto nei Ko Takitimu! Ko Takitimu!
Kō wai te Iwi? Ko Ngāti Kahungunu e!
Haramai te toki Haumi e hui e tai iki e!

E mihi kau ana ki te hunga e noho pūāhuru mai nā i waenganui i ō rātau whānau,
Me mihi anō hoki ki te hunga kua māwehe atu ki te pō,
Nā rātau i waiho mai ēnei taonga ki a tātau hei whāngai ki ngā reanga kei te heke,
Nō reira, mokori anō te tangi ki ō tātau tīpuna kua wehe atu i tēnei ao, ā, ka mihi ki te mātauranga me ngā taonga i waiho mai e rātau,

Nō reira, haere, haere, haere atu rā.

Acknowledgements to all enjoying life in the warmth and comfort of our families,
We must also acknowledge those who have gone on before us,
We have preserved the treasures that have been handed for all of us including the generations to come,
And so our thoughts are to our ancestors who have departed this world and pay tribute to the knowledge and gifts they have left,

Therefore farewell, farewell, go forth.

To us the humble servants that remain

Mauri ora e!

Acknowledgements

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To the Hawke's Bay Regional Council who commissioned this work and for Ngāti Kahungunu Iwi Incorporated, who created the opportunity for the hapū of the Ngaruroro catchment to play an integral part in the development of objectives and policy options for the Ngaruroro.

We would also like to acknowledge Te Rūnanganui o Heretaunga, for your patience and guidance. It is important to acknowledge that there is a greater repository of knowledge that exists – however, due to time and resources, the gathering of further information is a work in progress.

He Kōrero Whakarāpopoto - Executive Summary

Through this project, Wāriu (values) and Hūanga (attributes) for freshwater have been expressed by tangata whenua within the Ngaruroro catchment. The values and supporting attributes recommended for use in the TANK Plan Change process are a practical and contemporary expression of holistic hapū and whanau values for the waterways of the catchment, within an RMA context.

A robust process was utilised to involve tangata whenua in prescribing their values and where these applied. Research, workshops, wānanga and hui-a-hapū were the main methods used, with regular updates provided to Te Runanganui o Heretaunga, who have representatives from all the Heretaunga Marae and convene monthly to discuss issues of importance, with a strong interest in Te Ao Turoa matters.

Wāriu group	Sub-values: Awa-wide
Mauri	Ecosystem health
	Indigenous riparian margin
	Natural character
Uu	Uu (immersion, swimming, cleansing)
Waimāori	Mauri; Ki Uta … Ki Tai …
	Natural water quality
	Natural character
Wairua	Karakia
	Mana Atua
Kaitiakitanga	Ahumoana / Ahuwhenua / Mahinga kai (species)
	Ahumoana / Ahuwhenua / Mahinga kai (practice)
	Te hāpai ō … Te Tūturutanga mahi pono …
	Access
Whakapapa / Ki Uta … Ki Tai …	Fish passage

Wāriu group	Sub-values	Site/reach
Whakapapa / Ki Uta … Ki Tai …	He ara haere (navigability)	• Mainstem river mouth to Whanawhana • Lakes Runanga, Oingo, Hinemoana, Kotuku
	Whakapapa ki te wai (connectivity) Aquifer recharge	Recharge zones – including from the land
Kaitiakitanga	Indigenous Taonga/Tohu species habitat and spawning	Upland: all tributaries upstream of Whanawhana
		Awa kopaka (braided): Whanawhana to Fernhill
		Lowland: Fernhill to Chesterhope Bridge
		Estuarine: Chesterhope Bridge to sea
		Additional: all tributaries downstream of Whanawhana
Waahi Taonga	Waahi tapu	Defined sites, including proposed HDC Plan and NZAA sites
	Ahumoana, Ahuwhenua, Mahinga kai	Defined sites
	Pāhī (Nohoanga)	Defined sites
	Cultural practices	Defined sites
	Tauranga waka	Defined sites
	Heritage and History	Defined sites
Waahi Taonga continued…	Wetlands and lakes	• HBRC defined wetland sites • Lakes Runanga, Oingo, Hinemoana, Kotuku
	Māori land	Māori land containing or adjacent to waterbodies including tributaries
	Marae / hapū	Defined areas of interest

1 Ngā Ngaru o Ngā Upokororo - Te Awa o Te Atua - Ngaru Roromoko Tuararo ki Rangatira

The river has many names. Ngā Ngaru o ngā Upokororo is just one and refers to the waves made by the startled whitebait as they were pursued up the lower reaches of the river by predatory species like the kahawai.[3].

The ancestors of Ngāti Rahunga-i-te-rangi and Ngāti Poporo hapū held the river in such high esteem that they called it Te Awa o Te Atua- reflecting the importance of this taonga tuku iho (God-given treasure/gift), its spiritual whakapapa and origins.[4]

Another name is Ngaru Roromoko Tuararo ki Rangatira, again giving the river eminence and association with the status of our Rangatira (leaders/chiefs). The following meaning is provided within the Heretaunga Tamatea Deed of Settlement:

> *"the river takes its name from an incident in which a dog belonging to the ancient deity Māhu startled some small fish known as upokororo. As the shoal of fish dashed away they caused ngaru or ripples in the water..."*[5]

Although throughout this report we use the name 'Ngaruroro River or Catchment' we acknowledge that this is not the name given to the river by mana whenua, but an abbreviation of a former name. The various names used by tangata whenua in the past depended on the people and the time that they interacted with the river, and the nature of such interaction, and occasionally with the occurrence of specific historical events.

It is important to acknowledge the various names given to the Ngaruroro River by Ngā Tūpuna me Ngā Hapū o Ngāti Kahungunu, as these have helped to shape the kaitiaki roles and responsibilities that inherited today.

[3] Te Rito, W; Evidence given at Variation 2 hearings 2000

[4] Christine Te Ariki – *Taku Aroha - Te Awa o Te Atua*, *Lecture Series 'Kahungunu Ka Moe … Ka Puta – Te Hononga Māreikura…" Exhibition, Turnbull Library, Wellington.* (2000)

[5] Heretaunga Tamatea Deed of Settlement 2015

2 High level values

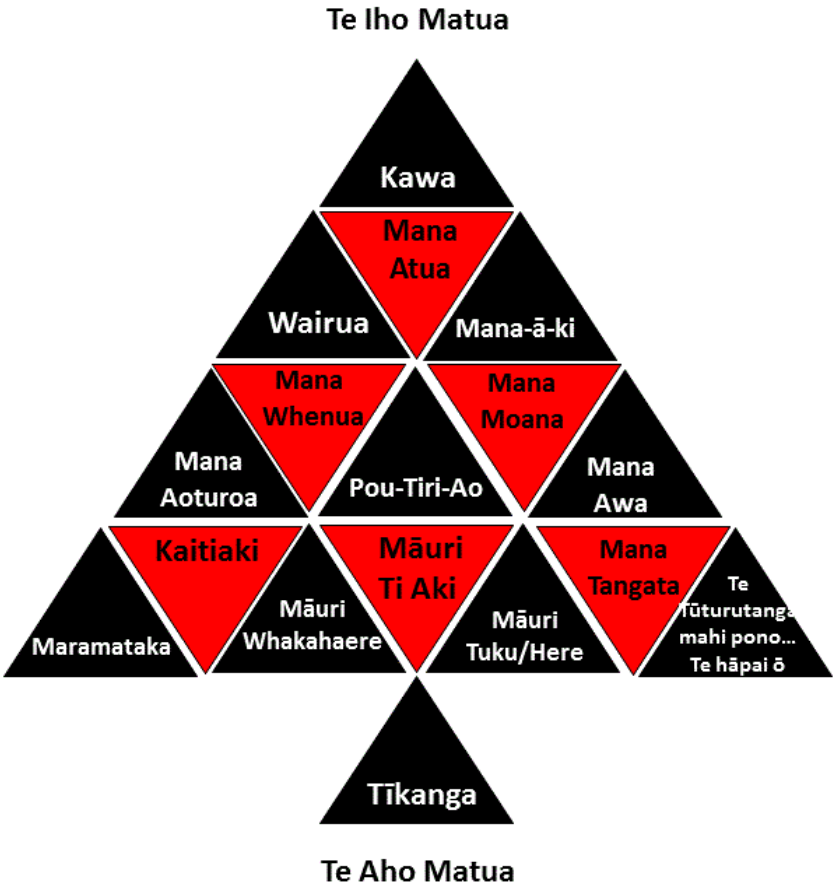


Figure 1. Ngā Wāriu Whakatauki o Te Amorangi o Kahungunu Icons, Kupu, Concepts, [6]

The wāriu (values) prescribed in the tohu at Figure 1, outline the high level values for Kahungunu from Te Iho Matua (the heavens) down to Te Aho Matua (the earth). These were derived from wānanga facilitated by Ngatai Huata and hui-ā-hapū held specifically for this project. Key values contained within the amorangi include those relating to freshwater and whenua in the Ngaruroro catchment. Some are expressed as whakatauki or relate to tikanga Māori processes, but all have an inherent connection to the Ngaruroro and tāngata whenua relationships with it.

Freshwater is a taonga of paramount importance to the hapū who hold mana whenua and mana moana over natural resources. Their interests and values relate to the river and its tributaries, lakes, wetlands and aquifers, and derive from historical and contemporary occupation, traditional relationships and interaction, and the practice of kaitiakitanga over the various freshwater resources and what they contain. Although constantly advocated through historical accounts, Te Tiriti o

[6] Nā Te Kōrero o Te Tohunga Te Matorohanga o Te Wānanga o Te Kauwae Runga Te Kauwae Raro (Takitimu Waka / Ngati Kahungunu Iwi – Te Mātauranga Māori. All concepts, words, designs, icons, values, attributes, indicators, visions, whakapapa, waiata, mōteatea, karakia, takutaku, whakaahua, pictures, maps are sacrosanct and will not be manipulated, derived from, recorded, photocopied, re-defined, modified, edited, changed, taken or plagarised. To register an interest – there are individuals who own copyright of their respective mahi. There are 3 organisations to be approached with any requests regarding consents of use: Ngati Kahungunu Iwi Inc. Te Runanganui o Heretaunga under the umbrella of Te Taiwhenua o Heretaunga; AUAHA NHuata.

Waitangi claims and statutory planning processes, freshwater management within the Ngaruroro catchment has not generally been supportive of the aspirations of hapū, whānau and iwi.

To gain a better understanding of tāngata whenua values and aspirations for freshwater several hui, wānanga and workshops have been held over the last few years to explore and collate a range of values and views, along with tāngata whenua understanding and perceptions of what these values mean in terms of mātauranga Māori me ōna tikanga, and local kawa.[7] It was noted that there are subtle differences in how these values are perceived, prioritised and interpreted by different hapū, and how they relate to kaitiakitanga practises and cultural uses for freshwater resources. Including these hapū differences is important, as they reflect the rangatiratanga of hapū, the extended family groups who hold mana within their traditional areas in the catchment.

With the tohu in Figure 1,[8] the values derived from part of a two-day wānanga process have been set out in a cohesive manner that is reflective of their priority. At the base is **Tikanga**, the guiding principle that underpins tāngata whenua traditional behaviours, actions and interactions. The **Kawa** at the apex is the leading edge or kōkiri, driving positive expression of these, but informed and directed by all the values in between. Directly beneath the kawa are the supporting values from the celestial realm from which kawa originates (**Te Iho Matua**). This second layer includes **Mana Atua**, acknowledging our spiritual beliefs, origins and whakapapa, the basis for Te Ao Māori. Mana Atua is upheld by **Wairua**, and by **Mana-ā-ki**, which flow from within the state of Mana (power and prestige), while acknowledging the obligations that those with Mana have towards others. In the traditional context, Mana enables the action of Mana-a-ki (benevolence and caring), towards whomever it is bestowed upon. In the physical realm it is a positive action of unconditional giving derived from Wairua and Mana Atua so it has an inherent code of ethics and behaviour attached to it.

Directly below Mana Atua are **Pou-tiri-ao** and the main types of Mauri. Pou-tiri-ao is the original term synonymous with Te Ao Māori, the Māori world view, while **Māuri Te Aki, Māuri Whakahaere, Māuri Tuku** and **Māuri Here** are forms of Māuri that emanate from Mana Atua and flow through into the natural world and its resources. Coming from the spiritual realm, Māuri has a spiritual life-force that enters into physical things. In Te Ao Māori, anything that has no Mauri has no life.

The third layer from the top is where the Mana over the whenua (land) and wai (water) are acknowledged. **Mana Aotūroa** is an ancient term often described in modern terms as Te Taiao (the environment).

The sequential order of **Mana Atua, Mana Whenua, Mana Moana, Mana Awa, Mana Tāngata** is deliberate. Only through proper care, attention and rightful action can the benefits that flow from the Atua be derived for tāngata whenua. Deviation from these can result in loss of Mana and Mauri, both for the resource itself and for the people. In relation to freshwater environments, the Māori world view puts the highest priority on the spiritual attributes of freshwater - the Mauri and its protection, so that where Mauri is kept in a healthy state, the result is healthy and abundant freshwater resources. **Pou-tiri-ao** is from the ancient times when in spiritual terms, pou were placed throughout the world to keep everything in balance.

[7] Ngāti Kahungunu Wai Wānanga and Hui held throughout the Kahungunu rohe 2013-2015

[8] Nā AUAHA Ngatai Huata I tuku te wānanga nei o Te Tūākiri o Te Tangata (Human Psyche), Wāriu me Hūanga (Values & Attributes) Leadership & Intergenerational succession,

The bottom layer is where tāngata whenua interaction with the natural world occurs, with the four states of Māuri at the centre. The original **Kaitiaki** were spiritual guardians who cared for those things provided by the Creator. Their role focussed on adequate and rightful provision in terms of what the resource or taonga required. The inherited role of tāngata whenua as kaitiaki evolves from this spiritual reality, hence the use of karakia when undertaking mahi associated with kaitiaki responsibilities.[9]

The **Maramataka** is the traditional Māori calendar, based on celestial events, seasonal fluctuations and species behaviour. It is adaptable with respect to the progression of the seasons, equinoctial duration and variability, climate change (which tāngata whenua will need to adapt to) and is always informed by kawa. The maramataka was used widely throughout New Zealand, with regional differences dependent on hapū characteristics, dominant land form, hydrological setting, land cover and coastal influences. Unlike the Gregorian calendar, which is rigid and can be linguistically confusing with its mixture of months named for various Roman or Greek Gods, the maramataka is more flexible, as it takes into account the fluctuations in species health and abundance, weather patterns and climatic triggers.

With general consensus regarding predictions for climate change, what was historically the norm is subject to change, but the wisdom of our tūpuna can still be used to guide us through the use of our values which remain relatively constant. Maramataka is included as a high-level value because tāngata whenua interaction with water and aquatic/marine species was traditionally regulated by seasonal events and tohu (indicators/signs). The tuna heke[10] for example can occur anytime within a 5-month window, and the start of the whitebait run is not dependent on the official western regulated opening day of August 15. Some years whitebait are not present in reasonable numbers until mid-September.

At the base of the diagram on the right is **'te hāpai ō** … **tūturu mahi pono** " …The full expression of this value is **'te hāpai ō** … **Te Tūturutanga mahi pono o te Māori mana motuhake**, which emphasises the need for our hapū to remain strong and true in striving towards their aspirations for self-determination - as guaranteed by Article Two of the Te Tiriti, and to empower ourselves through our own belief systems and processes.

In terms of freshwater, Mana-ā-ki enables kaitiakitanga in its true sense, as it acknowledges the origin of taonga tuku iho, and brings spiritual control and obligations to how natural resources should be cared for, managed or utilised, and where priorities lie – first to the creator, then to the freshwater resource itself, to the children of Tangaroa and Tane - the fish, insects and animals that are supported by and are part of a healthy freshwater ecosystem. Pou-tiri-Ao at the centre recognises that the needs and wants of tāngata whenua are subservient to the water resource itself and to the needs of aquatic ecosystems. Mātauranga Māori that has been learnt over many generations, takes a long-term sustainable view so that the benefits a natural resource provides are intergenerational. This is often in contrast to the western ideology of control, abstraction and use, appropriation and the setting of environmental bottom lines, which sometimes results in the need to rewind, recalibrate and repair environmental losses due to excessive consumptive resource use.

The **Ki uta … ki tai …** value acknowledges the connections between the different parts of a river system, from its source originating within the mountain ranges linking through the tributaries and groundwater systems before discharging into the moana. Ki Uta… ki Tai … also connects the hapū of the Ngaruroro River valley with each other. When sufficiently upheld, it provides the conduit for

[9] Nā AUAHA Ngatai Huata I tuku te wānanga nei o Te Tūākiri o Te Tangata (Human Psyche), Wāriu me Hūanga (Values & Attributes) Leadership & Intergenerational succession, All Rights Reserved © ℗ Cultural, Intellectual & Creative Property Rights.

[10] Eel migration which can occur anywhere from February to June, depending on climatic conditions temperature, seasonal rains etc.

species recruitment, the sustenance of species and tāngata whenua, migratory pathways and the natural linkage with the marine environment. Ki Uta … ki Tai … therefore reflects the whakapapa within the Ngaruroro and between our various hapū who hold mana over it, the different parts of the river and its hydrological systems. The whakapapa of the river connects with the whakapapa of tāngata whenua.

Nā Te Ira Atua ki Te Ira Tangata … Te Hononga o Nga Wāriu o runga ki Ngā Wāriu heke iho ki raro ra … Linking the high level values to the values associated with the physical environment Te Ūkaipō.

As the veins carry the life blood of the physical body, so the veins of Tangaroa carry Life giving Water within Papatūānuku.

The combination of these values reaffirms our status and guides our roles as tāngata whenua, connecting kaitiakitanga with the mahi that we undertake, where we utilise our cultural methods and practices to cloak what we do with a level of rigour, control and principle. It provides a connection between ourselves and our tūpuna through contemporary natural resource management and use, and our ancient histories and rituals.

3 Purpose of project, kaupapa and limitations

The key aim of this project is to clearly articulate the values the hapū of Heretaunga hold in relation to surface water resources within the Ngaruroro catchment, and to spatially define where each value applies. From each value we then seek to assign attributes that can be measured from within a western science paradigm,[11] so that through the implementation of the NPS-FM 2014, tangata whenua values inform planning processes and regulation. We explore where some values are held in common amongst Heretaunga hapū, while acknowledging that the expression of these may differ between each hapū. Early on in the project it was noted that there are places where hapū rohe and areas of influence overlap. Using the hapū "cluster" approach where neighbouring hapū connect through shared values, interests and whakapapa, is one way we can cater for these combined areas of influence within a tikanga Māori context.

Although focussed primarily on surface water, the authors note that due to the whakapapa inherent within natural ecosystems and consistent with the Māori world view, many of the values identified will also relate to connected groundwater systems and former flow paths.[12]

The main planning instrument in Hawke's Bay[13] contains definitions for a range of Māori terms, but some are regarded by tangata whenua as not being a true reflection of how they perceive their meaning within contemporary Māori society. Throughout the project and within this report specific meanings for Māori words and phraseology have been expressed in accordance with hapū expectations towards their meaning. Narratives have been provided throughout this report on values and key terms. For the purpose of completeness the intention is to confirm definitions of relevant terms ready for the draft TANK plan change. Defining terms and application beyond the Ngaruroro warrants further consideration and consultation.

[11] Mātauranga attributes have not been explored as part of this project however; they will need to be prior to the draft catchment plan being drafted.

[12] For example the Makirikiri, Karewarewa, Paritua and Te Awa o Te Atua.

[13] Hawke's Bay Regional Council. (2006). *The Regional Resource Management Plan*.

RECOMMENDATION: Relevant Māori terms are defined in preparation for TANK Draft plan change and RRMP with consideration to wider relevance and application (i.e. wider than Ngaruroro Catchment).

3.1 Project Background

In April 2015, the Iwi Leaders Group agreed priority work streams with the Crown to address iwi/hapū rights and interests in freshwater. The water quality work stream was led by Dr Adele Whyte (Chief Executive of Ngāti Kahungunu Iwi Incorporated) and subsequently Ngāti Kahungunu Iwi Incorporated (NKII) entered into a contract with the Ministry for the Environment (MfE) to develop, within the national context:

> *"A range of mechanisms to give effect to iwi and hapū values in order to maintain and improve freshwater quality".*

In parallel, Ngāti Kahungunu has been participating in the TANK[14] collaborative stakeholder group. The Ngaruroro catchment is the largest of the four TANK catchments and captured in the pepehā of most Heretaunga marae and hapū.[15] Within Te Ao Māori, tangata whenua are part of an intricate relationship between the atua, the land, the water and associated natural resources. Unsustainable abstraction of resources or depletion of the quality of the awa or the life it supports diminishes the relationship of tangata whenua with their ancestral lands, water, sites, waahi tapu, and other taonga.[16]

The Ngaruroro and associated groundwater systems provide for numerous commercial and non-commercial interests. From a tikanga Maori perspective the Ngaruroro is over-allocated in terms of water quantity and quality. The development of wāriu (values) and hūanga (attributes) for the Ngaruroro by ngā hapū ō Heretaunga provides an opportunity to apply a national context tool locally, and to advance the definition of mana whenua values for the TANK Plan Change process.

This project has been conceived with input from the TANK mana whenua group[17] and will endeavour to maintain and reflect the integrity of the values and aspirations of Ngaruroro mana whenua with the added benefit of articulating their values within the current national policy framework. Additional benefits will flow through the TANK process to Hawke's Bay Regional Council (HBRC) by enabling HBRC to more fully meet the requirements of the NPS-FM Policy CA2 in developing values, attributes and freshwater objectives, and to better provide for section D requirements around tangata whenua roles and interests. Added value will be gained by all parties through applying methods consistent with the current national direction and emerging practice.

3.2 Project Aims

1. The aim of this project is to clearly express tangata whenua values and the relevant[18] aspects of those values as measurable attributes, for use in the development of freshwater objectives and limits for Ngaruroro River catchment.

2. A second aim is to provide additional information on mana whenua values, where they apply spatially, the associated attributes, and the linkages between tangata whenua values and

[14] Tutaekuri, Ahuriri, Ngaruroro, Karamu catchment Plan Change to the Hawkes Bay Regional Resource Management Plan.
[15] Te Taiwhenua o Heretaunga (2014) *Mana Ake, An Expression of Kaitiakitanga*
[16] As matters of national importance under section 6(e) of the Resource Management Act (1991).
[17] A group of tangata kaitiaki convened at the start of the TANK process in November 2012
[18] The use of the term 'relevant' in this context recognises that only some aspects of mana whenua values are able to be expressed through western science in the form of numeric freshwater objectives and/or limits.

other values or activities within the catchment to inform a more robust development process of the TANK freshwater management units (FMU's).

3.3 Project Scope

This project methodology will express mana whenua values as western science attributes for Ngaruroro freshwater management units. The methodology was identified and developed through the iwi Leaders water quality work stream (completed under an MfE contract in June 2015).

Other surface water catchments and values specific to the Heretaunga aquifer are outside the scope of this particular project, although we are committed to working with others to apply this methodology across the TANK surface water area. There is also intent to apply the same methodology to groundwater, namely the Heretaunga Muriwaihou (Heretaunga Plains Aquifer System[19]). However this is currently outside the scope of this particular project, notwithstanding the potential opportunity to gather the relative groundwater values. Mana whenua are exploring their options.

Ngāti Kahungunu is confident that there is universal value for this methodology across the rohe of Ngāti Kahungunu. Ngaruroro provides a useful testing ground while the Karamu and Tutaekuri provide logical opportunities to further test and fine tune the methodology.

3.4 Engagement

Ngāti Kahungunu Iwi Incorporated (NKII) was contracted by HBRC to facilitate the provision of values and attributes for surface water resources for the Ngaruroro River. The task involved holding a series of workshops, wānanga, hui and hui-a-hapū with tangata whenua, to consolidate their views and the values they held within various areas and reaches of the Ngaruroro catchment. During these workshops the TANK plan change process was explained and key Māori concepts and values relating to the river were explored and agreed. Then specific areas where these values apply were discussed, researched and spatially prescribed.

The first project workshop was held at Te Taiwhenua ō Heretaunga on 14 and 15 June. A map approximating where marae and hapū areas of interest exist was used to spatially define where specific values may apply. Some values were seen as relevant over most of the catchment in a general sense, while others were specific to more discrete areas, for example the gathering of harakeke and raupō from around the Runanga Lakes for traditional and cultural purposes. A second workshop was held at the Taiwhenua on 5th and 6th July, to look at the attributes associated with the values. Attributes were confined to water quality and water quantity measures.

Running in conjunction was the Mana Whenua working party that documented the korero, the findings, conducted further research and engaged with Te Runanganui ō Heretaunga[20] to inform marae representatives of progress and receive feedback.

