

ON BEHALF OF
TE TAI TOKERAU TANGATA WHENUA WATER ADVISORY GROUP

NGĀ ROIMATA O
NGĀ ATUA:
THE TEARS OF
RANGINUI AND
PAPATŪĀNUKU

A recommendation report to support the implementation of
Te Mana o Te Wai in Te Tai Tokerau

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SUPPORTED BY



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E kau ki te tai e, e kau ki te tai e

E kau rā, e Tāne wāhia atu rā

Wāhia atu rā te ngaru hukahuka o Marerei-ao

Pikitia atu te aurere kura o Taotao-rangi e

Tapatapa ruru ana te kakau o te hoe

E auheke ana, e tara tutu ana i te huka o Tangaroa

I te puhi whatukura, i te puhi mārei kura o taku waka e

Ka titiro iho au ki te pae o uta. ki te pae o waho

Piki tū rangi ana te kakau o te hoe

Kūmea te uru o taku waka e

Ki runga ki te kiri waiwai o Papa-tū-ā-nuku e takotō mai nei

Ki runga ki te uru tapu nui o Tāne e tū mai nei

Whatiwhati rua ana te hoe o Pou-poto

Tau ake ki te hoe nā Kura he ariki whatu manawa

Tō manawa e Kura ki taku manawa

Ka irihia, Ka irihia ki Wai-o-nuku

Ka irihia, Ka irihia, ki Wai-o-rangi

Ka whiti au ki te whei ao, Ki te ao mārama

Tupu kerekere tupu wanawana

Ka hara mai te toki e

O haumi e,

Hui e,

Taiki e!

Swim on the sea, swim on the sea

Swim now oh Tāne

Split the foamy waves of Marerei-ao

Ascend the sacred current of Taotao-rangi

The slow motion of the oars

The foam of Tangaroa is standing in crests

Descending on the sacred plumes of my canoe

I look down on the inner and outer rows of surf

The handle of the paddle is lifted to the sky

The head of my canoe is pulled forward

Onto the skin of mother earth lying there

With the sacred head of Tāne standing above

The paddle of Pou-poto breaks in two

And the paddle of Kura is taken

A great chief and high priest of very great heart

Your heart oh Kura bound to my heart

Lifted, lifted up in the waters of the earth

Lifted, lifted up in the waters of the heavens

I cross the mortal world to the world of the light

Let it grow in deep wonder and awe.

Bring here the axe

Come gather in full force, it is done!

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Huri noa, ka tukuna atu te mihi ki a koutou katoa.

The title of this report derived from kōrero tuku iho that was provided in the Report: *'Te Mana me te Mauri o te Wai: A Discussion Document for Te Tai Tokerau'* (referred to hereafter as the Stage 1 Report). It was inspired by the pūrākau that speaks of the roimata (tears) of Ranginui for Papatūānuku and the fact that wai does not come from this realm. It invokes the imagery of the celestial wellbeing of wai that we as humans must stop degrading. As tangata (people) we must uphold and return te mana me te mauri ki te wai, as ngā atua have provided this taonga to us as humans in order to survive in this world - te ao hurihuri.

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The karakia 'E kau ki te tai e' is said to have been used by Nukutāwhiti on his arrival into the Hokianga Harbour on Ngātōkimatawhaorua.

It refers to Marerei-ao and Taotao-rangi, places in Hawaiiki, and to the spiritual powers Tāne and Tangaroa. It also refers to wai o rangi (the waters of Ranginui, of the sky and heavens) and to wai o nuku (the waters of Papatūānuku, of the land), reminding us of our deep connections to these Atua and to wai.

The karakia further discusses the challenges that Nukutāwhiti, Poupoto, Kura and the crew had to persevere to reach their destination. This is likened to the challenges before tangata whenua to fully implement Te mana o te wai.

The karakia was revised by Himiona Kamira of Te Tao Māui and then later arranged as a pātere by Brian Paparoa of Ngāti Tamatea. It was first performed as a pātere in 1997 by Te Kura Taumata o Panguru.¹

¹ See <https://www.terarawa.iwi.nz/pou/cultural/nga-waiata-o-te-rarawa/e-kau> for more information.

Te Whakarāpopotanga Matua

Ka nui te hono atu a te Māori ki ngā tūtohu whenua o tōna takiwā, koia e mōhiotia ai he tangata whenua. Ka mihia ngā maunga, ngā wai māori me ngā moana i roto i ngā whakapapa me ngā pepeha hei tohu i aua hononga ā-whānau, ā-hapū, ā-iwi hoki. He tupuna ēnei tūtohu whenua ki te Māori, he mea tapu, he mea whai mauri.

Ka whirinaki atu ngā tangata whenua ki te mauri o te wai me ngā pūnaha hauropi, me tōna ora, e ora hoki ai te mauri o te tangata, o te iwi. He mea whakapū ngā momo taonga e kitea ana i ēnei taiao ki te tuakiri me te oranga ahurea o te Māori, me i kore ake, ka raru nuitia ngā tangata whenua.

Nā te kaha tūkinotia o te wai me te ngaronga a ngā tangata whenua ōna mana whakahaere i roto i ngā whakatau mō ngā wai māori, kua kino rawa atu ngā pānga. Nā tēnei kua tino heke te mauri o te wai, ngā pūnaha hauropi me ngā momo taonga e whirinaki atu ana ki a ia hei oranga mō rātou.

E tautohutia ana ētahi o ēnei take e ngā tūtohutanga kei roto i tēnei pūrongo. E whakaratohia ana hoki ngā tūtohutanga e pā ana ki te whakahāngaitanga o te ariā matua o Te Mana o Te Wai, kei te National Policy Statement for Freshwater Management 2020 (NPSFM), ki Te Taitokerau i roto i te Freshwater Planning Instrument (FPI), e whakaturengia ana e te s.80A o te RMA. E whakarato nei ia i ngā kōrero tūāpapa mō te kaupapa, ā, e whakaūngia ana hoki:

- ∞ kia mana ai Te Mana me te Mauri o te Wai hei korowai mō te FPI i roto i ngā whakatau wai māori anamata;
- ∞ e hāngai ana Te Mana me te Mauri o te Wai ki tā Te Tai Tokerau whakamārama i Te Mana o Te Wai, e kōrerohia nei i te NPSFM;
- ∞ te āhukahuka o Te Hurihanga Wai hei tauākī whakakitenga mō te rohe;
- ∞ ngā ritenga tangata whenua kua tūtohutia, e whaimōhio ai ngā whakatau anamata mō te panoni mahere, me te FPI;
- ∞ he huhua ngā take me ngā mahi o te wā e pāngia ai te wai māori;
- ∞ me whakatinana te aroākapanga o ngā utanga kei te NPSFM i roto ngā whakatau anamata katoa; ā,
- ∞ he tangongitanga i waenganui i ngā whānau, hapū, iwi hoki e pā ana ki ā rātou whakaarotau mō ngā whakatau wai māori i Te Tai Tokerau.

Ahako te hoahoa-tahi o tēnei pūrongo me te Tangata Whenua Water Advisory Group (TWWAG), kāhore rawa ia e whai nei ki te takahi i te mana motuhake me te rangatiratanga o tēnā, o tēnā hapū, iwi hoki kei Te Tai Tokerau. Heoi anō, ko tā te pūrongo nei he whakarato i tētahi ara ā-rohe, he tūtohutanga hoki e pēhea e whai wāhi ai ngā rōpū tangata whenua kē atu ki ngā whakataunga anamata.

1 Ngā Tūtohutanga

Kua whakakotia ngā tūtohutanga nei hei wāhanga o te pūrongo, e whai mana ai Te Mana me te Mauri o te Wai i Te Tai Tokerau:

Ngā ritenga tangata whenua me ngā tuhinga

1. E whai wāhi ana ngā ritenga tangata whenua, kua tāpae i te Wāhanga 3 o tēnei pūrongo, ki te Freshwater Planning Instrument (FPI) mō Te Tai Tokerau, kia whakamanahia te National Policy Statement for Freshwater Management 2020 (NPSFM);
2. Kua whakaurungia te Tauākī o Te Mana me te Mauri o te Wai mō Te Tai Tokerau, otirā, te whai wāhi atu hoki o Te Hurihanga Wai, ki te FPI; ā,
3. Mā ngā ritenga ngā pāpātanga o ngā whanonga a te tangata, tana tiaki hoki i ngā wai māori, e ārahi.
4. Kapi katoa ana ngā tūmomo wai katoa i te whakamāramatanga a Te Mana me te Mauri o te Wai; ngā wai kei ngā paipa, ngā kurawai me ngā heketua hoki.

Te Ākinatia o Te Mana Whakahaere

5. Arotakehia ngātahitia ngā Freshwater Management Units (FMUs) o ināianei me ngā tangata whenua e whai hononga ana ki aua wai, kei a rātou te mana whakahaere kē rānei o aua wai;
6. Me whakawhanake ngā whakakitenga, ngā uara, ngā herenga, ngā tuaritanga, ngā rerenga, te pēhea mai o ngā āhuatanga o ināianei, me ngā haukāinga e tika ana kia whai wāhi mai ki tēnei tukanga;
7. Me whakamana ngā tangata whenua e te Kaunihera ā-Rohe o Te Taitokerau (NRC) ki te wānanga me te whakawhanake i ā rātou ake hōtaka mahi, e hua mai ai ngā FMU anamata i ō rātou ake takiwā, rohe anō hoki;
8. Mā te wānanga me te hui ka whanake ngā tangata whenua i ngā tukanga me ngā paearu e tika ana, e whai ana i ō rātou mātauranga, ā rātou tikanga anō hoki ki te whakawhanake whakakitenga, uara, me ngā ritenga hōu ka whai mai, hei whakatutuki i ngā hiahia o te NPSFM me ngā FMU.
9. Ko ngā tangata whenua e tū nei hei hinonga mana whakahaere, ā, kua āhukahukatia hoki, ka āwhinatia e NRC ki te whakawhanake, ki te tautohu hoki i ngā uara wai māori hei ārahi i ngā tukanga whakatau wai māori i ō rātou rohe, takiwā hoki;
10. E whai wāhi mai ana ngā haukāinga ki te tukanga whakatau e pā ana ki te whakamāramatanga o te FMU, e ai ki tōna ake rohenga;
11. Whakarite ngātahitia me ngā tangata whenua ngā mahere hei whai, me ngā mahere whakatinana.
12. Whakawhanake ngātahitia me ngā mana whenua ngā aratohu mātauranga e tautohutia ai ngā wā e tika ana kia whai wāhi mai ngā tikanga Māori mō te wai - pērā ki te whakatakoto rāhui e tiaki pai ai te mauri;

13. Whakawhanake ngātahitia me ngā tangata whenua he mahere mahi ki te whakawhanake FMU anamata;
14. Kapi katoa ana ngā wai māori e Te Hurihanga Wai, ka mutu, he rerekē tō te ariā āhua e whai wāhi atu ana ki te tukanga Three Waters, i te wā e whakatinanahia ana e ia Te Mana me te Mauri o te Wai i ōna tūmomo āhuatanga maha;
15. Arotaketia ngā whakaaetanga rawa taiao o ināianei ki ngā herenga me ngā rerenga ka tautuhitia i ngā FMU anamata ka whakatūria e ngā tangata whenua; ā,
16. Whakawhanake ngātahitia me ngā tangata whenua he aratohu mō te huarahi whakaaetanga, ka toha atu i mua i ngā hui puka tono-takamua nā ngā kaitono anō i whakaara.

[Te Whakawhitiwhiti Kōrero me te whakapāpā](#)

17. E hiahiatia ana kia whakapāpā, kia whakawhitiwhiti kōrero rawa ki ngā kaikaunihera, ngā hapori me te iwi whānui mō te FPI.

[Te Whakatinanatanga me te mahi whai muri](#)

18. Me āta whakaaro, me whakamātau hoki ngā rangahau whakapūaho hei wāhanga o ngā mahi whai muri, ā, me tōna whai pānga ki ngā tangata whenua;
19. Mā ngā tangata whenua te aroturukitanga o ngā wai māori, kia whakatauria ngā tino āhuatanga hei whai, me ngā paetīmata, ā, mā NRC tēnei e hāpai;
20. E ai ki ngā tohu here i te wāhanga 3.4(3) o te NPSFM, i roto i ngā tau e rua me tūhura, me whakatinana hoki e NRC² ngā momo tikanga o ināianei e wātea ana i raro i te Resource Management Act 1991 (RMA), kia whai wāhi mai ngā tangata whenua ki roto i ngā whakatau wai māori, pērā mā:
 - a. te tāpaetanga o ngā mana, i raro i te s.33;
 - b. ngā whakaaetanga whakahaere ngātahi, i raro i te s.36B;
 - c. ngā Whakaaetanga Mana Whakahono ā-Rohe, i raro i te s.58M;
 - d. ngā aromatawai pāpātanga ahurea, e mana nei i raro i te s.88(2)(b) o te RMA;
21. Me whakatū, me hāpai hoki e NRC tētahi kāhui Māori motuhake ka whakatutuki i te tukanga meka ki te whakapakari, me te tautoko i te whakamāramatia o ngā tono whakaaetanga rawa taiao³;
22. Kia arotake ngātahitia ngā whakaaetanga me ngā āheitanga e ngā tangata whenua me NRC, i ia toru tau, e rite ai te whakamahinga o te wai nā ēnei whakaaetanga i mana ai, ki ngā hua taiao e whāia nei e te FPI, kia tiaki tikahia tēnei taonga wai māori, kia whakamanatia hoki Te Mana me te Mauri o te Wai:

² Kia whakatūria he pae kaitohu (hei tauira, TTMAC) hei ārahi i ngā whakaritenga whakaaetanga i te taumata whakahaere, whakatinana hoki.

³ Ka whakamanahia tonutia ngā whakaritenga kua tū kē, a ngā tangata whenua ki te arotake i ngā whakaaetanga rawa taiao, ka mutu e kore e whakahāwinitia ki te mana o te rōpū Māori Motuhake. E whai wāhi mai ana ngā Post Settlement Governance Entities (PSGEs) kua tū kē, i reira tukuna ai ngā whakaaetanga.

- a. i ia toru tau me nanao atu ki te huarahi e tika rawa atu ana hei whakakore, whakaiti iho rānei i ngā pānga kino ki te taiao; rānei,
- b. ahakoa he aha te wā, ka tirohia ngā pānga katoa ki ngā uara ahurea kāhore i tautohua e ngā tangata whenua, ā, whai muri atu i tautohua, i whakaaetia hoki i roto i ngā tukanga whakamahere ā-rohe, i whakapūmau rānei i roto i ngā whāinga, kaupapa here, paerewa hoki o te FPI; rānei,
- c. ahakoa he aha te wā, ki te hāpai i ngā pānga kino i tūpono noa ki te taiao, i ahu mai pea i te whakamanatanga o tētahi whakaaetanga; rānei,
- d. ahakoa he ata te wā, ki te hāpai i ngā FWFP hōu katoa.

Ngā Raraunga me te Whakahaere Mōhiohio

- 23. Ka noho te mana whakahaere i ngā raraunga me ngā mōhiohio kua kohia i ngā FMU ki ngā tangata whenua;
- 24. Ka whakawhanaketia he tomokanga Pūnaha Mōhiohio Matawhenua (GIS), me ngā paparua wai māori, hei tautoko i ngā whakatau wai māori a ngā tangata;
- 25. Ka whakawhanake ngātahitia ngā kawa mōhiohio e NRC me ngā tangata whenua, e tika ai te whakamahinga o ngā raraunga me ngā mōhiohio kua kohia, ā, e tiakina ai hoki ngā mōhiohio e tika ana kia noho tapu; ā,
- 26. Kia wātea mai ngā raraunga a NRC ki ngā tangata whenua, e whaimōhio ai a rātou whakatau wai māori.

Ngā Tukanga Waeture-kore me ētahi atu mahi

- 27. Ka whakarotongia e NRC ngā whakamataaratanga mātauranga, ngā rauemi, me ngā huarahi whakangungu, ā, ka whakawhanake ngātahitia ēnei me ngā tangata whenua;
- 28. Ka whakaarotautia, ka whakawhanaketia ngā pūnaha, ngā tukanga, ngā taputapu hōu hoki e tautoko nei ki te whakatinana i te NPSFM, ā, ina koa ngā ritenga tangata whenua; ā,
- 29. Ka āwhinatia ngā tangata whenua e NRC mā te Local Government Act 2002 (LGA), ngā ture ka whai muri ake rānei, ki te whai wāhi motuhake atu ki ngā tukanga whakatau wai māori.

E tautohutia ana ngā tukanga waeture-kore me ētahi atu mahi, hei tautoko i te whakatinanatanga o ngā ritenga tangata whenua kua tuhia i runga ake nei:

- 30. He āwhina anō me whakarato ki ngā māngai o ngā tangata whenua kia eke panuku ai ngā whakataunga. Mā tēnei āwhina ka whakarato pea ēnei e rārangi mai nei, me ētahi atu:
 - a. te tae atu ki ngā hui
 - b. te whakarite i ngā aromatawai uara ahurea, aromatawai pāpātanga ahurea rānei, ā,
 - c. te mahi aroturuki ahurea o ngā wai māori.
- 31. Kia wātea mārīka mai ngā raraunga me ngā mōhiohio mō te wai māori, e whaimōhio ai ngā whakatau a ngā tangata whenua.

32. Kia whakawhanake ngātahitia ngā kawa mōhiohio ki tō ngā tangata whenua taha, kia tika te kohi me te pupuri i ngā mōhiohio e tika ana kia noho tapu, ki roto i tētahi hanga e wātea ana hei kuhu, ā, kua whakaaetia e rātou, e hāngai hoki ana ki ngā tikanga Māori.
33. Kia whakawhanaketia ngā pūnaha, ngā tukanga, me ngā rauemi hōu hei tautoko ki te whakatinana i ngā ritenga kua whakatakotohia, i whakawhanak ngātahitia me TWWAG. E whai wāhi mai ana:
- He hōtaka whakangungu uara tangata whenua me mātua tutuki e ngā kaimahi o NRC me ngā kaiwhakatau, nā rātou te mahi ki te whakatinana i ngā ritenga o te Mahere ā-Rohe kua whakatakotoria mō Te Tai Tokerau.
 - He mahi tauira, he mahi taupua hōu mō ngā rangatahi me ngā taitamariki e aro ana ki te aroturuki wai māori.
 - Kia whakawhanaketia ngā rauemi GIS e wātea mārika ana ki ngā tangata whenua, kia mōhiohia, kia whakamahere matihikotia hoki te taiao whenua me ngā raraunga hōu, e hua mai ai ngā whakatau mārama, whaiwhakaaro nui mō ngā whakatau wai māori. Ka whai wāhi mai pea:
 - te whānui o ngā repo, nga roto, ngā puna wai, ngā awa, ngā wai rangitahi, me ngā puna wai kua hangaia e te ringa tāngata, o ināiane;
 - ngā pūnaha wai me ngā taunekeneketanga i waenganui i te wainuku, te waipapa, me te wai tai;
 - ngā whakarōpūtanga wai;
 - ngā wāhi, ngā rohenga tāpua, e wāriutia ana rānei e ngā tangata whenua.
34. Te whakangungu, te whakaako, me te āwhina i ngā tūranga aroturuki, whakauruhi wai māori hoki o ngā tangata whenua.
35. Te tūhura ka pēhea a NRC e waeture i te ruinga o ngā pungarehu i ngā rehonga wai māori/wai tai.
36. Kia mārohi, kia taikaha ake te aroturuki me te uruhi i ngā takahitanga o tēnei mahere. Tērā pea ka whai wāhi mai he tauira urupare paneke ki ngā tūāhuatanga ka pūrongotia.
37. I ngā wā e tāea ana, mahi tahi ki ngā āpiha kaitiaki tangata whenua me ngā kaimahi tautukunga o NRC, ki te tūhura i ngā takahitanga kei tūpono mai.
38. Kia wātea māriki mai ngā whenua nō NRC, kia pai ai te aroturukitia o ngā wai māori e ngā kaitiaki.
39. Ākihia te wāteahia mai o ngā whenua tūmataiti ki ngā tangata whenua, hei aroturuki i ngā wai māori kei ngā wai tāpua ahurea.
40. Ka whakawhanaketia e ngā kaunihera ngā tukanga e āhei ai ngā tangata whenua ki te whai wāhi atu ki ngā wāhi wai māori, mā ngā kuhunga, te whakaaetanga tūmataiti, ngā ture wawaetanga, me ngā ture whakaaetanga hoki.

2 Whāinga o te Pūrongo

Ko te whāinga o tēnei pūrongo he whakarato i ngā tūtohutanga me ngā kupu āwhina ki a TWWAG me NRC. Ka whai wāhi mai ngā tukanga waeture-kore me ētahi atu mahi.

3 Ngā Herenga

I whakaritea tēnei pūrongo e Kohu Strategy and Planning Ltd (KSP) me Pattle Delamore Partners Ltd (PDP), he mea tautoko nā Tapuwae Cultural Footprints, mā TWWAG. I whakatūria a TWWAG e NRC i runga i ngā tūtohunga a Te Tai Tokerau Māori and Council Working Party (TTMAC)⁴.

Kua herea tēnei pūrongo ki te whakarato i ngā tūtohutanga ki a TWWAG me NRC, i puta i ngā huinga whāiti hoahoa-tahi nō te Mei o te tau 2022 ki te Hānuere o te tau 2023, e whakawhanake ai ngā ritenga tangata whenua kua tāpae i tēnei pūrongo.

Kāhore te pūrongo e whakarato tohutohu ana mō ētahi ritenga whānui kē atu o ngā uara, ngā hua taiao (ngā whāinga) me ngā kaupapahere e hiahiatia ana i raro i te NPSFM. Heoi, e mōhiotia ana te horapatia o ngā uara Māori i ngā āhuatanga katoa o ngā whakatau wai māori. Nā konā me whai wāhi atu ngā uara Māori ki roto i te whakawhanaketanga o ritenga kē atu.

I whakahaere ā-tuihonotia ētahi o ngā huinga whāiti nā runga i ngā herenga o te COVID-19. Nā tēnei i āhua here te whai wāhi mai a ngā kaiuru, i nātia i ētahi wā nā te hangarau me te tika o te honotanga ipurangi. I taea e ngā mema te tae ā-tinana mai, ā, i whakarato uruparenga rātou i ngā wā i taea, i te whakawhanaketanga o tēnei pūrongo.

I herengia te wā mō ngā huinga whāiti nā runga i ētahi atu anō mahi, me ngā hōtaka mahi pakeke a ngā mema o TWWAG me NRC i taua wā. Nā tēnei i herengia hoki te wā mō te whakatinanatanga o ngā putanga i ētahi wāhi, ā, kāhore i rukuhia katoatia ngā kaupapa, i roto i te wā i tika ai, i ngā huinga whāiti hoahoa-tahi.