The relationship between the values and attributes was documented in a matrix, as detailed in the sections which follow. A number of presentations for hui-a-hapū, to the HBRC TANK project team, the Te Rūnanganui ō Heretaunga, the TANK stakeholder group and Regional Planning Committee were made to collate information and to communicate the direction and outcomes of the project.

[19] We are cognisant that the aquifer system is recharged primarily from the Ngaruroro River - Dravid and Brown, 1997. The Heretaunga Plains Groundwater Study.

[20] Te Runanganui o Heretaunga consists of representatives from all Marae within Heretaunga and meet on a monthly basis to discuss issues of mutual interest predominantly environmental issues.

It is important to note that a western science based approach cannot provide for all aspects of iwi and hapū values. Traditional and complementary mātauranga Māori attributes and measurements were not used at this stage due to time and resource constraints. However, mātauranga Māori aspects will need to be included in a final framework to ensure values are expressed through the TANK Plan Change in the most complete manner possible, and to provide an enduring pathway for tangata whenua to monitor cultural attributes particularly where western science is unable to do so. This will contribute to the value "Te hāpai ō … Te Tūturutanga mahi pono o te Māori mana motuhake" being actively supported and expressed in a manner that respects the mana of the hapū of the Ngaruroro River.[21]

RECOMMENDATIONS:

Enable tangata whenua to establish mātauranga Māori monitoring methodologies for the Ngaruroro.

Enable tangata whenua to conduct mātauranga Māori monitoring to inform State of the Environment reporting to help gauge progress towards achieving tangata whenua derived objectives and targets.

4 National Policy Statement for Freshwater Management

The National Policy Statement for Freshwater Management (NPS-FM; 2014) recommends that councils recognise and provide for Te Mana o te Wai and requires them to safeguard the life-supporting capacity of ecosystem processes and indigenous species (including their associated ecosystems), and the health of people and communities in relation to contact with freshwater, when managing the use and development of land and the discharge of contaminants to water.

In undertaking these functions, councils must also maintain or improve water quality, protect the significant values of outstanding freshwater bodies and wetlands and improve degraded (over-allocated) water bodies.

Under section 30 of the Resource Management Act (1991)[22] regional council functions include:

a) the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of natural and physical resources of the region,

b) the preparation of objectives and policies in relation to any actual or potential effects of the use, development, or protection of land which are of regional significance, and

c) the control of the use of land for the purposes of -

(i) soil conservation:

(ii) the maintenance and enhancement of the quality of water in water bodies and coastal water:

(iii) the maintenance of the quantity of water in water bodies and coastal water:

(iiia) the maintenance and enhancement of ecosystems in water bodies and coastal water:

(iv) the avoidance or mitigation of natural hazards:

(v) the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances.

[21] Objective LW3 (a) in Plan Change 5 to the Hawke's Bay Regional Policy Statement supports this value as it requires "recognising the mana of hapū, whānau and iwi when establishing freshwater values"

[22] http://www.legislation.govt.nz/act/public/1991/0069/latest/DLM232560.html 18.10.2016

Under Section 30 (RMA) Councils must also identify and monitor contaminated land, control discharges, and can allocate resources (including in the sense of water quality). Also relevant are the requirements in Section 30 for councils to control land use and development for indigenous biodiversity and to control effects on surface water.[23]

In accordance with the National Policy Statement for Freshwater Management 2014, through using the National Objectives Framework (NOF), councils must determine freshwater management units, and develop objectives by applying the following process:

1. Considering the compulsory values and all other national values and how they apply locally;
2. Consider any other values that the Council considers appropriate;
3. Identifying for the compulsory values, relevant attributes in Appendix 2 (of the NPS-FM) and any other attributes for the values;
4. Assign an attribute state at or above the national bottom lines;
5. Formulate freshwater objectives with reference to numeric attribute states where provided, or other numeric or narrative terms;
6. Apply the most stringent objective for the attribute where it relates to multiple values;
7. Consider the limits required to achieve freshwater objectives, and;
8. Timeframes to achieve objectives and the use of targets to get there.

The Hawke's Bay Regional Policy Statement provides guidance on over-arching Māori principles and values and through Plan Change 5 articulates the process for undertaking catchment-based plan changes, with a range of compulsory values provided for the Ngaruroro River. These have been considered by the project team during this work-stream, as well as other values expressed in relevant iwi and hapū planning documents.

[23] http://www.legislation.govt.nz/act/public/1991/0069/latest/DLM232560.html 18.10.2016

Figure 2. Summary of the National Policy Statement for Freshwater Management (2014) implementation steps for councils.

The attributes in the NOF[24] are limited to a small number of characteristics for *Ecosystem Health* and *Human Health* values and do not provide for aspects of additional national values or those defined at the regional level. It should also be acknowledged that the compulsory values in the NOF are default values or minimum requirements. They do not necessarily reflect the values or aspirations of tangata whenua or regional communities in terms of water quality or quantity. The relevant communities have the ability to influence catchment plans in accordance with their own values but, within the applicable regulatory framework. In this respect, additional objectives and adjustments to limits will be needed to ensure tangata whenua values and Te Mana o te Wai are recognised and provided for, as well as ensuring that *Ecosystem Health* and *Human Health* are fully and holistically safe-guarded.

4.1 Values: a holistic view

A key problem with the present values framework of the NPS-FM is the lack of a holistic interpretation of the values. Figure 3. shows how western science, mātauranga Māori and narratives can combine to describe the aspects of a value as a whole. The NPS-FM takes a 'one-tool' approach by using western science to describe values such as Te Hauora o te Wai and Te Hauora o te Tangata. This approach does not enable the use of mātauranga Māori or provide for iwi and hapū values and in our view, a more holistic method is required. In addition, the use of Māori terminology within the NPS-FM, and what they support in terms of minimum standards, is not reflective of tangata whenua aspirations for freshwater management.

[24] The National Objectives Framework which forms part of the NPS-FM 2014

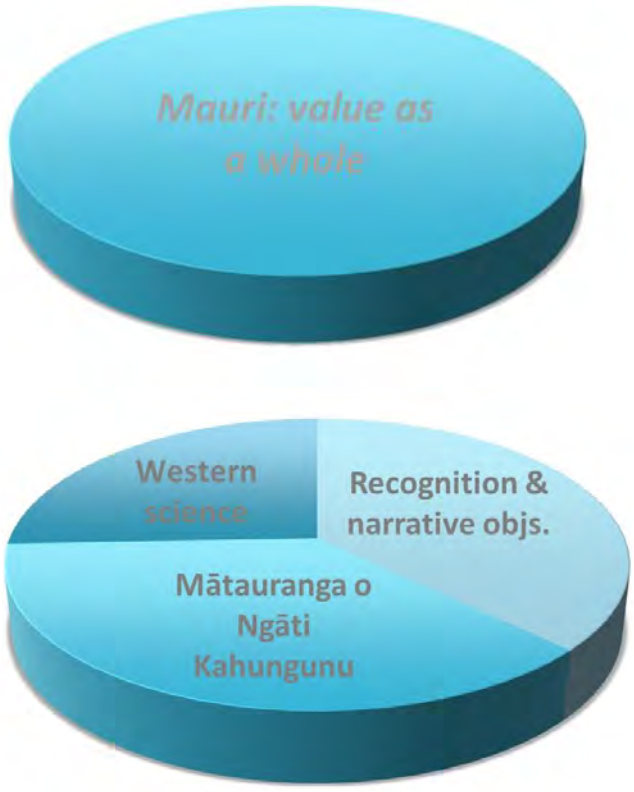


Figure 3. A holistic view of 'Mauri' as a value.

Various tools are used together to contribute to an integrated description of the value, its dependencies, attributes, objectives and limits. One tool alone may not always describe the value as a whole. Some aspects of values such as mauri or wairua generally elude description.

4.2 Improvements to the NPS-FM for tangata whenua values

Māori rights and interests in freshwater were identified by the Waitangi Tribunalas:

a) Being able to use freshwater bodies for the sustenance of the life and health of the person, both in body and in spirit;
b) Being able to use freshwater bodies for rituals including tohi;
c) Being able to use freshwater bodies for their resources, both food (for instance, indigenous and more recently introduced fish) and other materials (for instance, aquatic plants);
d) Recognising water bodies as living ancestors (tūpuna awa), indivisibly encompassing banks, bed, water, fish, aquatic plants, and their spiritual guardians (taniwha); and
e) Recognising and maintaining the mauri (life force) of water bodies, which is so tied to that of the people that if it sickened they did too. [25]

[25] Waitangi Tribunal Stage 1 Report. Wai 2358: National Freshwater and Geothermal Resources Inquiry.

Following the Stage 1 report, the Iwi Leaders Forum began negotiations with government on their potential changes to existing policy and legislation to better reflect these rights and interests. The Iwi Advisors Group[26] undertook a water quality workstream throughout 2015 and 2016. This was focussed on how to express Te Mana o te Wai and iwi, hapū and whanau values through the NPS-FM, as well as looking at other legislation to better reflect Māori rights and interests in freshwater. A number of areas of improvement were identified through that work, including:

- Inclusion of the principle of '*Ki uta ki tai*' and the interconnected nature of water;
- Inclusion of the principle of rangatiratanga with respect to self-determination and the need for flexibility across the complexities of the hapū/iwi landscape;
- Better recognition of connectivity and whakapapa is needed; in the environment and between the people and the environment consistent with a Te Ao Māori view;
- Development of iwi, hapū and whānau values for freshwater that recognise local iwi autonomy, yet are still aligned with the national context for freshwater management;
- Allocation to awa first, then people, then commercial interests (including Māori economic interests); [27]
- An approach which builds on Treaty Partnership and existing Treaty settlements and acknowledgments – this is needed to ensure added value is gained from the resources, time and energy put into the settlement process; and
- Recognition of the commonality of some tangata whenua values with values held by the wider community.

A number of the concepts and principles that have come from the rights and interests kōrero have been considered and included in this project where they relate to the interests of Ngāti Kahungunu in freshwater. The principles listed above are a useful guide to enable a robust section 32 (RMA) analysis by HBRC. This will ensure the most efficient and effective methods are applied to recognise tangata whenua values, and prescribe associated objectives and limits for the TANK Plan Change. The principles above, along with attributes for water, can be used to assess the suitability of plan change objectives across the TANK freshwater management framework. Plan effectiveness monitoring can ensure principles and objectives endure throughout the life of the plan and assist HBRC in giving effect to Objective D1 of the NPS-FM (2014), which states:

> *"To provide for the involvement of iwi and hapū, and to ensure that tangata whenua values and interests are identified and reflected in the management of fresh water including associated ecosystems, and decision-making regarding freshwater planning, including on how* ***all other objectives*** *of this national policy statement are given effect to."* [Emphasis added].

RECOMMENDATION: Enable tangata whenua to incorporate and implement a Te Ao Maori holistic view for natural resource management for the TANK catchment.

5 Relevant Hawke's Bay Planning Instruments

For managing the Ngaruroro it is useful to analyse existing plan provisions with respect to freshwater and land use management (Table 1).

[26] Who report to the Iwi Leaders Forum

[27] This is in keeping with the approach in the Ngā Matāpono ki te Wai framework for freshwater management.

The operative Regional Policy Statement (RPS) and Regional Plan have specific interpretations for Māori words and terminology. Although entering the third generation of planning under the Resource Management Act, statutory plans have only recently started to promote iwi and hapū values in a manner where they can be influential in decision-making. There is disparity between some glossary definitions for Māori terms in plans, and how they are perceived by Māori within both the traditional and contemporary sense.[28] Consequently, within the planning regime the meanings for some Māori words are constrained with the result being planning outcomes that do not align with or reflect tangata whenua perceptions and expectations. In addition, tangata whenua values are not always provided for, protected or enabled through plan objectives, policies or regional rules, or are given a low level of priority.

The possible exception to this is the operative Tukituki Plan Change or PC6, where "Mauri" has been included as part of an objective at OBJ TT1 (e):

"The mauri of surface water bodies and groundwater is recognised and adverse effects on aspects of water quality and quantity that contribute to healthy mauri are avoided, remedied or mitigated".

Table 1. Current regional plans and scheduled plan changes in the Hawke's Bay Region.[29]

Plan Or Plan Change	Catchment	Status
Regional Resource Management Plan (2006)	The main planning document which includes the RPS and the Regional Resource Management Plan	Operative August 2006. Has had several amendments since to include statutory acknowledgments from Treaty settlements, and plan changes for air quality (PC3), the built environment (PC4) and freshwater (PC6)
Plan Change 5	Regional Policy Statement - Covers all catchments plus the Coastal Marine Area	Notified October 2012. Required for NPS-FM implementation (2011) - directs catchment-based plan changes. Environment Court Decision 2015 but not yet operative
Plan Change 6	Tukituki Plan Change	Operative October 2015
Plan Change 7	Mohaka catchment	Pending
Plan Change 8	Outstanding Fresh Water Bodies	Required to follow Mohaka and precede TANK as directed by Environment Court consent order
Plan Change 9	TANK catchments (Tūtaekurī, Ahuriri, Ngaruroro and Karamu)	Part of collaborative planning experiment started in November 2012
Regional Coastal Environment Plan (2014)	Coastal environment including the defined coastal (landward) margin and the CMA	Operative but review pending to more appropriately align with other planning instruments

5.1 Hawke's Bay Regional Resource Management Plan

The key statutory planning instrument is the Regional Resource Management Plan 2006 (RRMP). It includes the Regional Policy Statement (RPS) which specifies the significant resource management

[28] See naratives for values, sections 7 -9.

[29] As at 30 August 2016

issues of the region, with a suite of objectives and policies relevant to these. Further freshwater provisions were added in November 2014 as required by the NPS-FM.

Although the Regional Policy Statement contains some Māori values and principles along with explanations and narrative of what each of these mean (see Appendix 1) for tangata whenua, there are few examples of where these values are adequately given effect in the regional plan's objectives, policies and rules and subsequent resource management decision-making and implementation.

Plan Change 5 (PC5) is a change to the Regional Policy Statement notified in 2012. The change intended to provide direction and guidance for implementation of the NPS-FM (2011) through subsequent catchment-based plan changes. Plan Change 5 has traversed all statutory processes including the Environment Court and provides impetus and a pathway for some Māori values to influence decision-making for catchment-based plan changes.[30] Apart from several provisions related to wetlands, PC5 is beyond legal challenge but not yet operative.[31]

Plan Change 5 supports a sequential approach to reviewing freshwater management in Hawke's Bay and full implementation of the NPS-FM by 2025. This is reflected in HBRC's NPS-FM Progressive Implementation Programme.[32] Of particular note is the timeframe for identifying and providing for Outstanding Fresh Water Bodies. Through a consent order arising from PC5 litigation, HBRC has confirmed Regional Policy Statement, POL LW1A:

"…the identification of outstanding freshwater bodies will be completed and an associated change to public notification of any further catchment-based plan changes (except Mohaka) prepared in accordance with Policy LW1.

It would be timely, therefore, for tangata whenua and others to identify any values for the Ngaruroro that they perceive as outstanding, so that measurable attributes can be prescribed for these and spatial definition confirmed. It should also be acknowledged that tangata whenua share some freshwater values in common with other sectors of the community, and through value-setting processes should not be constrained to articulating their values solely from within a "cultural" context.

Although made operative in 2006, the RRMP was drafted in the late 1990's. Its genesis was the desire to combine all regional plans and the RPS into one comprehensive document and to simplify resource management processes, which necessitated alignment between different chapters and sections of the completed document. This is somewhat different from subsequent regional plan review processes, where only parts of the plan have been reviewed. This has resulted in a lack of coherency in places. In addition, the views of the regional community towards freshwater management have changed markedly since the RRMP was notified, with a growing awareness for the significance of freshwater resources, and the increasing potential for over-abstraction and contamination.

Mana, mauri and aquifer recharge values[33] received specific attention within PC5, while guidance is now provided through reference to a range of tikanga Māori values and principles contained within the RPS.[9] PC5 articulates priority values within major Hawke's Bay catchments, including the Ngaruroro. These values are expressed in Table 4 of PC5 and must be provided for in future catchment plan changes, including the TANK.

[30] The exception to this was PC6 – the Tukituki Plan Change which became operative before PC5, the RPS change drafted to provide direction for catchment plan changes. PC6 therefore is not subject to parts of PC5

[31] PC5 to the Regional Policy Statement is currently held up at the Environment Court pending decisions on the definition for "wetland" (15 September 2016).

[32] Revised NPS-FM Progressive Implementation Programme, November 2015

[33] Plan Change 5 Objective LW3

Priority tangata whenua values from PC5 applicable throughout the Ngaruroro catchment include:

- Ki Uta … ki Tai …
- Mahinga kai
- Nohoanga
- Taonga raranga
- Taonga rongoā

The values, mahinga kai, ki uta … ki tai … and nohoanga / pāhī are described further within sections 8.5; 8.6; and 9.4, respectively.

5.1.1 Taonga Raranga

Raranga or weaving is a highly valued and skilled art form. Harakeke or flax plant (*Phormium spp*) is predominantly used however other plants are also used, these often being found in close proximity to water. Taonga raranga have multiple uses significant to the identity and well-being of tangata whenua – e.g. baskets, containers, and mats, fishing nets, traps, footwear, cords and ropes.[34] Winipere is an example of a local name and use that relates to harakeke – winipere refers to a dart, pere-the hard end of the flax, the wini is when it flies through the air.[35]

In addition the knowledge enshrined within the raranga (traditional weaving) was inherited knowledge, handed down through generations, with specific weaving patterns for strength, decoration and adornment. The construction of pā tuna and hinaki were an art form, with different types of harakeke and methods used, depending on the hapū group, its origins, and the target species.

5.1.2 Taonga Rongoā

Rongoā is the traditional Māori practice of utilising plants, substances and processes for healing. Although mostly aligned with indigenous plants and the sites or areas where they grow, rongoā can also include spiritual cleansing through karakia and/or the use of water. Waimāori[36] has been referred to as the first rongoā due to its ability to cleanse the body internally[37] or through the soothing action of bathing. Knowledge of rongoā came about through observation, trial and practice. It was noted that when land is cleared within indigenous forest, the first plants that came up are there to protect or heal the land. Māori then deduced the connection between healing the land and healing the people, and several of these first emerging plants are used regularly for rongoā. WAI 262 is a significant Treaty of Waitangi Claim concerning the intellectual property rights of flora and fauna which, Ngāti Kahungunu are a party to.

5.2 Existing descriptions of tangata whenua values in the Regional Policy Statement and Regional Plan

Table 2 and Appendix 1 clearly articulate that the values in the RPS and RRMP apply within the context of managing fresh water, and being present in the RPS, acknowledges these as higher level values that

[34] http://www.teara.govt.nz/en/flax-and-flax-working/page-2
[35] Ngahiwi Tomoana – quote 25 October 2016
[36] Refer to waimāori narrative in section 8.3.
[37] Pat MacGowan rongoa presentation at Nga Whenua Rahui wananga in Te Teko, 11 March 2016

are applicable region-wide. Wairuatanga has a high priority within the Māori ethos and value system, which is reflected in Figure 6, where it is placed as a central base for other values.

What is required for the TANK process and for the Ngaruroro catchment is to reflect on this significance and give effect to these core values in a manner that gives them the acknowledgement they deserve. The TANK plan change applies to the regional plan, not the RPS, so amendments to the RPS apart from consequential amendments due to the TANK plan change are not automatic. It would be practical however, to change the RPS provisions related to freshwater where they are currently inconsistent with the direction of the NPS-FM.

RECOMMENDATION: Update RPS provisions related to freshwater where they are inconsistent with the direction of the NPS-FM 2014

Table 2. Statement of tangata whenua values, Hawkes Bay Regional Policy Statement[38]

Value	Narrative description
Wairuatanga	Means spirituality based on the notion that natural and physical resources are "taonga tuku iho" (God Given Gifts), the sustainable use of which must encompass all of the elements of "kaitiakitanga" (sustainable stewardship) while recognising the heritage of future generations.
Rangatiratanga	Is the right and responsibility for the exercise of kaitiakitanga for the benefit of present, and future generations. Within the framework of the Treaty of Waitangi it provides for a partnership with HBRC.
Whanaungatanga	Means relationships, based on spiritual origins, and expanded to include both the nature of "taonga tuku iho" and the diversity of people's interests that impact on sustainable use.
Kotahitanga	Is the unanimity, accord or consensus reached through the process of consultation, for the betterment of the community.
Manaakitanga	Is the voluntary rangatiratanga gesture of benevolence toward people in both the formal and informal sense

N.B. These values are also explained in-depth further on in the RPS[39]

5.3 Hawke's Bay Biodiversity Strategy

The Hawke's Bay Biodiversity Strategy was recently reviewed, and now traverses a far longer period than its predecessor. This long-term approach provides a greater level of surety for those involved in biodiversity programmes. Tangata whenua were involved in the strategy's conception[40] and will be crucial to its successful implementation. The intergenerational approach aligns better with the long-term view of Māori, rather than the five-year cycle of previous strategies.

In terms of freshwater management, the strategy will influence how the regional community manages indigenous biodiversity and threats posed by aquatic and terrestrial pest species and incursions. It acknowledges that, "*The decline in biodiversity indicates an imbalance. We have lost many species,*

[38] Section 1.5.2 of the Hawke's Bay Regional Policy Statement
[39] Included as Appendix 1 to this report.
[40] Hawke's Bay Biodiversity Strategy 2015-2050 – Drafting of the strategy included a Māori advisory component.

our taonga, and more are at critical risk." It also recognises that biodiversity "*…is vitally important for people, because it underpins how ecosystems function and the wide range of ecosystem services which human societies have always depended upon*."

The strategy will provide for a watching brief on species that are under threat or subject to harm from inappropriate management practices, and help inform habitat requirements for indigenous species. The strategy links into the network of central and local government agencies with roles in biodiversity protection, providing for co-operation and consistency in approach, and helping to set budgets and programmes in line with national directives.[41] Participants in the Hawke's Bay Biodiversity Strategy and its implementation share a wide range of skills and expertise. Where possible the TANK plan change should align with the goals of both the national and regional strategies for aquatic biodiversity. This in turn will support tangata whenua values that are intrinsically linked to aquatic ecosystems and their health.

5.4 Ngaruroro Water Conservation Order

The waters of the Ngaruroro River in its current and former (Clive) flow paths are considered to be of outstanding significance for cultural and spiritual purposes in accordance with the kawa and tikanga of Ngāti Kahungunu.

The headwaters of the Ngaruroro River upstream of Boyd Hut, are almost entirely contained within lands administered by the East Taupō Lands Trust. Ngāti Tūwharetoa Trust manages these lands on behalf of approximately 6,000 owners. The Trust Lands are largely in their natural state, and are commonly expressed as being the heart of the Kaimanawa Ranges. The Mohaka and Rangitīkei rivers also begin their journey to the ocean from these lands. Water Conservation Orders (WCO) cover the upper reaches of both these other rivers. It logically follows that a river of such significance to Ngāti Kahungunu, and that originates within the same mountain range, should have similar legal recognition.

The Owhaoko C Lands Trust administers over 9,000 hectares on both sides of the Taruarau River, a major tributary in the upper reaches of the Ngaruroro. It represents over 1,000 shareholders who affiliate to Ngāti Hinemanu and Ngāi Te Upokoiri, two hapū who also hold mana whenua within the middle reaches of the Ngaruroro.

In the WCO application for the Ngaruroro and Clive rivers, Ngāti Kahungunu identifies the Ngaruroro River as having important associations within their culture and traditions because of its mahinga kai (food sources), the presence of nohoanga (settlements), urupā (burial places), waahi tapu, traditional trails and other taonga. The association with mahinga kai is particularly relevant. Mahinga kai species of significance in the Ngaruroro catchment include tuna (eel), pātiki (black flounder), īnanga, koaro (whitebait), koura, kakahi and marine wanderers (e.g. mullet, herrings and kahawai). The values identified through the WCO application process are consistent with those described in the current values assessment.

6 The water, the land and the people

Within the current plan water abstraction from the Ngaruroro River is mostly regulated through the flow recorder site at the Fernhill Bridge, with a separate management zone for the Maraekakaho River and the Heretaunga Aquifer managed under different criteria. This planning construct does not align

[41] The NZ Biodiversity Strategy 2000 states that up to 1000 native animal, plant and fungi species are under threat

well with a Te Ao Māori view of the world, which considers all of these aspects in a holistic way. In addition, historical diversion of rivers, drainage of wetlands, the creation of stop banks and city drainage networks have created a physical barrier that in some cases separates the hapū (Table 3) and impedes access for those who have mana over a water resource, from the resource itself.

The Ngaruroro Awa was so vital to the existence of the Ngāti Rahunga-i-te-Rangi and Ngāti Poporo hapū that they called it Te Awa o te Atua. The river no longer flows over their lands as it once did, however, the Ngaruroro continues to recharge groundwater which still flows beneath their whenua. The physical connections between the Ngaruroro and the hapū who hold mana whenua over that resource have altered, but pepeha, whakatauki, oral traditions and waahi taonga preserve their spiritual associations and relationships with ancestral lands, water, sites, waahi tapu and associated taonga. Although the landscape has been radically altered, these relationships must be recognised and provided for, rather than discounted because they do not fit within or always align with western derived preferences for regional planning.

Table 3. Marae and hapū with interests in the HBRC defined Ngaruroro surface water catchment.[42]

Marae	Hapū
Rūnanga	Ngāti Hinemanu; Ngāi Te Upokoiri; Ngāti Mahuika; Ngāti Hineiao
Ōmāhu	Ngāti Hinemanu; Ngāi Te Upokoiri; Ngāti Honomokai
Te Āwhina	Ngāti Hinemanu; Ngāi Te Upokoiri; Ngāti Mahuika; Ngāti Honomokai
Hamuera Moteo	Ngāti Hinepare; Ngāti Māhu; Ngāi Tawhao
Whareranginui	Ngāti Hinepare; Ngāti Māhu; Ngāi Tawhao
Timikara	Ngāti Hinepare; Ngāti Māhu; Ngāi Tawhao
Mangaroa	Ngāti Rahunga-i-te-Rangi; Ngāti Poporo; Ngāti Pāhu
Korongatā	Ngāti Poporo
Matahiwi	Ngāti Hawea, Ngāti Hori, Ngāti Hinemoa
Kohupatiki	Ngāti Hori; Ngāti Hinemoa; Ngāti Toaharapaki
Ruahāpia	Ngāti Hawea
Waipatu	Ngāti Hori; Ngāti Hawea; Ngāti Hinemoa
Kahurānaki	Ngāi Te Rangikoianake; Ngāi Te Whatuiapiti
Mihiroa	Ngāti Mihiroa
Taraia	Ngāti Hotoa; Ngāti Ngarengare; Ngāti Papatuamāro
Houngarea	Ngāti Hotoa; Ngāti Ngarengare; Ngāti Papatuamāro; Ngāti Tamatera
Waimārama	Ngāti Kurukuru; Ngāti Whakaiti; Ngāti Urakiterangi; Ngāti Hikatoa

Surface water separation within the physical or resource management sense, does not and should not impede expressions of the mana of hapū over their taonga. Te Awa o te Atua (Figure 4) still flows through hapū lands and through their cultural traditions. Therefore, the mana of these hapū should be respected and form part of any decision-making framework for Ngaruroro surface water.

Available hapū and iwi plans have been used extensively and their relevant values and aspirations incorporated within this project, a summary is provided in 'Appendix 3'. These must be "taken into account" during TANK plan change.

[42] Te Taiwhenua o Heretaunga (2014) *Mana Ake, An Expression of Kaitiakitanga*

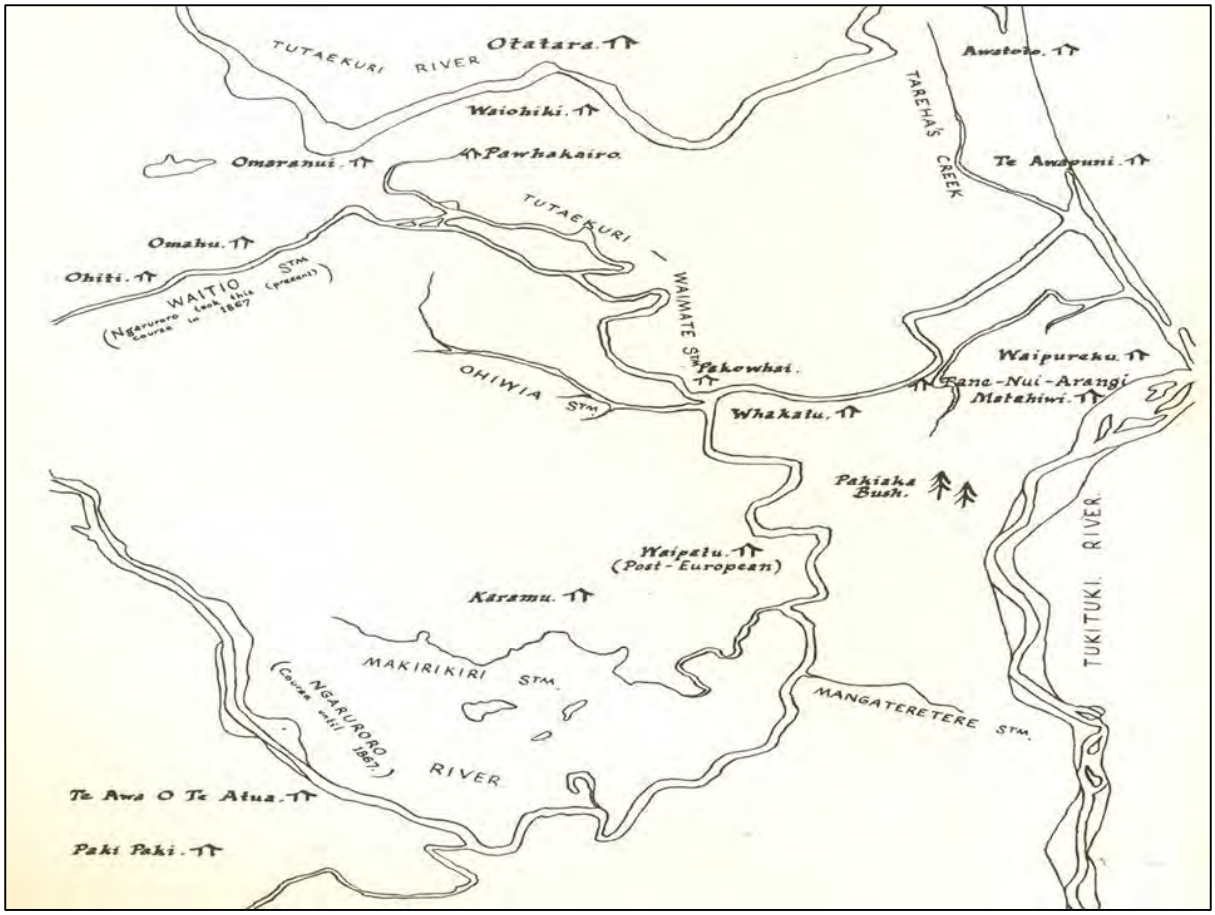


Figure 4. Pre-European Heretaunga settlements and waterways.

6.1 Tane-Nui-ā-Rangi / Waipureku - the former pathway of the Ngaruroro River to the sea

The Clive, Lower Karamu or Ngaruroro Waimate River currently runs past Kohupatiki Marae and is the former pathway of the Ngaruroro that used to flow into the Waipureku and Te Awapuni (Estuary areas) and historically discharged into Te Whanganui-ā-Orotu (lagoon). These reaches were permanently diverted to safe guard the urban development within its once dynamic flood path.

The people of Kohupatiki still recognise the pathway of the Ngaruroro River as running past their marae. Their mana resides where the Ngaruroro once flowed, despite considerable change and degradation of this stretch of the river and its aquatic habitat, as a result of the diversion and land use upstream from the marae. Despite the significance to tangata whenua they received little to no consultation regarding the diversion.[43] The consequences and impacts on the cultural traditions, the kai awa and water quality are highly significant and were not made aware to tangata whenua.

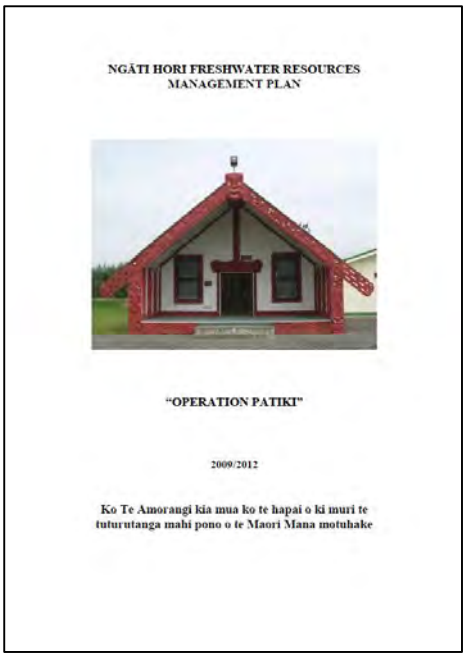
[43] WAI 402 Pt Ngaruroro River Claim

6.2 Ngāti Hori Freshwater Resources Management Plan "Operation Pātiki" – Kohupatiki Marae December 2012

Ngāti Hori is a hapū of Ngāti Kahungunu. Ngāti Hori are kaitiaki of the Clive River (which occupies the former course of the Ngaruroro River), and the lower reach of the Ngaruroro River approximately downstream of Chesterhope Bridge.

The importance of the Ngaruroro River to Ngāti Hori is reflected in the location of Kohupatiki marae on the true left bank of the former path of the Ngaruroro River. Ngāti Hori recently celebrated the 100-year anniversary of the Kohupatiki wharenui.

In a bid to restore the mauri and mana of the Clive River, Ngāti Hori developed their 'Freshwater Resources Management Plan 2009-2012'. This document sets out hapū aspirations for freshwater management in their rohe, and has the following priorities for the Clive River (Karamu):


NGĀTI HORI FRESHWATER RESOURCES MANAGEMENT PLAN

"OPERATION PATIKI"

2009/2012

Ko Te Amorangi kia mua ko te hapai o ki muri te tuturutanga mahi pono o te Maori Mana motuhake

- Achieving sufficient water flow;
- Improving water quality;
- Protection and restoration of traditional riparian vegetation; and
- Protection and restoration of fish and fish habitat.

As a recognised hapu planning document Hawke's Bay Regional Council are required to "take it into account" as part of any statutory processes relating to the river and its management. The document directs Ngāti Hori's monitoring and research efforts, and on-the-ground restoration actions undertaken as part of Operation Pātiki.

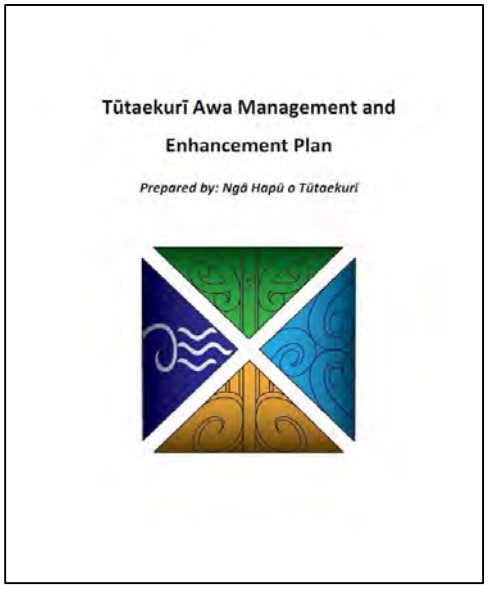
Through the management plan and Operation Pātiki, Ngāti Hori seeks firstly to halt, and then to reverse the significant environmental damage and adverse effects on their cultural preferences for the Karamu/Clive and lower Ngaruroro awa, and on the Ngāti Hori people. Major issues include: loss of safe swimming opportunities; loss of pātiki (black flounder), healthy tuna (longfin eel) stocks and other mahinga kai species; cultural disconnection from the awa; loss of aquatic and riparian habitat; poor water quality, changed flow regime, a change in bed substrate from gravel to mud, and the proliferation of algae and aquatic weed.[44]

6.3 Tūtaekurī Awa Management and Enhancement Plan – Ngā hapū o Tūtaekurī 2014

The Hapu o Tūtaekurī - Ngāti Pārau, Ngāti Hinepare, Ngāti Māhu and Ngai Tāwhao, have significant interests over areas within the Ngaruroro catchment. The Tutaekuri previously flowed down the valley occupied by Moteo and Timikara Marae connecting to the existing Tutaekuri Waimate. The name Tūtaekurī refers to an event that occured near present day Crissogh. At a location between Ōmāhu and Waiohiki marae called Te Umukuri - the ovens where dogs were cooked - the offal from

[44] Operation Pātiki Kohupatiki Marae, December 2012. *Ngāti Hori Freshwater Resources Management Plan*

this slaughter was throwninto the rive, hence its name.[45] Tūtaekurī Waimate is now a tributary of the Ngaruroro.



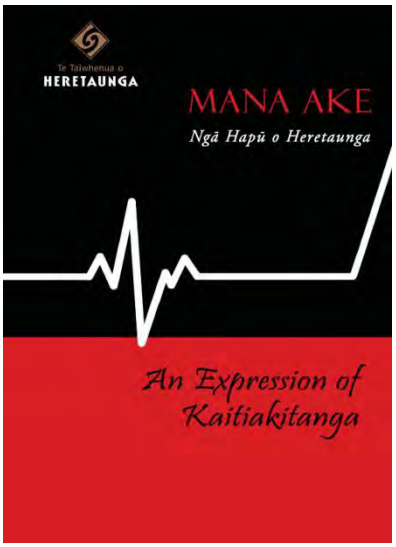
The Tūtaekurī also shares an estuarine environment with the Ngaruroro and and Clive Rivers (Karamu catchment). The Hapu management plan provides some critique on inadequacies within the RRMP in providing mechanisms to protect Nga Hapū O Tūtaekurī values. The plan also mentions some of the contentious issues – gravel management, poor land management around riparian margins, water quality and nutrient losses.

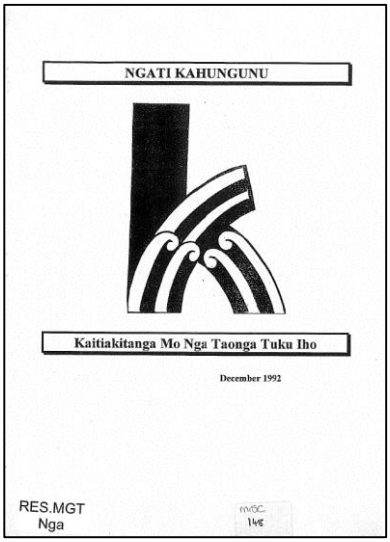
The main aspirations centre around the enhancement of the mauri:

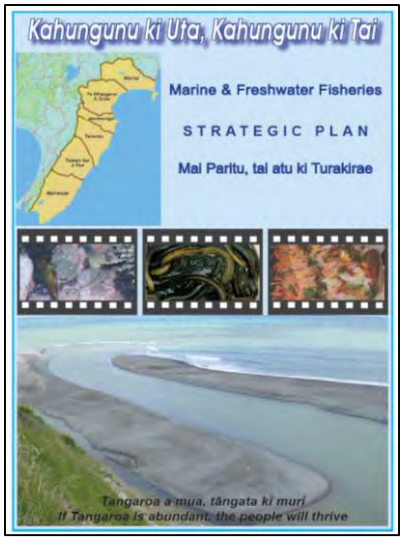
- Enhancement of rongoā and native species proliferation
- Enhancement of mahinga kai species proliferation
- Realisation of kaitiakitanga for *Ngā Hapū o Tūtaekurī.* [46]

6.4 Iwi Plans

The above hapū plans have specific content related to the Ngaruroro Catchment; *Mana Ake – An Expression of Kaitiakitanga* also contains values and aspirations for all hapū and tangata whenua of Heretaunga and is referred to throughout this report. *Kaitiakitanga Mo Nga Taonga Tuku Iho* and *Kahungunu ki Uta, Kahungunu ki Tai Marine and Freshwater Strategic Plan* focus on Ngāti Kahungunu wide matters. Their respective relevance is documented throughout this report.







[45] Buchanan, J. (1973) *The Maori history and place names of Hawke's Bay*. pg 87

[46] *Hawaikirangi, H., Hawaikirangi, T. K., & Ormsby, C. 2014. Tūtaekurī Awa Management and Enhancement Plan. Prepared by: Ngā Hapū o Tūtaekurī.*

RECOMMENDATION: That all relevant Iwi and Hapū Management Plans are taken into account in relevant plan changes.

6.5 Hapū Freshwater Management Units (HFMUs)

As part of wānanga and hui-a-hapū, areas of the Ngaruroro catchment termed Hapū Freshwater Management Units (Figure 5) have been defined to help guide HBRC planners and assist practical management and alignment. Although there are numerous hapū with mana whenua status within the Ngaruroro catchment (Table 3), for practical and effective management purposes we realise there is a necessity to restrict the number of management units for greater efficiency, for TANK plan implementation and monitoring effectiveness. Where possible, demarcation of HFMUs has been aligned with locations that are currently used for State of the Environment reporting or flow recording, with some boundary alignment with traditional hapū rohe.

Hapū support was forthcoming following explanations of the NPS-FM requirements for setting up management units, and how the expression of mana-a-ki-a-wai, te mana o te whenua, te mana o te moana and kaitiakitanga could be assisted through co-operation between neighbouring hapū. There was general acceptance that water that passed from within one hapū freshwater management unit downstream into another unit, should be of the highest quality possible. Thus following the principles of the 'Mana-a-ki value', hapū aspire for better management of the tributaries and acknowledge that those hapū in the lower reaches of the Ngaruroro should not bear the brunt of unsustainable practices carried out within the middle and upper reaches.

A further consideration is the risk posed to the Muriwaihou - Heretaunga Aquifer system - if water quality decline is exacerbated within the middle reaches of the awa (Whanawhana to Ōmāhu/Fernhill), and the need to take into account the kaitiaki responsibility of passing something on to future generations in a healthy state.

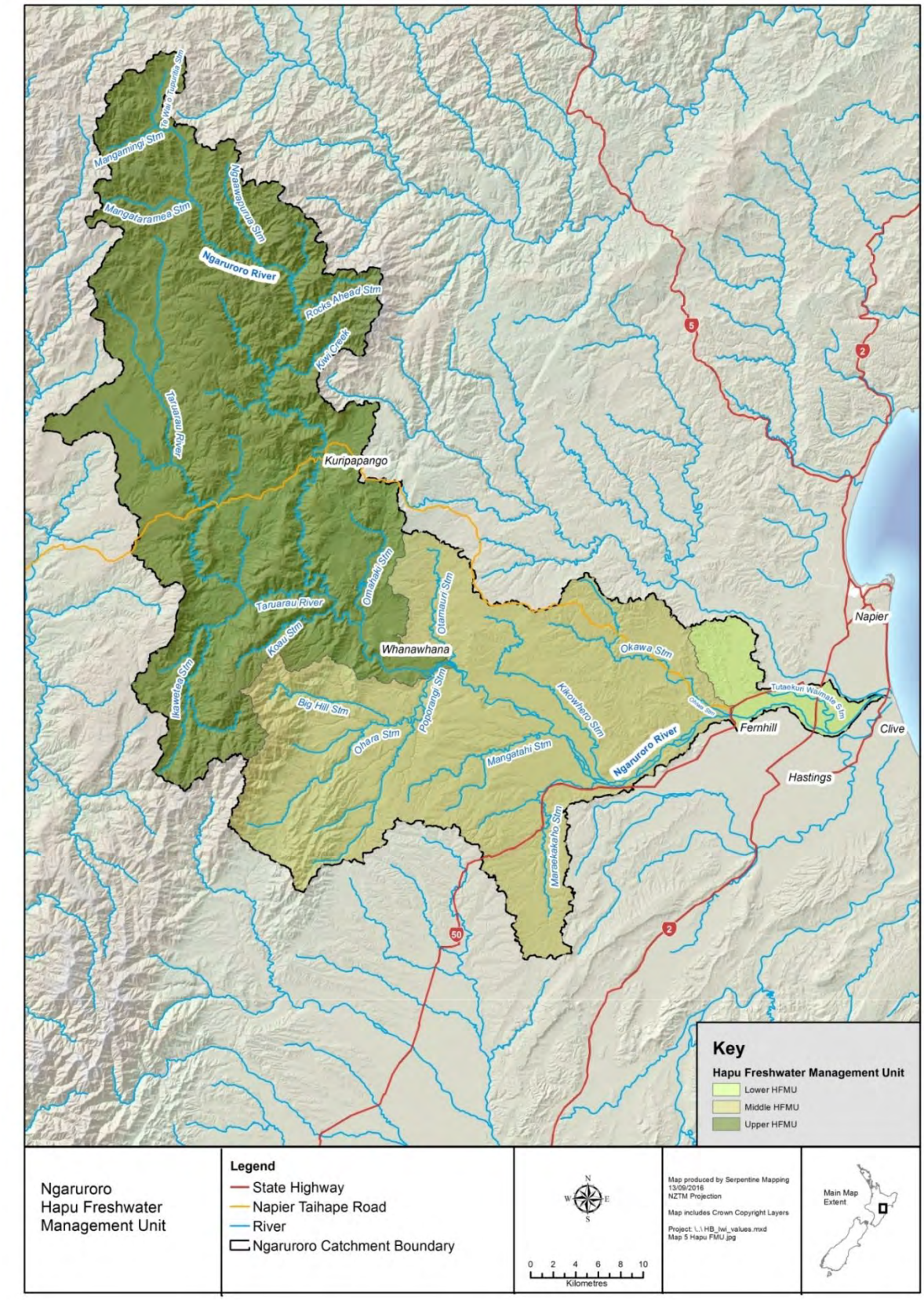


Figure 5. *Hapū freshwater management units (HFMUs) for the Ngaruroro catchment.*

7 Wāriu Groups

Figure 6 shows the major wāriu (value) groups and the aspects for freshwater management and sub-values associated with those groups. The wāriu diagram shows the interrelated nature of the values and their groupings and link between the Amorangi of values from Te Iho Matua to Te Aho Matua (Figure 1) and the specified values in **Table 4** and **Table 5** below.

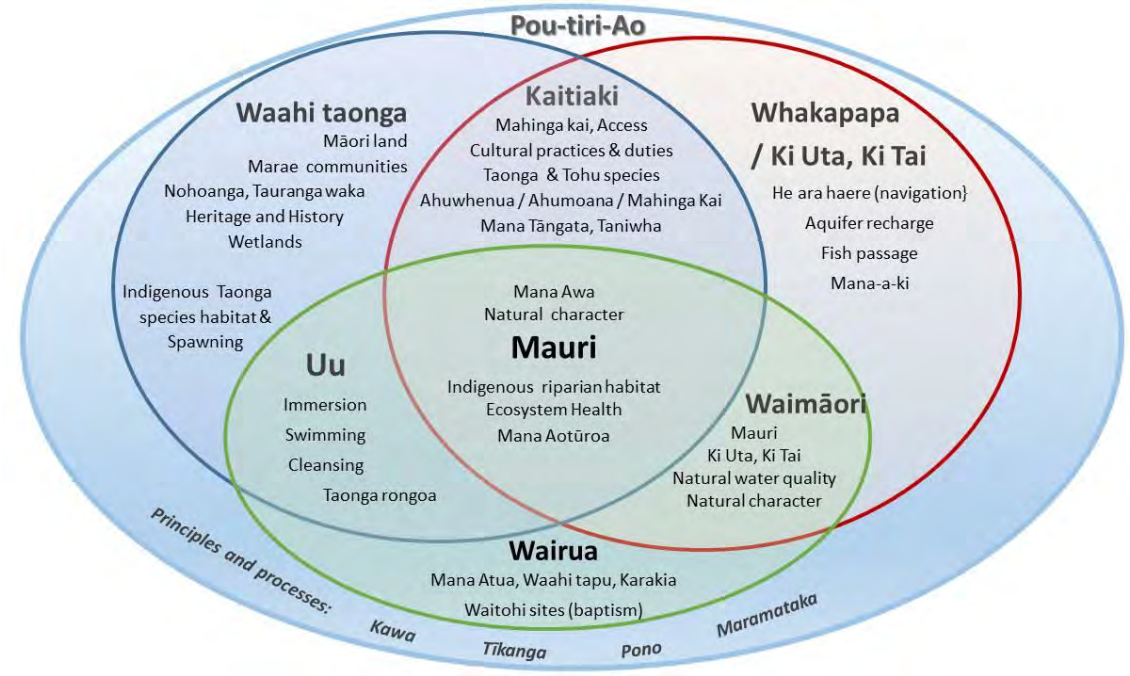


***Figure 6**. Wāriu (value) groups and aspects for management in the Ngaruroro catchment.*

8 Awa-wide wāriu

There are a number of spatial scales at which values can be applied:

I. Region wide;
II. HFMU/FMU/Awa wide; and
III. Site or reach specific.

The following descriptions are of awa-wide values (Table 4) and value groupings. Most of these are expressed by tangata whenua throughout the region and elsewhere within the Ngāti Kahungunu rohe. However given the targeted nature of engagement and the scope of this project, in this instance these values apply specifically to the Ngaruroro catchment.

The awa-wide values appear numerous times throughout iwi/hapū management plans, historical accounts and in submissions concerning the Ngaruroro River, and were strongly reaffirmed during wānanga discussions and hui with tangata whenua. Because many values are intrinsically linked and interrelated, they can appear multiple times in the tables that follow. The wāriu groups may include a number of sub-values that naturally align with their respective group value. While the value group may include other sub-values in the value group, its use is not exclusive.