Nā te pakeke o ētahi o ngā kaupapa i hiahiatia i raro i te NPSFM, pērā ki te arotake i ngā FMU o ināianei, me te tautohu i ngā FMU hōu i Te Tai Tokerau, kua tuhia ki tēnei pūrongo he tūtohutanga e whakarato tohutohu ai mō te anga whakamua o tēnei mahi ki anamata. Me rangahau tonu, me mahi tahi tonu ki ngā tangata whenua me ngā hapori mō tēnei mahi.

Tērā pea ka herea te whakamāoritanga me te whakatinanatanga o ētahi wāhanga o tēnei pūrongo tūtohutanga, i te whakaritenga o te FPI me te tātari kōwhiringa o te pūrongo ātikara 32, e hiahiatia ana e te RMA.

⁴ Tirohia Ngā Tūtohu Mahi a TTMAC 2019 - 2022 mō ētahi atu mōhiotio. <https://www.nrc.govt.nz/your-council/elected-members/council-and-committees/>

4 Ngā Tūtohu Mahi a TWWAG

I tautokotia te whakatūnga o TWWAG e TTMAC hei whakarato uruparenga, tātaritanga, kupu āwhina hoki mō te whakawhanaketanga o te FPI, e whakamana ai i te NPSFM. Kua whakaū a NRC i roto i ngā Tūtohu Mahi (ToR)⁵ o TWWAG, kāhore tēnei i te huarahi nahe anō e whakapāpā ai ia ki nga tangata whenua. E whakaū hoki ana a TWWAG horekau kē kei a ia te mana ki te kōrero mō ngā tangata whenua, ngā whānau, ngā hapū me ngā iwi katoa⁴. Kua whakamaheretia ētahi atu tukanga whakawhitiwhiti kōrero e whai wāhi mai ana ngā tangata whenua me ngā rōpū hapori, kia whiwhi uruparenga anō mō te FPI hukihuki.

E whai wāhi mai ana te hōkaitanga, te mematangā, ngā uara, ngā whāinga, ngā putanga, me ētahi atu mea ki te ToR, ētahi o ērā e kapi nei i tēnei Pūrongo Kōeke 2.

Kia kua te tuinga o tēnei pūrongo, me te whai wāhi mai o ngā mema o TWWAG e aukati, e here tonu rānei te whai wāhi mai ki te tukanga whakamōhiotanga ōkawa e tautuhitia ana i raro i te Kupu Āpiti 1 o te RMA. Me he taupatupatu ka puta mō ngā whakatakotoranga kupu a ngā rōpū, ka taea mā te Kupu Āpiti 1 te whakamahia o ngā tāpaetanga me ngā tāpaetanga kē atu.

⁵ TWWAG ToR Maehe 2022.

Executive Summary

Māori commonly link themselves with landmarks that surround them, thus being able to identify as tangata whenua, people of the land. Acknowledging through whakapapa and pepeha our mountains, waterways and oceans as expressions of the relationships and links between whānau, hapū and iwi. These landmarks are often reflected as ancestors to Māori, and as such are considered sacred and living beings.

Tangata whenua further rely on the mauri of wai and ecosystems to be well and prosperous in order for the health and wellbeing of people to thrive and survive. Wai and taonga species found within them are fundamental to the identity and cultural wellbeing of Māori, without which will be detrimental for tangata whenua.

As a result of the significant damage to wai and loss of control tangata whenua have in decision making over freshwater, the impact has been detrimental. In places this has resulted in a considerable loss to the mauri of wai, ecosystems and taonga species that rely on it to be well.

The recommendations provided in this report identify some of these issues and provides recommendations with respect to how the fundamental concept of Te Mana o Te Wai in the National Policy Statement for Freshwater Management 2020 (NPSFM) can be implemented in Te Tai Tokerau in the Freshwater Planning Instrument (FPI) required by s.80A of the RMA. It provides a background to the topic, and acknowledges:

- ∞ Te Mana me te Mauri o te Wai as the korowai of the FPI must be upheld in any future freshwater decision making;
- ∞ Te Mana me te Mauri o te Wai refers to Te Tai Tokerau interpretation of Te Mana o Te Wai described in the NPSFM.
- ∞ recognition of Te Hurihanga Wai as an overarching vision statement for the Region;
- ∞ recommended tangata whenua provisions to inform future decision-making on plan changes and the FPI;
- ∞ there are multiple issues and current activities that impact freshwater;
- ∞ the hierarchy of obligations in the NPSFM must be given effect to in any future decision-making; and,
- ∞ variances exist amongst whanau, hapū and iwi with priorities around freshwater decision making in Te Tai Tokerau.

While this report records the work of the Tangata Whenua Water Advisory Group (TWWAG), it does not seek to override the individual mana motuhake and rangatiratanga hapū and iwi in Te Tai Tokerau respectively uphold. Rather, the report provides a regional approach and recommendations as to how other tangata whenua groups can be involved in future decisions.

1 Recommendations

The following recommendations are proposed as part of this report in order to give effect to Te Mana me te Mauri o te Wai in Te Tai Tokerau:

Tangata whenua provisions and text

1. The proposed tangata whenua provisions presented in Part 3 of this report are included in the Freshwater Planning Instrument (FPI) for Te Tai Tokerau (Northland) to give effect to the National Policy Statement for Freshwater Management 2020 (NPSFM);
2. The Te Mana me te Mauri o te Wai Statement for Te Tai Tokerau with inclusion of Te Hurihanga Wai is incorporated in the FPI; and,
3. The provisions guide the impact of human behaviour and treatment of wai.
4. The definition of Te Mana me te Mauri o te Wai includes all water including water in pipes, tanks and cisterns.

Empowering Mana Whakahaere

5. Review existing Freshwater Management Units (FMUs) with tangata whenua who have an existing relationship or are mana whakahaere over those units;
6. Vision, values, limits, allocation, flows, current state of attributes must be developed with relevant haukāinga as part of this process;
7. Northland Regional Council (NRC) must enable tangata whenua to wānanga and develop their own work programmes to develop future FMUs in their respective takiwā and rohe;
8. Tangata whenua develop through wānanga, and hui appropriate processes and criteria based on their mātauranga and tikanga for developing new visions, values and subsequent provisions to meet NPSFM and FMU requirements;
9. Tangata whenua who are mandated entities and recognised are resourced by NRC to develop and identify freshwater values to guide freshwater decision-making processes in their rohe and takiwā;
10. Haukāinga are included in the decision-making process with respect to how the FMU is defined in their respective area(s);
11. Develop action plans and implementation plans in partnership with tangata whenua;
12. Develop mātauranga guidelines with mana whenua to identify where tikanga Māori practices should occur over wai – such as rāhui to enhance and manage mauri;
13. Develop work programme with tangata whenua to develop future FMUs;
14. Te Hurihanga Wai applies to all freshwater and the concept is also included in a different form in the three waters process when working to give effect to Te Mana me te Mauri o te Wai in multiple forms;
15. Review existing resource consents against limit and flows defined in future FMUs established by tangata whenua; and

16. Develop consenting pathway guidance in partnership with tangata whenua that is distributed before pre-application meetings initiated by applicants.

Communication and engagement

17. Engagement and communication of the FPI with councillors, communities and the general public is required.

Implementation and next steps

18. Case studies should be considered and tested as part of the next steps and how they apply to tangata whenua;
19. Monitoring of freshwater should occur by tangata whenua to determine target attribute states and baselines and NRC must resource this;
20. NRC must investigate⁶ and implement within two years, as required by section 3.4(3) of the NPSFM the use of existing mechanisms available under the Resource Management Act 1991 (RMA) to involve tangata whenua in freshwater decision making such as through:
 - a. the transfer of powers under s.33;
 - b. joint management agreements under s.36B;
 - c. Mana Whakahono a Rohe Agreements under s.58M;
 - d. cultural impact assessments as enabled under s.88(2)(b) of RMA;
21. NRC must establish and resource an independent Māori technical group to undertake the transactional process to improve and assist in the interpretation of the processing of resource consent applications⁷;
22. Tangata whenua and NRC collaboratively review consents and permits on a three yearly basis to ensure that the use of water authorised by these consents remain consistent with environmental outcomes sought by the FPI, and efficient use of the freshwater resource and gives effect to Te Mana me te Mauri o te Wai, either:
 - a. on a three yearly basis to require the adoption of the best practicable option to remove or reduce any adverse effect on the environment; or,
 - b. at any time to address any identified effects on cultural values that were not identified by tangata whenua and which were subsequently identified and agreed through any regional planning process or set in the objectives, policies and standards of the FPI, or,
 - c. at any time to deal with any unanticipated adverse effect on the environment which may arise from the exercise of a consent; or,
 - d. at any time to deal with any new FWFPs.

⁶ Advisory body to be established (i.e. TTMAC) to advise on consent processes at an implementation and operational levels.

⁷ Existing arrangements that tangata whenua have for reviewing resource consents are still upheld and will not be subject to the Māori Technical group. This includes existing Post Settlement Governance Entities (PSGEs) where consents are provided to.

Data and information management

23. Data and information gathered through FMUs remains the intellectual property of tangata whenua;
24. A Geographic Information System (GIS) portal with freshwater overlays for tangata whenua is developed to assist with freshwater decision making;
25. Information protocols are developed in partnership by NRC and tangata whenua to ensure data and information gathered is used appropriately and sensitive information is protected; and,
26. NRC data is made readily available for tangata whenua to inform freshwater decision making.

Non-regulatory methods and other actions

27. Education campaigns, resources and training opportunities are provided by NRC and developed in partnership with tangata whenua;
28. New processes, methods and tools that assist with the implementation of the NPSFM and in particular tangata whenua provisions are prioritised and developed; and,
29. Tangata whenua are resourced by NRC through the Local Government Act 2002 (LGA) or subsequent legislation to actively and meaningfully take part in freshwater decision-making processes.

The following non-regulatory methods and other actions are recommended to assist with the implementation of the tangata whenua provisions drafted above:

30. Additional resourcing should be provided to tangata whenua representatives in order for effective decision making to occur. Resourcing could provide for, but not be limited to:
 - a. attending hui / meetings
 - b. preparing cultural value or impact assessments, and,
 - c. undertaking cultural monitoring of freshwater bodies.
31. Adequate access to freshwater data and information to inform decision making by tangata whenua.
32. Development of information protocols with tangata whenua to ensure sensitive information is appropriately gathered and stored in an accessible facility, agreed to by them and in accordance with tikanga Māori.
33. Development of new systems, processes and tools to assist with the implementation of the proposed provisions developed with TWWAG. This includes:
 - a. Compulsory training programme on tangata whenua values for NRC staff and decision makers implementing provisions of the proposed Regional Plan for Northland
 - b. New cadet and internships for rangatahi and taitamariki interested in freshwater monitoring

- c. Development of GIS tools readily accessible to tangata whenua so the environment is understood and digitally mapped with the most up to date data to ensure robust and well considered decision making occurs for freshwater monitoring. This might include:
 - Extent of existing wetlands, lakes, aquifers, rivers, ephemeral water, and artificial water bodies;
 - water processes and interactions between groundwater surface water and coastal waters;
 - classifications of wai;
 - sites or areas of significance or value to tangata whenua.
- 34. Training and education and resourcing for tangata whenua freshwater monitoring and enforcement roles.
- 35. Investigate how scattering of ashes in freshwater/coastal areas are regulated by NRC.
- 36. Enhanced and more stringent monitoring and enforcement into breaches of this plan. This may include the introduction of a graduated response model in to reported incidents.
- 37. Where possible partner up with tangata whenua kaitiaki officers and NRC compliance staff to investigate possible breaches.
- 38. Access to NRC owned land where kaitiaki can monitor freshwater bodies.
- 39. Encourage access for tangata whenua onto private land for freshwater monitoring over culturally significant water ways.
- 40. Councils develop methods to enable tangata whenua access to wai sites through easements, private agreement, conditions of subdivision, conditions of consent.

2 Purpose of the Report

The purpose of this report is to provide recommendations and advice to the TWWAG and NRC. In particular on the tangata whenua provisions proposed to be included in the FPI to give effect to the NPSFM. This includes non-regulatory methods and other actions.

3 Limitations

This report was prepared by Kohu Strategy and Planning Ltd (KSP) and Pattle Delamore Partners Ltd (PDP), with the assistance of Tapuwae Cultural Footprints, on behalf of TWWAG. TWWAG has been established by NRC on the recommendations of the Te Tai Tokerau Māori and Council Working Party (TTMAC)⁸.

The report is limited to providing recommendations to TWWAG and NRC on the basis of fourteen workshops from May 2022 – January 2023 to develop tangata whenua provisions presented in this report.

⁸ See TTMAC Terms of Reference 2019 –2022 for further information. <https://www.nrc.govt.nz/your-council/elected-members/council-and-committees/>

The report does not provide direction on any other wider provisions for other values, environmental outcomes (objectives) and policies required as part of the NPSFM. It is recognised though that Māori values permeate through every aspect of freshwater decision making, and as such Māori values should be incorporated through the development of other provisions.

A number of workshops were held online as a result of Covid-19 restrictions. This limited the involvement of some participants, who were at times constrained by technology and appropriate internet connectivity. Members were able to attend in person and provided feedback where possible throughout the development of this report.

Timing for the workshops were limited as a result of additional business and the complex workloads of members of TWWAG and NRC at that time. As a result of this, timing for deliverables became restricted in some places and not all topics could be covered in a timely manner through the workshops.

Due to the complexity of some topics required under the NPSFM, such as reviewing existing and identifying new FMUs in Te Tai Tokerau, recommendations have been drafted in this report to provide direction as to how this work can be undertaken in the future. Further research and collaboration with tangata whenua and communities will be required for this task.

The interpretation and application of parts of this recommendations report may be limited in the preparation of the FPI and the options analysis of the section 32 report as required by the RMA.

4 TWWAG Terms of Reference

TWWAG was established with the support of TTMAC to provide feedback, analysis and advice on the development of the FPI to give effect to the NPSFM. NRC has acknowledged in the Terms of Reference (ToR) for TWWAG that this will not be the only way the NRC will engage with tangata whenua. Also TWWAG acknowledges it does not have the mandate to speak for all tangata whenua, whānau, hapū and iwi.⁹ Other consultation processes involving tangata whenua and community groups are planned, to receive further feedback on the draft FPI.

The ToR includes but is not limited to the scope, membership, values, objectives and deliverables, some of which are covered here in this Stage 2 Report.

The drafting of this report and involvement of members from TWWAG should not preclude or limit further involvement through the formal notification process defined under Schedule 1 of the RMA. Where there are disputes with respect to wording from parties, submissions and further submissions through Schedule 1 can be used.

⁹ TWWAG ToR March 2022.

A long-exposure photograph of a rocky coastline. The water is a deep, vibrant blue, and the rocks are dark and jagged. The water's surface is covered in soft, white foam from the waves, creating a dreamy, ethereal atmosphere. The lighting is soft, suggesting a calm time of day like dawn or dusk.

WĀHANGA TUATAHI

Part One: Background

5 Wāhanga Tuatahi: Part One: Background

Ko te wai te mea i kawea te ora o te tangata.

Ko te wai te koiora o te tangata, ko te wai te koiora o te ao turoa.

Water is the carrier of human existence.

Water is the original source of human life, and the original source of the long-standing natural world.

In recent times central and local government policy and planning documents have introduced concepts and terminology such as mātauranga Māori, mana and kaitiakitanga. From the outset of this project, the team and members of TWWAG have acknowledged that there are many views across whānau, hapū and iwi with respect to what mātauranga Māori might mean to them.

For some who have been involved in policy development where concepts such as mauri, mana, rangatiratanga and kaitiakitanga are included into government policy, we understand the complexity of how these explanations differ between Western science and te ao Māori perspectives. As such, this report provides recommendations in the policy provisions in this report, where these concepts have been drafted to be included in the FPI. Sometimes these terms have not been defined as it is best left for those at an implementation level to describe what those terms and concepts mean with respect to their whānau, hapū and iwi aspirations and mātauranga.

Throughout the report there are examples from different sources where kōrero tuku iho and pūrākau have been included from different whānau, hapū and iwi from Te Tai Tokerau. However, we note this is by no means exhaustive. Further engagement with tangata whenua across Te Tai Tokerau is required to inform the FPI. Furthermore, guidance material should be developed to assist with the interpretation of how the tangata whenua provisions can be applied in practice, to assist with successful implementation. In addition, a limited glossary has also been prepared in Appendix A to describe kupu (words) and what these terms might mean in Te Tai Tokerau. Acknowledging that there will be variances. We recommend a qualified interpreter reviews the kupu and definitions contained within this report.

5.1 Subsequent changes to the pRPN

Subsequent changes will be required to be made to the Proposed Regional Plan for Northland (pRPN). This includes reviewing existing provisions that need to give effect to the NPSFM. Further actions are also recommended below to assist with implementing Te Mana me te Mauri o te Wai and the FPI:

- Develop action plans with tangata whenua to achieve target attribute states.
- Review outstanding freshwater bodies under the pRPN with tangata whenua.
- Review all existing freshwater provisions in the pRPN to give effect to Te Mana me te Mauri o te Wai and the tangata whenua provisions recommended in this report.

5.2 Development and scope of report

TWWAG worked together, supported by the consultants and council staff, to draft tangata whenua provisions. These workshops took place from May 2022 to January 2023 and were held online and face-to-face.

The purpose of the workshops was to assist with drafting relevant provisions recommended in this report. Further clarity and feedback was also presented at each workshop based on the topic being discussed on the day.

The first workshop provided an overview of the scope and framework of the NPSFM. A high-level overview of 'first planning principles' was defined to describe the plan making process in simple terms. The National Objectives Framework (NOF) was also explained as prescribed under the NPSFM. This was to help provide direction around scope and limitations of this report and the wider FPI.

Further workshops then discussed the proposed vision(s), values and environmental outcomes (objectives), and attributes. These mainly derived from the Stage 1 Report prepared by TWWAG and other resources. The initial workshops also explored the idea of developing 'classes or states of wai' framework from a te ao Māori lens, to assist with understanding what planning responses might take place to implement the proposed tangata whenua provisions.

It was then explained that reviewing existing and identifying new FMUs would be extensive, and a new approach to updating these needed to take place with tangata whenua after the initial FPI.

During workshops in late 2022, draft wording and scenarios were also presented. This included new policies and rules (where possible) to describe potential planning responses to direct freshwater decision-making. On 10 November 2022, TWWAG requested further time to complete this report, which was agreed to by TTMAC. Finalisation of the wording for this report took place in December 2022 and January 2023. It is expected the final version of this report is presented to TTMAC on 23 February 2023 for endorsement.

As a result of ongoing discussions with TWWAG and NRC, a number of non-regulatory methods and actions that sit outside of the plan making process were also identified. These have been included to provide further direction to NRC as another way of giving effect to Te Mana me te Mauri o te Wai.

The recommendations that have been drafted in this report have been developed from the above process. We acknowledge that some of the recommendations may expand overtime and differ depending on the priorities of tangata whenua across Te Tai Tokerau with respect to giving effect to Te Mana me te Mauri o te Wai in their rohe or takiwā.

5.3 Stage 1 Report findings

Material from the Stage 1 report and TWWAG feedback has been used to inform parts of this recommendations report. This includes the concept of protecting Te Hurihanga Wai and the water cycle discussed further below.

5.4 Te Hurihanga Wai

The Stage 1 Report provides an overarching position that has guided the initial development of the tangata whenua provisions. This includes a proposed vision, values, environmental outcomes (objectives), policies and rules describing how Te Mana me te Mauri o te Wai should be implemented in Te Tai Tokerau.

The Stage 1 Report should be read in its entirety to fully understand the concepts briefly described below.

In short, the following description of the roles of ngā ātua responsible for certain elements of te taiao, is described to try and capture the essence of what Te Hurihanga Wai means in practice. This is important when considering the application of planning provisions developed by TWWAG. A brief explanation of Te Hurihanga Wai and prominent ātua is presented below:

Te Hurihanga Wai

Kōrero tuku iho provide us an insight into the creation of water from a Māori worldview.

One kōrero, speaks of the first manifestation of water by **Wainuiātea**. Wainuiātea was the first wife of **Ranginui** (sky father), and from this union came the great expanse of water, the oceans, and the gathering of all waters. The tamariki of this union are said to include: **Moananui** (the great ocean), **Moanaroa** (the long ocean), **Moanahakere** (the gloomy ocean), **Moanapōtango** (the dark ocean), **Moana tu-i-te-wao** (the oceans flowing towards the forest), **Moana tū-i-te-repo** (the oceans flowing towards wetlands).

Another kōrero speaks of Ranginui and his second union with **Papatūānuku** (Earth mother).

One of their sons **Tāne te waiora** pushed his parents apart, separating them, and thus creating the world we live in today, **Te Ao Marama** - the world of light. From these deities, water was given life.

At the completion of the separation, our tūpuna **Ranginui** and **Papatūānuku** wept for each other, they continue to do so every day. We acknowledge their weeping as **Ngā roimata o ngā atua** (the tears of Ranginui and Papatūānuku).

From the sky father are the tears of rain – the tears of love for Papatūānuku to help her to grow plant life to cover and protect her.

The tears from earth mother are weeping springs that come from land. The deities are joined in embrace on misty days when water is felt by both. From their tears, they create and add to our waterways.

The first teardrop became the offspring of Rangi and Papa. He married **Huru-te-rangi** and together they begat twelve children, who personify different types of cold: snow, ice, frost, and hail. **Maui** called upon **Te Ihorangi** to aid him when he was assailed by fire after requesting fire knowledge from his grandmother **Mahuika**. He is also the parent of Tuna, the freshwater eel. In one tradition, the frost fish, river eel and conger eel are said to have sprung from **Te Ihorangi** and to have come down from the heavens to earth.

On land you will find wetlands – the kidneys of Papatūānuku that filter out the contaminants.

We refer to a significant accumulation of water as a 'body of water', and that 70% of our bodies are made up of water. The water ways are known as the blood lines, the capillaries, and veins of earth mother, with water land being toto or blood – the blood of Papatūānuku.