Table 4. Awa-wide wāriu (values) for the Ngaruroro River surface water catchment.

Wāriu group	Sub-values: Awa-wide
Mauri	Ecosystem health
	Indigenous riparian margin
	Natural character
Uu	Uu (immersion, swimming, cleansing)
Waimāori	Mauri; Ki Uta … Ki Tai …
	Natural water quality
	Natural character
Wairua	Karakia
	Mana Atua
Kaitiakitanga	Ahumoana / Ahuwhenua / Mahinga kai (species)
	Ahumoana / Ahuwhenua / Mahinga kai (practice)
	Te hāpai ō … Te Tūturutanga mahi pono …
	Access
Whakapapa / Ki Uta … Ki Tai …	Fish passage

8.1 Mauri

Mauri is defined in the regional plan as 'indefinable essence described as "the life-force"'. More appropriately, during wānanga and workshops it was resolved by participants that Mauri has a broader definition.

Mauri comes from the realm of Io, from the creator. As such it is a spiritual value that expresses itself within the natural world in a particular manner. In the Māori world view, all natural things have Mauri, both animate and inanimate. Within freshwater environments, the manifestation of healthy Mauri is abundant and healthy water and aquatic resources, including the fish, insects, birds and plants that interact with that water.

In discussing the concept of Mauri ora, Dr Rangimarie Turuki Rose Pere shared her expertise:[47]

> *"It is a challenge for me to find the English equivalent to this concept. At conception, the Mauri-ora comes in absolutely unique to the individual, whereas the wairua that comes in is eternal, and has been held by other people in the past. Positive energy can help a person's Mauri, to wax and to wane. I am very wary of energies, and will generally only interact with people who have a positive effect on my Mauri, my physical life-force. When some people take medication, their psychic defences can be weakened. I make sure that my Mauri is steadfast, and then I am in control of any given situation that I find myself in. When a person dies physically, the Mauri ora changes status and becomes Awe or a soul energy that can be grounded on this plane. When any loved ones die physically, I make sure to send both the Wairua and the Awe – the soul energy of the person - home to our divine source. The Mauri is*

[47] Dr Rangimarie is a highly respected tohunga and spiritual authority, recognised internationally.

a life-force that comes from the central sun; the divine spark that therefore needs to return home however, alongside the Wairua and the Awe."[48]

In 'Te Wheke', Dr Rangimarie Turuki Rose Pere defines Mauri as:

"*Mauri – Life principle, thymos, psyche – Mauri is an abstract concept, and is extremely difficult to define in English. It is a very important concept and affects our everyday lives, and living. Each individual has a Mauri that remains throughout his or her existence. All living things, lakes, rivers, the sea, the bush and buildings have a mauri that should be appreciated and respected. It helps one to relate to and care for everyone and everything across the universe. Mauri is an in-depth term is one that can pertain to an individual's psyche alongside other people, or it can also pertain to a talisman, the physical symbol of the hidden principle that protects vitality, fruitfulness etc.* [49]

The Mauri value group includes the sub-values – ecosystem health; indigenous riparian margin and natural character. Figure 20 helps demonstrate how Mauri is also connected to all the other values.

Dr Rangimarie Rose Tūruki Pere – is a member of the Kahungunu Taumata – who advise and sets the Cultural Standards for Ngāti Kahungunu. She is also of Ngāi Tūhoe, Ngāti Ruapani and Ngāti Pāhauwera ancestry. She is a mother, a grandmother, Tohuna, healer, soothsayer, medicine woman, a highly respected wise elder woman, keeper of the secrets, published author and a Conservationist. Rose was born into the teachings of the Kura Huna, the traditional school of Māori cosmogony. A Guardian of Earth Mother, she is much sought after as a speaker and spiritual authority that has spent her life as an educator of immense stature working in the world of Māori and non-Maori. She was the Young Maori Woman of the Year in 1972, awarded the New Zealand 1990 Commemoration Medal, C.M., and became a Commander of the British Empire receiving her C.B.E. in 1996.

8.1.1 Ecosystem Health

The health of an ecosystem is an expression of the state of Mauri within that ecosystem. As Mauri flows from the spiritual realm, consideration of what constitutes and contributes to the ecosystem health wāriu requires ethical consideration of 'What is the right thing to do?' For tangata whenua, this is informed by wairuatanga – their spiritual relationships and practices – when interacting with an ecosystem. Within a freshwater context, the different parts of an aquatic ecosystem should be in balance for it to remain spiritually sound and physically healthy. An imbalance that is induced by unwise action or use can often take a long time to recover, during which time the resource should in Māori terms, be under a rahui or temporary restriction.

A healthy ecosystem, resource use, then improving, enhancing and restoring from the current state and avoiding adverse impacts is a reoccurring theme throughout iwi and hapū planning documents. The *Kahungunu ki Uta, Kahungunu ki Tai Marine and Freshwater Strategy* provides significant consideration to freshwater fisheries, the interests of kaitiaki, habitat restoration and enhancement, improvement of ecosystems and fisheries management. This includes emphasis on the adverse impacts of resource management on inland waterways and marine fisheries.

[48] Pere, Dr Rangimarie Turuki Rose, – quote September, 2016 during wananga with Ngatai Huata.
[49] Pere, Dr Rangimarie Turuki Rose, *Te Wheke: A Celebration of Infinite Wisdom.*

8.1.2 Indigenous Riparian Margin

Indigenous plant species and tangata whenua interaction with them is one of the foundations of mātauranga Māori me āna tikanga. When associated with a river, indigenous vegetation is part of the natural system and supports a healthy state of Mauri. It protects and provides habitat for spawning species and insects and their various life stages, which in turn helps to sustain species that inhabit our waterways. The interaction between the catchment landscape features with the realms of Tāne-Māhuta, Tangaroa and Tāwhirimātea, creates a synergy and dynamism that is unique to the Ngaruroro River. Protecting existing indigenous riparian margins or providing for their reinstatement within the lower reaches will help to improve or restore the Mauri of the river. Important plant species relevant to the Ngaruroro have been noted throughout this report including raupo and harakeke, however a comprehensive list of indigenous plants and their respective values, uses and associated practices has not been produced, although naturally occurring indigenous species are valued by default.

Heretaunga marae and hapū are committed to enhancing and restoring indigenous riparian margins, and this is strongly supported in hapū plans and efforts.

8.1.3 Natural Character

Natural character consists of different components that when considered together, contribute to and help sustain a healthy state of Mauri. It has been prioritised within resource management and planning constructs, and is often prescribed as 'natural processes, natural elements and natural patterns'. Although its main focus is the management of coastal environments, the New Zealand Coastal Policy Statement at Policy 13 (2) contains the following description for natural character, much of which could be applied within a freshwater context.

"Recognise that natural character is not the same as natural features and landscapes or amenity values and may include matters such as:

a. *Natural elements, processes and patterns;*
b. *Biophysical, ecological and geomorphological aspects;*
c. *Natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs and surf breaks;*
d. *The natural movement of water and sediment;*
e. *The natural darkness of the night sky;*
f. *Places or areas that are wild or scenic;*
g. *A range of natural character from pristine to modified;*
h. *Experiential attributes, including the sounds and smell of the sea; and their context and setting."*

For the Ngaruroro River, the natural character and ecosystem health within the upper catchment and parts of the middle areas are outstanding and support a healthy state of Mauri. For healthy Mauri the natural character attributes, natural processes, good water quality, flows, form and function of the Ngaruroro should be kept in their natural state as much as possible, while those activities that detract from or have adverse effects on these, are affecting the Mauri of the river.

8.2 Uu – Immersion

"Uu is the milk of Papatuanuku, it feeds and provides sustenance to the people. Wai-ū, - I am the river, Wai-a-ū – water of sustenance. The term 'Ū-kai-po' is derived from the action of nourishing a baby during the night." [50]

Uu is a significant value that includes immersion, swimming and cleansing (in all forms). The act of immersion within water is fundamental to Māori in both the traditional and contemporary sense. From tohi (baptism), to the gathering of kai, through to recreational pursuits and instruction, it is an integral part of Māori society. It helps shape confidence through collective experience, whakawhanaungatanga and interaction; if there is an inability to immerse in one's traditional waters then identity and whakapapa connections can be adversely affected.

Tohi especially requires water of exceptional quality. The act of immersion is transitional as it involves moving from the realm of one Atua to that of another, i.e. from Tāwhiri-mātea into Tangaroa. Tangata whenua have responsibilities that apply to each deity.

Unlike 'swimming' as a value, for Māori the act of immersion in a river is less likely to be restricted to certain times of the year or particular flows.[51] Uu is at times, aligned with the maramataka with respect to the gathering/harvesting of kai and other resources, but is also important at times of spiritual need which can occur at any time. These are important considerations when looking at management of the Ngaruroro catchment with respect to areas no longer suitable for primary contact with water.

8.3 Waimāori

Waimāori is water in its natural state and suitable for consumption. Being natural it is a taonga tuku iho, imbued with spiritual energy. Drinking-water is often referred to as waimāori, however additives such as chlorine or fluoride, as well as contaminant concentrations due to land use, do not constitute natural water quality, and drinking water therefore, will not always be regarded as waimāori. For Ngāti Kahungunu, the optimal standard for water quality is waimāori.[52]

Waimāori finds its own direction and pathway as it flows over and through the whenua, this natural pathway highlighting the sub-value of Ki uta … ki tai. The status of waimāori (natural water quality) reflects the nature of the land, creating a harmony that is logical and progressive. Natural character is one component of waimāori, including natural spring flows and fluctuations, sinuosity and variations in flow caused by precipitation or barometric pressures. Human interaction with waimāori through water-related activities or activities on the land can have complementary or negative effects. These can often compound as waimāori flows through more populated areas.

8.4 Wairua

Wairua is the spiritual value and energy that pervades all existence. It guides behaviour and affects how tangata whenua relate with the natural world and with each other. The prevailing consensus within Heretaunga hapū and whānau is articulated within the collective hapū planning document

[50] Ngahiwi Tomoana – quote October 2016

[51] The only flows likely to restrict immersion are flood flows where it is unsafe to be in the water.

[52] Ngāti Kahungunu Iwi Inc. (2008) *Kahungunu ki Uta, Kahungunu ki Tai Marine and Freshwater Strategic Plan*

'Mana Ake, An Expression of Kaitiakitanga'.[53] Expressions in value related settings acknowledge and revere the holism and interconnectedness within natural ecosystems based on wairuatanga, the action derived from the wairua value, and whakapapa. The Wairua value group includes the values of **Karakia** and **Mana Atua.**

The reciting of karakia over an area or site, for example over a mahinga kai site, can uphold cultural values or improve the resource. It is empowering especially when it is part of a process learned or inherited from one's tūpuna. Rivers, springs and freshwater in general, are significant components of many karakia particularly when related to cleansing in all its forms.

Wairua – literally the two waters, encompasses the concepts of physical and spiritual waters. When tangata whenua and manuhiri (visitors from another area) first meet, one of the first questions asked is 'Ko Wai Au?' Literally 'From where do your waters flow?' The expression has two parts relating to one's physical origins but also to the spiritual home – your sacred maunga and ancestral river.

8.5 Kaitiakitanga

Kaitiakitanga is the action associated with the roles and responsibilities of kaitiaki. The original kaitiaki were the spiritual guardians who through whakapapa, inherited roles over particular resources. Hence when tangata whenua and hapū interact with a natural resource, we acknowledge the spiritual realm through karakia and/or ritual. Kaitiakitanga can be practiced when using and interacting with the waterways and surrounding lands.

Inherent to this value is the respectful use and interaction with water. Kaitiakitanga gives first priority to the resource itself, and what it requires, acknowledging the mahinga kai and other resources it provides. The active protection and nurturing of the awa is part of Kaitiakitanga an expression of mana and the realisation of mana through the Te Tūturutanga mahi pono o te Māori mana motuhake value. The ability to access the river for this purpose and other cultural practices is also an interconnected value.

Kaitiakitanga is a multi-generational action and approach to ensure resource provision for generations to come. It is a long-term commitment that flows through successive generations, building on mātauranga Māori, seasonal ebbs and flows, and utilising cultural harvest when it is appropriate to do so.

8.5.1 Ahumoana, Ahuwhenua, Mahinga Kai

Ahumoana and ahuwhenua are traditional terms synonymous with Kahungunu and similar to the commonly used term mahinga kai.

"Ko Kahungunu, he tangata ahuwhenua, ahumoana –

he tangata mōhio ki te whakahaere i ngā mahi o uta, o tai"

Kahungunu is an industrious man and one who knows how to manage works both on land and at sea.[54]

Ahumoana relates to all waterways and the ability to safeguard and utilise their potential. For tangata whenua, the term 'ahu' is a positive one associated with enhancing potential. Kaitiakitanga over a freshwater resource includes the ahumoana value by default, as the caring for a natural

[53] Te Taiwhenua o Heretaunga (2014) *Mana Ake, An Expression of Kaitiakitanga*

[54] Ngahiwi Tomoana – quote, October 2016

resource by Māori using customary practice like kaitiakitanga, automatically includes elements of tapu, rahui and noa, whereby access to or the use of the resource, is subject to self-regulation. The concepts are applied for various reasons, including restricted seasonal use, allowing the resource to replenish itself or for reseeding and replanting initiatives.

Ahuwhenua relates to the management and use of the whenua in line with the maramataka (Maori celestial calendar). Using the maramataka for hunting, harvesting and farming continues today. Tangata whenua traditionally accessed certain parts of a catchment at specific times of the year for mahinga kai - for bird trapping when they were fat from consuming berries, for eeling during the tuna heke, for trapping inanga/whitebait etc. The terms ahuwhenua and ahumoana are not currently recognised in Hawke's Bay's resource management regulation or policy.

Mahinga kai is defined in the regional plan as 'food cultivation'. Although this may be part of its literal meaning (mahi-nga-kai), the term also has a deeper meaning and is used in more contemporary times to include a wider range of interconnected values.

The term Mahinga kai can be both a verb and a noun, expressing the practice of hunting, gathering or working with and around kai. As a noun mahinga kai can refer to a mahinga kai site or area, which is its most common usage. It is also used as a descriptor in reference to mahinga kai species. Cultural monitoring methods or tools[55] often adopt the two latter meanings, and practitioners may use the results to inform cultural value or impact assessments.

The value of mahinga kai across the whole Ngaruroro catchment relates to both the 'practice' and the 'species' and the protection and enhancement of both. Section 9.4 – waahi taonga, refers to mahinga kai sites.

Mana Ake refers to all the above interpretations of Mahinga kai:

'*the customary gathering of food and natural materials, and the places where those resources are gathered, the way resources are gathered and the work involved in doing so'* and that '*the health of mahinga kai resources and or their habitats are identified and addressed*'[56].

As demonstrated previously, tangata whenua fishermen are difficult to engage and gather information from. Although we were afforded valuable insight, the reality is that much more information exists. Fishermen tend not to get involved with aspects of river management that are not hands on at a practical level. There is also a reluctance to share 'their' fishing spots and trade secrets, as well as a healthy dose of scepticism of regulators and surveyors. Further work is needed and could be potentially addressed during comprehensive registering of waahi taonga.

RECOMMENDATION: Consequential amendments to the RRMP terms and glossary to align with RPS and tangata whenua terminology, preferences and practice. Including adding terms 'ahumoana' and 'ahuwhenua' alongside 'mahinga kai'.

[55] For example, Tipa G. and Teirney L. 2006. A Cultural Health Index for Streams and Waterways: A tool for nationwide use. A report prepared for the Ministry for the Environment, Wellington, New Zealand. 58 pp.

[56] Te Taiwhenua o Heretaunga (2015) *Mana Ake – An expression of Kaitiakitanga*

8.5.2 Te Hāpai ō … Te Tūturutanga Mahi Pono …

Te Hāpai o … Te Tuturutanga Mahi Pono Mana Māori Motuhake refers to the value of doing the mahi (work) associated with the striving towards achieving Mana Māori Motuhake. The action or cultural practice also relates to the concept of kaitiakitanga.

This value could encompass the access to and the use of, our waterways, and the maintenance of the associated cultural practices, or in other words to keep the home fires burning (ahi kaa). This value is integral to the 'mana whenua' concept, the expression of independence and self-determination, and empowering ourselves through our own belief systems.

For the Ngaruroro this value can be used to refer to more contemporary practices, namely the monitoring and restoration of the waterways. Born both out of necessity due to increased demand and adverse impacts on the waterways and in turn on tangata whenua, but also due to the desire by tangata whenua to maintain a connection to their specific waterways even if they can no longer directly sustain or provide for them as they once did.

8.5.3 Access

All the grouped values of Kaitiakitanga, from gathering kai to monitoring the waterways are partly or entirely dependent on access. The cultural practices important to each whānau and hapū rely heavily on the ability to access the waterways and their associated resources. This value appears consistently throughout the other values and has been expressed as an issue during hui and discussions regarding the Ngaruroro catchment. In contemporary times this value includes the access to reliable information.

8.6 Whakapapa and Ki Uta … Ki Tai …

Through Ranginui, Papatuanuku and their numerous offspring (ngā atua), the whakapapa linkages with aquatic and terrestrial environments are acknowledged and also reflected within the Mana Atua – Mana Tangata concepts, providing a clear line of priority.

Whakapapa ki te wai relates to ki uta … ki tai … and the continual flow of energy and water from the mountains to the sea. To the kaitiaki of the Ngaruroro River, the recharge of the Heretaunga Aquifer that occurs between Maraekakaho, Te Popo (Roy's Hill) and Ōmāhu is a whakapapa connection that aligns with their whakapapa to the river and through the river and the aquifer discharge, to the sea. Tangata whenua relationships with the lands and waters of Heretaunga are acknowledged in the Pepehā:

Heretaunga Ararau
Heretaunga Haukunui
Heretaunga Ringahora
Heretaunga Hāro te Kaahu
Heretaunga Takoto noa

Heretaunga of a hundred pathways
Heretaunga of the life-giving waters
Heretaunga of welcoming and embracing hands
Heretaunga the true beauty of which can only be seen through the eyes of the hawk
Heretaunga left to us the humble servants

Whakapapa as a value relates to connectivity on multiple levels. The ki uta … ki tai … value is "an acknowledgment of the integrated nature and whakapapa inherent within the Māori world view and the natural world".[57] It reinforces the need for integrated resource management in a sequential manner from the mountains to the sea. The Whakapapa of the water ('Whakapapa ki te wai') is physically expressed through the water cycle and the connectivity between different freshwater environments in the catchment, including:

- Tributaries;
- The main-stem of the river;
- Waipuna (springs);
- Wetlands and Lakes;
- The Heretaunga Muriwaihou (aquifer system);
- The Waitangi Estuary; and
- The aquifer discharge to the coastal environment.

Lakes Runanga, Oingo, and Rotokare are recharged from waters that whakapapa back to the Ngaruroro. The Ngaruroro and the Tūtaekurī are also connected through the ground waters coming down through the Moteo valley, and through the Tūtaekurī-Waimate Stream.[58] The Ohiwia and Tūtaekurī-Waimate streams also share groundwater sources.

Ki uta … ki tai …is both a philosophy and a value that respects the dynamism and whakapapa within the water cycle and river catchments. When applied to the Ngaruroro River, ki uta … ki tai … captures the connections between the source of the river in the ranges, the ground waters that it recharges, the relationships between the various tributaries and springs with the main stem, and the eventual discharge of both the river and the main Heretaunga aquifer system to the coastal environment. To tangata whenua, a river is more than the freshwater component. It includes the underlying and surrounding whenua, the riparian margins, tributaries, springs, indigenous aquatic flora and fauna, and the cultural relationships that tangata whenua have with these natural resources. This reflects the holistic approach of tangata whenua towards resource management.

The *Kahungunu ki uta, Kahungunu ki Tai Marine and Freshwater Strategy* highlights specific concerns and risks when the value of ki uta ki tai is not adequately provided for:

'*Poor integration and narrow focus of fisheries management, insufficient attention on issues affecting inland waterways and coastal waters, including pollution, habitat destruction or modification, water abstraction, damming / diversion. Degraded waterways, such as the Ngaruroro, as well as delicate estuarine systems and coastal waters affected by pollution, run-off and sedimentation'.*

Through Mana Aoturoa and Mana Tangata, what is required to maintain the whole system in a healthy state must be prescribed and directed by those who are kaitiaki over the river. For the Ngaruroro, each hapū have their preferences for how they assert their mana within their particular rohe – **Mana whenua**.

Co-operation between neighbouring hapū with mana whenua/mana moana can be included in management approaches provided there are agreements and a tikanga process to define how issues will be addressed. Occasionally, there are areas of shared responsibility due to whānau connections between neighbouring hapū members, or where traditional boundaries have been altered through stream modification or diversion, including the drainage of wetlands. The ki uta … ki tai … value

[57] Apatu, M. B.; Evidence in Chief, Plan Change 5 Environment Court proceedings, October 2014

[58] Dravid, P. N.; Brown, L. J.; Heretaunga Groundwater Study Vol.1; May, 1997

requires the upholding of Mauri, the maintenance of natural ecosystem functions and integrity, and full consideration of aquatic species requirements – to preserve the ability for species recruitment, and to maintain their health, abundance and diversity.

During engagement with tangata whenua for this project, the issue of gravel extraction and river mouth modification was raised as an issue, particularly the potential for adverse effects on Kaitiakitanga and mahinga kai values from gravel extraction and stream modification:

- The extraction of gravel in and around the confluence of the Ngaruroro and Waitio and effects on mahinga kai species, the natural character, local cultural practices and values.
- The human interventions at the river mouth affecting the natural character and natural processes, and diminishing recruitment of certain species.

There are a number of attributes that relate to the priority ki uta … ki tai … value in terms of both water quality and water quantity, including:

- Sufficient flow to sustain fish passage, migratory pathways and seasonal access for aquatic/diadromous species;
- Maintaining aquifer recharge quantity and water quality;
- Sustaining reliable spring flow**s**;
- Water quality limits sufficient to sustain optimum species health and abundance, including for taonga / tohu species; and
- Consideration of the high proportion of native fish species that are diadromous.

At present Ki Uta … ki Tai …does not have a definition within the regional plan. The Māori perception of Ki Uta … ki Tai … is expressed in different ways, with the health of a water resource often dependent to some degree on the physical health of another. Whakapapa ki te wai and Ki Utu … ki Tai … link to other values, particularly fish passage and 'he ara haere' (navigation), as these relate to the ability for fish or people to travel along or through the river, from the river's source down to the sea.

RECOMMENDATION: Restore and preserve natural river processes particularly around the river mouth and avoid adverse impacts of gravel extraction and aggradation on tangata whenua values.

8.6.1 Fish Passage

Whakapapa also relates to those things living in and around the waterways, the numerous off-spring of ngā atua, of Papatūānuku, Tangaroa, Tāne-mahuta and others. Ensuring that the off-spring of Tangaroa can move unimpeded throughout their natural waterways strengthens their whakapapa from the mountains to the sea.

Due to the migratory nature of many native fish species found in the Ngaruroro catchment, and their need to move between freshwater and marine environments during part of their life cycle, provision for fish passage (including via tributaries) is a critical management aspect. Fish passage is included in the definition for Ecosystem Health within the NPS-FM 2014 and would be required to support other interconnected values, including Whakapapa, Ki uta … ki tai …, Mahinga kai, Mauri and Kaitiakitanga. It is also important that whanau, hapū and communities throughout the Ngaruroro catchment are not impeded from receiving ngā taonga o nga atua.

RECOMMENDATION: Restore and maintain native fish passage including sufficient water quantity and flow for

9 Site and reach specific wāriu

Within the value groups and awa-wide values described above, there are a number that were identified as more site or reach specific. Different spatial scales apply to each of these values as specified in Table 5 below.

Table 5. Site and/or reach specific wāriu (values) for the Ngaruroro River catchment.