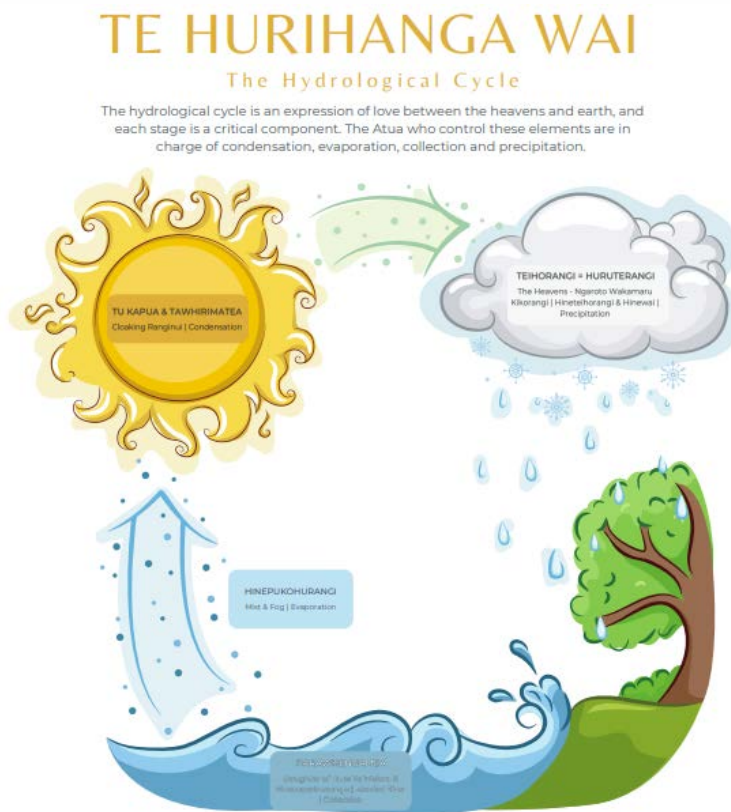
Parawhenuamea is also known to be as the personification of water on earth (including flooding). Parawhenuamea has been described as the parent of water and was born of the Mountain Maid – as most streams are. Parawhenuamea is also known as the wife of Kiwa – the guardian of the ocean often referred as -Te Moana nui a Kiwa - the Great Ocean of Kiwa. Kiwa also personifies the ocean and estuaries – which are considered a shared domain.¹⁰

¹⁰ Ibid, p.13-16.

There are multiple ātua and guardians who are personified as elements of our taiao, in particular around water. There will be differences between whānau, hapū and iwi with respect to the roles and responsibilities of some atua. It is not possible to list all of those here.

The description above has been provided to describe how through whakapapa Māori view freshwater as a living being that derives from ngā atua, and outside of this world. These waterways traditionally had abundant species that lived in harmony and were inter-connected as a whole. When a part of the water cycle is broken that harmony and inter-connectedness is broken. Thus, the Te Hurihanga Wai or cycle of water is broken as well, resulting in severe consequences for tangata whenua and species that rely on those ecosystems to survive and thrive. Figure 1 below describes how Te Hurihanga Wai might be visualised in practice.

Figure 1: Te Hurihanga Wai (The Hydrological Cycle)



Source: Shortland and Armstrong (2022). Stage 1 Report: Te Mana me te Mauri o te Wai: A Discussion Document for Te Tai Tokerau.

5.5 Te Mana me te Mauri o te Wai Statement for Te Tai Tokerau

For the well-being, spiritual connection and whakapapa of water to be prioritised and to ensure everyone has a relationship with wai, there needs to be a greater appreciation and understanding of what a relationship is for tangata whenua. As such, we see upholding Te Hurihanga Wai as a significant part to giving effect to Te Mana me te Mauri o te Wai in Te Tai Tokerau.

In particular under the NPSFM clause 3.2 states that:

- (3) Every regional council must include an objective in its regional policy statement that describes how the management of freshwater in the region will give effect to Te Mana o te Wai.*
- (4) In addition to subclauses (1) to (3), Te Mana o te Wai must inform the interpretation of:
 - (a) this National Policy Statement; and*
 - (b) the provisions required by this National Policy Statement to be included in regional policy statements and regional and district plans.**

Te Mana me te Mauri o te Wai has been adopted by TWWAG as a local interpretation of Te Mana o Te Wai. A proposed Te Mana me te Mauri o te Wai statement for Te Tai Tokerau has therefore been drafted for the FPI by TWWAG. That statement is:

"Kia whakamanatia Te Mana me te Mauri o te Wai, me noho tōmua, me whakaute, me whakahaumarū, me whakamārohi hoki te waiora ā-wairua, ā-whakapapa tonu o Te Hurihanga Wai i mua i te tau 2040."

"In order to give effect to Te Mana me te Mauri o te Wai, the spiritual wellbeing and whakapapa of Te Hurihanga Wai is prioritised, respected and protected."

The proposed tangata whenua provisions presented in Part Three of this report provide further direction with respect to how this can occur. This includes through the recognition of tangata whenua values, environmental outcomes (objectives), policies, rules, attributes and other methods co-created with TWWAG.

As such, the definition of Te Mana me te Mauri o te Wai applies to all water including wai in pipes, tanks and cisterns.

5.6 Differences between te ao Māori and western world views

It is important to acknowledge that combining te ao Māori and western world views for managing and caring for wai is difficult in places. Concepts such as mana, rangatiratanga, kaitiakitanga, tapu and noa describe why new responses to caring for wai is required by tangata whenua. In brief, this is because particular roles should be carried out by whānau, marae, hapū and iwi as they have a responsibility through whakapapa (genealogy) to care for, look after, and protect water.

To understand te ao Māori, it is necessary to consider key principles, customs and values that Māori use to guide decisions and processes. While it is not the intent here to go over these customs and tikanga in full detail, a brief introduction is provided to describe why there is a complexity with bridging te ao Māori and western worldviews into an Aotearoa New Zealand planning system. A further description is provided below about why tangata whenua values have been chosen to help guide the implementation of Te Mana me te Mauri o te Wai in Te Tai Tokerau.

In brief, when Aotearoa was colonised, a new Westminster system of governance and decision making was introduced and diminished the way Māori governed themselves. This impacted the way decisions were made over natural resources, and in particular freshwater decision making which has focused on “managing freshwater” as opposed to managing the way humans use freshwater. In te ao Māori, tangata whenua must maintain and uphold the spiritual balance with natural resources that derive from ngā ātua (the gods). It is the responsibility of tangata, to care for and tiaki (look after) these resources and the ecosystems and animals that rely on them. This includes natural elements such as wai Māori (freshwater), the moana (the ocean), ngāhere (forest) and whenua (land)¹¹.

Rev. Māori Marsden wrote that Te Korekore (the nothingness) was a void of formless potential, with elemental energy. From there emerged energy and wairua and all things took form with an infused mauri (life essence).¹² All things then further emerged through Te Po (the darkness) and then into te ao Marama (the world of enlightenment). Within this world, each of the atua who were children of the prominent gods Ranginui (Sky Father) and Papatūānuku (Earth Mother) played a vital and critical role to the survival of tangata whenua.

As a result of this, ātua are considered the deities that governed and are made responsible for the realms of the natural environment. Of particular relevance to this report and FPI are those ātua named in the Stage 1 Report.¹³

Figure 2 below provides a high-level overview to describe how combining two world views can be complex, this is not an exhaustive list. The principles of the NPSFM have been used in the middle column to show how an attempt to bridge these worldviews and decision-making processes.

¹¹ See Marsden, M., *The Woven Universe: Selected writings of the Rev. Māori Marsden*. Edited by Te Ahukaramu Charles Royal. 2003. Otaki.

¹² Ibid.

¹³ See Source: Shortland, T., & Armstrong, K. (2022). *Te Mana me te Mauri o te Wai: A Discussion Document for Te Tai Tokerau*. Stage 1 Report prepared for the NRC's TWWAG by Awatea Organics.

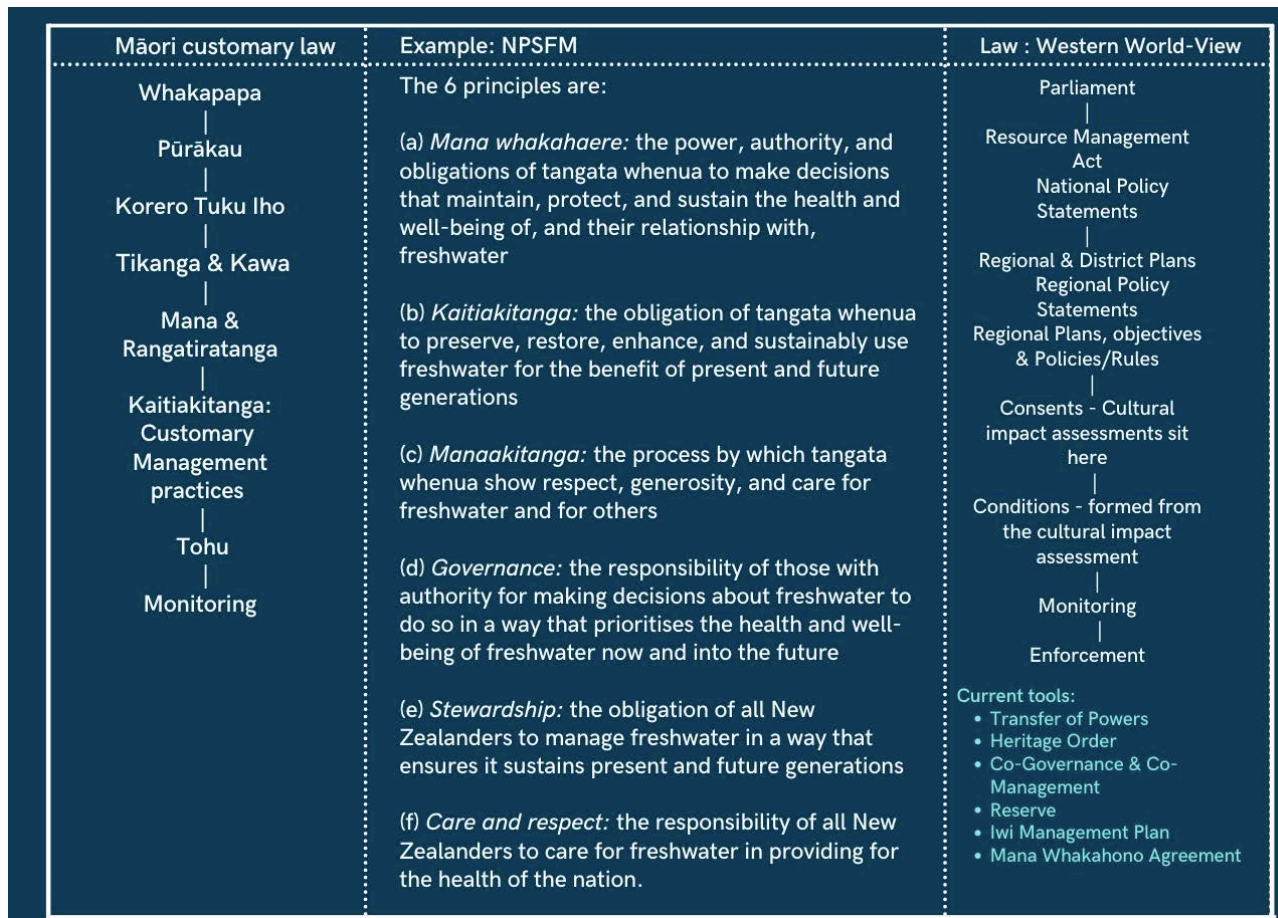


Figure 2: High-level overview of Māori Customary Law and Western Law



WĀHANGA TUARUA

Part Two: Context

6 Wāhanga Tuarua: Part Two: Context

6.1 Introduction to the NPSFM

The NPSFM came into effect on 3 September 2020. It replaces the NPSFM 2014 (amended in 2017) which came into force on 7 September 2017. Amendments were incorporated in December 2022, and these take effect from 5 January 2023 in the revised version of the NPSFM 2020 Amendment No.1. It is noted that the authors have not fully reviewed or incorporated the amended version into this report. The NPSFM provides local authorities with direction of how to improve freshwater decision making under the RMA to meet the single objective of the NPSFM.

There are numerous requirements under the NPSFM that local authorities need to implement. Some requirements include but are not limited to:

- Managing freshwater in a way that ‘gives effect’ to Te Mana me te Mauri o te Wai, including through actively involving tangata whenua;
- working with tangata whenua and communities to set out long-term visions in the regional policy statement (RPS) for Te Tai Tokerau;
- prioritising the health and wellbeing of water bodies, then the essential needs of people, followed by other uses;
- improving degraded water bodies, and maintaining or improving all others to at least the bottom lines defined in the NPSFM, and to a better state if communities wish;
- implementing and expanding the NOF;
- adding two additional values - threatened species and mahinga kai which join ecosystem health and human health for recreation, as compulsory values;
- the requirement for councils to develop plan objectives that describe the environmental outcome sought for all values;
- tougher national bottom lines for the ammonia and nitrate toxicity attributes to protect 95% of species from toxic effects (up from 80%);
- requirements to avoid any further loss or degradation of wetlands and streams, mapping existing wetlands and encourage their restoration;
- identifying and working towards target outcomes for fish abundance, diversity and passage and address in-stream barriers to fish passage over time; and
- the requirement to monitor and report annually on freshwater (including the data used) and publishing a synthesis report every five years containing a single ecosystem health score and respond to any deterioration.

The tangata whenua requirements under the NPSFM have directed the development of recommendations in this report. Provisions have been co-created with TWWAG to describe the way in which Te Mana me te Mauri o te Wai, and wider parts of the NPSFM should be implemented in Te Tai Tokerau.

Giving effect to Te Mana me te Mauri o te Wai through a non-Māori regulatory framework is complex. This is because understanding concepts of te ao Māori are necessary and required to give effect to Te Mana me te Mauri o te Wai. It is necessary to understand how other activities and other matters affect bodies of water as well.

Regulatory authorities should also consider Te Mana me te Mauri o te Wai outside of the NPSFM framework as well. This may include introducing education campaigns and teaching opportunities to communities to explain the impact certain land use activities have on freshwater. Further, tangata whenua should be given the ability to monitor freshwater bodies and collect data in a manner that is agreed to by them as provided under clause 3.4(1)(d) of the NPSFM.

For these reasons, this report provides a number of non-regulatory methods that should also be adopted by the NRC to assist with implementing Te Mana me te Mauri o te Wai outside of the regulatory plan making process. This should be done in agreement with tangata whenua representatives.

6.2 Giving Effect to Te Mana me te Mauri o te Wai

Te Mana me te Mauri o te Wai, as explained in the NPSFM, refers to the fundamental importance of water and recognises that protecting the health of freshwater protects the health and wellbeing of the wider environment. It protects the mauri of wai, and is about restoring and preserving the balance between water, the environment and community.¹⁴ Giving effect to Te Mana me te Mauri o te Wai means upholding '*principles and obligations to guide all activity*' as explained by Te Kāhui Wai Māori. This includes the following:¹⁵

- Te Mana me te Mauri o te Wai is the national korowai that frames and informs the trajectory for immediate and future policy development, and regional freshwater planning. It is a concept that encompasses the integrated and holistic health and well-being of waters as a continuum from the mountains to the sea;
- Te Mana me te Mauri o te Wai is not just about strengthening Māori cultural values tagged to discrete issues like mahinga kai and nor is it just about addressing barriers to the development and use of underdeveloped Māori land.

6.3 Fundamental concept of Te Mana me te Mauri o te Wai

The fundamental concept of Te Mana me te Mauri o te Wai (referred to as Te Mana o Te Wai) under the NPSFM refers to the:

- (1) *...fundamental importance of water and recognises that protecting the health of freshwater protects the health and well-being of the wider environment. It protects the mauri of the wai. Te Mana o te Wai is about restoring and*

¹⁴ See 1.3(1) of the NPSFM.

¹⁵ Kahui Wai Māori, "*Te Mana o te Wai: The health of our wai, the health of our nation*". April 2019. Available online at: <https://environment.govt.nz/publications/te-mana-o-te-wai-the-health-of-our-wai-the-health-of-our-nation-kahui-wai-Māori-report-to-hon-minister-david-parker/>

preserving the balance between the water, the wider environment, and the community.

- (2) *Te Mana o te Wai is relevant to all freshwater management and not just to the specific aspects of freshwater management referred to in this National Policy Statement.*

Furthermore, the Framework of the NPSFM sets out six key principles relating to the roles of tangata whenua and other New Zealanders in freshwater decision making, which inform the NPSFM and its implementation. The six principles are:

- a. ***Mana whakahaere***: the power, authority, and obligations of tangata whenua to make decisions that maintain, protect, and sustain the health and well-being of, and their relationship with, freshwater.
- b. ***Kaitiakitanga***: the obligation of tangata whenua to preserve, restore, enhance, and sustainably use freshwater for the benefit of present and future generations.
- c. ***Manaakitanga***: the process by which tangata whenua show respect, generosity, and care for freshwater and for others.
- d. ***Governance***: the responsibility of those with authority for making decisions about freshwater to do so in a way that prioritises the health and well-being of freshwater now and into the future.
- e. ***Stewardship***: the obligation of all New Zealanders to manage freshwater in a way that ensures it sustains present and future generations.
- f. ***Care and respect***: the responsibility of all New Zealanders to care for freshwater in providing for the health of the nation.

Three of the six principles outline the obligations and responsibilities of tangata whenua (Mana Whakahaere, Kaitiakitanga and Manaakitanga) and the other three principles outline the obligations and responsibilities of all New Zealanders (Governance, Stewardship, Care and respect). Hence the six principles could be viewed as three sets of paired principles involving both a Tangata Whenua and a Tangata Tiriti (all New Zealanders) in a Te Mana o Te wai lens.

Mana Whakahaere and Governance are closely linked when it comes to making decisions regarding freshwater, to give effect to the principles would require a partnership approach between Tangata Whenua and Tangata Tiriti.

The NPSFM also sets out how Te Mana o Te Wai should be implemented under clause 3.2 in Table 1:

Table 1: NPSFM Clause 3.2 – Te Mana o te Wai	
1.	<i>Every regional council must engage with communities and tangata whenua to determine how Te Mana o te Wai applies to water bodies and freshwater ecosystems in the region.</i>
2.	<i>Every regional council must give effect to Te Mana o te Wai, and in doing so must:</i> <ol style="list-style-type: none"> a) <i>actively involve tangata whenua in freshwater management (including decision-making processes), as required by clause 3.4; and</i> b) <i>engage with communities and tangata whenua to identify long-term visions, environmental outcomes, and other elements of the NOF; and</i> c) <i>apply the hierarchy of obligations, as set out in clause 1.3(5):</i>

- i. *when developing long-term visions under clause 3.3; and*
 - ii. *when implementing the NOF under subpart 2; and*
 - iii. *when developing objectives, policies, methods, and criteria for any purpose under subpart 3 relating to natural inland wetlands, rivers, fish passage, primary contact sites, and water allocation; and*
 - d) *enable the application of a diversity of systems of values and knowledge, such as mātauranga Māori, to the management of freshwater; and*
 - e) *adopt an integrated approach, ki uta ki tai, to the management of freshwater (see clause 3.5).*
3. *Every regional council must include an objective in its regional policy statement that describes how the management of freshwater in the region will give effect to Te Mana o te Wai.*
 4. *In addition to subclauses (1) to (3), Te Mana o te Wai must inform the interpretation of:*
 - a. *this National Policy Statement; and*
 - b. *the provisions required by this National Policy Statement to be included in regional policy statements and regional and district plans.*

Furthermore, there is a hierarchy of obligations in Te Mana o Te Wai that prioritises:

1. *first, the health and well-being of water bodies and freshwater ecosystems;*
2. *second, the health needs of people (such as drinking water); and,*
3. *third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.*

When Te Mana me te Mauri o te Wai is provided for, the mauri of the wai is sustained and the cultural, social and economic relationship of whānau, hapū, iwi and all New Zealanders with wai is maintained.

The directives above have provided context for this report. TWWAG members have provided further direction as to what Te Mana me te Mauri o te Wai means from a Te Tai Tokerau perspective, which this report seeks to provide through the vision, objectives, policies, rules and non-regulatory methods presented below.

6.4 Regulatory and non-regulatory framework

The following sections provides context to the regulatory and non-regulatory matters, as well as the legislative requirements for this report.

A common theme through the environmental plans¹⁶ in Te Tai Tokerau was that He Whakaputanga o Niu Tirenī 1835 and Te Tiriti o Waitangi 1840 (not the Treaty of Waitangi) need to be read together and recognised as the constitutional

¹⁶ Te Runanga o Whaingaroa Te Ukaipo Plan (2022-2027), Te Roroa Environmental Policy Document Reviewed Version (2019), Ngati Kuri Trust Board Pou Taiao Environmental Management Plan, Te Iwi o Ngai Takoto Environmental Plan (2017), Whatitiri Resource Management Plan (2016), Patuharakeke Hapu Environmental Management Plan (2014), Te Uri o te Hau Kaitiakitanga o te Taiao (2011), Nga Tikanga mo te Taiao Ngati Hine, Ngati Hine Environmental Management Plan (2008), Te Kahukura a Ngati Kororo, Ngati Wharara me Te Pouka, Hapu Environmental Management Plan (2008), Tapuwae Management Plan (2022)

framework for hapū, iwi (tangata whenua) and the kāwanatanga in freshwater decision-making.

He Whakaputanga o Te Rangatiranga o Niu Tirenī 1835 has more prominence in Te Tai Tokerau perhaps more so than other hapū and iwi in Aotearoa. He Whakaputanga o Niu Tirenī reaffirms and asserts the mana of hapū through whakapapa to the whenua to exercise their authority in applying tikanga to uphold the mana and well-being of hapū as they had for thousands of years prior to the arrival of Pākehā. For the tangata whenua of Te Tai Tokerau there is no question that He Whakaputanga Niu Tirenī is a clear statement that mana resides solely with the hapū of Te Tai Tokerau¹⁷.

Te Tiriti 1840 reaffirms the mana and rangatiranga of hapū and iwi but invites the kāwanatanga to have a relationship with tangata whenua which is rooted in acknowledging and adhering to He Whakaputanga o Niu Tirenī. Article 1 of Te Tiriti o Waitangi affords the concept of kāwanatanga which was envisioned as a way in which Pākehā peoples could govern themselves but not to govern tangata whenua¹⁸. Article 2 of Te Tiriti o Waitangi guarantees hapū have tino rangatiranga o ngā taonga katoa. As wai is a tino taonga for hapū and iwi this adds an extra layer of constitutional responsibility for the kāwanatanga to ensure hapū and iwi are empowered in enacting and exercising tino rangatiranga in freshwater decision-making¹⁹.

Another unique feature for tangata whenua o Te Tai Tokerau is the Te Paparahi o te Raki claim in 2014²⁰. The report on Stage 1 of the Te Paparahi o te Raki Inquiry undertook a detailed analysis of the meaning of He Whakaputanga o Niu Tirenī 1835 Declaration of Independence and Te Tiriti o Waitangi, as it would have been understood by those in Te Tai Tokerau in 1840. The Tribunal's central finding was that the rangatira who signed Te Tiriti o Waitangi in 1840 did not cede their sovereignty by doing so.

*'The rangatira consented to the treaty on the basis that they and the Governor were to be equals, though they were to have different roles and different spheres of influence. The detail of how this relationship would work in practice, especially where the Māori and European populations intermingled, remained to be negotiated over time on a case-by-case basis'*²¹

Therefore, the question that needs to be addressed first and foremost is: What does the relational sphere look like and require for tangata whenua o Te Tai Tokerau and the kāwanatanga in managing people's interactions with wai?