Wāriu group	Sub-values	Site/reach
Whakapapa / Ki Uta … Ki Tai …	He ara haere (navigability)	• Mainstem river mouth to Whanawhana • Lakes Runanga, Oingo, Hinemoana, Kotuku
	Whakapapa ki te wai (connectivity) Aquifer recharge	Recharge zones – including from the land
Kaitiakitanga	Indigenous Taonga/Tohu species habitat and spawning	Upland: all tributaries upstream of Whanawhana
		Awa kopaka (braided): Whanawhana to Fernhill
		Lowland: Fernhill to Chesterhope Bridge
		Estuarine: Chesterhope Bridge to sea
		Additional: all tributaries downstream of Whanawhana
Waahi Taonga	Waahi tapu	Defined sites, including proposed HDC Plan and NZAA sites
	Ahumoana, Ahuwhenua, Mahinga kai	Defined sites
	Nohoanga/Pāhī	Defined sites
	Cultural practices	Defined sites
	Tauranga waka	Defined sites
	Heritage and History	Defined sites
Waahi Taonga continued…	Wetlands and lakes	• HBRC defined wetland sites • Lakes Runanga, Oingo, Hinemoana, Kotuku
	Māori land	Māori land containing or adjacent to waterbodies including tributaries
	Marae / hapū	Defined areas of interest

9.1 He Ara Haere

The Ngaruroro River was traditionally a major route for Māori who travelled widely throughout its catchment, where waka were used for the transport of people and trade goods. For the descendants of Kahungunu, the 'He Ara Haere' value has been expressed from the time of Tamatea-pokai-whenua, the father of Kahungunu who travelled inland and named many of the places along the Ngaruroro, down through successive generations to Karaitiana Takamoana, who proposed that Pā Pākowhai be the main settlement on the Heretaunga Plains due to it providing ready access to the hinterland via the Ngaruroro River all the way up to Whanawhana.[59] He Ara Haere supports access to different parts of the awa for kaitiaki/hapū. The value applies also to the Runanga Lakes enabling whānau and hapū to engage with their traditional practices within the lakes. It naturally follows that where the practice of utilising waka or their counterparts is required, that sufficient flow or lake levels are maintained for this to occur. Naturally, this value is also strongly associated with Tauranga waka (waka moorings) and other waahi taonga or culturally significant areas.

The value of 'He Ara Haere' encompasses more than the passage of tangata whenua, it is the connectivity in all senses and the strengthening of relationships. When Ngāmoa of Waimārama requested timber from Omana Pa so a pa could be built at Waimārama, his Korongata whanau agreed. The Pa was built from timber from the upper Ruahine/ Kaweka ranges and moved down the river to Omana Pa. Upon the request from Waimārama it was dismantled and made into a raft and floated down the Ngaruroro (again) and towed round the coast to Waimārama.[60]

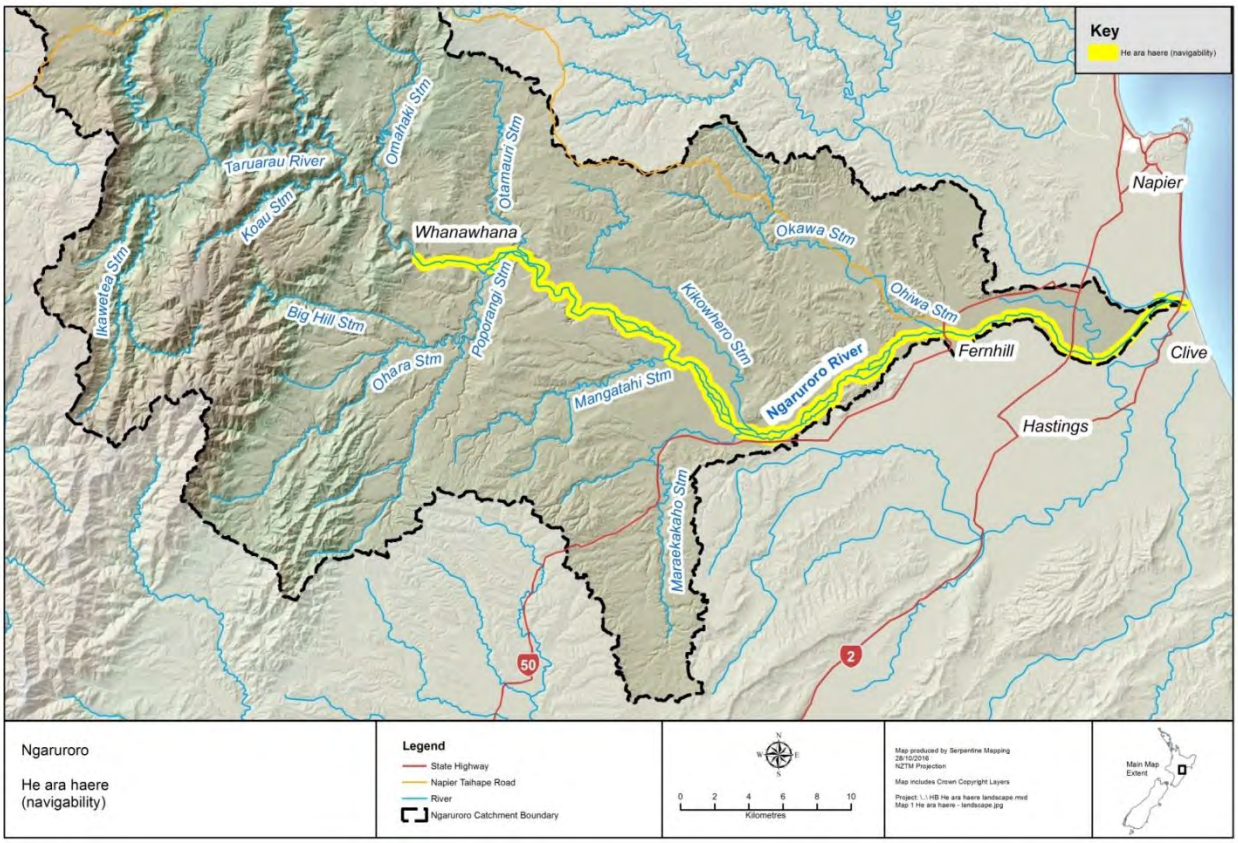


***Figure 7**. He Ara Haere wāriu, Ngaruroro catchment*

[59] Heretaunga Tamatea Deed of Settlement Documents Schedule, pg 17

[60] Buchanan, J. D. H; 1973. *Maori History and Place Names of Hawkes Bay.* pp.31, 143;

9.2 Heretaunga Muriwaihou - Aquifer recharge

The Heretaunga Aquifer was the subject of a specific Treaty of Waitangi claim by Ngāti Kahungunu hapū ki Heretaunga (WAI595). The claimants highlighted that the Heretaunga Aquifer is a *'sacred taonga of immense cultural and spiritual significance'* that is *'central to the mana and mauri of our people*' whom are kaitiaki over it.[61] The claim also questions the right of others to have control over the aquifer and states that their Rangatiratanga denotes the right to manage it in accordance with the priorities of hapū.[62]

The Heretaunga aquifer system (Figure 8) includes confined and unconfined layers, some extending out into Hawke's Bay. Rainfall, surface water and land use all contribute to the quantity and quality of the water in the aquifer system, which in turn recharges surface waters in gaining reaches and discharges off-shore into the sea.

For many years, whānau and hapū living around the outskirts of Hastings used domestic wells for their water supply. This enabled them to access water of reasonably good quality for their households. With the huge increase in groundwater allocation that has occurred throughout the Heretaunga Plains since 1995,[63] domestic wells have become less reliable due to the decline in groundwater levels. Since the Regional Resource Management Plan became operative, some plan provisions have prevented the effects of groundwater abstraction for commercial, industrial or agricultural use on domestic users, from being taken into account when HBRC is considering resource consent applications. In addition, where previously groundwater was readily available for domestic users, enabling them to access water recharged from the Ngaruroro River, this is often no longer the case, and the cultural connection with their taonga, has been broken.

Although groundwater is outside the scope of this report, the Heretaunga Aquifer is associated with the Ki Uta … ki Tai … value as one of the connections whereby water that originates from the mountain ranges joins with the marine environment. Where the Heretaunga Aquifer extends towards the coastline it crosses the coastal environment boundary and is therefore regulated by the Regional Coastal Environment Plan (RCEP).[64] Sustainable management of the quality and quantity of aquifer water requires consistency in approach and coherency between the two plans regulating freshwater within the aquifer system. The TANK plan change is a catchment based plan change which provides an opportunity to consider the integrated and connected nature of water resources at the coastal interface. It has not yet been confirmed by HBRC whether management of parts of the TANK catchments that lie within the coastal environment will be addressed through consequential amendments to the RCEP to provide this consistency and alignment for management purposes.

The Heretaunga unconfined aquifer within the coastal environment is subject to the same RCEP management regime as a portion of the confined aquifer lies within the coastal environment boundary; however, it consists of freshwater under pressure and extends out into Hawke Bay before discharging. Adverse effects on water quality in the unconfined aquifer within the coastal environment are more likely to occur due to activities further inland and therefore within the scope of the RRMP and the TANK plan change process.

[61] WAI 595, Treaty of Waitangi – Statement of Claim.
[62] WAI 595, Treaty of Waitangi – Statement of Claim.
[63] HBRC State of the Environment Reporting
[64] The Regional Coastal Environment Plan (RCEP) became operative in November 2014, and contains objectives relating to the Heretaunga Aquifer at Chapter 11.

RCEP Objectives 11.1 and 11.2 state:

> *"No degradation of existing groundwater quality in aquifers in the Heretaunga Plains aquifer system."*
>
> *"The maintenance or enhancement of groundwater quality in unconfined or semi-confined productive aquifers in order that it is suitable for human consumption and irrigation without treatment, or after treatment where this is necessary because of the natural water quality."*

The Regional Policy Statement (RPS) and the RRMP replicate these as Objectives 21, 22, 42 and 43. Resolution of PC5 through Environment Court appeal has amended Objective 22 with the deletion of the word "productive", as its inclusion enables decision-making to exclude non-productive aquifers from the gamut of the objective, and therefore from being managed within the regional plan. It would be timely to amend related objectives 43 (RRMP) and 11.2 (RCEP) consequentially, to align management objectives for the Heretaunga Aquifer, which is a taonga to tangata whenua within the Heretaunga rohe.

Policy 44 of the RCEP includes decision making criteria relevant to aquifer recharge:

> *"To protect the Heretaunga Plains Aquifer recharge in order to maintain the long-term viability of the aquifers."*

Policy 44 recognises the importance of aquifer recharge to the sustainable management of the Heretaunga Plains aquifer. The establishment of minimum flows on contributing rivers must take into account the need to adequately provide for the recharge of groundwater through river reaches that lose flow to the aquifer.

In integrating these objectives and policies, where Ngāti Kahungunu have strongly advocated for inclusion in plans, mana whenua have identified the value of the recharge zone of the Heretaunga aquifer as a critical value for the management of land and water, and to protect the quality and quantity of the Heretaunga aquifer. Specific values and attributes for the aquifer itself are planned through a subsequent groundwater values process involving a wider tangata whenua audience.

RECOMMENDATIONS:

Consideration for applying a similar methodology for the Heretaunga groundwater resource so that the RRMP and the RCEP are consistent and take into account the effects of land use within the Ngaruroro catchment, on the coastal environment.

Application of a quantity or ratio limit on groundwater abstraction to prevent undermining of hapū values and aspirations for surface water resources.

Inclusion of a demarcation line at the inland boundary of the coastal environment where regular State of the Environment cultural monitoring will occur.

Consequential amendments to the Regional Coastal Environment Plan so there is coherency and alignment between that plan and the TANK plan change

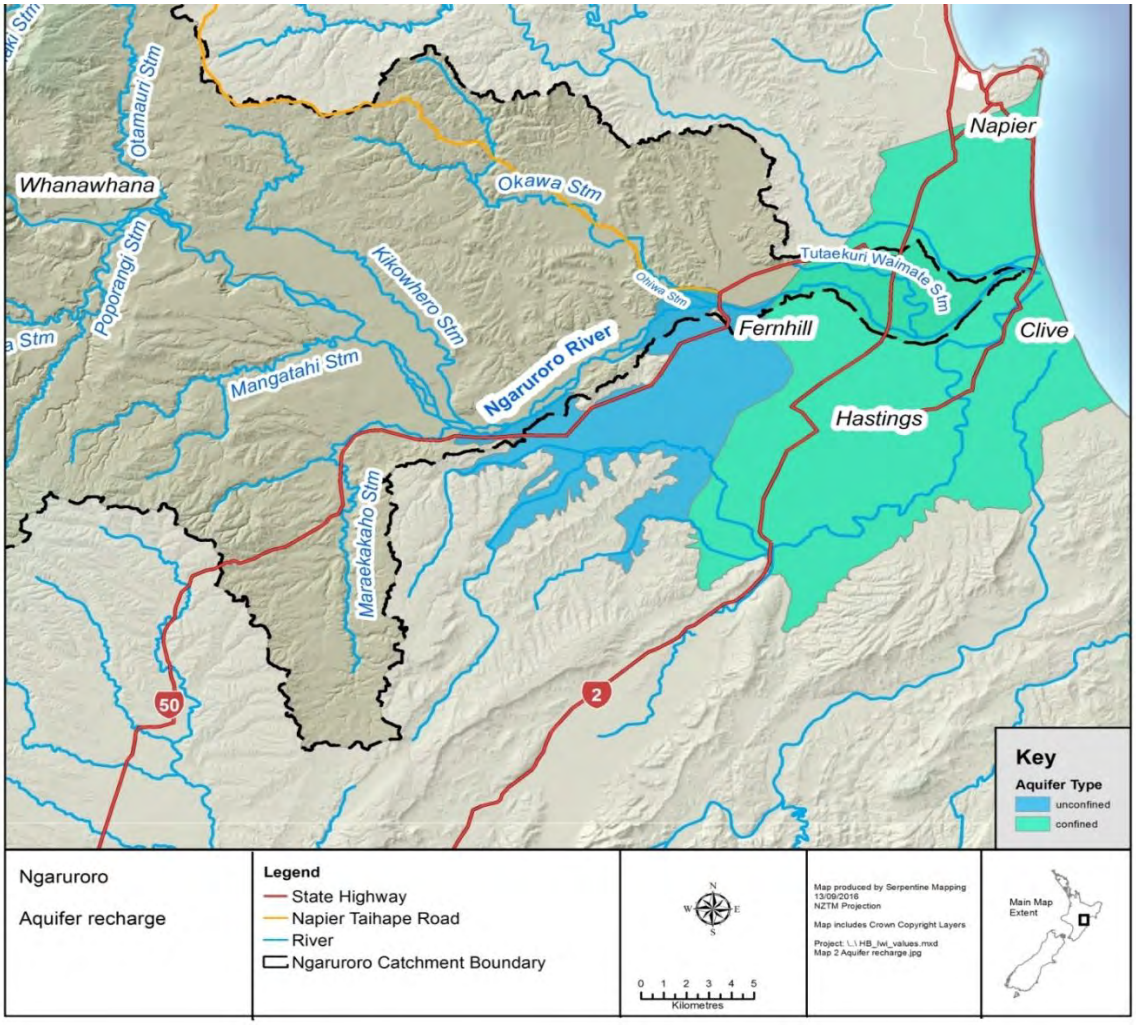


Figure 8. Heretaunga aquifer recharge area and Ngaruroro catchment.[65]

9.3 Indigenous Taonga/Tohu species habitat and spawning

The Ngaruroro River is home to a diverse range of indigenous species. They are of significance to Māori as taonga from ngā atua, tohu (indicators) and mahinga kai species. As kaitiaki in the modern sense, hapū of the Ngaruroro have a responsibility for the protection of indigenous species of all flora and fauna and their ecosystems. The kaitiakitanga value is strongly interconnected with the Mauri, Ecosystem Health, Whakapapa, Natural Character and Mahinga Kai values. Traditionally, approximately 90 percent of natural resource use by Māori, was associated with freshwater – e.g. fish, birds, fibre materials, raupo (flour, paste).[66]

> *The Ngaruroro River has always been a significant waterway for the people of Heretaunga Tamatea. It was utilised extensively by inhabitants from adjacent and surrounding pā for the many different food sources that it provided and sustained. These included fish types such as: kahawai, kanae (at the river mouth), inanga, ngāore, pātiki, and tuna. Traditional relationships included uses for other mahinga kai and rongoaa, such as karinga aruhe, wai tahere, rākau tutu, hīnaki and rauwiri. The river helped sustain adjacent lands through its*

[65] Map subsquently updated, excludes groundwater connection below the tutaekuiri Waimate catchment.
[66] Ngahiwi Tomoana, October 2016

tributaries and connection to wetland areas and lakes, particularly around Ōmāhu and Rūnanga which provided rich sources of tuna and kākahi.[67]

Further discussion of specific habitat and life-stage requirements or hūanga (attributes) is included within the attributes section of this report.

Table 6. Fish, Koura, Kākahi and Bird species found in or near Ngaruroro waterways. Adapted from McArthur (2013).[68] Migratory species are defined as those which utilise fresh and/or estuarine waters as well as coastal or marine waters.

Māori name / Common name	Migratory	Scientific name
Pātiki /Black flounder	Y	*Rhombosolea retiaria*
Pakoko / Bluegill bully	Y	*Gobiomorphus hubbsi*
Tipokopoko / Common bully	Y	*Gobiomorphus cotidianus*
Toitoi / Cran's bully	N	*Gobiomorphus basalis*
Ruwho / Dwarf galaxias (northern)	N	*Galaxias* aff. *divergens* (northern)
Hawai / Giant bully	Y	*Gobiomorphus gobioides*
Koura / Freshwater crayfish	n/a	*Paranephrops planifrons*
Tuna / Longfin eel	Y	*Anguilla dieffenbachia*
Kurahina / Redfin bully	Y	*Gobiomorphus huttoni*
Ngāore, Porohe, Paraki, Tikihemi / Smelt	Y	*Retropinna retropinna*
Panako / Torrentfish	Y	*Cheimarrichthys fosteri*
Cockabully / estuarine triplefin	Y	*Grahamina nigripenne*
Īnanga	Y	*Galaxias maculatus*
Kōaro	Y	*Galaxias brevipinnis*
Piharau, Kanakana / Lamprey	Y	*Geotria australis*
Tuna / Shortfin eel	Y	*Anguilla australis*
Kataha / Yelloweye mullet	Y	*Aldrichetta forsteri*
Kanae / Grey mullet	Y	*Mugil cephalus*
Kahawai	Y	*Arripis trutta*
Kākahi	Y*	*Echyridella menziesii*
Whio/blue duck		*Anseriformes anatidae*
Matata/Fernbird		*Bowdleria punctata*
Pihoihoi/NZ Piptit		*Anthus novaeseelandiae*
Tuturiwhatu/Banded dotterel		*Charadrius bicintus*
Karoro/Black-backed gull		*Larus dominicanus*
Torea/South Island pied oyster catcher		*Haematopus ostralegus*
Ngutu parore/Wrybril		*Anarhynchus frontalis*
Matuku/Australasian bittern		*Botaurus poiciloptilus*
Taranui/Caspian tern		*Sterna Caspia*
Parera/Grey duck		*Anas superciliosa*
Poaka/Pied stilt		*Himantopus himantopus*
Tarapunga/red-billed gull		*Larus novae hollandiae scopulius*
Kotuku/White heron		*Egretta alba modesta*
Matuku moana/Reef heron		*Egretta sacra*
Tara/white-fronted tern		*Sterna striata*

[67] Heretaunga Tamatea Deed of Settlement 2015

[68] McArthur KJ. 2013. NZ Forest and Bird Protection Society: Assessment of Outstanding Freshwater Values for the Ngaruroro River. Report prepared by The Catalyst Group in support of a Water Conservation Order for the Ngaruroro River.

Tora piroe/Black fronted tern		*Sterna albostriata*
Pukunui/NZ dotterel		*Charadrius obscurus*
Tuturuatu/Shore plover		*Charadriiformes charadiidae*
Torea pango/variable oystercatcher		*Charadriiformes haematopodidae*

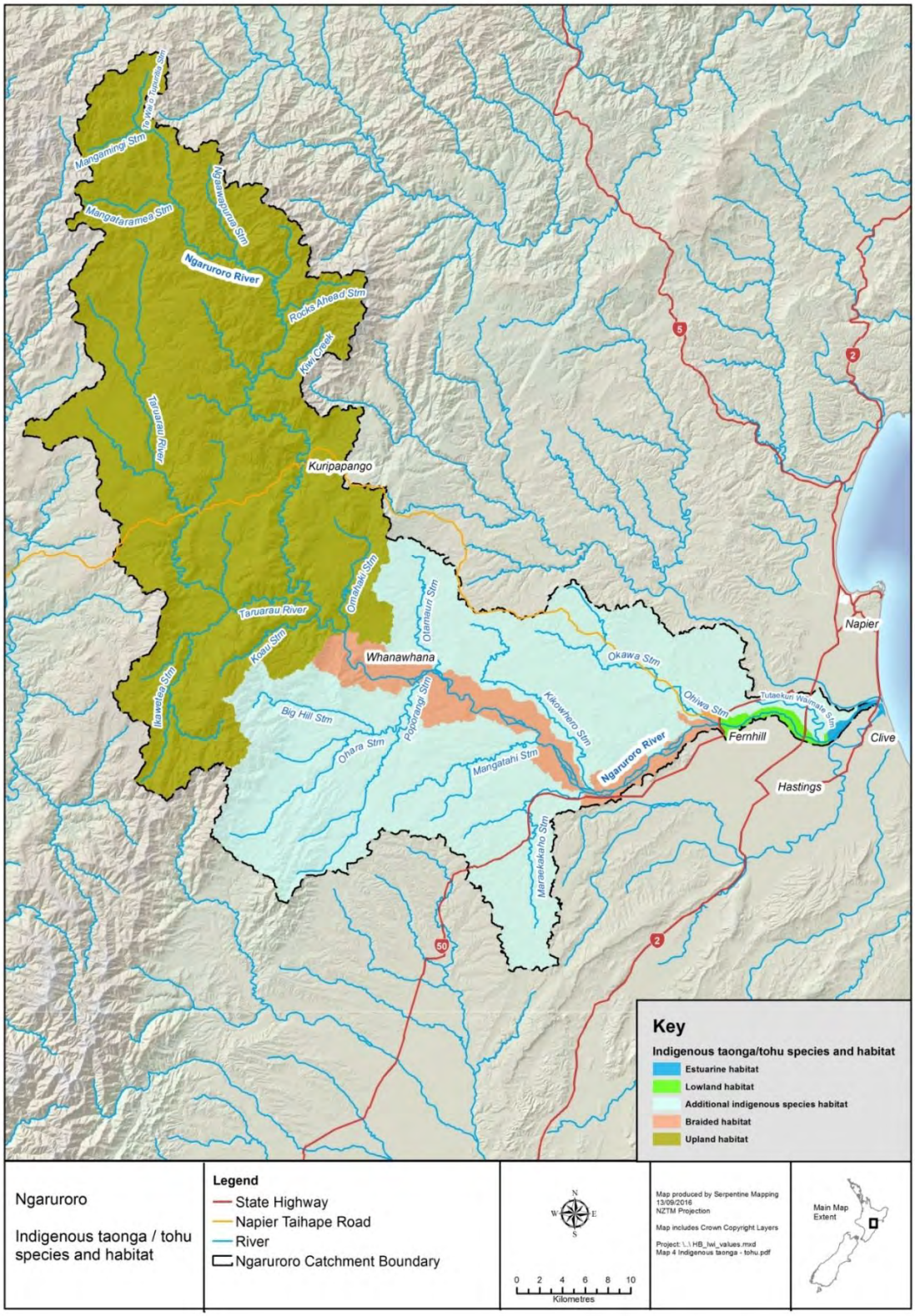


Figure 9. Indigenous taonga / tohu species and habitat wāriu (value), Ngaruroro catchment.

9.4 Waahi Taonga

Waahi taonga currently comprises of nine sub-values or descriptors that are location specific and identified as 'a site or area of significance to tangata whenua' this could be for a range of reasons and purposes. A variety of sources of information were used to begin identifying and defining waahi taonga for the Ngaruroro, including input during hui and wananga.

Many of the sub-values for Waahi taonga overlap by location as sites are used for more than one purpose or have previous historical significance as well as contemporary uses. For large parts of the Ngaruroro catchment waahi taonga form a continual unbroken chain particularly in the lower reaches and relevant tributaries. However there are a number of waahi taonga areas that have numerous (if not all) overlapping values and regularly appear in historic records and during engagement discussions. In particular, the area from the river mouth to Pakowhai[69] as well as the Ōmāhu, Puketapu and Te Popo area. Work is ongoing to better document the significance and related values for each Waahi taonga site.

The Ngaruroro Catchment is almost entirely within the Hastings District Council (HDC) boundary with the headwaters emanating from the Taupo and Rangitikei Districts, respectively. The operative Hastings District Plan contains a register of waahi tapu and a dedicated section; the following extracts are applicable to TANK:

> *The Resource Management Act contains specific obligations in relation to Tangata Whenua. It identifies as a matter of national importance the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, Waahi Tapu, and other taonga. The Resource Management Act also states that the principles of the Treaty of Waitangi must be taken into account when managing the use, development and protection of natural and physical resources.*[70]
>
> *Traditional Maori culture and values are closely linked to the environment. Land confers dignity and rank, is the resting place for the dead, a spiritual base for traditional beliefs and a heritage for future generations. Tangata Whenua have expressed concern for the quality and condition of resources of significance to them and these are identified in the District Plan. It is these areas that are Waahi Tapu.*[71]

The Hastings District Council lists that Waahi tapu sites can include "water courses, swamps, lakes and their edges (waipuna, awa, roto)" among a list of other examples.