The mana and rangatiranga of the tangata whenua o Te Tai Tokerau through whakapapa which is further reinforced in the constitutional documents of Aotearoa,

¹⁷ See Mutu, M. (2010). Constitutional Intentions. In M. Muholland, & V. M. Tawhai, *Weeping Waters: The Treaty of Waitangi and Constitutional Change*. Wellington : Huia

¹⁸ See Source: (2012). *Ngāpuhi Speaks*. Whāngarei : Te Kawariki and Network Waitangi

¹⁹ See Myers, S., Clarkson, B. D., Reeves, P. N., & Clarkson, B. R. (2013). Wetland management in New Zealand: Are current approaches and policies sustaining wetland ecosystems in agricultural landscapes? *Ecological Engineering*, 107-120

²⁰ See Source: Waitangi Tribunal. (2014). *The Report on Stage 1 of the Te Paparahi o Te Raki Inquiry*. Wellington : Legislation Direct

²¹ Ibid.

demands a genuine and meaningful relationship with the kāwanatanga. What a genuine and meaningful relationship involves regarding wai is for hapū and iwi to decide in negotiation with other decision-making entities²². A relational collaborative approach is necessary from the beginning of the process (e.g. issues), through research and planning, policy and decision-making, to the end such as actions and activities on the ground.²³

Presently, tangata whenua are often an afterthought as is the ad-hoc approach utilised in trying to make mātauranga fit within western knowledge systems and practises in environmental planning and decision-making²⁴. Including or incorporating tangata whenua when it suits, at the bare minimum creates an impasse and makes it incredibly difficult to work together in an authentic manner to nourish and protect wai for everyone. Rangatiratanga meeting kāwanatanga at the interface of two different ways of seeing, being and knowing could provide an opportunity for conducive spaces to empower the co-creation of solutions²⁵ to ensure Te Mana me te Mauri o te Wai is upheld.

6.5 The Treaty of Waitangi Act 1975

The Treaty of Waitangi Act 1975 established the Waitangi Tribunal which investigates breaches of Te Tiriti o Waitangi. Of particular importance to this report and the wider FPI, is the Wai 2358 Inquiry. The Wai 2358 Inquiry investigated Māori rights and interests in freshwater at 1840 as mentioned above. It also looked into the Crown's proposed sale of state-owned power companies and Māori interests in geothermal resources.

Nuku Aldridge of Ngāpuhi explained in evidence to the Wai 2358 Inquiry (p.57) the impact on his people when the mauri of Lake Ōmāpere was dying as a result of the growth of weed and algal bloom in the Lake because of activities occurring on adjoining land:²⁶

I te mate te taonga ka mate te wairua. Ka mate te wairua ka mate te tinana. E pera ana. Koia ra te tangi o te iwi ka pupu mai te katoa o te hapori ki te whakatika I te wairua o te Māori. Na ka oti nei.

When the treasure dies, the spirit dies, and when the spirit dies, then the body dies, and that is how it ruins. It was like that, the cry of the people, all of the community cried out. It welled up, the protest to fix it and it is getting better.

It's also been explained that the first kaitiaki of our waterways are taniwha, or spiritual guardians, or ancestors of freshwater. They have inherent connections to other waterways in a region, and often lakes, rivers or streams are recognised by tangata whenua as body parts of a taniwha.

²² See Mutu, M. (2010). Constitutional Intentions. In M. Muholland, & V. M. Tawhai, *Weeping Waters: The Treaty of Waitangi and Constitutional Change*. Wellington : Huia

²³ See Harmsworth, G., & Awatere, S. (2013). *Indigenous Māori Knowledge and perspectives of ecosystems*. Lincoln, New Zealand: Maanaki Whenua Press.

²⁴ Ibid.

²⁵ See Source: Mutu, M., & Jackson, M. (2016). *He Whakaaro Here Whakaumu mo Aotearoa: The Report of Matike Mai Aotearoa - The Independent Working Group on Constitutional*

²⁶ See See Waitangi Tribunal, Stage 1 Report on the National Freshwater and Geothermal Resources Claim (2012). Wai 2358, p.57

One example in Te Tai Tokerau is Takauere, whose eye is at Ngawha. It is explained that Lake Ōmāpere is his heart, and the springs, streams, rivers and lakes are all a part of his body. With his major limbs being the Waitangi River to the east and Uakura and Waima rivers to the west. There are numerous other springs throughout the north that are considered indications of his presence across the region.²⁷

There is an inextricable link between kaitiakitanga, protecting taniwha, and the mana and rangatiratanga of hapū and iwi over freshwater. Through kaitiakitanga practiced by tangata whenua the mauri or life force of waterways can be regenerated and upheld. As explained in the Wai 2358 Inquiry (p.58) by Ngāti Te Ata claimant, the late Nganeko Minhinnick:

Taniwha personified kaitiaki; they enshrined our beliefs; strengthened our resolve; supported our plight; exercised kaitiakitanga and embodied the mauri of our waters. Not only do they represent mana and kaitiakitanga of our waters, each taniwha has its own mana, unique, exercising kaitiakitanga in their own equally different ways. They have their own names, names which our people gave them reflecting their character and disposition... they had their own places of abode and boundaries where they patrolled. The places where they patrolled were akin to reflecting their people's rohe.²⁸

Importantly for this report, the Tribunal further found that (at p.75)²⁹:

"The claimants and interested parties' evidence demonstrated that their water bodies were taonga over which hapū or iwi exercised te tino rangatiratanga and customary rights in 1840, and which they had a physical and metaphysical relationship under tikanga Māori (Māori law). Their rights included authority and control over access to the resource and use of the resource. This authority was sourced in tikanga and carried with it kaitiaki obligations to care for and protect the resource. Sometimes, authority and use was shared between hapū but it was always exclusive to specific kin groups; access and use for outsiders required permission (and often payment of a traditional kind)."

6.6 RMA

The RMA is the primary statute for managing freshwater. All lower order planning instruments must achieve the sustainable management purpose of the RMA.

Part 2 of the RMA has relevant sections that include provisions relating to tangata whenua, this includes sections 5, 6(e), 7(a) and 8. For instance, those exercising functions and powers under the RMA 'shall recognise and provide for the following matters of national importance':

²⁷ <https://www.ngawha.nz/our-stories.html>

²⁸ See Waitangi Tribunal, Stage 1 Report on the National Freshwater and Geothermal Resources Claim (2012). Wai 2358 Report, p.58.

²⁹ See Waitangi Tribunal, Stage 1 Report on the National Freshwater and Geothermal Resources Claim, Wai 2358, 2012. p.75.

- 'sustainable management' which includes managing the use, development and protection of natural and physical resources which enables people and communities to provide for their ... cultural well-being³⁰;
- the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga³¹;
- Kaitiakitanga³²; and
- Te Tiriti o Waitangi clause:

*'In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi)'.*³³

There are numerous other provisions under the RMA that enables local authorities to empower tangata whenua to be included in freshwater decision making. Such provisions include:

- Section 33: transfer of powers;
- Section 36B: Power to make joint management agreement;
- Section 58M: Mana Whakahono a Rohe Agreements;
- Section 104(c): Consideration of '*any other matter the consent authority considers relevant and reasonably necessary to determine the application*' [for resource consent]; and
- Schedule 4 sets out the requirements of what is expected in an assessment of environmental effects, including an assessment of cultural effects.

Water is defined in the RMA as:

water—

- (a) *means water in all its physical forms whether flowing or not and whether over or under the ground:*
- (b) *includes fresh water, coastal water, and geothermal water:*
- (c) *does not include water in any form while in any pipe, tank, or cistern*

TWWAG disagree with this definition as it does not include for water in aspects of te Hurihanga wai. Their preferred definition includes for all water of te Hurihanga wai, all its physical forms whether flowing or not, and whether over or under ground, including freshwater, coastal water, geothermal water and all water in any form while in any culvert, pipe, network, tank or cistern.

³⁰ S.5 of RMA.

³¹ S.6(e) of the RMA.

³² S.7(a)

³³ S.8 of RMA.

6.7 Statutory acknowledgements

Statutory acknowledgements are provided for under Te Tiriti o Waitangi settlement legislation. The acknowledgements generally set out the iwi, or hapū cultural, spiritual, historical and traditional association with a specific area owned by the Crown. A statutory acknowledgement is a formal acknowledgement from the Crown of the mana of tangata whenua in relation to a special area. It recognises the particular cultural, spiritual, historical and traditional association of an iwi or hapū with the site, which is identified as a statutory area. In some instances, there may be more than one hapū or iwi who is recognised as having an association with a given area.³⁴

The purposes of a statutory acknowledgement will generally include the following:

- Notification of resource consent applications;
- Environment court regard in determining whether or not iwi and/or hapū have an interest greater than the general public;
- Local authorities to forward summaries of resource consent applications to the relevant iwi or hapū for activities within or adjacent to or impacting directly on the statutory area;
- The ability for relevant hapū or iwi to cite a statutory acknowledgement as evidence of association with an area in submissions to and proceedings before Council, the Environment Court and Environmental Protection Authority (EPA); and,
- To record evidence of association with an area in the regional and/or district plan.³⁵

The purpose of statutory acknowledgements is articulated in relevant Te Tiriti o Waitangi settlement legislation and deed of settlement documents. There are current provisions under the RMA where statutory acknowledgements must be considered in notification assessments made by a consent authority³⁶. There are multiple statutory acknowledgements in Te Tai Tokerau which can be found on NRC's website³⁷. These will be necessary to consider in the FPI and future resource consent applications.

³⁴ <https://www.wdc.govt.nz/files/assets/public/documents/services/property/planning/district-plan/operative/pt1/statutory-acknowledgements.pdf>

³⁵ Ibid.

³⁶ For example, see s.95(B) and s.95(E)

³⁷ <https://www.nrc.govt.nz/Resource-Library-Summary/Plans-and-Policies/Statutory-Acknowledgements/Statutory-Acknowledgements-in-Northland/>

6.8 Regional Policy Statement (RPS)

The Regional Policy Statement (RPS) for Northland identifies key issues of significance to tangata whenua, as well as policies and methods to support addressing these issues, including³⁸:

- participation in resource management;
- participation in decision making; and,
- the state and pressure on natural and physical resources.

There are provisions under the NPSFM that require the RPS to be updated. This includes a vision statement being included as an objective of the RPS³⁹. A recommended vision statement has been drafted by TWWAG and is further discussed in section 8.5.

Of particular relevance to this part is that individual FMU vision statements have not been created here. As such, clause 3.3(2) should be addressed through further consultation and engagement with tangata whenua and communities. Under clause 3.4(1)(b) there is a further opportunity for tangata whenua to make or change the RPS as it relates to freshwater planning and decision making. Some of the recommended provisions below drafted with TWWAG, may be considered where appropriate.

6.9 Local Government Act 2002 (LGA)

The Local Government Act 2002 (LGA) requires local authorities to '*maintain and improve opportunities for Māori to contribute to local government decision making processes*'⁴⁰.

Processes may include setting up relevant tangata whenua governance or working groups, that provide direction on how to manage natural resources. Other opportunities may include increasing the capacity of tangata whenua by upskilling or educating their representatives in matters related to local government. This would also require financial resourcing to support the participation of tangata whenua in processes.

³⁸ See Part 2 and Part 8 of the RPS for Northland 2016 (amended in 2018).

³⁹ See clause 3.3(1).

⁴⁰ See section 4 of the Local Government Act 2022.

6.10 National Policy Statement on Freshwater Management (NPSFM) framework

The National Policy Statement on Freshwater Management (NPSFM) sets out clear directions with respect to tangata whenua involvement in freshwater decision making processes summarised in Table 2 below. A key component of implementing the NPSFM is giving effect to the National Objectives Framework (NOF) discussed further below.

Table 2: NPSFM Clause 3.4 – Tangata whenua involvement in freshwater management	
<p>1) <i>Every local authority must actively involve tangata whenua (to the extent they wish to be involved) in freshwater management (including decision-making processes), including in all the following:</i></p> <ul style="list-style-type: none"> a) <i>Identify the local approach to giving effect to giving effect to Te Mana o te Wai</i> b) <i>Making or changing regional policy statements and regional and district plans so far as they relate to freshwater management.</i> c) <i>Implementing the National Objectives Framework (NOF) (subclause 2))</i> d) <i>Developing and implementing mātauranga Māori and other monitoring.</i> <p>2) <i>In particular, and without limiting subclause (1), for the purpose of implementing the NOF, every regional council must work collaboratively with, and enable, tangata whenua to:</i></p> <ul style="list-style-type: none"> a) <i>Identify any Māori freshwater values (in addition to mahinga kai) that apply to any FMU or part of an FMU in the region; and</i> b) <i>Be actively involved (to the extent they wish to be involved) in decision-making processes relating to Māori freshwater values at each subsequent step of the NOF process.</i> <p>3) <i>Every regional council must work with tangata whenua to investigate the use of mechanisms available under the Act, to involve tangata whenua in freshwater management, such as:</i></p> <ul style="list-style-type: none"> a) <i>Transfers or delegations of power under section 33 of the Act</i> b) <i>Joint management agreements under section 36B of the Act</i> c) <i>Mana whakahono a rohe (iwi participation arrangements) under subpart 2 of Part 5 of the Act</i> <p>4) <i>To avoid doubt, nothing in this National Policy Statement permits or requires a local authority to act in a manner that is, or make decisions that are, inconsistent with any relevant iwi participation legislation or any directions or visions under that legislation.</i></p>	

Further, clause 3.5 on Integrated Management sets out key directives for local authorities to recognise the integrated approach of ki uta ki tai, and the 'interconnectedness of the whole environment, from the mountains and lakes, down to the rivers to hapua (lagoons), wahapū (estuaries) and to the sea'⁴¹. This clause further requires that local authorities must:

- b) Recognise interactions between freshwater, land, water bodies, ecosystems, and receiving environments;
- c) Manage freshwater, and land use and development in catchments in an integrated and sustainable way to avoid, remedy or mitigate adverse

⁴¹ See clause 3.5(1)(a) of NPSFM.

effects including cumulative effects, on the health and well-being of water bodies, freshwater ecosystems, and receiving environments; and,

- d) Encourage the co-ordination and sequencing of regional or urban growth.

The National Objectives Framework (NOF) is summarised in Table 3 below with a high level overview of the process provided in Figure 3.

Table 3: NPSFM Clause 3.7 - Summary of the NOF Framework in the NPSFM	
1)	<i>At each step of the NOF process, every regional council must:</i> <ul style="list-style-type: none"> a. <i>engage with communities and tangata whenua; and</i> b. <i>apply the hierarchy of obligations in Te Mana o Te Wai as set out in clause 1.3(5), as required by clause 3.2(2)(c).</i>
2)	<i>By way of summary, the NOF process requires regional councils to undertake the following steps:</i> <ul style="list-style-type: none"> a. <i>identify FMUs in the region (clause 3.8)</i> b. <i>identify values for each FMU (clause 3.9)</i> c. <i>set environmental outcomes for each value and include them as objectives in regional plans (clause 3.9)</i> d. <i>identify attributes for each value and set baseline states for those attributes (clause 3.10)</i> e. <i>set target attribute states, environmental flows and levels, and other criteria to support the achievement of environmental outcomes (clauses 3.11, 3.13, 3.16)</i> f. <i>set limits as rules and prepare action plans (as appropriate) to achieve environmental outcomes (clauses 3.12, 3.15, 3.17).'</i>

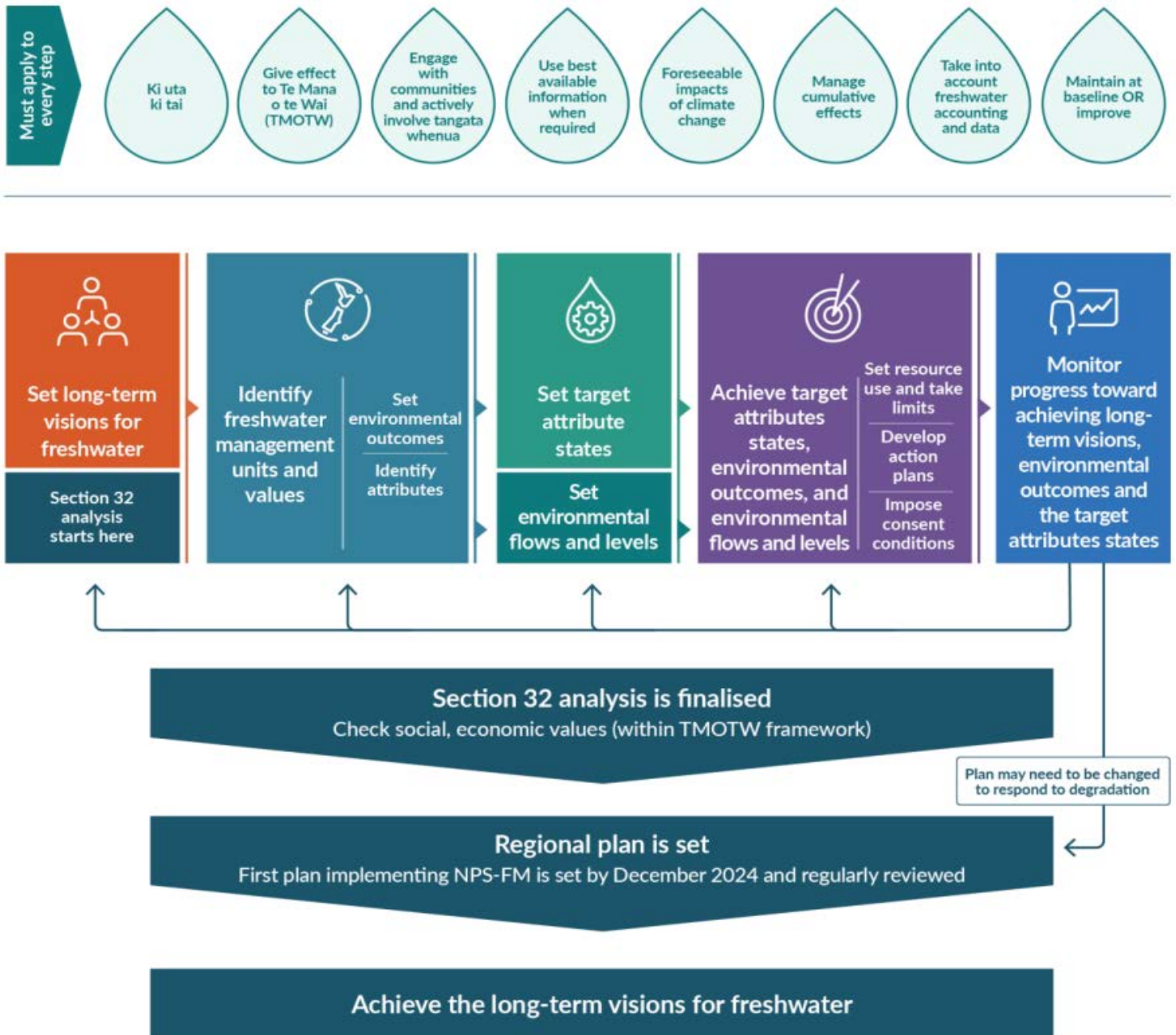


Figure 3: Overview of NOF process to implement the NPSFM⁴²

⁴² Source: Ministry for the Environment, 'Guidance on the National Objectives Framework of the NPSFM', July 2022.

6.11 Scope of FPI

Section 80A of the RMA requires regional councils to undergo a Freshwater Planning Process (FPP) and prepare a FPI that gives effect to the NPSFM. Subpart 2 of the NPSFM sets out the NOF *'which requires regional councils to undertake the following steps'* as part of the FPP/FPI.

The FPP is focused on freshwater, however, this can be broad ranging. For the purpose of this scope, we have focussed on activities that can:

1. Effect freshwater; and,
2. Be affected by freshwater.

This approach is consistent with recent case law⁴³ which established that:

'it is only those parts of the proposed regional statement that relate directly to the maintenance or enhancement of freshwater quality or quantity that can be treated as parts of a freshwater planning instrument'.

This judgement should be tracked should there be any appeals on this decision. In this judgement:

'the Otago Regional Council must now reconsider the proposed regional policy statement and decide which parts of it do relate to freshwater in the way the legislation requires for those parts to be subject to the freshwater planning process'.

As the judgment did not go so far to determine what activities are and aren't related to a FPI, activities were discussed with TWWAG that fall within scope of an FPI and those that sit outside of scope (see Table 4). This is notwithstanding the requirement under s.67 of the RMA which directs NRC to give effect to the NPSFM.⁴⁴

Table 4: Scope of FPI		
Activities within Scope of FPI	Activities outside Scope of FPI	
Activities regulated under s.9(2), s.13, s.14 and s.15(1)(a), s.15(1)(b), s.15(1)(d) under which NRC has functions, powers, and duties as provided for by s.30 of the RMA: <ol style="list-style-type: none"> 1. soil conservation 2. the quality of water in water bodies and coastal water 3. the quantity of water in water bodies; 4. ecosystems in water bodies; 5. natural hazards; 6. contaminated land (investigation / identifying / monitoring⁴⁵). 	Activities regulated under s.9(3) (land use), s.11 (subdivision) and s.12 (coastal) under which NRC has no control.	
		Activities that cause discharges to air as regulated by s.15(1)(c).
		Activities excluded include those under which territorial authorities (district councils) have functions, powers, and duties as provided for by s.31 of the RMA, and specifically as it relates to freshwater: <ol style="list-style-type: none"> 7. activities in relation to the surface of water in rivers and lakes (i.e. control of boats, tourism etc).

⁴³ *Otago Regional Council v Royal Forest and Bird Protection Society of New Zealand Incorporated [2022] NZHC 1777.*

⁴⁴ See s.67(3)(a).

⁴⁵ As required under s.35(2) of the RMA.

The tangata whenua provisions presented in this report, have been drafted on the basis that the NPSFM requires through objectives and policies to be drafted in a way that gives effect to the hierarchy of the NPSFM:

The objective of this National Policy Statement is to ensure that natural and physical resources are managed in a way that prioritises:

- a) first, the health and well-being of water bodies and freshwater ecosystems;*
- b) second, the health needs of people (such as drinking water); and,*
- c) third, the ability of people and communities to provide for their social, economic, and cultural well-being now and in the future.⁴⁶*

Additionally, the tangata whenua provisions recommended in this report have been developed to further implement the relevant policies under the NPSFM. Such as:

Policy 1: Freshwater is managed in a way that gives effect to Te Mana o te Wai.

Policy 2: Tangata whenua are actively involved in freshwater management (including decision-making processes), and Māori freshwater values are identified and provided for.

Policy 3: Freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole-of-catchment basis, including the effects on receiving environments.

Policy 4: Freshwater is managed as part of New Zealand's integrated response to climate change.

Policy 5: Freshwater is managed through a National Objectives Framework to ensure that the health and well-being of all other water bodies and freshwater ecosystems is maintained and (if communities choose) improved.⁴⁷

While the above provisions are not an exhaustive list of all policies in the NPSFM, they provide direction to the way the tangata whenua provisions have been drafted. Further direction under Part 3 of the NPSFM sets out relevant approaches to implementing the NPSFM and giving effect to Te Mana me te Mauri o te Wai⁴⁸.

In regard to 'wetlands' and the applicability of the FPI to coastal wetlands, clarification has been provided in the NPSFM via changes made to it which came into effect on 5 January 2023⁴⁹. This change arose from an Environment Court decision⁵⁰ regarding the difficulty in identifying where Mean High Water Springs are in large intertidal wetlands in the Hokianga Harbour.

⁴⁶ See NPSFM, Objective 2.1

⁴⁷ See NPSFM 2020 for full list of all policies and wider provisions setting out requirements for implementation.

⁴⁸ See for example clauses 3.2 (1) - (4).

⁴⁹ <https://environment.govt.nz/news/amendments-made-to-freshwater-regulations/>

⁵⁰ Minister of Conservation vs Royal Forest and Bird Protection Society of New Zealand Incorporated [2021] NZHC 3113

A natural inland wetland now means 'a wetland (as defined in the Act) that is not:

- a) in the coastal marine area; or
- b) a deliberately constructed wetland, other than a wetland constructed to offset impacts on, or to restore, an existing or former natural inland wetland; or
- c) a wetland that has developed in or around a deliberately constructed water body, since the construction of the water body; or
- d) a geothermal wetland; or
- e) a wetland that:
 - i. is within an area of pasture used for grazing; and
 - ii. has vegetation cover comprising more than 50% exotic pasture species (as identified in the National List of Exotic Pasture Species using the Pasture Exclusion Assessment Methodology (see clause 1.8)); unless
 - iii. the wetland is a location of a habitat of a threatened species identified under clause 3.8 of this National Policy Statement, in which case the exclusion in does not apply.'

6.12 RM Reform and proposed Natural and Built Environment Act

The current resource management reforms must also be acknowledged as they could influence proposed changes to the FPI for Te Tai Tokerau. The Government is intending to repeal the RMA, and three new pieces of legislation are to be introduced:

- Natural Built and Environment Act;
- Spatial Planning Act, and,
- Climate Adaptation Act.

The Natural Built and Environment Bill (NBE) and Spatial Planning Bill (SP) ('the Bills') have been introduced to Parliament on 15 November 2022, with the Climate Adaptation Bill proposed to be introduced in mid-2023. The Bills seek to enhance active participation of iwi and hapu in decision making under the new regime. This includes the introduction of new te ao Māori concepts and the principles of Te Tiriti o Waitangi. The new purpose statement in the NBE includes Te Oranga o Te Taiao with lower order provisions in the Bills that seek to give recognition to the purpose of the Bill. It is proposed that decision-makers will be required to 'give effect' to principles of Te Tiriti o Waitangi, removing current RMA provision to 'take in to account' the principles.

6.13 Three waters reform

In July 2020, the Government launched the Three Waters Reform Programme⁵¹ - a three-year programme to address the challenges facing council-owned and operated three waters services.

The Government's intention was to reform local government's three waters services into a small number of multi-regional entities with a bottom line of public

⁵¹ Department of Internal Affairs, New Zealand Government 2020, Wellington

ownership. A Joint Three Waters Steering Committee provides collaborative oversight of the reform programme that brings together central and local government expertise and experience and includes iwi/Māori perspectives.

This reform does not link directly to resource management (as regulated by the RMA), however, does concern water management insofar as there will be a focus on improving water supply, wastewater and stormwater outcomes, such as the effect from water takes and discharges. These effects can have bearing on the wider water resources and the industry and business communities' interest in water resources. However, the extent to which this may affect other water user groups is not yet known until the Three Water Reform is complete.

The Department of Internal Affairs has setup Taumata Arowai which became a new Crown entity in March 2021. Taumata Arowai is the dedicated water services regulator for New Zealand. While this report does not evaluate the Water Services Bill, the services the regulator is intended to administer and enforce is the new drinking water regulatory system, which contributes to improved environmental outcomes from wastewater and stormwater networks, and ultimately may impact on how Te Hurihanga Wai may be upheld.

6.14 Fisheries Act 1996

The Fisheries Act 1996 is intended to '*provide for the utilisation of fisheries resources while ensuring sustainability*'. A question arises about the protection of fish that live or migrate through freshwater environments and how the Fisheries Act 1996 and RMA interact with each other. Within the Fisheries Act 1996,

ensuring sustainability means—

- (a) *maintaining the potential of fisheries resources to meet the reasonably foreseeable needs of future generations; and*
- (b) *avoiding, remedying, or mitigating any adverse effects of fishing on the aquatic environment.*

utilisation means *conserving, using, enhancing, and developing fisheries resources to enable people to provide for their social, economic, and cultural well-being.*

This was clarified through an appeal to the Bay of Plenty Regional Coastal Environment Plan⁵². In that case, the Environment Court needed to consider whether regional councils could manage the effects of fishing to maintain biodiversity under the powers of the RMA, without managing the fisheries resources themselves, which are under the remit of the Fisheries Act 1996.

'The Environment Court in that case directed that the regional council has the primary role of governance for biodiversity. The Environment Court ruled that Bay of Plenty Regional Council could provide protections, as long the main purpose was in line with those set out under the RMA, having particular regard to the intrinsic

⁵² Court of Appeal (2019) *Attorney-General vs the trustees of the Motiti Rohe Moana Trust & Ors.* – CA408/2017 [2019] NZCA 532.

*values of ecosystems and the relationship of Māori with ancestral waters and taonga*⁵³.

Although this decision making was focused on the marine environment, the findings are in parallel with Environment Court decisions on Indigenous Forest Management Plans under the Forests Act and are applicable to the freshwater environment. Accordingly, the Court findings lead to the conclusion that provisions within NRCs FPI can manage biodiversity outcomes for commercially harvestable fish provided it aligns with the purpose and principles of the RMA in doing so.

⁵³ Peart, R. et al. (2019) Enabling marine ecosystem-based management: Is Aotearoa New Zealand's legal framework up to the task?, *New Zealand Journal of Environmental Law*, p. 31-64. - <https://www.pmcsa.ac.nz/2021/02/21/the-establishment-of-the-motiti-protection-areas-sets-a-new-precedent-for-local-coastal-management/>



WĀHANGA TUA TORU

Part 3: Recommended Tangata Whenua Provisions

7 Wāhanga Tua Toru: Part 3: Recommended Tangata Whenua Provisions

7.1 Recommended provisions and text

...Tangata whenua communities do not wish to investigate Mātauranga Māori for the purposes of merely 'fitting into' and contributing to Crown/ Government environmental management. Rather, they have their own approaches that they wish to investigate and advance for two reasons:

(1) they assert a right to design and implement their own approaches under Te Tiriti o Waitangi, and

(2) because they hold the Crown/Government accountable for the current 'disastrous' state of the environment, they are deeply sceptical as to whether Crown/Government will ever be able to create the change required to improve the health, wellbeing and mauri of the environment.

In recent times, words and concepts derived from mātauranga Māori - such as mauri - have been introduced into environmental management planning and policy to 'make space' for the way tangata whenua communities (such as iwi, hapū, whānau) may perceive, experience, interact with and understand their environment. The inclusion of the word 'mauri' is a doorway by which one may enter a world of understanding about life that was not previously enabled in public policy, management and administration.

... The introduction of words like 'mauri' into public policy planning and research such as this enables an investigation of iwi, hapū, whānau and marae knowledge, views and understandings...⁵⁴

In this report, and in particular the following recommended text, the inclusion of concepts including mātauranga Māori, mauri, kaitiakitanga and rangatiratanga has not been done lightly. In hui TWWAG and PDP carefully crafted the following provisions to help provide a framework at a regional level with respect to implementing Te Mana me te Mauri o te Wai in Te Tai Tokerau. With this, it is assumed that the varying mātauranga Māori of whānau, marae, hapū and iwi can be included at a more localised level through further engagement and wider tangata whenua discussions as recommended in this report.

Provisions presented in this section have been identified and informed by the Stage 1 report, analysis of other regional plans, hapū and iwi management plans, and most importantly, as a result of TWWAG hui and feedback.

The recommendations presented below and the draft provisions seek to give effect to clause 3.4 of the NPSFM. Those clauses direct regional councils with how to give effect to tangata whenua involvement in developing parts of the FPI and implementing NPSFM.

⁵⁴ See for more information a wider discussion on how mātauranga Māori can be applied to freshwater management in: Royal, C., *Te Kawa Waiora Report 2020-2021*, (2022). Reconnecting Northland, p.19

The recommended provisions and text are presented under the following headings as they relate to:

- Freshwater activities and issues of interest to tangata whenua;
- FMU;
- Vision statement;
- Tangata whenua values;
- Environmental outcomes (objectives), Policies and Rules;
- Attribute and Target Attribute states to achieve the environmental outcomes (objectives);
- Subsequent changes required to the pRPN; and,
- Non-regulatory methods and other actions.

It is assumed that the provisions presented in this report are intended to sit both within stand-alone tangata whenua chapters and integrated throughout all other parts of the FPI.⁵⁵ Te ao Māori and Te Mana me te Mauri o te Wai are inherently holistic and many of the provisions presented here will be applicable across many activities and chapters of the FPI.

Each section presents the NPSFM NOF wording first. This NOF wording has directed the development of these provisions.

7.2 Freshwater activities and issues of interest to tangata whenua

Through hui TWWAG also identified current activities and issues in relation to effects on freshwater (Table 5). This is not an exhaustive list, but these activities were identified as likely to be of interest to tangata whenua. These could be included in the RPS to identify further issues of interest or significance to tangata whenua in relation to freshwater.

It is recommended that further engagement with tangata whenua should take place to understand if these activities and wider issues on freshwater should be included in the FPI.

⁵⁵ See for example Chapter D.1 of the Proposed Regional Plan for Northland.

Table 5: Freshwater activities and issues of interest to tangata whenua

1. Construction, replacement or removal of existing structures in freshwater bodies, including estuaries.
2. Water takes and use.
3. Drainage or modification of wetlands.
4. Discharge of contaminants to water bodies.
5. Cumulative effects of land use activities on freshwater bodies.
6. Temporary structures in freshwater.
7. Aquaculture activities impacting on freshwater.
8. Dredging.
9. Reclamations.
10. Damming and diverting freshwater bodies.
11. Vegetation and biodiversity removal and alterations.
12. Genetically modified organisms (GMOs).

7.3 FMUs

A FMU means:

*'all or any part of a water body or water bodies, and their related catchments, that a regional council determines under clause 3.8 is an appropriate unit for freshwater management and accounting purposes; and **part of an FMU** means any part of an FMU including, but not limited to, a specific site, river reach, water body, or part of a water body.'*⁵⁶

Requirements under clause 3.8 of the NPSFM are provided in Table 6. Further recommendations are below.

Table 6: NPSFM Clause 3.8 – Requirement for FMUs and special sites and features

- 1) Every regional council must identify FMUs for its region.
- 2) Every water body in the region must be located within at least one FMU.
- 3) Every regional council must also identify the following (if present) within each FMU:
 - a) sites to be used for monitoring
 - b) primary contact sites
 - c) the location of habitats of threatened species
 - d) outstanding water bodies
 - e) natural inland wetlands.
- 4) Monitoring sites for an FMU must be located at sites that are either or both of the following:
 - a) representative of the FMU or relevant part of the FMU
 - b) representative of one or more primary contact sites in the FMU.
- 5) Monitoring sites relating to Māori freshwater values:
 - a) need not comply with subclause (4), but may instead reflect one or more Māori freshwater values; and
 - b) must be determined in collaboration with tangata whenua.

⁵⁶ See clause 1.4 of the NPSFM.

7.4 Preparing action plans

Clause 3.15 of the NPSFM (Table 7) sets out what NRC must do in regard to preparing action plans⁵⁷

Table 7: NPSFM Clause 3.15 – Preparing action plans
<p>1. <i>Action plans prepared for the purpose of this National Policy Statement may:</i></p> <ul style="list-style-type: none">a) <i>Be prepared for whole FMUs, parts of FMUs, or multiple FMUs; and</i>b) <i>Set out phased approach to achieving environmental outcomes; and,</i>c) <i>Be 'prepared' by adding to, amending, or replacing an existing action plan.</i>
<p>2. <i>An action plan may describe both regulatory measures (such as proposals to amend and plans), and non-regulatory measures (such as work plans and partnership arrangements with tangata whenua and community group(s)).</i></p>

Due to the timing constraints on TWWAG, developing specific action plans with respect to FMUs was not possible, nor considered appropriate without the involvement of haukāinga or community groups.

Therefore, it is recommended that further action plans for FMUs developed in partnership with those tangata whenua and community groups where the FMU presides over. This should include developing specific vision statements, values, environmental outcomes and other methods to give effect to the overarching vision statement developed with TWWAG of upholding Te Hurihanga Wai described below.

FMU identification will require a process where tangata whenua can determine what the characteristics of their FMU's look like, this could include shaping by:

- whakapapa and relationships with overlapping hapū,
- their own mātauranga,
- mahinga kai and other tangata whenua values where appropriate.

FMU's should not be identified without tangata whenua. How this occurs and how they are resourced and supported to ensure the process is undertaken with cultural integrity must be determined by tangata whenua in a way that is culturally safe to them.

The following recommendations (Table 8) are thus proposed for reviewing existing FMUs and identifying new FMUs in Te Tai Tokerau.

⁵⁷ See clause 3.15 of NPSFM.

Table 8: TWWAG Recommendations for FMUs

1. All existing FMUs in the region should be reviewed in a process agreed to by tangata whenua.
2. In partnership with tangata whenua, NRC should identify specific values, environmental outcomes (objectives), policies, environmental flows, levels and limits, for each FMU, where necessary at a sub-catchment level, and be read and considered together with the Regionwide objectives and policies in the FPI. In doing so, the NRC should:
 - a. Give effect to Te Mana me te Mauri o te Wai provisions developed by tangata whenua
 - b. Include through future work additional FMU provisions developed by tangata whenua
 - c. give effect to hapū and iwi planning documents and/or mana whakahono a rohe agreements
 - d. Incorporate water quality and quantity limits and targets suggested by tangata whenua to achieve environmental outcomes
 - e. Incorporate methods proposed by tangata whenua to avoid, remedy or mitigate any over-allocation within a specific timeframe
 - f. Empower tangata whenua through s.33 and s.36B of the RMA to assess water quality and quantity levels, taking into account cultural indicators or attributes they have identified.
3. Specific FMU provisions prevail over other provisions within the Region-wide Objectives and Region-wide Policy sections, unless stated otherwise.
4. A region wide freshwater vision statement for tangata whenua should be included in the FPI, in lieu of individual FMU vision statements. NRC must ensure there is consistency with implementing the objectives and policies that give effect to Te Mana me te Mauri o te Wai presented in this report.
5. Action plans for FMUs are developed in partnership with tangata whenua groups who have the appropriate mana whakahaere over a freshwater area. NRC must resource those who are active in the development of the proposed action plans.

Advisory Note: It would be inappropriate to make changes to regional objectives, policies and rules in relation to FMUs without the involvement of wider tangata whenua groups impacted by provisions.

A proposed approach presented in Table 9 has been developed for tangata whenua by Poipoia Limited as commissioned by the National Science Challenge⁵⁸.

Table 9: Proposed Approach to Developing FMUs	
Stage	Outcomes
Tahi	Mana whenua wānanga to discuss and define what Te Mana me te Mauri o te Wai is for them through their whakapapa and mātauranga.
Rua	Mana whenua determine the takiwā for their wai that enables them to protect and manage them in a culturally appropriate manner. This may include identifying takiwā ⁵⁹ in mapping workshops and wānanga across hapū overlapping areas.
Toru	Mana whenua who are kaitiaki for the chosen takiwā, confirm the values for the takiwā, and agree the outcomes for these wai from their perspective. Mahinga kai is a compulsory value to consider, however there are others that mana whenua may include.
Whā	Mana whenua consider for each value identified, the attributes that can be used to assess how this value is being measured and to set baseline states. Attributes can be developed that are more culturally appropriate where required. For each attribute, set limits and target to support achieving the outcome identified by mana whenua.
Rima	Mana whenua identify how best monitoring of these takiwā should occur.
Ono	Agree the preferred collaborative process with Council and the wider community, participate fully and equitable across the NOF.

⁵⁸ See National Science Challenge (February 2022). Te Mana o Te Wai: A factsheet for hapū and iwi (Factsheet 001). Available online at: <https://ourlandandwater.nz/wp-content/uploads/2022/02/Te-Mana-o-te-Wai-Factsheet-3-The-NOF.pdf>

⁵⁹ Takiwā has been used in this sense to describe FMUs.

7.5 Vision

Section 3.3 of the NPSFM (Table 10) sets out what NRC must do in regard to setting long-term vision(s) as shown. Long term visions for freshwater must be included as objectives in the FPI (RPS).⁶⁰

Table 10: NPSFM Clause 3.3 - requirements for long-term vision(s)
<p>2. Long-term visions:</p> <ul style="list-style-type: none"> a) <i>may be set at FMU, part of an FMU, or catchment level; and</i> b) <i>must set goals that are ambitious but reasonable (that is, difficult to achieve but not impossible); and,</i> c) <i>identify a timeframe to achieve those goals that is both ambitious and reasonable (for example, 30 years after the commencement date).⁶¹</i>
<p>3. Every long-term vision must:</p> <ul style="list-style-type: none"> a) <i>be developed through engagement with communities and tangata whenua about their long-term wishes for the water bodies and freshwater ecosystems in the region; and</i> b) <i>be informed by an understanding of the history of, and environmental pressures on, the FMU, part of the FMU, or catchment; and,</i> c) <i>express what communities and tangata whenua want the FMU, part of the FMU, or catchment to be like in the future.⁶²</i>
<p>4. Every regional council must assess whether each FMU, part of an FMU, or catchment (as relevant) can provide for its long-term vision, or whether improvement to the health and well-being of water bodies and freshwater ecosystems is required to achieve the vision.⁶³</p>

The Vision statement presented in Part One of this report is recommended to be included as an objective in the RPS (FPI). For ease of reference, this has been copied below:

"In order to give effect to Te Mana me te Mauri o te Wai, the spiritual wellbeing and whakapapa of Te Hurihanga Wai is prioritised, respected, protected and enhanced by 2040."

⁶⁰ See clause 3.3(1) of NPSFM.

⁶¹ Clause 3.3(2)(a) – (c).

⁶² Clause 3.3(3) (a) – (c).

⁶³ Clause 3.3(4).

7.6 Background to Recommended Provisions

7.6.1 Freshwater values

Background

Clause 3.9 of the NPSFM identifies the compulsory and other values that apply or could apply as shown in Table 11 below. Clause 3.4(2) of the NPSFM also directs NRC to collaboratively work with and identify tangata whenua values.

Aside from mahinga kai, the focus for TWWAG has been identifying broader Māori values that apply to freshwater in Te Tai Tokerau. Under the NPSFM a definition of Māori freshwater values is defined.⁶⁴ However, a broader definition from Harmsworth⁶⁵ helps to further explain what Māori values are.

Māori values are largely based on traditional concepts, beliefs and values, and shape the thinking of many Māori. From whakapapa and through time Māori acquired knowledge, termed mātauranga Māori; and from knowledge came Māori value. Māori values form the basis for explaining the Māori world-view (te ao Māori), provide an intrinsic cultural basis for controlling or modifying human behaviour, determine issues and perspectives, and provide the concepts, principles and lore Māori use to varying degrees in everyday life. They affect the interaction with others, govern responsibilities, establish the relationship with both the natural and spiritual environment, and form the basis for indigenous aspirations. Māori values therefore form the basis for developing principles, protocols, ethical and cultural standards, and for guiding philosophies for culturally based sustainable development.'

TWWAG has identified other tangata whenua values through this process. See section 7.7 below.

⁶⁴ **Māori freshwater value** means the compulsory value of mahinga kai and any other value (whether or not identified in Appendix 1A or 1B) identified for a particular FMU or part of an FMU through collaboration between tangata whenua and the relevant regional council. See clause 1.4 of NPSFM.

⁶⁵ Harmsworth, G.R. 2005: *Good practice guidelines for working with tangata whenua and Māori organisations: Consolidating our learning*. LC 0405/091 Report for Landcare Research ICM web site. p.56.

Table 11: NPSFM Clause 3.9 - Identifying values under NPSFM	
1) <i>The compulsory values listed in Appendix 1A apply to every FMU and the requirements in this subpart relating to values apply to each of the 5 biophysical components of the value Ecosystem health.</i> ⁶⁶	
2) <i>A regional council may identify other values applying to an FMU or part of an FMU and must in every case consider whether the values listed in Appendix 1B apply.</i>	
Advisory Note:	
<p><i>Appendix 1A – Compulsory values are:</i></p> <ul style="list-style-type: none"> <i>(1) Ecosystem health</i> <i>(2) Human contact</i> <i>(3) Threatened species</i> <i>(4) Mahinga kai</i> <p><i>Five biophysical components:</i></p> <ul style="list-style-type: none"> <i>(a) Water quality</i> <i>(b) Water quantity</i> <i>(c) Habitat</i> <i>(d) Aquatic life</i> <i>(e) Ecological processes</i> 	<p><i>Appendix 1B – Other values that must be considered:</i></p> <ul style="list-style-type: none"> <i>(1) Natural form and character</i> <i>(2) Drinking water supply</i> <i>(3) Wai tapu</i> <i>(4) Transport and Tauranga waka</i> <i>(5) Fishing</i> <i>(6) Hydro-electric power generation</i> <i>(7) Animal drinking water</i> <i>(8) Irrigation, cultivation, and production of food and beverages</i> <i>(9) Commercial and industrial use</i>
NPSFM Clause 3.4 - Tangata whenua involvement	
<p>This part states that:</p> <p><i>(2) In particular, and without limiting subclause (1), for the purpose of implementing the NOF, every regional council must work collaboratively with, and enable, tangata whenua to:</i></p> <ul style="list-style-type: none"> <i>a) Identify any Māori freshwater values (in addition to mahinga kai) that apply to any FMU or part of an FMU in the region; and,</i> <i>b) Be actively involved to the extent they wish to be involved) in decision-making processes relating to Māori freshwater values at each subsequent step of the NOF process.</i> 	

Te ao Māori often comprises a spectrum with values and principles at one end, and rules at the other. The spectrum may include values that do not necessarily differentiate between ‘sanctioned laws’ per se, and non-sanctioned laws and customs. In te ao Māori it is usually these values which provide a primary guide to behaviour.

Aspects of values and custom may be subject to particular circumstances and then reinterpreted in the light of other circumstances. Therefore, te ao Māori and cultural values in some respect are subject to certain pragmatic traditions that can be open-ended and not be confined by one particular circumstance.

By understanding these values it may help to provide an insight into what is considered and how that is contemplated by tangata whenua when tasked with decision-making.

⁶⁶ See clause 3.9(1).

Determining tangata whenua values

The tangata whenua values developed for the FPI have guided the preparation of subsequent provisions. This is not a full list of tangata whenua values associated with freshwater, which is not possible to do here, but are values previously identified from the Stage 1 Report and in consultation with TWWAG. They have guided further policy development presented in this report.

It is also important to note that individual whānau, marae, hapū and iwi may have their own values that should be discussed and considered with them. In particular through the development of any new FMUs.

The tangata whenua values presented in Section 7.7 and Table 12. can be interpreted differently depending on the context and situation. These values can also be intertwined and may fit in more than one situation.