Waahi Tapu vs Waahi Taonga

Submissions from Ngāti Kahungunu Iwi Incorporated and Maungaharuru-Tangitu Incorporated to the proposed Hastings District Plan both raised issue with the term Waahi Tapu, it's intended application and interpretation in terms of its appropriateness when referring to sites of significance for tangata whenua that are not tapu. The term Waahi Taonga was agreed to be more appropriate.

The following definition was offered as an appropriate replacement and was agreed to by HDC.

[69] This includes the old Ngaruroro river passage however, the new pathway inherits value given it provides the connection to the sea.
[70] Hastings Council District Plan, section 12.4 Waahi Tapu Resource Management Unit
[71] Hastings Council District Plan, section 12.4 Waahi Tapu Resource Management Unit

Waahi Taonga: A site or area of significance to tangata whenua and includes but is not limited to:

- Watercourses, springs, swamps, lakes and their edges (awa, waipuna, repo, roto)[72]

RECOMMENDATION**:** Consistent definitions and terminology amongst councils where relevant, including amending tangata whenua 'sites of significance' and 'waahi tapu' to be categorised as sub-sets of 'waahi taonga'.

9.4.1 Waahi tapu

The Operative Hastings District Plan 'Appendix 2' lists Waahi tapu relevant to the TANK waterway sites that include Lakes, swamps and edges, sands, mahinga kai, Tauranga waka, Pa Tuna, bathing sites, Pa Sites and urupa near waterways, and springs. Where possible their relevant catchment has been identified. The proposed HDC Plan includes Lakes Oingo, Runanga and significant areas around Ōmāhu and Pakowhai and the Ngaruroro River (Figure 10).

The New Zealand Archaeological Association (NZAA) maintains records of sites of historic heritage, settlement, former occupation and Waahi tapu (Figure 11). Both of these sources of information have been used to inform a provisional list of Waahi tapu sites for the Ngaruroro catchment. Some of these sites also have significance for other sub-values of Waahi taonga, including mahinga kai sites, pāhī or nohoanga, tauranga waka, wetlands and lakes, Māori-owned land and marae / hapū sites.

Integrated Management and Information Exchange

There is no substantive policy in the RRMP or elsewhere in Hawke's Bay regional plans pertaining to the protection or acknowledgement of waahi tapu. There is mention of waahi tapu in the Maori Advisory Committee Charter but, there is no indication that this has followed through and been implemented in terms of actual resource management. Furthermore Hawke's Bay Regional Council keep no register of waahi taonga or waahi tapu.

The Hastings District Plan includes the following paragraph in reference to Integrated Management and Information Exchange for waahi tapu:

> *..between all parties involved in the management and protection of waahi tapu within the region and particularly where the protection of waahi tapu is a cross boundary issue. This includes the landowners, tangata whenua, the affected local authorities such as Hastings District Council, the Hawke's Bay Regional Council and any other affected parties where necessary. While the Hawke's Bay Regional Council is responsible for the beds of rivers, streams and lakes, this section applies to the protection of those rivers, streams and lakes that are waahi tapu.*[73]

Ohiti Pā – Example of a Waahi Taonga and associated values

[72] Not the full list of examples associated with HDC definition.

[73] http://www.hastingsdc.govt.nz/files/all/documents/districtplan/12-4.pdf

For one specific waahi taonga the example below summaries the associated values and information brought together from Hastings District Council, New Zealand Archaeological Association, John Buchanan's 'Maori History and Place Names of Hawke's Bay' and the Heretaunga - Tamatea Deed of Settlement document. However, there is still local mātauranga that can add value to this description, such as where exactly the spring(s) are located and the characteristics of the different types of eel mentioned.

Table 7. Waahi Taonga Summary Example – Ohiti Pā

Name	Description	Values
Ohiti Pā	Ngāti Upokoiri pā[74] located on a hill alongside the Ngaruroro,[V21/65] near Lake Runanga. The area is associated with Tamatea who trapped eels[75] there and kept a pet koura in the spring nearby while staying at Ohiti and whose kuri rushed across the river ahead of him.[76] Buchanan notes a neighbouring spring as a nursery for a particular type of eel.[77] The NZAA note that the pa was later reworked as a redoubt[V21/65] and towards the bottom of the hill are terraces and a pit,[V21/64] nearby over the Ohiti Road is an urupā,[V21/402] and across the river is another pa, kumara pits and house floor.[V21/54]	Waahi taonga, history of residence / pāhī/ nohoanga, mahinga kai and cultural practices. • Ngāti Upokoiri • Tamatea • Eels including a 'particular type', koura and kuri. Waahi tapu and another Pā nearby. All other tangata whenua values are significantly present.

Through this project a number of sites have been located using a static GIS shape file primarily supplied by NZAA and compatible with Google Earth, however it is a significant process to reconcile and aggregate all the bundles of information and values that currently exist for each waahi taonga.

RECOMMENDATION: Aggregate and reconcile relevant parts of waahi taonga registers of HDC, NZAA, Treaty settlements etc. and adequately document the significance (including anecdotal korero) of each site, and the associated values that need consideration throughout the entire 4 TANK catchment.

[74] Heretaunga Tamatea Settlement Deeds Document pg 18.

[75] Buchanan, J. D. H. (1973). *Maori History and Place Names of Hawkes Bay*

[76] *Heretaunga Tamatea Settlement Deeds Document* pg 18

[77] Uncertain of type of eel and if spring is the same one Tamatea kept his pet koura in.

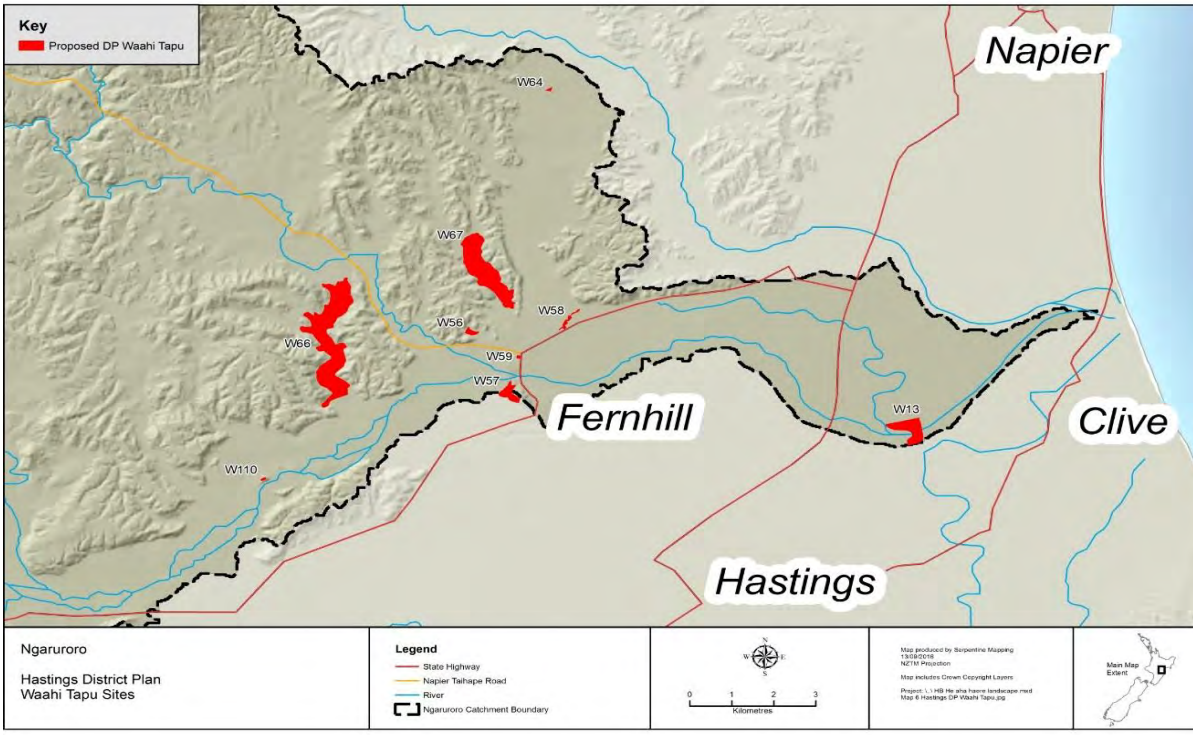


Figure 10. Hastings District Plan proposed Waahi Tapu sites in the Ngaruroro catchment.

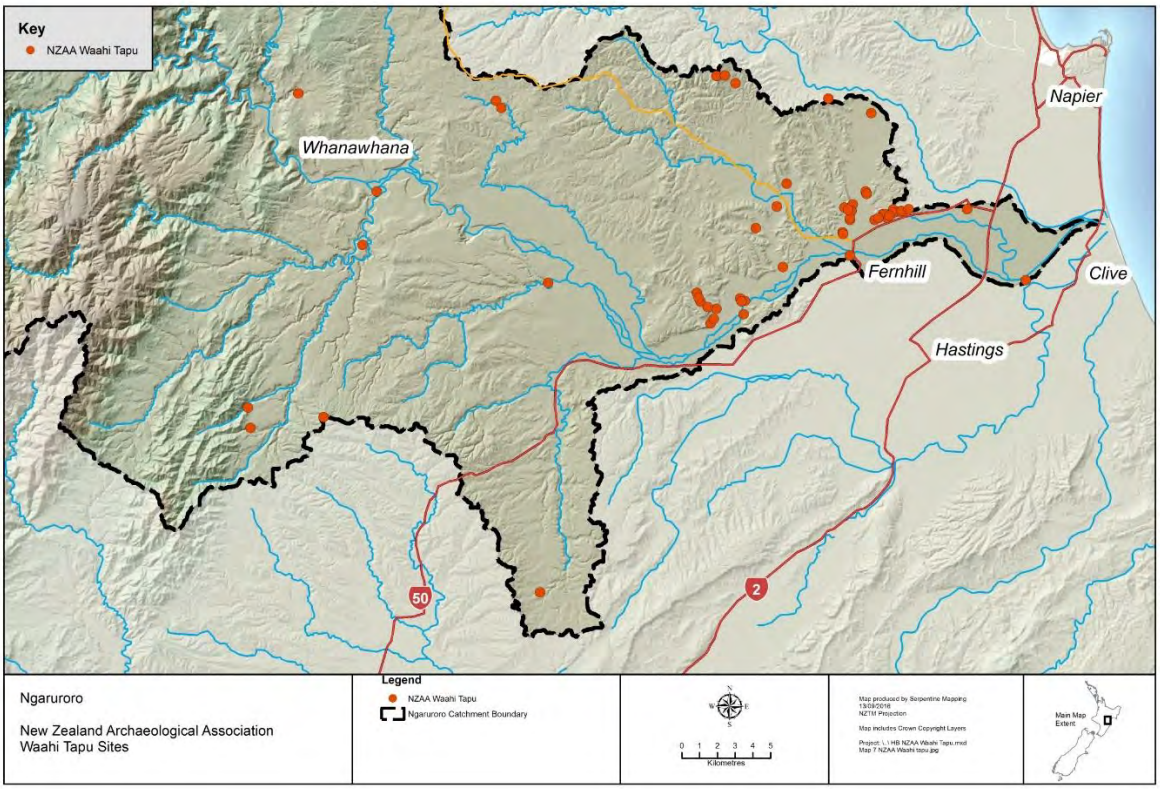


Figure 11. New Zealand Archaeological Association (NZAA) listed Waahi tapu sites in the Ngaruroro catchment.

9.4.2 Ahumoana, Ahuwhenua, Mahinga Kai - sites

A mahinga kai site or area is one where healthy resources are available for the betterment or well-being of tangata whenua. Healthy mahinga kai areas are extremely significant as they contribute to the provision of sustenance for seasonal use, and for manuhiri through the mana-a-ki action. They link the generations with mātauranga Māori through the continuance of tikanga practices, and connecting the present with the past. It logically follows for tangata whenua, that if you are to use resources from a river for food, the water that food comes from should be of optimum quality and fit for purpose. Healthy mahinga kai sites can also be an expression of mana and manaaki for the hapū who are kaitiaki over them. Traditionally tangata whenua were able to manage their mahinga kai areas more comprehensively and sustainably, and in turn support strong whanau and hapū well-being and relationships. Today this direct form of indigenous commerce has been adversely affected in favour of indirect less sustainable commerce, with little regard to non-western forms of commerce and economics. As a result the wider well-being indicators of tangata whenua speak for themselves.

9.4.3 Nohoanga / Pāhī

Nohoanga are temporary campsites or areas for seasonal occupation – for preparation for and undertaking a range of pursuits - fishing, hunting, the trapping of birds, or the harvesting and preparation of harakeke.[78] Often alongside or within close proximity to rivers, springs, lakes or the

[78] Te Taiwhenua o Heretaunga (2014) *Mana Ake, An Expression of Kaitiakitanga*

coast, they provided a place for tangata whenua to gather to discuss, plan and debate while, gathering kai, processing and preserving activities, and for the sharing of knowledge and expertise. There are several sites within the Ngaruroro catchment that were used for these purposes, and for the planning, siting and construction of pa tuna.

Particularly applicable to land adjacent to mahinga kai sites, nohoanga were also places for whare wananga (places of cultural instruction and learning). Each hapū had their traditional nohoanga sites which were often shared with other hapū for seasonal activities. Nohoanga is strongly connected to Kaitiakitanga and access, and is listed as a priority value for the Ngaruroro catchment within the Regional Policy Statement.

Pāhī is an Ngāti Kahungunu term more appropriate than 'Nohoanga'. Pāhiatua is an example of this term in use and Waipureku (Clive) is an example of a Pāhī on the Ngaruroro. Pāhī – could be used for fishing, burning and horticulture where temporary dwellings would be erected.[79]

RECOMMENDATION: Consequential amendments to the RRMP terms and glossary to align with RPS and tangata whenua terminology, preferences and practice. Replace the term 'nohoanga' with 'pāhī' to reflect the appropriate term locally.

9.4.4 Tauranga waka

This is an 'additional national value' listed in Appendix 1 of the NPS-FM and is linked to the He ara haere value. Tauranga waka were traditional landing or launching points, with some located on the Ngaruroro River when it was used as a trade-route by Māori. The river was utilized extensively for resource use such as the planting and harvest of flax, raupo, rongoā, timber, fernroot, kumara, mahinga kai and their bi-products e.g. moka, pollen,[80] flour, medicines much of which supplied the many trading post's including Tane-nui-a-rangi, Kohupatiki and Pākowhai Pā. These sites continue to be valued and remain of significance to Tangata whenua today.[81] Contemporary sites for waka launching points are also applicable.

9.4.5 Heritage and history

Kahungunu heritage and history within Hawke's Bay traverses almost six centuries from the time of Tamatea-pokai-whenua, the father of Kahungunu. While hapū aligned with Ngāti Kahungunu displaced or aligned with hapū who previously held mana here, the preservation of all historically significant sites and areas is paramount, and endorsed through the Pouhere Taonga Act, 2014. Cultural heritage is also preserved within the actions and practices of current hapū and is a significant part of New Zealand's cultural landscape.

9.4.6 Wetlands and lakes

Wetlands and lakes are Waahi taonga that are held in high regard by tangata whenua (Figure 12). Often the remnants of former expansive aquatic ecosystems they are highly significant due to the historical and traditional associations that whānau and hapū established and maintained over many

[79] Ngahiwi Tomoana – quote 12.10.2016

[80] Taylor, R. *Maori and English Dictionary*. New and enlarged edition of 'A leaf from the natural history of New Zealand, or a Vocabulary of its different productions, &c., with their native names'; George T. Chapman, 1870

[81] Buchanan, J. D. H. (1973). *Maori History and Place Names of Hawkes Bay.* pp. 54, 55, 88, 92-95.

generations. Also due to their ecological function in providing natural processes that help sustain, restore and protect the waterways.

Vast areas of wetland in the Ngaruroro catchment have been drained to accommodate changing land use activities. This has negatively impacted on the diversity and abundance of indigenous species these wetlands historically supported; Lake Oingo was an prolific source for eels and kākahi (freshwater mussels).[82] Additional significance occurs due to the relative scarcity of habitat for indigenous species such as the Matuku (*Australasian bittern*) which is listed as nationally threatened on the DOC classification system. Long-finned eels were once prolific within the Runanga lakes, and along with the surrounding wetlands, a vast repository of tikanga and cultural practice was established here, reflecting the characteristics and mana of resident hapū. As mahinga kai areas, they continue to provide sustenance as well as providing habitat for adults and juveniles of indigenous species to seek refuge.

From the perspective of kaitiakitanga, the threatened status of taonga species and the rarity of wetlands in Hawke's Bay elevate their significance in cultural and indigenous biodiversity terms. Tangata whenua feel a duty to protect the significant values of these habitats as well as the places themselves.

[82] Buchanan, J. D. H. (1973). *Maori History and Place Names of Hawkes Bay*

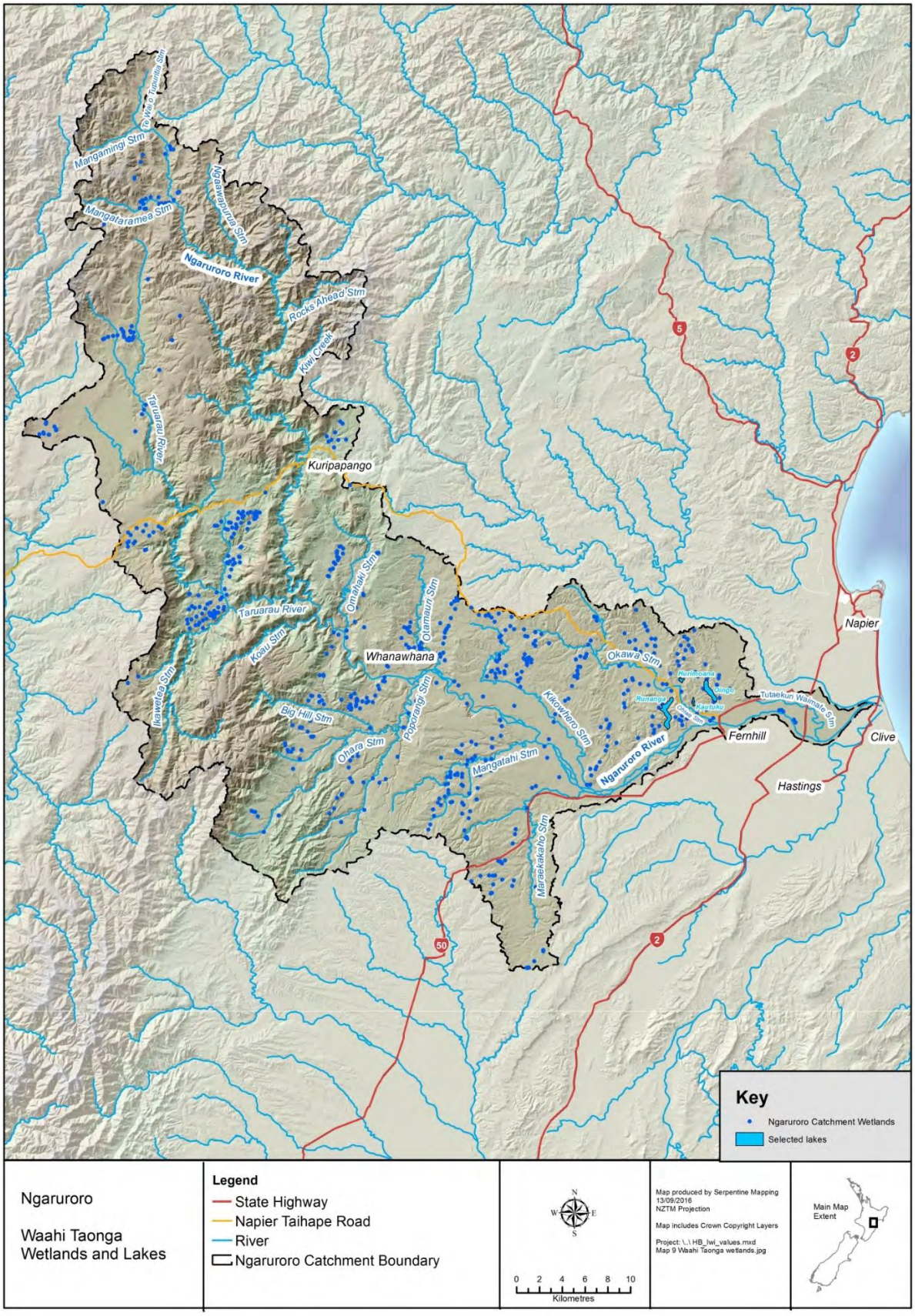


Figure 12 Waahi Taonga - Wetlands and lakes significant to tangata whenua in the Ngaruroro catchment. *Source* Hawkes Bay Regional Council.

9.4.7 Māori land

All Māori land[83] adjacent to or containing a waterway within the Ngaruroro catchment has been identified (Figure 13), and we acknowledge that not all of this land is in Ngāti Kahungunu ownership. For Māori, these lands are included within the waahi taonga value as they are the last remnants of land that Māori have significant control over. Less than 3% of Māori-owned land remains.

Land holders have a particularly close interest in all aspects of freshwater management that may impact on the water or the land itself, over and above the other values identified through this project. Many have or are in the process of developing management plans that will inform resource management in the vicinity of their land interests. There will be instances where no value-specific attributes apply to these waahi taonga beyond the awa-wide values and attributes, however the amount of Māori land holdings in the Ngaruroro catchment that remain over time is likely to be a good indicator of the health or resilience of this value for tangata whenua.

The **Owhaoko land** blocks form a significant proportion of the Ngaruroro headwaters. Owhaoko C is approximately 20,000 acres of customary land held by 1500 beneficiaries that reside mainly in the Heretaunga area.

The principle hapū connections with the Owhaoko C Lands include Ngāti Honomokai, Ngāti Hinemanu, Ngāi Te Upokoiri and the associated marae include Ōmāhu, Te Āwhina and Rūnanga. This whakapapa extends to include many others from Heretaunga marae. The relationship is enhanced by the dowry and genealogy of our Mōkai Pātea ancestors of Whitikaupeka, Te Ohuake and others. The Owhaoko C Lands clearly demonstrate the separate but connected linkages to each other's whakapapa and lie within the Rangitikei District and the Taihape Inquiry District.

For the purpose of demonstrating the Kaitiaki role undertaken on the upper Ngaruroro Awa the Owhaoko C Lands Trust are proactive members on Te Runanganui o Heretaunga and were involved in preparing *Mana Ake: An Expression of Kaitiakitanga* iwi / hapū resource management plan.

9.4.8 Marae / hapū

Relevant Marae and hapū have been listed in section 6. The location of Marae is significant to hapū and easily provides a physical representation of where their interests obviously exist. For natural resource decision makers the values of the whānau and hapū tend to have greater recognition and provision the closer to marae one is.

What is often less understood is the extent of those interests such as kaitiakitanga spatially? How do resource management decision makers, developers and the general public know the extent and where a hapū might have a particular interest? It is a requirement under section 35A of the RMA that:

...a local authority must keep and maintain, for each iwi and hapū … a record of any area which 1 or more iwi or hapū exercise kaitiakitanga over...[84]

There is currently a project involving GIS software that has been developed to help assist articulation of this. Iwi and treaty settlement organisations typically have mapped their areas of interest

[83] As defined by Te Ture Whenua Māori Act 1993

[84] Resource Management Act 1991 – Section 35A (1)(c)
http://www.legislation.govt.nz/act/public/1991/0069/latest/DLM233021.html

spatially and can be accessed by the relevant decision making authorities. However, most individual hapū have not been through their own spatial mapping process.

In terms of resource management and associated tangata whenua values and aspirations, kaitiakitanga typically occurs at the whānau and hapū level. So logically research and recording of the area of interest each hapū exercise kaitiakitanga over should be conducted to assist all relevant parties in making well-informed decisions, or at least keeping whānau and hapū aware of natural resource management issues. Also, hapū generally accept that their kaitiakitanga areas of interest may overlap.

RECOMMENDATION: Enable each marae to map their respective spatial area for which their hapū exercise kaitiakitanga – using dedicated hui / wānanga at the relevant marae.