It is recommended that these values are included at a regional level for the FPI, but the Council must acknowledge and agree that there will likely be more localised tangata whenua values that others wish to use in lieu of those presented here. Thus, this list should not preclude the use and identification of other tangata whenua values if and when these are presented in more localised situations.

Table 12 seeks to provide a description of what these values might be defined as⁶⁷:

Tāpae 12: Ngā uara tangata whenua	
Te uara tangata whenua	Te uara tangata whenua
Mauri	Te mana atua kei roto i te tangata, e ora ai ia.
Atuatanga	He mana wairua nō te wāhi ngaro, nō reira hoki tōna kaha, he wairua tupuna hoki. E ahu mai ana tēnei kupu i te kupu 'Atua', e tūhono ana i tēnei uara ki te ao wairua, te ao e manaakitia nei, e ārahi nei ngā atua.
Wairuatanga	Te taha kiko kore o te tangata, e kore e mate atu.
Ki uta ki tai	Te whakahaere ngātahitanga. E whakaū ana ngā tūhonohonotanga i waenganui i ngā mea katoa, mai i ngā maunga ki te moana.
Rāhui	Ki te whakatū tohu whakatūpato ki te iwi hei tiaki i tētahi wāhi, i tētahi mea rānei. E whai nei i te tikanga a te Māori.

⁶⁷ Where possible translations for these kupu/words have derived from www.maoridictionary.com however it is acknowledged that trying to define and translate these terms into English is difficult and impossible to do in some situations. Further research by the reader is recommended to fully understand these concepts where they are unfamiliar with some of these values and terms. Also, see Mead, H, *Tikanga Maori: Living by Maori Values* (2016), for additional descriptions on some of these values.

Tapu	Ko ngā here o te whakapono kei raro i te mana o te wāhi ngaro, e rāhuitia ana, kāhore e tika ana kia tahakia, kia raweketia.
Mana	Te tū rangatira e tautokona ana, e whakaaetia ana e ētahi atu; te kaha ki te ārahi, ki te tohutohu i ētahi atu; e ahu mai ana i ngā atua. ⁶⁸
Rangatiratanga	Te mana me te rangatiratanga e ahu mai ana i ngā atua; te tū mana motuhake (o tētahi iwi), me tana āhei ki te whakahaere i a ia anō, i runga i āna ake tikanga ⁶⁹ ; ngā tohu me ngā mahi e kīia ai te tangata he rangatira, e kitea ai te tika o te whakatupu i a ia.
Kaitiakitanga	Ngā haepapa me ngā kaupapa kua tuku iho mai i ngā tūpuna ki ngā tangata whenua, kia tiakina ngā wāhi, ngā rawa taiao, me ērā atu taonga i o rātou rohe, kia tikana hoki te mauri o aua wāhi, aua rawa, me aua taonga.
Aroha	Te whakaaro pai ki tētahi atu tangata, ki tētahi atu mea rānei.
Kotahitanga	Te piri ngātahitanga, kia hono, kia kotahi ai.
Manaakitanga	Ka āta tiaki (i te tangata ka noho hei manuhiri māu), ka whakarato i a ia ki ngā mea e ora ai ia, e pai ai tana noho; ka āwhina, ka tiaki i runga i te ngākau pai, i te aroha rānei.
Whanaungatanga	Te hononga ā-whakapapa, ā-toto, tētahi atu momo hononga rānei o te tangata ki tētahi atu e kīia ai he whanaunga, he hoa tata rānei. Ka toro hoki tēnei hononga ki ērā e mahi tahi nei te tangata i runga i te wairua whaikoha, whakahoahoa, ngā mahi whakautuutu anō hoki.
Whakapapa	Ngā kāwai o te tangata, o te whānau, o te hapū, o te iwi, ka tīmata ake i tētahi atua, i tētahi tupuna rānei, ka heke iho. Me oti i te tangata ngā mahi e tika ana māna, nā te haepapa i heke iho ki a ia i ngā kāwai whakapapa, ki te tiaki me te whakahaumarū i te wai. Tirohia Te Hurihanga Wai.
Kai-ngaki	He tangata nāna te mahi ki te ngaki, ki te turuturu, ki te whakatupu kai, mahi mahinga kai hoki, pērā ki te whakarite mōra kai.

⁶⁸ Tirohia a Mutu, *The State of Maori Rights*, 2011.

⁶⁹ Ibid, p.214

Wāhi wai rongonui	Ngā wāhi tāpua wai māori. Ka rerekē ēnei wāhi i runga i te āhuatanga o te taiao, ngā momo taonga, ngā wai tapu ⁷⁰ , ngā tauranga waka, ngā mahinga kai, me ētahi atu āhuatanga pea.
Mahinga kai	Tirohia te whakamāramatanga kei te NPSFM.
Wai tapu	Tirohia te whakamāramatanga kei te NPSFM.
Tauranga waka	Tirohia te whakamāramatanga kei te NPSFM.

Table 12: Tangata whenua values

Tangata whenua value	Description
Mauri	Life-force, essence.
Atuatanga	Acknowledgement of the resemblances of spiritual ancestors, their godliness and supernatural beings. The kupu (word) derives from atua which ties this value back to the spiritual world and the domains which atua care for and preside over.
Wairuatanga	Spirituality
Ki uta ki tai	Integrated management. Acknowledging all things are connected from mountains to the seas.
Rahui	To put in place temporary ritual prohibition, closed season, ban, reserve in accordance with tikanga Maori.
Tapu	Sacredness, spiritual power or protective force.
Mana	Power, authority, ownership, status, influence, dignity, respect, derived from the gods. ⁷¹
Rangatiratanga	The exercise of power and authority derived from the gods; exercise of chieftainship including sovereignty, rights of self-determination, self-government, the authority and power of iwi or hapū to make decisions and to own and control resources. ⁷² Can also be: chieftainship, right to exercise authority, chiefly autonomy, chiefly authority, ownership, leadership of a social group, domain of the rangatira, noble birth, attributes of a chief.

⁷⁰ Hei tā te whakamāramatanga i raro i te NPSFM (Āpitianga 1B): '*i ngā wāhi ka whakahaerehia ngā mahi tapu, i ngā tino wāhi tāpua ki ngā tangata whenua rānei. E whai wāhi mai ana te tohi, te karakia, te waerea, te whakatapu, te whakanoa, me ngā tuku ihotanga me ētahi atu mea ki roto i ngā mahi tapu. Mā te whakarato mō tēnei uara e wātea ai ngā wai tapu i te para tangata me te para kararehe, te matū tāoke me te parawai tuhene, ā, ko ōna āhuatanga matapopore, rongomaiwhiti ka tiakina. Ko ētahi atu take nui pea, kāhore te wai tapu e whakaranu horihoritia ana, ā, ko ngā taonga kei te wai kua tautohutia e noho haumarua ana.*'

⁷¹ See Mutu, *The State of Maori Rights*, 2011.

⁷² Ibid, p.214

Kaitiakitanga	The responsibilities and Kaupapa passed down from the ancestors for tangata whenua to take care of the places, natural resources and other taonga in their rohe and the mauri of those places, resources and taonga. ⁷³
Aroha	Love, empathy, patience and compassion.
Kotahitanga	Unity.
Manaakitanga	Hospitality, kindness, generosity, support – the process of showing respect, generosity and care for others.
Whanaungatanga	Relationship, kinship, sense of family connection – a relationship through shared experiences and working together which provides people with a sense of belonging. It develops as a result of kinship rights and obligations, which also serve to strengthen each member of the kin group. It also extends to others to whom one develops a close familial, friendship or reciprocal relationship.
Whakapapa	Particular roles should be carried out by whanau, hapu or iwi if they have a responsibility through whakapapa (genealogy) to care for, look after, and protect water. Also refer to Te Hurihanga Wai.
Kai-ngaki	A person who practices cultivation, or undertakes horticultural or agricultural practices, for example over mara kai (gardens)
Wahi wai rongonui	Freshwater sites of significance. These sites will differ depending on the environment, taonga species, wai tapu ⁷⁴ , tauranga waka, areas for gathering kai (mahinga kai), and possibly other factors.
Mahinga kai	See NPSFM definition.
Wai tapu	See NPSFM definition.
Tauranga waka	See NPSFM definition.

Tangata whenua values have also been categorised under a ‘Western Theme’ that might be easily understood from a non-Māori planning perspective. This is to help guide with further policy implementation and interpretation.

Matters of importance to tangata whenua have also been aligned to the tangata whenua values, to show the connectivity between particular activities undertaken by tangata whenua in alignment with tikanga Māori and the recommended provisions below.

⁷³ Ibid, p.213

⁷⁴ As defined under the NPSFM (Appendix 1B): ‘*where rituals and ceremonies are performed, or where there is special significance to tangata whenua. Rituals and ceremonies include, but are not limited to, tohi (baptism), karakia (prayer), waerea (protective incantation), whakatapu (placing of rāhui), whakanoa (removal of rāhui), and tuku iho (gifting of knowledge and resources to future generations). In providing for this value, the wai tapu are free from human and animal waste, contaminants and excess sediment, with valued features and unique properties of the wai protected. Other matters that may be important are that there is no artificial mixing of the wai tapu and identified taonga in the wai are protected.*’

In the subsequent policy and rule tables the themes, values and matters of importance (such as mahinga kai, taiapure, ahūwhenua and tauranga waka), have been grouped together to show the alignment.

It is expected that these tangata whenua values are applied in every part of the FPI where the environmental outcomes (objectives), policies and rules or other methods align to the intent of the value. There may be situations where more than one value also applies. It is also expected that through the development of future FMUs that tangata whenua at a more localised level may have additional or different tangata whenua values. These should also be considered at a time where they are drafted and implemented through the FPI.

The compulsory values set out under the NPSFM should also be considered alongside the tangata whenua values through implementation.

7.6.2 Environmental outcomes (objectives)

Under the NPSFM, environmental outcomes are required for each value identified. In traditional planning these can also be described as objectives, therefore the terms are used inter-changeably. They generally describe the high-level goals or direction that would minimise, manage or eliminate the issues described in a plan.

The NPSFM sets out what NRC must do in regard to identifying objectives as summarised in Table 13 below.

It is difficult in setting an environmental outcome for every tangata whenua value identified above. Accordingly, TWWAG has taken an approach of developing a set of objectives that seek to address and support the tangata whenua values.

Attributes and target states are also presented further below to assist with measurement and monitoring.

Table 13: NPSFM Clause 3.9 - Setting environmental outcomes (objectives)
<p><i>Identifying values and setting environmental outcomes as objectives⁷⁵</i></p> <p>3) <i>The regional council must identify an environmental outcome for every value that applies to an FMU or part of an FMU.</i></p> <p>4) <i>The regional council must include the environmental outcomes as an objective, or multiple objectives, in its regional plan(s).</i></p> <p>5) <i>The environmental outcomes must:</i></p> <p style="padding-left: 20px;"><i>a) describe the environmental outcome sought for the value in a way that enables an assessment of the effectiveness of the regional policy statement and plans (including limits and methods) and action plans in achieving the environmental outcome; and,</i></p> <p style="padding-left: 20px;"><i>b) when achieved, fulfil the relevant long-term visions developed under clause 3.3 and the objective of this National Policy Statement.</i></p>

The objectives have been designed to consider how the tangata whenua values above can be recognised.

Of particular significance is Objective 1. This objective recognises the significance of Te Hurihanga Wai and the spiritual connection and inter-connectedness of

⁷⁵ See clauses 3.9 (3) – (5) in the NPSFM.

wairuatanga me ngā ātua ki tangata whenua. In particular to te taiao (our environment) and more appropriately for this topic: freshwater.

The objective also seeks to give effect to clause 3.5 of the NPSFM which requires local authorities to recognise the integrated approach involved in decision making around freshwater, mai ki uta ki tai, as required by Te Mana o Wai.⁷⁶

Thereafter the objectives have no order or priority and are seen of equal importance to each other.

7.6.3 Policies

Policies are generally prepared to define the direction and/or course of action to achieve the objectives in a plan. It is not uncommon for tangata whenua to have their own policies and objectives set out in respective hapū and iwi management plans.

The policies have been drafted to assist with achieving the tangata whenua objectives. The policies also describe what NRC must consider when assessing resource consent applications that trigger consideration of tangata whenua cultural values. It is also important to note that the RMA⁷⁷ requires that RPSs and RPs include policies for any issues and objectives identified within those planning instruments.

7.6.4 Rules and methods

Generally, rules and methods describe specific actions and directions to provide more detail that promote and support the implementation of policies.

In regard to rules, the NPSFM directs what NRC must do, however this direction is narrowed in focus to setting environmental flows, levels and take limits.

A limit means:

*'either a limit on resource use or a take limit.'*⁷⁸

The NPSFM requirements for limits are summarised Table 14 below. These rules relate to 'setting limits' on resource use.

The TWWAG process has not sought to set limits on resources, but rather identify other rules and proposed methods that relate to freshwater and assist with achieving the objectives, policies, attributes and target states as recommended by TWWAG.

Accordingly, recommendations have been proposed that provide opportunities for tangata whenua involvement and the types of conditions that could be imposed on any one rule that relates to a freshwater activity. Specific rules have been developed where there is a need to control effects or enable outcomes sought by tangata whenua.

⁷⁶ See clauses 3.5(1) – (4).

⁷⁷ See s.62(1)(d) and s.67(1)(b)

⁷⁸ See clause 1.4 of the NPSFM.

Table 14: NPSFM Clause 3.12 – Rules and Methods
<p>3.12 How to achieve target attribute states and environmental outcomes</p> <p>1. In order to achieve target attribute states for the attributes in Appendix 2A, and the nutrient outcomes needed to achieve target attribute states (see clause 3.13), every regional council:</p> <ul style="list-style-type: none"> a) must identify limits on resource use that will achieve: <ul style="list-style-type: none"> i. the target attribute state, and ii. any nutrient outcomes needed to achieve target attribute states⁷⁹ b) must include those limits as rules in its regional plan; <p>2. In order to achieve the target attribute states for the attributes in Appendix 2B, every regional council:</p> <ul style="list-style-type: none"> b) may identify limits on resource use and include them as rules in its regional plan;⁸⁰ <p>3. In order to achieve any other target attribute state or otherwise support the achievement of environmental outcomes, a regional council must do at least one of the following:</p> <ul style="list-style-type: none"> a) identify limits on resource use and include them as rules in its regional plan(s)⁸¹
<p>3.16 Setting environmental flows and levels</p> <p>1. Every regional council must include rules in its regional plan(s) that set environmental flows and levels for each FMU and may set different flows and levels for different parts of an FMU.⁸²</p>
<p>3.17 Identifying take limits</p> <p>(1) In order to meet environmental flows and levels, every regional council:</p> <ul style="list-style-type: none"> b) must include the take limits as rules in its regional plan(s);⁸³ <p>... and</p>

In response to these requirements the following recommendations in Table 15 are proposed for developing limits in Te Tai Tokerau.

Table 15: TWWAG Recommendations for Limits
<ol style="list-style-type: none"> 1. Limits should be developed in an appropriate way as agreed to by tangata whenua. 2. In partnership with tangata whenua, NRC should identify specific limits for each FMU, where necessary at a sub-catchment level, and be read and considered together with the Regionwide objectives and policies in the FPI, and in doing so have particular regard to: <ol style="list-style-type: none"> a. Te Mana me te Mauri o te Wai; b. Any other tangata whenua values; and, c. Any hapū and iwi planning documents or mana whakahono a rohe agreements.
<p>Advisory Note: It would be inappropriate to set limits in relation to FMUs without the involvement of wider tangata whenua groups impacted by provisions.</p>

⁷⁹ See clause 3.12(1)(a).

⁸⁰ Clause 3.12(2)(b).

⁸¹ Clause 3.12(3)(a).

⁸² Clause 3.16(1).

⁸³ Clause 3.17(1)(b).

In respect of rules, the process has to identify other rules and proposed methods that relate to freshwater and assist with achieving the objectives, policies, attributes and target states as recommended by TWWAG.

Accordingly, recommendations have been proposed that provide opportunities for tangata whenua involvement and the types of conditions that could be imposed on any one rule that relates to a freshwater activity. Specific rules have been developed where there is a need to control effects or enable outcomes sought by tangata whenua.

TWWAG Recommendation: The rules and conditions in section 7.7 are adopted into the FPI.

7.7 Values, objectives, polices and rules

The following sub-sections detail the values, objectives, polices and rules that have been identified and developed by TWWAG. A first table presents the value, description of that value and intent of the value in respect of tangata whenua outcomes sought. Objectives, policies and rules follow thereafter, all of which seeks to achieve desired wai outcomes for tangata whenua.

7.7.1 Mauri, Atuatanga, Wairuatanga/Protection, Balance, Spirituality

Theme	Value	Description	Summary and intent of tangata whenua values
Protection, Balance, Spirituality	Mauri	Life force	<ul style="list-style-type: none"> Protects the spiritual nature and characteristics of freshwater Enhancing and upholding Te Mana me te Mauri o te Wai Gives effect to 'Mana Whakahaere' as defined under Principle 4(a) of the NPSFM.
	Atuatanga	Acknowledgement of the resemblances of spiritual ancestors, their godliness and supernatural beings. The kupu (word) derives from atua which ties this value back to the spiritual world and the domains which atua care for and preside over.	
	Wairuatanga	Spirituality	

Objective 1: The spiritual wellbeing and whakapapa of wai is prioritised and enhanced. All people who use and/or affect wai, listen to and respect Te Hurihanga Wai.

Policy 1.1: The spiritual connection tangata whenua have with wai is recognised and upheld by providing opportunity for mana i te whenua to:

- a) Undertake cultural practices;
- b) Apply localised mātauranga and tikanga to inform decision making
- c) Hapū Kaitiakitanga⁸⁴
- d) Access wai

⁸⁴ Refer to Glossary for meaning.

Policy 1.2: Mana i te whenua are the authority to determine the spiritual wellbeing and whakapapa of wai in their rohe and how best to respect Te Hurihanga Wai.

Policy 1.3: Recognising mana atua by applying legal personhood to all wai.

Policy 1.4: Relevant tangata whenua are invited and adequately resourced at every stage to undertake a Cultural Impact Assessment (or similar) for every resource consent application that effects wai.

Rule 1.1.1: The point-source discharge of contaminants to a water body that does not have a functional need to discharge to those water bodies is a non-complying activity.

Advisory notes:

Functional need for this rule has the same meaning as the NPSFM and means *'the need for a proposal or activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment'*.

Water body has the same meaning as the RMA and means fresh water or geothermal water in a river, lake, stream, pond, wetland, or aquifer, or any part thereof, that is not located within the coastal marine area.

Rule 1.1.2: The point-source discharge of contaminants to a water body that has a functional need to discharge to those water bodies is a discretionary activity.

Advisory note:

Functional need for this rule has the same meaning as the NPSFM and means *'the need for a proposal or activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment'*.

Water body has the same meaning as the RMA and means fresh water or geothermal water in a river, lake, stream, pond, wetland, or aquifer, or any part thereof, that is not located within the coastal marine area.

Rule 1.1.3: The point-source discharge of contaminants to land is a restricted discretionary activity subject to the following conditions:

Conditions:

- a) The discharge does not result in a change in attribute state of any attribute.

Matters of Control:

- a) Consistency of the activity with Policy 1.1.

- b) Others applicable to discharges generally.
- c) The effects on the mauri of wai, and any cultural values identified by tangata whenua.
- d) Consistency with outcomes sought by relevant hapū and iwi Management Plans, mana whakahono a rohe arrangements and any other tangata whenua planning document.
- e) Any recommendations made as part of any Cultural Impact Assessment.
- f) The amount of contact time with land before entering any water body to ensure the discharge as closely as possible mimics natural river processes, including rapids, runs, ripples, pools or waterfalls.

7.7.2 Mai i uta ki tai/Integrated decision making

Although there is no specific value attached to ‘climate change’, this matter is important to tangata whenua and impacts various outcomes sought by tangata whenua. Accordingly, provisions are developed specifically for this matter below (Mai i uta ki tai, mai i te rangi ke te nuku o te whenua) and in Section 7.7.

Table 17: Mai i uta ki tai/Integrated Management			
Theme	Value	Description	Summary and intent of tangata whenua values
Mai ki uta ki tai	Integrated Management.	<ul style="list-style-type: none"> • Acknowledging that all things are connected from mountains to the seas. • Empowers tangata whenua to apply mātauranga to decision making around freshwater. • Protects Taiapure, Mātaitai, mauri of freshwater, mahinga kai and taonga species.⁸⁵ • May include Gazetted Rohe Moana areas identified under the Takutai Moana Act (see note below) 	Mai ki uta ki tai

⁸⁵ Rules drafted as part of the freshwater plan change, should also be read alongside s.85A of the RMA where it states that ‘A plan or proposed plan must not include a rule that describes an activity as a permitted activity if that activity will, or is likely to, have an adverse effect that is more than minor on a protected customary right carried out under [Part 3](#) of the Marine and Coastal Area (Takutai Moana) Act 2011’.

		<ul style="list-style-type: none"> • Gives effect to '<i>Mana Whakahaere and Kaitiakitanga</i>' principles, respectively as defined under 1.3(4) of the NPSFM. • Minimum requirement for rahui to restrict access to water resource. • NRC decision-makers and stakeholder recognise rahui / tapu o rahui • Tangata whenua are empowered to monitor and enforce rahui locally. 	
	Rahui / tapu o rahui ⁸⁶	<ul style="list-style-type: none"> • to put in place a temporary ritual prohibition, closed season, ban, reserve in accordance with Tikanga Māori. 	

Objective 2: The land, wai and associated ecosystems are treated as one to ensure the mauri, health and wellbeing of wai is put first.

Policy 2.1: Connectivity between all wai, land and receiving environments, is prioritised in alignment with the Te Mana me te Mauri o te Wai hierarchy to protect Taiāpure and Mātaitai and ki uta ki tai – mountains to the sea.

Advisory Note: Connectivity of all wai means all wai, either above ground or below ground from the land at the very tops of catchments to the receiving coastal waters fed by ground and surface water.

Policy 2.2: Tangata whenua are able to exercise and apply their mātauranga Māori in decision making.

Advisory Note: Tangata whenua need to guide decision making.

Policy 2.3: Wai habitat is protected and enhanced in collaboration with mana i te whenua to enable taonga species to migrate and thrive by:

- a) Reconnecting migratory pathways by:
 - i. avoiding new and removing or remediating existing fish barriers
 - ii. avoiding new and restoring river modification or diversion
 - iii. maintaining flow

⁸⁶ Reference to rāhui upholding Te Mana o Te Wai. Ibid.

unless there is a functional need for such activities to occur

- b) Improving and then maintaining healthy habitat
- c) Controlling harmful pest species
- d) Improving and then maintaining wai quality
- e) Setting kaitiaki limits on wai quantity
- f) Recognising the importance of estuarine and coastal ecosystems and habitats ¹

Policy 2.4: Allocation must provide for the mauri of the wai, taonga species and māhinga kai taking into account climate change impacts.

Policy 2.5: Existing resource consents that effect wai are reviewed by no later than 2030 and/or when new flows, limits and standards are imposed. This may be undertaken using section 128 of the RMA:

- a) at any time or times specified for in the consent, or
- b) when a rule in a Regional Plan becomes operative that has wai limits set, or
- c) at any time to address any identified effects on cultural values that were not identified by tangata whenua, and which were subsequently identified and agreed through any regional planning process or set in the objectives, policies and standards of the Regional Plan.

Policy 2.6: When considering an application for resource consent that effects wai, regard shall be given to establishing and applying a consent term of no more than 10 years, unless:

- a) The activity and consent duration is supported by tangata whenua; or
- b) The activity is for the sole purpose of environmental enhancement; or
- c) The activity is necessary to enable the use or development of regionally significant infrastructure; or
- d) A longer term is demonstrated by the applicant to be appropriate in the circumstances.

***Advisory Note:** These are in no order of priority and do not preclude the wider assessment of activities.*

Policy 2.7: Wai decision making gives effect to tangata whenua climate change mitigation and adaptation responses.

Policy 2.8: Wai is taken and used within the same catchment unless there is a functional need to carry wai outside the catchment.

7.7.3 Kaitiakitanga/Governance and decision making

Table 18: Kaitiakitanga / Governance and decision making			
Theme	Values	Description	Summary and intent of tangata whenua values
Kaitiakitanga / Governance and decision making	Mana	Power, authority, ownership, status, influence, dignity, respect, derived from the gods. ⁸⁷	<ul style="list-style-type: none"> Empowers tangata whenua to be involved at all levels of freshwater decisions-making. Gives effect to 'Mana Whakahaere' as defined under Principle 4(a) of the NPSFM.
	Rangatiratanga	The exercise of power and authority derived from the gods; exercise of chieftainship including sovereignty, rights of self-determination, self-government, the authority and power of iwi or hapū to make decisions and to own and control resources. ⁸⁸ Can also be: chieftainship, right to exercise authority, chiefly autonomy, chiefly authority, ownership, leadership of a social group, domain of the rangatira, noble birth, attributes of a chief.	
	Tapu	Sacredness, spiritual power or protective force.	

⁸⁷ See Mutu, *The State of Māori Rights*, 2011.

⁸⁸ Ibid, p.214

Table 18: Kaitiakitanga / Governance and decision making			
Theme	Values	Description	Summary and intent of tangata whenua values
	Aroha	Love, empathy patience and compassion.	
	Kotahitanga	Unity.	

Objective 3: Tangata whenua exercise Rangatiratanga and Kaitiakitanga in wai decision-making.

Policy 3.1: All authorities regulating wai must give effect to:

- a) Te Hurihanga Wai;
- b) Te Tiriti o Waitangi;
- c) Hapū and iwi management plans; and
- d) Mana whakahono a rohe arrangements;
- e) Treaty settlement legislation.
- f) Cultural practices according to tikanga including but not limited to rahui.

Policy 3.2: Northland Regional Council investigates and transfers powers to Tangata whenua using s.33 (RMA) and utilises Joint Management Agreements using s.36B (RMA).

7.7.4 Manaakitanga, Whanaungatanga, Whakapapa/Relationships

Table 19: Relationships			
Theme	Value	Description	Summary and intent of tangata whenua values
Relationships	Manaakitanga	Hospitality, kindness, generosity, support – the process of showing respect, generosity and care for others.	<ul style="list-style-type: none"> • Must give effect for tangata whenua to practice tikanga and kawa and enables mātauranga to enhance and maintain their relationship with freshwater.
	Whanaungatanga	Relationship, kinship, sense of family connection – a relationship through shared experiences	

		and working together which provides people with a sense of belonging. It develops as a result of kinship rights and obligations, which also serve to strengthen each member of the kin group. It also extends to others to whom one develops a close familial, friendship or reciprocal relationship.	<ul style="list-style-type: none"> • Must give effect to 'Manaakitanga' as defined under principle 4(c) of the NPSFM. • Ensuring wai supports the ecosystems, species and people that depend upon it.
	Whakapapa	Particular roles should be carried out by whānau, marae, hapū and iwi as they have a responsibility through whakapapa (genealogy) to care for, look after, and protect water. Also refer to Te Hurihanga Wai.	

Objective 4: Tikanga Māori, He Whakaputanga, Te Tiriti o Waitangi and Wai 1040 Stage 1 findings are given effect to, including in wai decision-making.

Policy 4.1: Tangata whenua are resourced to practice and exercise tikanga and kawa.

Advisory Note: This should extend to any regulatory authority making decisions for wai.

Policy 4.2: Enable tangata whenua to have an active and healthy relationship with wai.

Advisory Note: This includes but is not limited to physical and spiritual access to wai by accessing areas they have or previously have had a relationship with.

Policy 4.3: People develop a positive relationship with wai so that every interaction improves and then maintains te mauri o te wai and wai is healed where it is not meeting target attribute states.

Policy 4.4: Avoid the taking of wai for commercial wai bottling purposes unless that wai is:

- a) supported by tangata whenua or
- b) taken for the purpose of supplying water for domestic needs within the Te Tai Tokerau region.

7.7.5 Kai ngaki/Customary Water Use

Table 20: Value 5: Customary Water Use			
Theme	Value	Description	Summary and intent of tangata whenua values
Customary Water Use	Kai - ngaki such as through Ahuwhenua and Hua Parakore practices	A person who practices cultivation, or undertakes horticultural or agricultural practices, for example over mara kai (gardens)	<ul style="list-style-type: none"> • Empowers tangata whenua to undertake sustainable water use over their whenua while using freshwater, including for irrigation, cultivation, and production of food and beverages. • Allows for sustainable freshwater use by tangata whenua that delivers environmental, economic, social, spiritual and cultural outcomes. • Allows access to sustainable drinking water supply.

Objective 5: Tangata whenua environmental, economic, social, spiritual, and cultural wellbeing is enabled and resourced.

Policy 5.1: Promote wai sovereignty and the sustainable use of wai for the wellbeing of marae, papakāinga, Māori-owned land and current and future Treaty settlement land.

Policy 5.2: Wai quality and quantity is reserved and protected for use by marae, papakāinga, and Māori landowners resulting in:

- a) enhanced tikanga Māori and customary practices (see Advisory Note 2);
- b) economic, cultural and social well-being and development for Māori.

Advisory Note:

- a) *Wai sources for marae, papakāinga and Māori landowners including through Treaty settlement legislation, should be identified within 5 years by tangata whenua in accordance with tikanga Māori.*
- b) *This includes but is not limited to sustainable māhinga kai, Gazetted Rohe Moana areas, s.186A (Fisheries Act 1996) temporary closures, taiāpure and tauranga waka sites.*
- c) *Nothing in this plan should limit the ability of indigenous agroecology and activities to take place are enabled in relation to ngāhere food, medicine forests, and traditional methods of customary use and harvesting.*

Policy 5.3: Where primary allocation is available for abstraction, the Northland Regional Council will allocate 20% of the total wai available in every allocation unit, for use for the following activities:

- a) contribution to environmental enhancement; or
- b) wai for domestic use by marae and papakāinga; or
- c) any other use of wai, provided that:
 - i. it includes contribution to a Te Mana me te Mauri o te Wai fund managed by the Northland Regional Council in consultation with tangata whenua,
 - ii. the fund will be used to provide for development of Māori wellbeing;
 - iii. the contribution to the fund is proportional to the amount of reserved wai being taken and any commercial returns resulting from the application; and,
- d) the development of Māori owned land and land returned to a Post-Settlement Governance Entity through a Treaty Settlement.

Advisory Note: Māori wellbeing is best defined by tangata whenua groups who may be apply to this fund. This can include better social and cultural outcomes for Māori.

Rule 5.1.1: The take and use of **surface water** for:

- a) contribution to environmental enhancement;
- b) domestic use by marae and papakāinga;
- c) any activity that contributes to the development of environmental and Māori wellbeing;

is Controlled Activity subject to the following conditions:

Conditions:

- a) The taking of water remains with limits prescribed with this Regional Plan;
- b) The taking of water meets the FMU environmental, cultural and community values
- c) The intake structure complies with Permit Activity Rule XX⁸⁹ [cross-reference to intake structure rule] for the intake structure

Matters of Control:

- a) Consistency of the activity with Policy 4.1 to 4.4.
- b) The effects on the mauri of wai, and any cultural values identified by tangata whenua.
- c) Consistency with outcomes sought by relevant hapū and iwi Management Plans, mana whakahono a rohe arrangements and any other tangata whenua planning document.
- d) Any recommendations made as part of any Cultural Impact Assessment.
- e) Others applicable to surface water takes generally.

Any activity that does not comply with Rule 4.1.1 is a Discretionary Activity.

Advisory note: the rule above must be consistent with the hierarchy of obligations in Te Mana me te Mauri o te Wai.

Rule 5.1.2: The take and use of **groundwater** for:

- a) contribution to environmental enhancement;
- b) domestic use by marae and papakāinga;
- c) any activity that contributes to the development of Māori wellbeing;

is a Restricted Discretionary Activity subject to the following conditions:

Conditions:

- a) The taking of water remains within limits prescribed in this Regional Plan.

Matters of Discretion:

- a) Consistency of the activity with Policy 4.1 to 4.4.

⁸⁹ Cross-reference to be confirmed by NRC.

- b) The effects on the mauri of wai, and any cultural values identified by tangata whenua.
- c) Consistency with outcomes sought by relevant hapū and iwi Management Plans, mana whakahono a rohe arrangements and any other tangata whenua planning document.
- d) Any recommendations made as part of any Cultural Impact Assessment.
- e) Others activities applicable to groundwater takes generally.

Advisory note: other activities may include: stream depletion, interference effects, efficiency of flow, saline intrusion. The rule above must be consistent with the hierarchy of obligations in Te Mana me te Mauri o te Wai.

Rule 5.1.3: Activities that effect freshwater used for drinking water where Attribute Table A4 applies is a Non-Complying Activity.

7.7.6 Wahi wai rongonui/Wetlands & riparian margins

Table 21: Wahi wai rongonui/Wetlands & riparian margins			
Theme	Value	Description	Summary and intent of tangata whenua values
Site Specific Values: Wetlands / riparian margins	Wahi wai rongonui / Site specific values e.g. māhinga kai, wai tapu ⁹⁰ ,	Freshwater sites of significance. These sites will differ depending on the environment, taonga species, wai tapu ⁹² , tauranga waka, areas for	<ul style="list-style-type: none"> • Hikina te mauri o ngā taonga. Enhancing and protecting the life essence of all freshwater ecosystems, taonga and threatened species in a specific freshwater site of

⁹⁰ As defined under the NPSFM: “where rituals and ceremonies are performed, or where there is special significance to tangata whenua. Rituals and ceremonies include, but are not limited to, tohi (baptism), karakia (prayer), waerea (protective incantation), whakatapu (placing of rāhui), whakanoa (removal of rāhui), and tuku iho (gifting of knowledge and resources to future generations). In providing for this value, the wai tapu are free from human and animal waste, contaminants and excess sediment, with valued features and unique properties of the wai protected. Other matters that may be important are that there is no artificial mixing of the wai tapu and identified taonga in the wai are protected.

⁹² As defined under the NPSFM (Appendix 1B): ‘where rituals and ceremonies are performed, or where there is special significance to tangata whenua. Rituals and ceremonies include, but are not limited to, tohi (baptism), karakia (prayer), waerea (protective incantation), whakatapu (placing of rāhui), whakanoa (removal of rāhui), and tuku iho (gifting of knowledge and resources to future generations). In providing for this value, the wai tapu are free from human and animal waste, contaminants and excess sediment, with valued features and unique properties of the wai protected. Other matters that may be important are that there is no artificial mixing of the wai tapu and identified taonga in the wai are protected.’

	tauranga waka ⁹¹	gathering kai (mahinga kai), and possibly other factors.	<p>significance to tangata whenua.</p> <ul style="list-style-type: none"> Enables tangata whenua to undertake practices for example tohi and pure (rituals). Enables access to freshwater sites where traditional access via transport means and tauranga waka are recognised.
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Objective 6: Wai is improved and then maintained so that by 2040 the wellbeing of wai meets target attribute states set by tangata whenua.

Policy 6.1: Protect tangata whenua values associated to wetlands, rivers, lakes and their margins, receiving environments, including their ecosystems, from inappropriate activities that effect wai.

Policy 6.2: Restore and then maintain degraded wetlands, rivers, lakes and their margins, and receiving environments through the development of wai action plans and setting limits identified with tangata whenua so that:

- a) taonga species are healthy and resilient
- b) wetlands and water bodies function as they should in Te Hurihanga Wai
- c) mahinga kai are thriving and supporting cultural, social, environmental, spiritual and economic outcomes for tangata whenua
- d) cultural practices and tikanga can be undertaken in wai tapu and other significant water bodies identified by tangata whenua
- e) harmful pest species are controlled in an integrated way at levels that enables taonga species to thrive
- f) access to water bodies for waka is enabled where access is limited (refer to guidance note).

Advisory Note: Agreement can be enabled by, but not limited to easements, private agreement, condition of subdivision, condition of consent (refer to non-regulatory methods).

Policy 6.3: To improve the mauri of wai, and thriving taonga species, by 2030 at least 30% of degraded natural inland wetlands are:

- a) under effective restoration; and

⁹¹ As defined under the NPSFM: 'tauranga waka generally refers to places to launch waka and water craft, and appropriate places for waka to land (tauranga waka)'.

- b) effectively conserved and managed through protected areas.

Policy 6.4: Wai must be maintained in the current attribute state band, or achieve target attribute states.

Policy 6.5: Wai taken from a water body is subject to a cultural flow limit and cultural values assessment prepared by tangata whenua.

Advisory Note: The cultural flow limit must be specifically designed to protect cultural values in that reach of river or downstream reaches.

Policy 6.6: Any activity that affects wai must apply the effect management hierarchy⁹³ to managing adverse effects on tangata whenua values associated with wai.

Rule 6.3.1: Vegetation clearance, earthworks and the taking, use, damming, diversion, or discharge of water for the purpose of wetland creation for environmental enhancement is a restricted discretionary activity subject to the following conditions:

Conditions:

- a) The diversion of water occurs within the same catchment.
- b) There is a net increase in the amount of appropriate native vegetation.
- c) Construction effects from earthworks are managed by an erosion and sediment control plan, such as the Auckland Council GD05 manual.
- d) The rate of diversion is within the allocable limit set for that catchment.
- e) Wetlands exceeding xx hectares and/or diversions of more than xx are monitored by tangata whenua⁹⁴.

Matters of Discretion:

- a) Consistency of the activity with Policy 5.1 to 5.4.
- b) Whether the wetland restoration is consistent with the actions required by a Freshwater Farm Plan if applicable.
- c) The effects on the mauri of wai, and any cultural values identified by tangata whenua.

⁹³ Effects management hierarchy has the same meaning as defined in the NPSFM.

⁹⁴ Numbers to be confirmed following expert input to set achievable yet realistic targets.

- d) Consistency with outcomes sought by relevant hapū and iwi Management Plans, mana whakahono a rohe arrangements and any other tangata whenua planning document.
- e) Any recommendations made as part of any Cultural Impact Assessment.

Advisory note: The restoration of existing natural wetlands is sufficiently addressed by Regulation 38 and 39 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020.

Any activity that does not comply with Rule 5.2.1 is a Discretionary Activity.

7.7.7 Climate Change

Objective 7: The impacts of climate change must be integrated into all wai decision making.

Policy 7.1: Recognise that better freshwater decision making is an essential component of climate change mitigation and adaptation.

Policy 7.2: Recognise that adapting to the climate crisis needs to be built into all freshwater decision-making so that:

- a) Aquifers are preserved and protected;
- b) Surface water and ground water management is integrated;
- c) Wetlands are conserved, maintained and rehabilitated;
- d) Water dependency and related climate risks are understood, and urban and rural communities' exposure to risks are reduced and resilience increased; and,
- e) freshwater-related infrastructure is climate-proofed, including in design of new and retrofit of existing infrastructure.

Policy 7.3: Recognise that how we use water can help mitigate climate change e.g. use of energy efficient pumps and use of water for renewable energy generation.

7.8 Attributes, current and target states

The NPSFM directs NRC to develop attributes or other criteria for assessing and achieving environmental outcomes. These are summarised in the table below.

Under the NPSFM **attribute** means a measurable characteristic (numeric, narrative or both) that can be used to assess the extent to which a particular value is provided for. A **baseline state** in relation to an attribute, means the best state out of the following:

- a) The state on the date it is first identified by a regional council;
- b) The state on the date on which a regional council set a freshwater objective for the attribute under the NPSFM 2014 (as amended in 2017); and,
- c) The state on 7 September 2017.

In some places attributes may also be considered as indicators. It is common for tangata whenua to have cultural indicators identified in relation to freshwater monitoring and health. Some of these may be defined in existing marae, hapū and iwi planning documents. Further engagement and consultation should take place to understand these further and how they might apply to future monitoring and developing action plans.

NPSFM sets out what NRC must do in regard to identifying attributes, identifying their baseline state, and setting target attribute states.⁹⁵ This information is shown in the table below along with commentary to describe how TWWAG has responded to these requirements.

Table 22 presents a summary of the attributes proposed by TWWAG. Te Tai Tokerau Bottom Lines (TTBL) or interim target states, and timeframes for those waters for the TTBL to be improved are also defined below. Tables A1 to A10 thereafter present the full Attribute Tables that are recommended to be adopted into the FPI.

Table 22: NPSFM Clause 3.10 - Requirements for Attributes, Baseline and Target States
<p><i>3.10 Identifying attributes and their baseline states, or other criteria for assessing achievement of environmental outcomes</i></p> <p>1. <i>For each value that applies to an FMU or part of an FMU, the regional council:</i></p> <ol style="list-style-type: none"> <i>a) must use all the relevant attributes identified in Appendix 2A and 2B for the compulsory values listed (except where specifically provided otherwise); and,</i> <i>b) may identify other attributes for any compulsory value; and,</i> <i>c) must identify, where practicable, attributes for all other applicable values; and,</i>

⁹⁵ See 3.10 and 3.11 of NPSFM.

- d) if attributes cannot be identified for a value, or if attributes are insufficient to assess a value, must identify alternative criteria to assess whether the environmental outcome of the value is being achieved.*
- 2. Any attribute identified by a regional council under subclause (1)(b) or (c) must be specific and, where practicable, be able to be assessed in numeric terms.*
 - 3. Every regional council must identify the baseline state of each attribute, using the best information available at the time.*
 - 4. Attribute states and baseline states may be expressed in a way that accounts for natural variability and sampling error.*
- 3.11** *Setting target attribute states*
- 1. In order to achieve the environmental outcomes included as objectives under clause 3.9, every regional council must:*
 - a. set a target attribute state for every attribute identified for a value; and*
 - b. identify the site or sites to which the target attribute state applies.*
 - 2. The target attribute state for every value with attributes (except the value human contact) must be set at or above the baseline state of that attribute.*
 - 3. The target attribute state for the value human contact must be set above the baseline state of that attribute, unless the baseline state is already within the A band of Tables 9 or 10 in Appendix 2A, as applicable.*
 - 4. Despite subclauses (2) and (3), if the baseline state of an attribute is below any national bottom line for that attribute, the target attribute state must be set at or above the national bottom line (see clauses 3.31, 3.32, and 3.33 for exceptions to this).*
 - 5. Every target attribute state must:*
 - a. specify a timeframe for achieving the target attribute state or, if the target attribute state has already been achieved, state that it will be maintained as from a specified date; and*
 - b. for attributes identified in Appendix 2A or 2B, be set in the terms specified in that Appendix; and*
 - c. for any other attribute, be set in any way appropriate to the attribute.*
 - 6. Timeframes for achieving target attribute states may be of any length or period but, if timeframes are long term:*
 - a. they must include interim target attribute states (set for intervals of not more than 10 years) to be used to assess progress towards achieving the target attribute state in the long term; and*
 - b. if interim target attribute states are set, references in this National Policy Statement to achieving a target attribute state can be taken as referring to achieving the next interim target attribute state.*

7.9 Process applied to identify attributes and baseline states with TWWAG

An approach was taken with TWWAG to develop attributes in accordance with 3.10(1)(c) above. TWWAG has used numeric terms where possible but has also relied on narrative states to express attributes the desired target state for attributes.

Due to pressing timeframes, 'baseline attribute states' are unable to be determined as part of this work. It is recommended that NRC commission the investigation of baseline attributes states following the approval of this report.

There is inherent difficulty in setting a target attribute state for every Māori value. Firstly, te ao Māori is inter-weaving and does not sit comfortably in 'one box'. Secondly, tangata whenua would want to target an 'A band' for all attributes, however this may not be feasible in places (at least within a regional plan lifetime). It is recommended target baseline attributes be developed once further information and data is available.

Accordingly, TWWAG has taken an approach of developing a comprehensive set of attribute tables that addresses and supports Māori values. Instead of target attribute states, Te Tai Tokerau bottom lines have been adopted, similar to the national bottom lines in the NPSFM. As such, the inclusion of an attribute state from a te ao Māori perspective has been included to describe a what this might be with respect to measuring the mauri of freshwater.

The whole set of attributes do not generally have priority over one another and should be read as a whole to achieve the objectives which support the values.

TWWAG has set Te Tai Tokerau bottom lines and will require that any water not meeting those bottom lines be improved to meet targets.

As baseline state investigations have not taken place, TWWAG has identified the timeframes to achieve at least above the TTBL or achieve an interim target if it will take longer than 10 years for those water bodies that do not meet it currently (once measured).

In brief, Table 23 below provides a general description (summary) of how mauri of freshwater can be enhanced through measuring the attributes identified in

Table 24 further below.

The image further describes visually how the mauri of wai might be measured through the implementation phase of the FPI. This image has been used to describe how te ao Māori attributes at a regional level could be measured based on kaitiakitanga or mātauranga Māori approaches. It is expected that through the restoration of the mauri of the wai results in the restoration of tangata whenua,

and wider communities. It is recommended that this framework be tested further with tangata whenua to understand how it might be applied in practice.