9.4.8.1 Ngaruroro Headwaters – Tangata Whenua Interests and Treaty Settlements

There are customary interests for various hapū and iwi that overlap in the upper northwest region towards the headwaters of the Ngaruroro, in the Kaimanawa ranges. These customary interests are subject to the current Taihape Inquiry District Claims before the Waitangi Tribunal. The full extent to determine any customary title or boundary recognition will be subject to the recommendations of the Tribunal. Listed below are the positions, characteristics and interests of hapū / iwi claimants.[85]

Ngā Iwi Nui Tonu o Mōkai Pātea Iwi/Hapū Claimants (MPHC) – Acting on behalf of Ngāti Tamakōpiri, Ngāti Hauiti, Ngāti Whitikaupeka, Ngāi Te Ohuake, Nukuteaio, Haumoetahanga, Hautiti Ngāti Hinemanu ki Taihape:

a) Strong kinship ties and whakapapa create the relationship of shared / overlapping customary interest to exercise rangatiratanga over the Ngaruroro and Taruarau awa.
b) MPHC state their position of influence in terms of customary interests commencing approximately from the base of the Ruahine range where the Te Koau - Timahanga Blocks meet the Ngaruroro Awa to commence a passage northwest along the waterway corridor to the headwaters in the Kaimanawa Ranges.
c) The land tenure specific to the Ngaruroro Awa and interests held by MPHC include the Te Koau, Timahanga, Owhaoko B and D Blocks (approximately 40 -50,000 acres).
d) The Ngaruroro Values and Attributes mahi was brought to the notice of their representatives. Richard Steedman acts a spokesperson.
e) Moawhango, Whitikaupeka and Oruamatua marae are in close proximity to the Ngaruroro river headwaters.

Ngāti Paki me Ngāti Hinemanu Heritage Trust (NPHHT) – Acting on behalf of Ngāti Paki me Ngāti Hinemanu ki Taihape:

a) Strong kinship ties and whakapapa creates the relationship of a shared / overlapping customary interest to exercise rangatiratanga over the Ngaruroro and Taruarau awa.
b) NPHHT and MPHC claimant groups share the same kinship ties and whakapapa
c) NPHHT state their position to exercise rangatiratanga commences approximately from where the Ruahine Range falls to the whenua below the Te Koau - Timahanga land Blocks that crosses over the Ngaruroro river and includes areas on the Eastern side of Whanawhana to Kuripapanga
d) The Te Koau land block interests are held by some members of NPHHT.

[85] Where exactly these areas of interest exist in relation to juridicition of Hawke's Bay Regional Council requires further clarity.

e) In terms of a physical marae in close proximity, the closest is Winiata marae in Taihape
f) The key contact is Jordan Winiata – Haines.

Ngāti Tuwharetoa – Acting on behalf of Te Iwi o Reureu, Ngāti Waewae, Ngāti Hikairo, Ngāti Pikahu (Ngāti Raukawa hapū) and others

a) At the commencement of the Taupō-nui-ā-tia sitting in the Land Court on the 14 January 1886, Te Heuheu Tukino Horonuku defined the Te Rohe – Claim area for Ngāti Tūwharetoa as being over the following lands: *'… I commence at Ruapehu, hence northerly to Wanganui River thence to Petania, thence to Taringamotu Stream and goes along the eastern slope of the Tuhua Range to Pakihi thence to Tuhingamata thence to Maraeroa, thence to Tomotoariki thence by Waipapa Stream to the Waikato River to Atiamuri and there joins the boundary of Kaingaroa. From Kaingaroa thence to Paeroa in an easterly direction to Ngāti Whakaweawe, thence to the Rangataiki River and there joins the boundary of Ngāti Manawa - from there to the Mohaka River, thence up the Mohaka River and joins up to the boundary of Oruamatua block and from there to Waitangi, the boundary of Rangipo thence to the commencement point Ruapehu* ...'[86]
b) The point of this exercise is to demonstrate the relative connection of Ngāti Tuwharetoa hapū - Ngāti Waewae in the northern part of the Ngaruroro catchment / region in relation to the Kaimanawa ranges where the Ngaruroro River begins. The connection also relates to the boundary of Oruamatua.
c) In their Statement of Claim WAI 2180 & WAI 575 & 61 it states; in the avoidance of doubt, Ngāti Tuwharetoa do not claim mana whenua interests in the Oruamatua – Kaimanawa blocks.

[86] Native Land Court, Taupō Minute Book, No 4:34

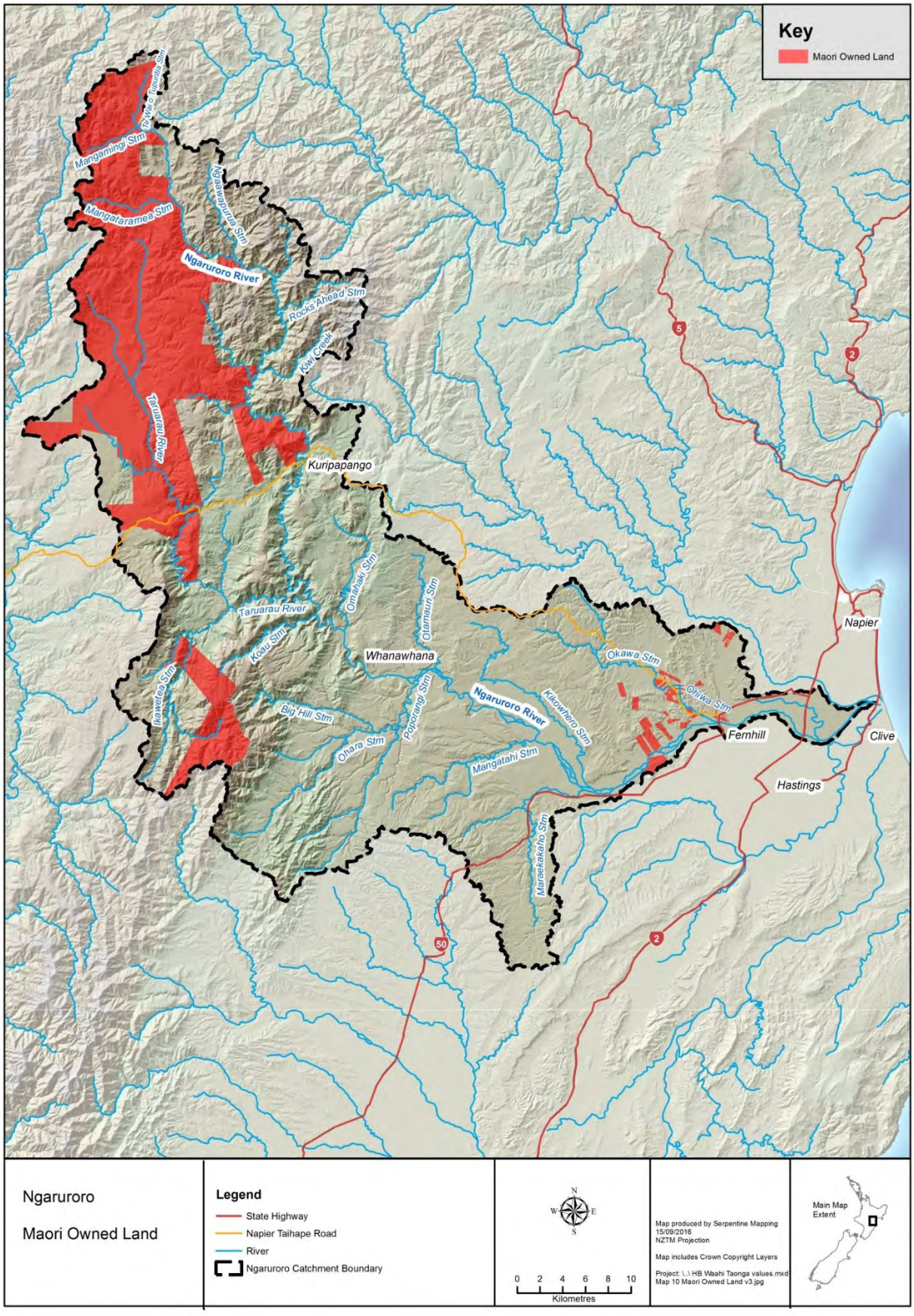


Figure 13. Māori land in the Ngaruroro catchment.

10 Wāriu ki hūanga (values to attributes)

Following the determination of values, the NPS-FM requires development of freshwater objectives and limits to uphold or support the values. In order to set freshwater objectives and limits we first needed to determine the appropriate set of attributes for each value.

An attribute is described in the NPS-FM as:

> *"a measurable characteristic of fresh water, including physical, chemical and biological properties, which supports particular values."*

10.1 Selection of relevant attributes

Attributes were determined through a prescribed workshop / wānanga process. Each value was discussed with respect to the components, characteristics or aspects for appropriate management of that value. The kōrero around attributes was facilitated by practitioners experienced in resource management, freshwater ecology, water quality and quantity. The state of scientific knowledge around attributes was discussed and where possible, attributes for each value were listed, or further information was sought. The water quality attributes associated with each value are set out below in Table 8, and the physical and flow attributes in Table 9. Ideally, all of these attributes are combined within one matrix using a spreadsheet format. Tables were used in this case to assist in the display of the attributes within a report format.

Using the Whakapapa value as an example, tangata whenua at the wānanga, workshop hui and hui-a-hapū discussed the management aspects that are important to supporting whakapapa, as defined above. They determined the whakapapa value is supported through maintaining or improving water quantity and water quality by:

- Ensuring sufficient flow for aquatic species of cultural significance to whānau and hapū;
- Enabling migratory species access throughout the catchment, particularly to cooler, more stable spring-fed tributaries during prolonged summer periods or flood events;
- Providing adequate habitat throughout spawning seasons and critical life-stages;
- Maintaining or enhancing species quantity and quality sufficient for traditional cultural practices; and
- Ensuring groundwater abstractions do not exceed a proportion of annual recharge so that spring flows and river recharge are maintained.

To quantify hapū values through measurable attributes and freshwater objectives requires prescribing limits that will uphold each value, with policies and methods to support those objectives and limits.

Table 8. Water quality hūanga (attributes) for each of the wāriu (values) defined by tangata whenua[87].

Wāriu ki Hūanga	Phyto-plankton (lakes)	Total N & P (lakes)	Peri-phyton (rivers)	Dissolved N & P (rivers)	*E. coli* (lakes & rivers) Cow, dog or human source	N toxicity (rivers)	Ammonia toxicity (rivers & lakes)	Dissolved oxygen	Cyano-bacteria (lakes & rivers)	Healthy inverts (MCI)	Healthy fish (IBI, range, abun-dance, size-class)	Clarity / suspended sediment	Deposited sediment	Water temp.	BOD
Uu (immersion, swimming, cleansing)	✔	✔	✔	✔	✔ no human waste				✔			✔	✔		
Waimāori (natural water)	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔
Natural character															
Mauri	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔
Ecosystem health															
Kaitiakitanga	✔		✔		✔	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔
Whakapapa - Ki uta … ki tai						✔ fish	✔ fish	✔ fish			✔			✔ springs	
He ara haere (navigability)	✔		✔		✔				✔						
Aquifer recharge		✔		✔	✔	✔						✔			
Indigenous Taonga / tohu species habitat & spawning	✔		✔			✔	✔	✔		✔	✔	✔	✔	✔	✔

[87] Note: Wairua, waahi tapu and heritage and history are not included in the table at this stage as there are no western science attributes that are appropriate to apply to these values.

Wāriu ki Hūanga	Phyto-plankton (lakes)	Total N & P (lakes)	Peri-phyton (rivers)	Dissolved N & P (rivers)	*E. coli* (lakes & rivers) Cow, dog or human source	N toxicity (rivers)	Ammonia toxicity (rivers & lakes)	Dissolved oxygen	Cyano-bacteria (lakes & rivers)	Healthy inverts (MCI)	Healthy fish (IBI, range, abun-dance, size-class)	Clarity / suspended sediment	Deposited sediment	Water temp.	BOD
Ahumoana, Ahuwhenua, Mahinga kai	✔		✔		✔ no human waste	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔
Nohoanga	✔		✔		✔				✔		✔	✔	✔		
Cultural practices	✔		✔		✔				✔			✔	✔		
Tauranga waka	✔		✔		✔				✔						
Wetlands & lakes	✔	✔			✔		✔	✔	✔	✔	✔	✔	✔	✔	✔
Māori land	✔		✔		✔				✔		✔	✔	✔		
Marae/hapū			✔		✔				✔		✔	✔	✔		

Table 9. Physical and flow hūanga (attributes) for each of the wāriu (values) defined by tangata whenua

Wāriu ki Hūanga	Min. flows	Flushing flows	Flood flows	Kai species edible	Healthy manu, flora & fauna	Nuisance weeds % cover	Stock access	Vehicle / power-boat access (riverbed)	Flood control works & gravel or sediment mgmt.	Shade	Riparian condition	HAIL sites (HASNO) & Agri-chemicals	Habitat hetero-geneity	Dis-charges
Uu (immersion, swimming, cleansing)	✔	✔				✔	✔	✔	✔					✔ no urban or industrial
Waimāori (natural water)	✔	✔	✔	✔	✔	✔	✔	✔	✔		✔	✔		✔
Natural character	✔	✔	✔		✔	✔	✔	✔	✔		✔			
Mauri	✔	✔	✔	✔	✔	✔	✔	✔	✔		✔	✔	✔	✔

Wāriu ki Hūanga	Min. flows	Flushing flows	Flood flows	Kai species edible	Healthy manu, flora & fauna	Nuisance weeds % cover	Stock access	Vehicle / power-boat access (riverbed)	Flood control works & gravel or sediment mgmt.	Shade	Riparian condition	HAIL sites (HASNO) & Agri-chemicals	Habitat hetero-geneity	Dis-charges
Ecosystem health	✔	✔			✔	✔	✔		✔	✔	✔	✔	✔	✔
Indigenous riparian margin			✔		✔		✔		✔	✔	✔		✔	
Kaitiakitanga	✔	✔		✔	✔	✔	✔		✔	✔	✔	✔	✔	✔
Whakapapa / Ki uta, ki tai	✔	✔	✔		✔				✔		✔			
He ara haere (navigability)	✔	✔	✔					✔	✔					
Access							✔		✔					
Aquifer recharge	✔	✔	✔				✔					✔		✔
Indigenous Taonga / tohu species habitat & spawning	✔	✔	✔	✔	✔	✔	✔		✔	✔	✔	✔	✔	✔
Ahumoana, Ahuwhenua, Mahinga kai	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔
Nohoanga	✔	✔		✔	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔
Cultural practices	✔	✔			✔		✔	✔	✔					✔
Tauranga waka	✔						✔	✔	✔					
Wetlands & lakes	Re-charge			✔	✔	✔	✔	✔		✔	✔			✔
Māori land	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔			
Marae/hapū	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔

10.2 The matrix approach: bringing values, attributes, objectives and limits together

This section briefly describes the method developed for the Iwi Advisors Group[88] to articulate attributes relating to iwi and hapū values. The method applies western science through numeric objectives (NOF approach) and/or limits for values at a site or FMU scale. The method is generally applicable for articulating multiple attributes, objectives and limits for any values, and ideally would be applied across the full range of values identified for an FMU, not only iwi and hapū values. The approach is equally applicable for water quality or water quantity objectives and limits and provides consistency in objective and limit-setting across both aspects to be managed.

In developing the matrix method, a key principle was the understanding that *western science cannot provide for all aspects of iwi and hapū values.*

To understand the whakapapa/connectivity between values, attributes and objectives or limits, a mechanism is needed to bring them together within the same framework. Matrices are useful mechanisms for connecting integrated concepts in a simple and transparent manner. Figure 14 describes the steps to fill in a matrix table for a site or FMU. Approaches to integrate values, attributes, objectives and limits within an FMU should combine western science, mātauranga Māori monitoring tools and any additional narrative objectives needed to express whole values across each FMU.

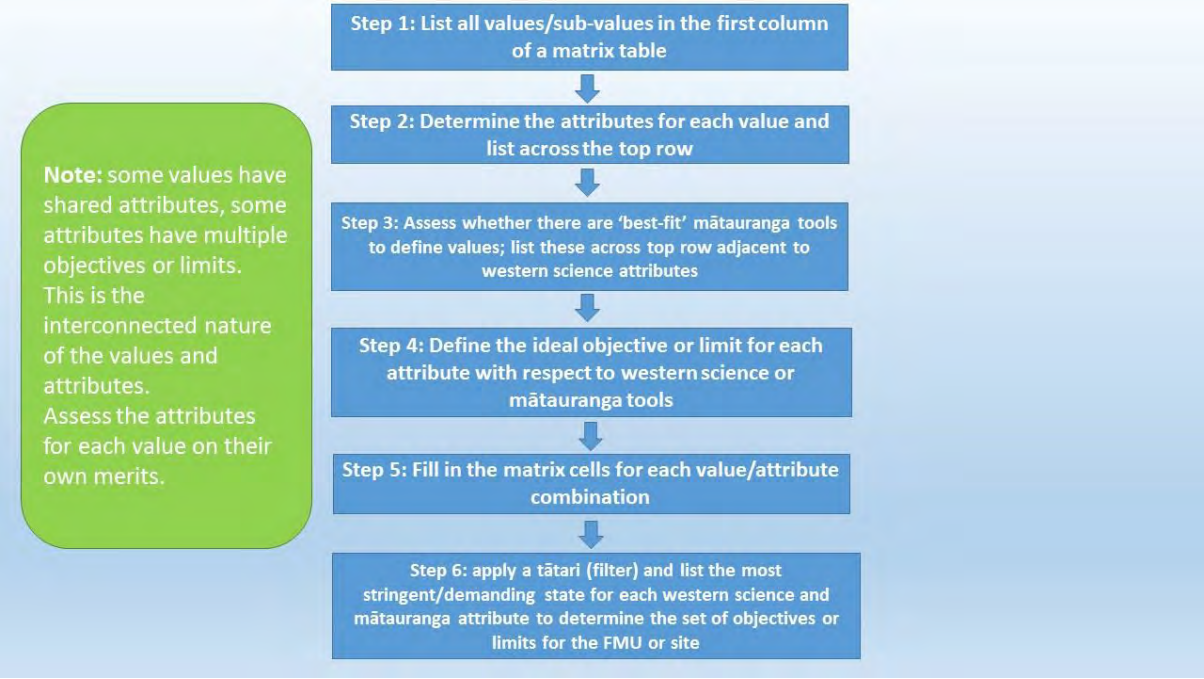


Figure 14. Steps for completing the values, attributes, objectives and limits matrix for each site/FMU.

Once prescribed and implemented, the use of the matrices and use within a policy framework would need to be monitored and assessed for plan effectiveness reporting.

RECOMMENDATION: Use described matrices within framework combined with appropriate monitoring and assessment for plan effectiveness reporting.

[88] McArthur KJ. (2015). Expressing 'Te Mana o te Wai' through the NPS-FM: A method to translate attributes and limits for iwi, hapū and whānau values. Report No. 2015/027 prepared by The Catalyst Group for the Ministry for the Environment.

11. He Kōrero Whakatau – Conclusions and Recommendations

11.1 National policy direction

The NPS-FM provides national direction on what is required for managing water quality and water quantity on a regional basis, with added emphasis on addressing over-allocation of the freshwater resource for both parameters. Input from the Iwi Leaders Group – Freshwater, articulated a framework that could be applied nationally, and this was partly adopted by the Ministry for the Environment when they reviewed the NPS-FM 2011 and gazetted the 2014 version.

Additional impetus for tangata whenua values and interests to be identified and reflected in freshwater management is provided through NPS-FM Objective D1 and associated Policy D1. We note that the consideration for these values and interests also applies to the how other NPS-FM objectives are 'given effect to'. This creates a level of reassurance for tangata whenua within the Ngaruroro catchment, that their values and associated attributes will be adopted and included within emerging freshwater policy through the TANK plan change.

11.2 Regional application

There is a clear expectation that tangata whenua, through hapū and iwi, will provide input to policy setting and decision-making so that freshwater policy and plan changes are clear on what their values and interests are, and that these are included in emerging policy in a manner where they are identified and provided for.

Our review of existing regional plans has identified that although hapū and iwi values are articulated, they are not always linked to decision-making criteria in a manner for them to be effective, and in some cases the interpretation of Māori terminology does not align with the Māori world view. Some glossary definitions in the operative regional plan will require amendment. This Values and Attributes strand of mahi delivers a logical framework whereby tangata whenua values and interests in freshwater can be included within decision-making, utilising existing western science methodologies to measure attributes that have been derived from the values of whānau and hapū with mana whenua status within the Ngaruroro catchment. The matrix approach is logical and enables the quantitative measurement of some attributes to cater for multiple values, and brings a degree of rigour to the process for expression of tangata whenua values within the new policy framework.

Although this Values to Attributes project is focussed primarily on surface water in the Ngaruroro catchment, the method employed could be transferable to other surface water catchments or to groundwater resources, provided the engagement process with relevant whānau and hapū receives appropriate priority, their views and aspirations are able to be clearly expressed, and appropriate tikanga/kawa processes are adhered to.

It is acknowledged that the Hawke's Bay Regional Planning Committee has oversight and responsibility for reviewing regional plans and plan changes, which will include the TANK plan change. We hope the Values to Attributes mahi undertaken by and on behalf of tangata whenua of Heretaunga is given a reasonable degree of preference, as it has been endorsed by the runanganui of Heretaunga which has representatives from all Marae within Heretaunga and who have a focus on environmental and natural resource management matters.

11.3 Further outcomes of the project

The aspirations of tangata whenua for some freshwater resources in the catchment may not be achievable within the short-term or even within the 2025 timeline prescribed in the NPS-FM and the HBRC NPS-FM Implementation timetable. It was also confirmed during the various wānanga and hui-a-hapū held as part of the Values to Attributes mahi that some tangata whenua values and the attributes prescribed for them are difficult to convey and/or measure using western science derived methods. The mana whenua working party deduced that it would provide a greater level of surety and confidence in the TANK plan change if these were able to be expressed in narrative terms, and the use of cultural monitoring used to measure their attribute state, and any progress made towards achieving TANK objectives or targets.

11.4 Recommendations

The following are provided for consideration by HBRC, as they were a direct result of the Values to Attributes project.

1. Relevant Māori terms are defined in preparation for TANK Draft plan change and RRMP with consideration to wider relevance and application (i.e. wider than Ngaruroro catchment).
2. Enable tangata whenua to establish mātauranga Māori monitoring methodologies for the Ngaruroro.
3. Enabling tangata whenua to conduct mātauranga Maori monitoring to inform State of the Environment reporting to help gauge progress towards achieving tangata whenua derived objectives and targets.
4. Enable tangata whenua to incorporate and implement a Te Ao Maori holistic view for natural resource management for the TANK catchment.
5. Update RPS provisions related to freshwater where they are inconsistent with the direction of the NPS-FM 2014.
6. That all relevant Iwi and Hapū Management Plans are taken into account in relevant plan changes.
7. Consequential amendments to the RRMP terms and glossary to align with RPS and tangata whenua terminology, preferences and practice. Including adding terms ‘ahumoana’ and ‘ahuwhenua’ alongside ‘mahinga kai’ and replace the term ‘nohoanga’ with ‘pāhī’ to reflect appropriate local term.
8. Restore and preserve natural river processes, particularly around the river mouth and avoid adverse impacts of gravel extraction and aggradation on tangata whenua values.
9. Restore and maintain native fish passage including sufficient water quantity and flow.
10. Consideration for applying a similar methodology for the Heretaunga groundwater resource so that the RRMP and the RCEP are consistent and take into account the effects of land use within the Ngaruroro catchment, on the coastal environment.
11. Application of a quantity or ratio limit on groundwater abstraction to prevent undermining of hapū values and aspirations for surface water resources.
12. Inclusion of a demarcation line at the inland boundary of the coastal environment where regular State of the Environment cultural monitoring will occur;

13. Consequential amendments to the Regional Coastal Environment Plan so there is coherency and alignment between that plan and the TANK plan change
14. Consistent definitions and terminology amongst councils where relevant, including amending tangata whenua 'sites of significance' and 'waahi tapu' to be categorised as sub-sets of 'waahi taonga'.
15. Aggregate and reconcile relevant parts of waahi taonga registers of HDC, NZAA, Treaty settlements etc. and adequately document the significance (including anecdotal korero) of each site, and the associated values that need consideration throughout the entire 4 TANK catchment.
16. Enable each marae to map their respective spatial area for which their hapū exercise kaitiakitanga – using dedicated hui / wānanga at the relevant marae.
17. Use described matrices within framework combined with appropriate monitoring and assessment for plan effectiveness reporting.

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APPENDICES

Appendix 1 – Expanded narrative descriptions of iwi values in the Hawkes Bay Regional Policy Statement

RPS Value	Narrative description
Wairuatanga	a) The need to protect the Mauri, the life sustaining force of natural and physical resources, including waterways and water bodies b) Protection of Waahi tapu c) The need for resource managers to take account of Māori spiritual values such as concepts of mauri, tapu, mana, wehi and ihi. 1.6.1.1 A paramount consideration for tangata whenua is the way in which the value concept of 'wairuatanga' (spirituality) can be incorporated into the management ethos of Council as to enhance the sustainable management process. 1.6.1.2 Wairuatanga is not only the foundation for Māori values but also the bond that ties together the other value concepts of rangatiratanga, whanaungatanga, kotahitanga and manaakitanga.
Rangatiratanga	a) Provide clear lines of accountability in this Plan to provide links between policies, objectives and methods. b) Recognition of the guarantees of "tino rangatiratanga" and its relationship with 'kawanatanga' in resource management planning and decision making; call for a wider application of the Treaty partnership principle. c) Recognition of the right to exercise kaitiakitanga through whanau, hapu and iwi. d) Active participation of tangata whenua in policy and decision-making processes of councils. e) Recognition of and provision for traditional and contemporary Māori knowledge in the sustainable management of the region's natural and physical resources. f) Protection of flora used for rongoā (medicinal) and other cultural purposes from absorption of contaminated water, caused by the application of pesticides and/or chemical sprays. g) Protection of aquatic ecosystems, flora, fauna and fisheries habitat. h) Maintenance of water quality standards in keeping with kaitiakitanga principles: the preservation of mauri and the conservation of species. 1.6.1.3 Rangatiratanga devolves from whakapapa in the first instance and continues to be addressed through the Treaty of Waitangi and thence to the Resource Management Act. This results in the kaitiakitanga that Māori practise through their mana whenua and

	mana moana over the natural and physical resources of land, air and water. 1.6.1.4 The partnership base of the Treaty of Waitangi establishes the relationship between Māori and the Crown. Rangatiratanga was guaranteed to tangata whenua through this partnership, in terms of the continued access to their taonga and tribal self-regulation. The Crown's role has been passed on in specific matters through the RMA to local and territorial authorities, these are addressed through plans and policy statements. The individual roles of tangata whenua and the Council, and their partnership towards achieving sustainable management of the environment, are recognised within these documents. 1.6.1.5 The environment and the community can benefit from incorporating the Māori resource management principle of guardianship, or kaitiakitanga that adds to the sustainable management of natural and physical resources and without imposing unnecessary cost to prospective or current resource users or the development process.
Whanaungatanga	a) The need to re-affirm the Māori social fabric of whanau/hapū/iwi and other models of Māori representation, statutory or otherwise, as a means to better consultation and on-going good relationships. b) Recognition of marae as the physical manifestation of tino rangatiratanga and the most appropriate place for consultation with Treaty partners and with councils. c) The need for the development of relationships between tangata whenua and councils that transcends statutory and Treaty obligations to find joint solutions for and joint inputs into enforcement and compliance procedures. 1.6.1.6 Whanaungatanga is the concept that embraces relationships based on both spiritual and physical origins of Māori. It embraces common interests between people usually evidenced through whakapapa. Whanaungatanga is also the concept that recognises the position and intertwined relationship of Māori in respect of the natural and physical world. 1.6.1.7 Recognition of the key linkages of whanau, hapu and iwi, along with other forms of Māori representation, gives a clearer understanding of the process for consultation on Māori issues. This is important to resource consent seekers, in terms of providing certainty in the preparation of resource consent applications, without necessarily adding to costs.
Kotahitanga	a) Recognition of and provision for traditional Māori knowledge in the sustainable management of the region's natural and physical resources. b) The need for tangata whenua and councils to act jointly to protect those characteristics of the natural and physical resources of special value to

	Māori, including Waahi tapu, tauranga waka, mahinga kai, mahinga mataitai and taonga raranga. c) Recognition of the various models of Māori representation and their positive contribution arising out of their dual roles of kaitiaki in the sense of protection and that of a significant resource user. 1.6.1.8 Kotahitanga denotes unity. It is the concept upon which diplomacy and understanding is based and implies conciliation and bridge-building. It is a process through which communities can strike a balance of values and a means to mutual advantage. 1.6.1.9 The issues themselves assert that tangata whenua tikanga, cultural knowledge and practices should be incorporated into Council's management and planning for enhancement, not just for the benefit of Māori but also the community at large. Where tangata whenua join in partnership with Council on common issues the outcomes are more likely to be positive and of economic benefit.
Manaakitanga	a) Adequate resourcing of the iwi and constituent hapū to enable participation in all aspects of resource management in the region. b) Councils seeking consultation with tangata whenua, irrespective of which model(s) of representation is/are involved, provide relevant information in an understandable form and timely fashion. c) Tangata whenua and councils jointly promote an attitude of education as a preference to regulations for the achievement of sustainable resource management. 1.6.1.10 These are linked to, and are a consequence of, the four concepts listed above. In philosophical terms they represent the bestowal or grant of benefits through the exercise of rangatiratanga rights/responsibilities. 1.6.1.11 The resourcing within a management planning process provides an analogy for manaakitanga issues in that the first four concepts of issues herein define the philosophical considerations, culture, relationships and desired practices from which objectives and policies arise, whereas the budget is the cost to achieve those objectives.

Appendix 2 - Hawkes Bay Regional Policy Statement description of tangata whenua terms.

Term	Description
The common state of noa	Within the notion of sustainability and good conservation practices, resources were freely available for whanau/hapu/iwi.

The restricted or temporary state of rāhui	Temporary bans were imposed where there were, or were likely to be, threats to the mauri and/or a particular species, or where a particular spiritual appeasement period was appropriate. An example of the latter case is a drowning in the proximity of a common fishing spot. A temporary ban or rahui would be declared to appease the spirits.
The totally inaccessible state of tapu	In respect to locations and resources where a state of tapu was imposed, there was a total and absolute ban, which lasted until uplifted by someone with the necessary mana, matauranga and rangatiratanga.

Appendix 3 – Summary of Values from Iwi / Hapū Plans

Table 1 Nga Kaitiaki mo nga Taonga Tuku Iho 1992 – Te Runanganui o Ngati Kahungunu

Value/Principle	Definition/Narrative
Mauri	Life essence which was that of Io-Matuakore to gove to worthy delegates (being the Atua)
Mana	In the modern context it denotes ....empowerment, entitlement, authority, prestige, influence and control
Rangatiratanga Tino Rangatiratanga	The status of the individual, whanau, hapu or iwi, in which Mana reposes or sits – TINO Rangatiratanga is the ultimate status. (NB: Some refer to "Tino" as applying only to Io-Matuakore)
Tapu Rahui	Being in the presence of the Atua, being set aside for restricted use by that Atua. Restrictions imposed by dedication or consecratory ritual. There are various forms, permanent, temporary or seasonal. RAHUI is the temporary state of TAPU
Wairua	Spirituality
Tikanga	Values and belief systems
Whakapapa	...is regarded by Maori as being so tapu yet so basic in the hierarchical sense in terms of traditional Mana and Tino Rangatiratanga

Table 2 Kahungunu ki Uta, Kahungunu ki Tai Marine and Freshwater Strategic Plan 2008

Value	Definition/Narrative
Mauri – *maintaining, restoring and enhancing*	Life force, life essence or life principle possessed by all living things and ecosystmes, including people, fish, animals, birds, forests, land, seas and rivers.
Wai Maori – *optimal water quality standard*	Freshwater, particularly water in its pure or natural state.
Rangatiratanga	Sovereignty, chieftainship, right to exercise authority, chiefly automony, self-determination, self-maagement, ownership. Leadership of a group.
Kotahitanga	Unity. Cross sector cooperation. Consensus in accordance with our tikanga.
Kaitiakitanga *(links to Kotahitanga)*	Localised management –Spatial fisheries management generally operate at the large Fisheries Management Area – Kahungunu proposes fine scale, localised management.

Fisheries management / Kaitiakitanga - enhancement and restoration.	Proactive measures to enhance and restore fisheries (populations, habitat, ecosystems) as opposed to limited to measures that restrict management of fishing activities.
Taonga – (abundance; quality, quantity and access)	Iconic species such as koura, paua, kina, hapuka, kahawai, snapper, kutai/kuku (mussels), karengo and tuna (eels).
Comments: The main focus is on the Marine environment however, there is significant consideration given to freshwater fisheries, the interests of kaitiaki, habitat restoration and improved ecosystem / fisheries management that includes emphasis on the adverse impacts of resource management on inlandways and fisheries management in general (marine fisheries). *Environmental Issues: Poor integration and narrow focus of fisheries management, insufficient attention on issues affecting inland waterways a coastal waters, including pollution, habitat destruction or modification, water abstraction, damming / diversion . Degraded waterways, such as the Ngaruroro, as well as delicate estuarine systmes and coastal water affected by pollution, run-off and sedimentation. The significance of sand dune and shingle berm systems, crucial in protecting surrounding ecosystmes and landscapes – require restoration or enhancement.*	

Table 3 Ngati Hori Hapu Management Plan 2015

Value	Definition/Narrative
Rohe	Extends up to Pakowhai and the (spring-fed) Raupare Stream; Includes the lower Karamu System
Flow levels	In the Karamu Stream are seen as insufficient to support Ngati Hori aspirations for fish and fish habitat
Water quality	Concerned with contaminant levels, including heavy metal contaminants ex-stormwater – bio-accumulation Binding to muds and silts on riverbed – seek removal of these to improve habitat
Riparian	Restoration of riparian habitat
Various (ex-Cultural flow paper)	Some generic Maori values are mentioned on this paper but more around research methodology
Comments: This plan is primarily a freshwater plan. It is mainly articulated in english terms. Ngati Hori's mana extends over parts of the Ngaruroro River as the Karamu system is the old flowpath of the Ngaruroro River before it was diverted. The Clive and Ngaruroro share a combined estuary/outlet to the sea including the Waitangi wetland system, but today the river at Clive is considered as part of the Karamu catchment for statutory management purposes. The current (management) system to date is not reflective of the relationship that Māori have to water or the Treaty partnership (Durette et al, 2009). The Ngāti Hori plan is mainly aspirational and the use of targets may be the best way for these to be realised.	

Table 4 Mana Ake – An expression of kaitiakitanga 2015 – Te Mana Taiao/Te Taiwhenua o Heretaunga

Value	Definition/Narrative
Rahui / Taiapure	
Mahinga Kai	That the quality of our water of Heretaunga wetlands, and restoration of existing wetlands of high importance will be a priority
Spawning grounds	

Mahinga mataitai Kaitiakitanga	Require the development and implementation of monitoring regimes to ensure that any adverse effects ….on the health of Mahinga kai resources and/or their habitats are identified and addressed. Hapū reserve the right to manage the Heretaunga aquifer resource in partnership with authorities. Nga marae hapū will work together to protect local and regional mana whenua assets and resources
Mahinga kai	Mahinga kai is the customary gathering of food and natural materials, and the places where those resources are gathered, the way resources are gathered and the work involved in doing so.
Mauri	The life-giving principle of all things/ essence, life-force
Mauri Ora (goal) Te Mauri o Tangaroa	Where all things are bound by the essence of life Respect, protect and enhance coastal areas of importance where possible and encourage protection and enhancement of the mauri of coastal waters, to ensure the ability to support cultural and customary usage.
Te Tino Rangatiratanga	Full chiefly authority (over resources includung lands, forests, fisheries and other taonga)
Mana Motuhake	Support and advance rangatiratanga in respect of the Heretaunga aquifer resource under Article 2, Treaty of Waitangi.
Cultural landmarks	Protecting cultural landmarks - Wahi Tipuna, Wahi Tapu, Wahi Tohi, Rua koiwi
Ki Uta ki Tai	Kahungunu Ki Uta ki Tai, Kahungunu Ki Uta ki Tai
Nohoanga	Nohoanga are seasonal or temporary campsites, established adjacent to lakes, rivers and forests to facilitate customary fishing and the gathering of other natural resources.
Ki Uta ki Tai	The mountains to the sea - the interconnectedness of inland environments and the coastal environment
Taonga	Those things that are cherished by Māori, whanau, hapu and iwi
Kaitiakitanga	To “wisely manage” the physical world with the gifts (taonga) of MANA, WAIRUA, TIKANGA and REO
Whakapapa	The lineage and history of the terrestrial and celestial realms, places, people and events
Mana Ake is a collective hapu plan. It states a range of hapu values and aspirations. Similar to parts of Nga Hapu or Tutaekuri’s plan it aspires to change management within the freshwater space and enhance hapu involvement and greater consideration for hapu within environmental decision-making. Its supporters include two Land Trusts, Kairakau and Owhaoko C. It’s scope is therefore wider than the Ngaruroro catchment. It is a living document and likely to be reviewed in 3 years. Mana Ake contains a list of “ISSUES” that cover different parts of the environmental space – with headings – Whenua; Wai. Ha; Tangaroa and Whanau.	

Table 5 Tutaekuri Management and Enhancement Plan 2015

Value/principle	Definition/Narrative
Aspirations	Enhancement of the mauri of the Tūtaekurī awa - Enhancement of rongoā and native species proliferation - Enhancement of mahinga kai species proliferation

	- Realisation of kaitiakitanga for *Ngā Hapū o Tūtaekurī* NB: Some of the aspirations within this plan may have already been co-opted in terms of RPS PC5 – e.g. requiring forestry and some associated activities to obtain resource consent (sediment issues)
Mauri	The concept of mauri is central to tangata whenua belief regarding the environment. Mauri is the binding force between the physical and the spiritual aspects. Mauri is the essence that has been passed from atua; Ranginui and Papatūānuku to their progeny Tāne Mahuta, Tangaroa, Tawhirimatea and other atua, then down to all living things. Mauri is considered to be the essence or life force that provides life to all living things. Water also has mauri. ….. aims to reverse this trend towards the continual loss of mauri to our awa by developing a tangata whenua focused management and enhancement plan and through the production of a strategy that breathes life back into the mauri of the awa.
Whakapapa	The linkages between all living things within the ecosystem are based on the whakapapa or genealogies of creation. This establishes the basis for the holistic view of the environment and our ecosystem held by the tangata whenua.
Te Mana Atua	The power of spiritual guardians - The sacred spiritual power that our atua, or spiritual guardians, hold cannot be ignored when viewing our awa. The plan views the catchment management issues through the Atua conceptual framework.
_Tangaroa Mahinga kai	– the spiritual guardian of water bodies and all living things that dwell within, incorporating the scientific areas of marine biology, aquatic biology, fresh water science and hydrology. Tangaroa's realm of responsibility and protection for the Tūtaekurī awa includes; the quantity and quality of water to ensure native species proliferation and biodiversity, and to support the ecosystems of Tāne Mahuta and Papatūānuku. _ sediment into our awa as a result of poor land management can cause damage to our awa and its tributaries by blocking light that allows algae to grow; harming fish gills; filling up important habitats; supporting growth of toxic cyanobacteria; and by stopping fish from seeing well enough to move around or feed. _Prioritising water for whānau over other abstractive uses _ Ensuring the microbial quality of the awa is suitable for swimming in and gathering mahinga kai from by our whānau,
Kaitiakitanga	Realisation of Kaitiakitanga: Enhancement of mana whenua connection to and authority over the Tūtaekurī awa.
Comments: The Hapu o Tutaekuri have influence over part of the Ngaruroro catchment but their mana derives from association with the Tutaekuri in general. The Tutaekuri shares an estuarine environment with the Ngaruroro River and the Clive River (Karamu catchment). This plan is subject to review every 3 years. The project team have good skills and experience within the environmental space. Hapu include Ngāti Paarau, Ngāti Hinepare, Ngāti Māhu and Ngai Tāwhao. The plan provides some critique on inadequacies within the RRMP in providing mechanisms to	

protect the things Nga Hapū O Tutaekuri value. It mentions some of the contentious issues – gravel management, poor land management around riparian margins, nutrient losses etc. Mana Ake is more a statement of issues and methods than values.

Appendix 4 – Operative Hastings District Council waahi tapu sites relevant to TANK waterways.

Waahi Tapu Sites	MAP REF	LEGAL DESCRIPTION	SIGNIFICANCE	LOCATION	Catchment
W58	15	Lot 3, 8, 2 DP 17585 Blk X	Lake, Swamp and Edges	Ōmāhu	Ngaruroro
W66	14	Lots 1-2 Pt 3 DP 14778 Ōmāhu 2A2B Lot 2 DP 17039 Ōmāhu Pt 2B Blks IXX Heretaunga SD Ohiti Waitio 3A Blk IX Heretaunga SD Ohiki Waitio 1B2Blk IX Ōmāhu 4C13A, 43C13B, 4C5, 4C4, 4C6, 2C2, 2A2C, 1B3B6B3, Lot 1 DP 23947 Blk IX Heretaunga SD Awahuri Ohiti Waitio 5A Lot 6 DP 23296 Blk XII Matapiro SD Pt Awahuri MI 762 Lots 2 3 5 DP 23491 Blk IX Heretaunga	Lake and Edges - Burial Sites	Ōmāhu	Ngaruroro
W67	14	Ōmāhu 3B13B2B Blks VI X Heretaunga SD Lots 17, 18 19 DP 3099 Blk X Heretaunga SD Lots 1 2 DP 24466 Pt Lot 16 DP 3099 Blk X Heretaunga SD Ōmāhu 2D7 3DBI 3CB4, 3CB5 Blk X Heretaunga SD Lots 19 22 25 Pt 20 DP 3630 Lot 1 DP 6446 Blks V VI Heretaunga	Lake and Edges - Burial Sites	Ōmāhu	Ngaruroro
W15	35	Riverbed	Mahinga Kai - Tauranga Waka	Pakowhai/ Whakatu	(Ngaruroro / Karamu)
W16	35	Riverbed	Mahinga Kai - Tauranga Waka	Pakowhai/ Whakatu	(Ngaruroro / Karamu)
W18	42	Riverbed	Mahinga Kai - Tauranga Waka	Pakowhai/ Whakatu	(Ngaruroro / Karamu)
W19	41	Lot 1 DP 334867, Lot 3 DP 23973, Lot 2 DP 24935 Blk XVI Heretaunga SD, Lot 11 DP 23775 – Esplanade Reserve	Old Pa Site – Te Ngaue Pa	Pakowhai/ Whakatu	(Ngaruroro / Karamu)
W20	34	Lot 2 DP 7221, Lot 1 DP 24935 Blk XVI Heretaunga SD, Lot 1 DP 334867, Lot 3 DP 23973, Lot 2 DP 24935 Blk XVI Heretaunga SD	Mahinga Kai - Tauranga Waka	Pakowhai/ Whakatu	(Ngaruroro / Karamu)
W51	73	Riverbed	Bathing place of Hinetemoa	Paki Paki	?
W53	73	Riverbed	Special Sands - Taraias Dog	Paki Paki	?

W21	18	Secs 11 13 15 SO 5677 Secs 1-4 SO 10870 Blk VI Te Mata SD, Sec 9 10 12 16 Blk VI Te Mata SD, Pt Lot 4 DP 5062 A on SO 10016 Blk XII Te Mata SD	Pa Tuna – Waka Reserve	Pekapeka Swamp	Karamu
W22	17	Lot 1 DP 8965 Blk VI Te Mata SD	Burial Sites, Special Stones, Caves	Pekapeka Swamp	Karamu
W23	18	Lot 1 DP 3552 Lot 1 DP 3825 Pt Lot 1 DP 2718 Blks VI XT	Pa Sites, Burial Caves	Pekapeka Swamp	Karamu
W24	18	Lot 1 DP 3552 Lot 1 DP 3825 Pt Lot 1 DP 2718 Blks VI XT	Burial Caves	Pekapeka Swamp	Karamu
W25	17	Lot 1 DP 8965 Blk VI Te Mata SD	PekaPeka Swamp - toka tohi	Pekapeka Swamp	Karamu
W33	41	Karamu AYIB, AYIA, AY2 Blk XVI Heretaunga SD	Tauranga Waka	Ruahapia	Karamu
W36	48	Karamu C2C2B5 Blk XVI Heretaunga SD	Tauranga Waka - Mahinga Kai	Waipatu	Karamu
W48	78	Pt 2A4 Peka Peka (ML 1061)	Wanganga - Special Site	Paki Paki	Karamu
W1	52	Korongata 2B4 Blk II Te Mata SD Korongata IB Blk II Te Mata SD	Baptisms in river	Bridge Pa	Karamu
W4	60	River	Karewarewa - Wairoa	Bridge Pa	Karamu

Attachment 4

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Proposed Plan Change 9

Map 1

Source Protection Zones

Hastings

Legend

- Capture Zone, 1-year travel time
- Hastings Water Source Protection Wells

HAWKE'S BAY REGIONAL COUNCIL

0 0.5 1 2 3
Kilometers

Date: 13/02/2020 Document Name: WaterSourceProtectionZonesJUNE2019 Document Path: M:\GIS\TANK\Source Protection Zones June 2019\WaterSourceProtectionZonesJUNE2019.mxd

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Proposed Plan Change 9

Map 2

Source Protection Zones

Napier

Legend

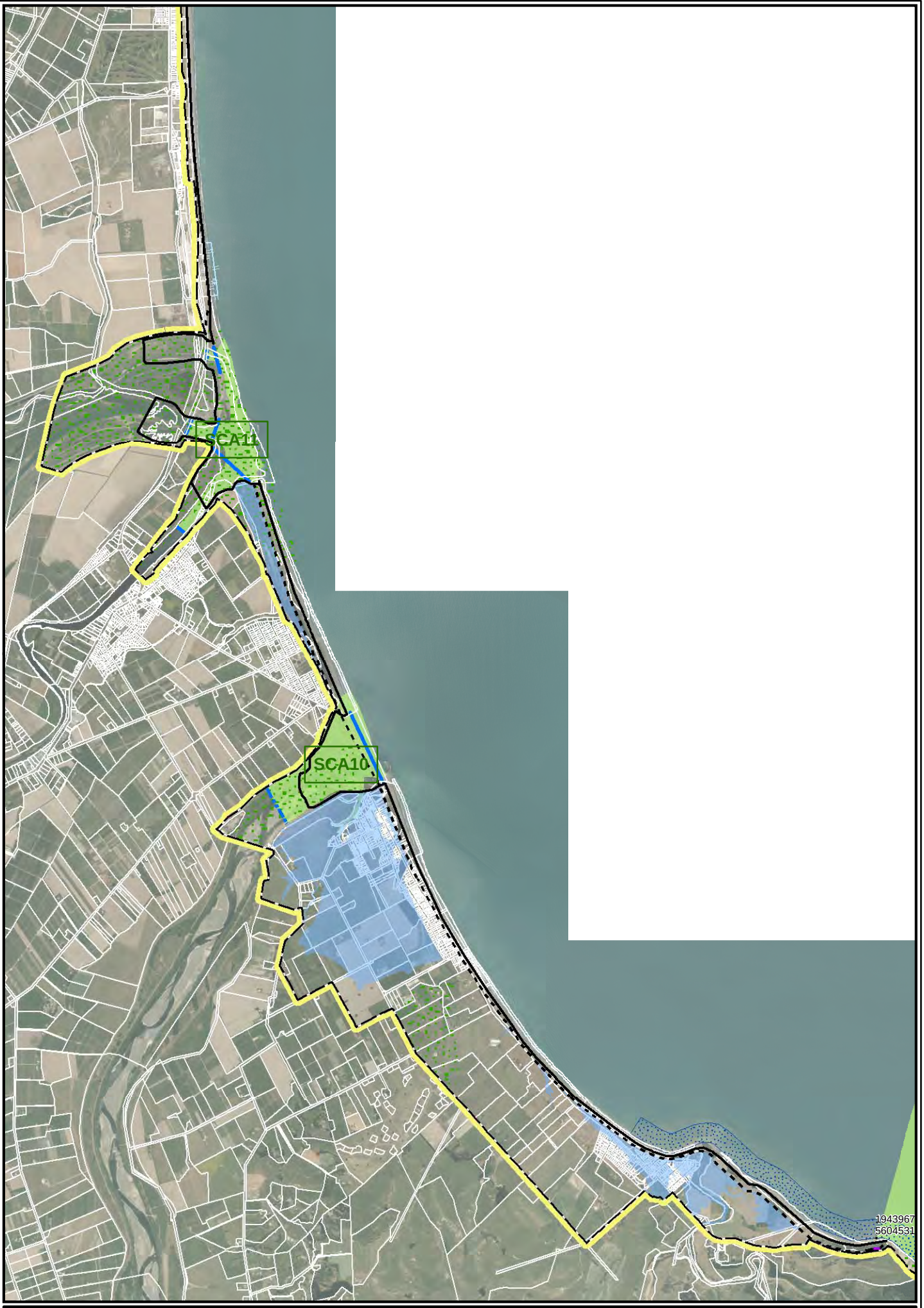
- Napier Water Source Protection Wells
- Taradale Water Source Protection Zone
- Awatoto Water Source Protection Zone

HAWKE'S BAY REGIONAL COUNCIL

0 0.4 0.8 1.6 2.4
Kilometers

Date: 11/02/2020 Document Name: WaterSourceProtectionZonesJUNE2019 Document Path: M:\GIS\TANK\Source Protection Zones June 2019\WaterSourceProtectionZonesJUNE2019.mxd

Publishing Date: 1 October 2012



HAWKE'S BAY REGIONAL COUNCIL

N

0 500 1,000 2,000 m

Scale 1:50,000

Regional Coastal Environment Plan

Approximate location: Haumoana Coast

115 116 117 118

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