Table 23: Summary of cultural health attribute state using mauri as a measure

Attribute state	Narrative
Mauri ora	Te Hurihanga Wai in its entirety is thriving so the vitality of wai is healthy and clean. There is an abundance and diversity of lush riparian vegetation, indigenous flora, fauna and kai species for tangata whenua to access sustainably. The area is teeming with native birds and is pest and invasive species free. Te matangaro o tangata whenua is elevated through te tairongotanga (touch/feel, sound, sight, smell, taste) o te wai. Tangata whenua return to wai to live, to celebrate, to gather, to swim and to access the healing abilities of wai. Te Mana me te Mauri o te Wai is invigorated through reciprocal relationships and interactions with tangata whenua.
Mauri piki	Te Hurihanga Wai in its entirety is somewhat negatively impacted in its capacity to support its own sustenance. The vitality of the wai is reasonably healthy and clean. Riparian vegetation, indigenous flora, fauna, and kai species are present but not in a state of abundance. Native birds are generally seen and heard. There is evidence of harm from pests and invasive species. Te matangaro o tangata whenua is partly elevated through te tairongotanga (touch/feel, sound, sight, smell, taste) o te wai. Tangata whenua return to wai intermittently to live, to celebrate, to gather, to swim and to access the healing properties of wai but this may depend on the condition of the wai and surrounding eco-systems. To a certain degree Te Mana me te Mauri o te Wai is invigorated through reciprocal relationships and interactions with tangata whenua. Kawa and tikanga are in place to assist enhancement of mauri.
Mauri heke	Te Hurihanga Wai in its entirety is considerably restrained by negative impacts and struggling to support its own sustenance. The vitality of the wai is diminishing and not healthy nor clean. Life giving and healing properties are in decline and the wai struggles to sustain the surrounding eco-systems. There is little riparian vegetation, indigenous flora, fauna and kai species present. Native birds are rarely seen and heard. The area is swarming with pests and invasive species. Te matangaro o tangata whenua is diminished through te tairongotanga (touch/feel, sound, sight, smell, taste) o te wai. Tangata whenua do not return to the wai often. Limited interactions between wai and tangata whenua compromises the reciprocal relationship needed for Te Mana me te Mauri o te Wai to be sustained.

Mauri mate	Te Hurihanga Wai in its entirety is overwhelmed by negative impacts and is unable to support its own sustenance. The wai is sick, brown, odorous and cannot sustain any life. Surrounding eco-systems are struggling to survive. The area is overtaken with pests and invasive species. The wai has no life-giving or healing properties so tangata whenua do not return at all. Te matangaro o tangata whenua is severely impacted through te tairongotanga (touch/feel, sound, sight, smell, taste) o te wai. No interactions between wai and tangata critically endangers the reciprocal relationship wai requires for te mauri me te mana.
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Figure 4: Assessing the mauri and state of wai

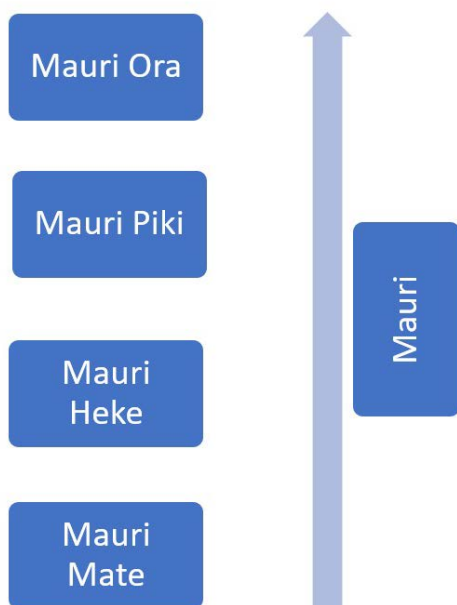


Table 24: Summary of Attributes, Intent of Attributes and Timeframes

Attribute	Table	Supports Objective	Intent	TTBL	Timeframe to Meet TTBL	Interim Target Until TTBL can be met
Cultural Health	A1	All objectives	To ensure water is at least 'Mauri piki'	B or above	2040	Interim Target – C. Time frame – 2033
Mana Whakahaere	A2	3 and 4	To ensure tangata whenua have at least 'involvement' ⁹⁶ in freshwater decision making by way of enabling mana whakahaere or kaitiakitanga practices.	A	2040	Interim Target – C. Time frame – 2033
Access to Wai (Physical Relationship with Wai))	A3	5	To ensure tangata whenua can access at least 50% of sites required by them.	B or above	2040	Interim Target – C. Time frame – 2033
Tangata whenua Water Allocation	A4	5 and 6	To ensure at least 50% of water allocated to tangata whenua is being used.	B or above	2040	Interim Target – C. Time frame - TBC
Water Quality for Food Collection / Drinking Water	A5	5	Raw water, where and when required can be taken and consumed safely.	A	2040	Interim Target – C. Time frame - TBC
Repo / Wetland Health	A6	2, 3, 6	To ensure repo / wetland are in a mauri piki state of health.	B or above	2040	Interim Target – C. Time frame - TBC
Awa / River Health	A7	1-6	To ensure awa / river are in at	B or above	2040	Interim Target – C.

⁹⁶ Level of guidance for instance can be guided by the IAP2 framework.

			least a mauri piki state of health.			Time frame - TBC
Roto / Lakes Health	A8	1-6	To ensure roto / lakes are in at least a mauri piki state of health.	B or above	2040	Interim Target – C. Time frame - TBC
Uepapa (Upper Aquifer) and Hamuimui (Lower Aquifer) / Groundwater Health	A9	1-6	To ensure uepapa (upper aquifer) and hamuimui (lower aquifer) / groundwater health is in at least a mauri ora state of health.	B or above	2040	Interim Target – C. Time frame - TBC

Attribute Table A1: Cultural Health

Value (and component)	Māori freshwater values
Freshwater body type	All
Attribute unit	Cultural Health
Attribute band and description	Narrative attribute state
A Te Hurihanga Wai in its entirety is thriving so the vitality of wai is healthy and clean. There is an abundance and diversity of lush riparian vegetation, indigenous flora, fauna and kai species for tangata whenua to access sustainably. The area is teeming with native birds and is pest and invasive species free. Te matangaro o tangata whenua is elevated through te tairongotanga (touch/feel, sound, sight, smell, taste) o te wai. Tangata whenua return to wai to live, to celebrate, to gather, to swim and to access the healing abilities of wai. Te Mana me te Mauri o te Wai is invigorated through reciprocal relationships and interactions with tangata whenua.	Mauri ora
B Te Hurihanga Wai in its entirety is somewhat negatively impeded in supporting its own sustenance. The vitality of the wai is reasonably healthy and clean. Riparian vegetation, indigenous flora, fauna, and kai species are present but not in a state of abundance. Native birds are generally seen and heard. There is evidence of harm from pests and invasive species. Te matangaro o tangata whenua is partly elevated through te tairongotanga (touch/feel, sound, sight, smell, taste) o te wai. Tangata whenua return to wai intermittently to live, to celebrate, to gather, to swim and to access the healing properties of wai but this may depend on the condition of the wai and surrounding eco-systems. To a certain degree Te Mana me te Mauri o te Wai is invigorated through reciprocal relationships and interactions with tangata whenua Kawa and tikanga are in place to assist enhancement of mauri.	Mauri piki
Te Tai Tokerau Bottom Line	
C Te Hurihanga Wai in its entirety is considerably restrained by negative impacts and struggling to support its own sustenance. The vitality of the wai is diminishing and not healthy nor clean. Life giving and healing properties are in decline and the wai struggles to sustain the surrounding eco-systems. There is little riparian vegetation, indigenous flora, fauna and kai species present. Native birds are rarely seen and heard. The area is swarming with pests and invasive species. Te matangaro o tangata whenua is diminished through te tairongotanga (touch/feel, sound, sight, smell, taste) o te wai. Tangata whenua do not return to the wai often. Limited interactions between wai and tangata whenua compromises the reciprocal relationship needed for Te Mana me te Mauri o te Wai to be sustained.	Mauri heke
D Te Hurihanga Wai in its entirety is overwhelmed by negative impacts and is unable to support its own sustenance. The wai is sick, brown, odorous and cannot sustain any life. Surrounding eco-systems are struggling to survive. The area is overtaken with pests and invasive species. The wai has no life-giving or healing properties so tangata whenua do not return at all. Te matangaro o tangata whenua is severely impacted through te tairongotanga (touch/feel, sound, sight, smell, taste) o te wai. No interactions between wai and tangata critically endangers the reciprocal relationship wai requires for te mauri me te mana.	Mauri mate
<p>Advisory Note:</p> <ol style="list-style-type: none"> 1. Tangata whenua monitor this attribute. Mechanism needs to be developed to enable this to happen such as a s.33 transfer of powers or a joint management agreement. 2. The classification of wai can be different at different times of the year and across time to account for climate change, which must be reflected in freshwater decision making. 3. Different classifications of wai can apply to water bodies across the same catchment. 4. The same body of water can have different wai classifications that represent differing views amongst iwi, hapū and/or marae. 5. Matangaro = the elevation of mauri and wairua through senses when the mauri is in a state of mauri ora 6. Tairongo = senses. Oho ake = to aliven, awaken. Ko ngā tairongo (the senses, touch/feel, sound, sight, smell, taste) oho mauri - the mauri comes to life - so when our senses are awakened by the mauri ora of the wai in turn our internal mauri is awakened and enhanced = oho mauri 	

Attribute Table A2: Mana me te Rangatiratanga

Value (and component)	Māori freshwater values
Freshwater body type	All
Attribute unit	Mana me te rangatiratanga
Attribute band and description	Numeric attribute state
A Tangata Whenua have mana whakahaere and shared decision-making powers. The council, community and other stakeholders fully recognise and give effect to He Whakaputanga me Te Tiriti o Waitangi. The mana and rangatiratanga of tangata whenua to enact kawa and exercise tikanga, localised mātauranga and practises to uphold mana, manaakitanga and kaitiakitanga is fully recognised, adhered to and supported by all stakeholders in the freshwater decision-making process. Stakeholders have a strong understanding and recognise the value and importance of kawa, tikanga, mana, manaakitanga and kaitiakitanga for freshwater decision-making.	All freshwater decisions made were based on mana whakahaere approaches.
Te Tai Tokerau Bottom Line	
B Tangata Whenua have mana whakahaere with some shared decision-making powers. The council, community and other stakeholders incorporate tangata whenua and recognise He Whakaputanga me Te Tiriti o Waitangi. The mana and rangatiratanga of tangata whenua to enact kawa and exercise tikanga, localised mātauranga and practises to uphold mana, manaakitanga and kaitiakitanga is not fully recognised, adhered to nor supported. Stakeholders have some understanding and are working towards realising the value and importance of kawa, tikanga, mana, manaakitanga and kaitiakitanga for freshwater decision-making.	More than 50% of freshwater decisions made were based on 'collaboration' or 'empowerment' approaches.
C Tangata Whenua participation in freshwater decision making is limited. The council, community and other stakeholders include tangata whenua, localised mātauranga and practices in freshwater decision making but the authority and responsibility of tangata whenua to enact kawa and exercise tikanga, localised mātauranga and practises to uphold mana, manaakitanga and kaitiakitanga in the freshwater decision-making process is limited and not supported by all stakeholders. Stakeholders do not generally understand, recognise nor value the importance of kawa, tikanga, mana, manaakitanga and kaitiakitanga for freshwater decision-making.	More than 50% of freshwater decisions made were based on 'involvement', 'collaboration' or 'empowerment' approaches.
D Tangata whenua have little or no authority to enact kawa and exercise tikanga to uphold mana, manaakitanga in the freshwater decision-making process. Stakeholders do not support the authority and responsibility of tangata whenua and do not understand, recognise nor value the importance of kawa, tikanga, mana and manaakitanga for freshwater decision-making. The council, community and other stakeholders consult tangata whenua in freshwater decision making with little acknowledgement or regard for the mana and rangatiratanga of tangata whenua, localised mātauranga and practises.	More than 50% of freshwater decisions made were based on 'consultation', 'involvement', 'collaboration' or 'empowerment' approaches.
E Tangata Whenua participation in freshwater decision making is little to none. e mana and rangatiratanga of tangata whenua, localised mātauranga and practises is disregarded by council, community and other stakeholders. Tangata whenua are simply notified and/or informed of freshwater decisions.	More than 50% of freshwater decisions made are based on no engagement or simply 'informing' tangata whenua.

Advisory Note:

1. Measurement would be undertaken by NRC tracking freshwater decision making - requires tangata whenua surveying to feedback what level of participation they considered they had.
2. Participation inherently provides an opportunity to apply Mātauranga Māori and Whakapapa and have been grouped accordingly.
3. Bands A & B are considered to give effect to He Whakaputanga me Te Tiriti o Waitangi.⁹⁷

Example in Practice:

In the first instance, NRC would send weekly summary reports of resource consents to whānau hapū iwi for triaging and responding to. It would be at this stage where feedback on what band can be recommended. Then a follow up to see where it landed can be captured in some form as per below...

On a regular basis (i.e. every two months), NRC would send iwi a list of freshwater decisions within their rohe, and obtain feedback from iwi on each decision regarding what band they considered the decision was made under. NRC would then collate the data across all rohe to determine an overall percentage. If more than 50% of freshwater decisions didn't have any engagement, or even if engagement occurred on more than 50% of decisions but it relied on a simple consultation approach to achieve that, then the Te Tai Tokerau Bottom Line would not be met.

⁹⁷ [Te Paparahi o Te Raki \(Northland\) | Waitangi Tribunal](https://www.waitangitribunal.govt.nz). www.waitangitribunal.govt.nz. Retrieved 20 September 2022

Attribute Table A3: Access to Wai (Physical Relationship with Wai)

Value (and component)	Māori freshwater values
Freshwater body type	All
Attribute unit	Access to Wai
Attribute band and description	Numeric attribute state (% of sites requiring access)
A	≥80-100%
Tangata whenua are able to access and are able to create new access to awa/rivers, repo/wetlands and roto/lakes where and when required.	
B	50-80%
Tangata whenua are able to maintain access to many locations of awa/rivers, repo/wetlands and roto/lakes where and when required.	
Te Tai Tokerau Bottom Line	
C	20-50%
Tangata whenua are able to access only some locations of awa/rivers, repo/wetlands and roto/lakes where and when required.	
D	≤0-20%
Tangata whenua are able to access limited locations of awa/rivers, repo/wetlands and roto/lakes where and when required.	

Advisory Note:

1. Tangata monitor this attribute. Mechanism needs to be developed to enable this to happen such as a s.33 transfer of powers or a joint management agreement.
2. Access to water is crucial for tangata whenua to have a physical relationship with water. Access to wai are for numerous reasons including but not limited to cultural practices, recreation and cultural monitoring.
3. Not all parts of awa/rivers, repo/wetlands and roto/lakes need to be accessed by tangata whenua. The numbers represented here refer to the percentage of area allow the banks of awa/rivers, repo/wetlands and roto/lakes that do require access for the reasons noted in Advisory Note 1.
4. A review should be undertaken annually to reassess this attribute.

Example in Practice:

Tangata whenua are provided the tools/resources to identify sites/areas of wai that require access for whatever reason they choose. These sites/areas may be different at different times or year, and this should be provided for. If it is less than 20% of desired sites are unable to be accessed, then it does not meet the Te Tai Tokerau bottom line.

Attribute Table A4: Tangata Whenua Water Allocation, Usage and Satisfaction

Value (and component)	Māori freshwater values
Freshwater body type	All
Attribute unit	Tangata whenua Water Allocation
Attribute band and description	Numeric attribute state
A Tangata whenua allocation, usage and satisfaction in the ability to use water for is very high.	≥80-100%
b Tangata whenua allocation, usage and satisfaction in the ability to use water for is high.	50-80%
Te Tai Tokerau Bottom Line	
C Tangata whenua allocation, usage and satisfaction in the ability to use water for is low.	20-50%
D Tangata whenua allocation, usage and satisfaction in the ability to use water for is very low.	≤0-20%

Advisory Note:

- (a) Tangata whenua monitor this attribute.
- (b) The Resource Management Act 1991, under s.14(3)(b) provides for a person being able to take, use, dam, or divert any water for an individual's reasonable domestic needs or the reasonable needs of a person's animals for drinking water and the taking or use does not, or is not likely to, have an adverse effect on the environment.
The taking of water beyond these needs is governed by s.14(2)(a) which prohibits any person from the taking, using, damming, or diverting unless those activities are expressly allowed by a national environmental standard, a rule in a regional plan as well as a rule in a proposed regional plan for the same region (if there is one), or a resource consent.
- (c) The rate and/or volume of water referred to in this attribute table is an allocation of water for tangata whenua as per Rule 5.1.1 and 5.2.2 and Policy 5.3 and any other water allocated to tangata whenua.
- (d) The water allocated to tangata whenua as per Advisory Note 1 is able to be utilised for any purpose which supports their sustainable social, cultural and economic wellbeing, including but not limited to community/marae drinking water needs (exceeding permitted volumes) sustainable indigenous agroecology, ngāhere food, medicine forests, and traditional methods of customary use.
- (e) Measuring and reporting of water taken and used by tangata whenua will occur in accordance with resource consent conditions and/or Resource Management (Measurement and Reporting of Water Takes) Regulations 2010 (or any replacement of this legislation)

Attribute Table A5: Water Quality for Drinking Water / Food Consumption

Value (and component)	Māori freshwater values
Freshwater body type	All
Attribute unit	Water Quality for Food Collection / Drinking Water
Attribute band and description	Narrative attribute state
A	
Water is safe to consume-food from. Raw water is able to be safely processed for drinking water. Source water, including puna wai, is protected from contamination and waterborne illnesses.	Mauri ora
B	
Water is not safe to consume-food from. Raw water is able to be safely processed for drinking water. Source water, including puna wai, is protected from contamination and waterborne illnesses.	Mauri piki
Te Tai Tokerau Bottom Line	
C	
Water is not safe to consume food from. Raw water is able to be safely processed for drinking water. Source water, including puna wai, is not protected from contamination and waterborne illnesses.	Mauri heke
D	
Water is not safe to drink or consume food from. Raw water is not able to be safely processed for drinking water. Source water, including puna wai, is not protected from contamination and waterborne illnesses.	Mauri mate

Advisory Note:

- (a) "Drinking water" has the meaning as defined in the Water Services Act 2021.
- (b) "Safe" in relation to drinking water has the meaning as defined in the Water Services Act 2021 with the addition that it is culturally healthy (as defined by tangata whenua) i.e. does not impact the mauri of the water.
- (c) Source water is the water body from which water is abstracted and/or processed for drinking water i.e. it is natural fresh water (for example a river, stream, lake or aquifer).
- (d) Raw water means water that has been abstracted from a source but has not been subject to any treatment or other processes that may be required to make it safe to consume.
- (e) Tangata whenua are expected to identify and map water bodies that either are used, or would be used for drinking water supply and or food collection. It is intended that these areas would be generally by associated with traditional food collection and drinking water sources that would be located at or near the head of the surface water bodies.
The attribute state will apply to all extent of water body that water is taken from for drinking or collected from for food consumption. Any activities upstream of these areas will need to address these attribute targets.
- (f) Measurement would be undertaken by NRC in collaboration with Tangata Whenua.
- (g) The measurement and assessment of this attribute is to occur during flow conditions not exceeding median flow (i.e., when water would reasonably be expected to be used for the purpose related to the attribute).

Example in Practice:

A puna wai is used for drinking water by whānau. Water needs to be measured and if it doesn't meet the National Environmental Standard for Sources of Human Drinking Water (NES-DW) regulations 2007 or any replacement as a result of activities within the catchment - i.e. land use affecting water quality), then a response is needed (action plan) to bring the source up to and above the bottom line.

Attribute Table A6: Repo / Wetland Health

Value (and component)	Māori freshwater values
Freshwater body type	All
Attribute unit	Repo / Wetland Health
Attribute band and description	Narrative attribute state
A	Excellent / Mauri ora
<ul style="list-style-type: none"> a. Repo / Wetland health is excellent and ecological / flood mitigation functions are optimal. b. The vitality of the wai is healthy. c. There is an abundance and diversity of lush riparian vegetation, indigenous flora, fauna, and kai species for tangata whenua to access sustainably. d. The area is teeming with native birds. e. The area is pest and invasive species free. f. Te matangaro o tangata whenua is elevated through te tairongotanga (touch/feel, sound, sight, smell, taste) o te wai. g. Tangata whenua return to the area regularly for ceremony, to gather, to swim and access the healing abilities of wai. h. Kawa and tikanga are in place to assist enhancement of mauri. 	
B	Good / Mauri piki
<ul style="list-style-type: none"> a. Repo / Wetland health is reasonable and ecological / flood mitigation functions are generally good. b. The vitality of the wai is somewhat healthy. c. Riparian vegetation, indigenous flora, fauna, and kai species are present but not in a state of abundance. d. Native birds are generally seen and heard. e. Evidence of harm from pests and invasive species. f. Te matangaro o tangata whenua is somewhat elevated through te tairongotanga (touch/feel, sound, sight, smell, taste) o te wai. g. Tangata whenua return to the area intermittently for ceremony to gather, to swim and to access the healing properties of wai but this may depend on the condition of the wai and surrounding eco-systems. h. Kawa and tikanga are in place to assist enhancement of mauri. 	
Te Tai Tokerau Bottom Line	
C	Diminished and impaired / Mauri heke
<ul style="list-style-type: none"> a. Repo / Wetland health is diminished or impaired but some ecological / flood mitigation functions exist. b. Life giving and healing properties are in decline and the wai struggles to sustain the surrounding eco-systems. c. There is little riparian vegetation, indigenous flora, fauna, and kai species present. d. Native birds are rarely seen and heard. e. The area is swarming with pests and invasive species. f. Te matangaro o tangata whenua is diminished through te tairongotanga (touch/feel, sound, sight, smell, taste) o te wai. g. Tangata whenua do not return to this site often. h. Kawa and tikanga are generally absent and do not assist enhancement of mauri. 	
D	Poor / Mauri noho / mate
<ul style="list-style-type: none"> a. Repo / Wetland health is poor and ecological / flood mitigation functioning limited. b. Surrounding eco-systems are negatively impacted. c. There is little to no riparian vegetation, indigenous flora, fauna, and kai species present. d. Native birds are not seen and heard. e. The area is overtaken with pests and invasive species. f. Te matangaro o tangata whenua is negatively impacted through te tairongotanga (touch/feel, sound, sight, smell, taste) o te wai. g. Tangata whenua do not return to this site. h. Kawa and tikanga are absent and mauri is degraded. 	

Advisory Note:

- (a) Tangata monitor this attribute. Mechanism needs to be developed to enable this to happen such as a s.33 transfer of powers or a joint management agreement.
- (b) Tangata whenua will need to determine the best percentage for each - species, birds, tohu.

Attribute Table A7: Awa / River Health

Value (and component)	Māori freshwater values
Freshwater body type	All
Attribute unit	Awa / River Health
Attribute band and description	Narrative attribute state
A	Excellent / Mauri ora
<ul style="list-style-type: none"> a. Awa / River health is excellent and ecological functions are optimal. b. The vitality of the wai is healthy, clear and flow is not weakened as a result of human intervention. c. There is an abundance and diversity of lush riparian vegetation, indigenous flora, fauna, and kai species for tangata whenua to access sustainably. d. The area is teeming with native birds. e. The area is pest and invasive species free. f. Te matangaro o tangata whenua is elevated through te tairongotanga (touch/feel, sound, sight, smell, taste) o te wai. g. Tangata whenua return to the area regularly for ceremony, to gather, to swim and access the healing abilities of wai. h. Tikanga and kawa are in place to assist enhancement of mauri. 	
B	Good / Mauri piki
<ul style="list-style-type: none"> a. Awa / River health is good and ecological functions are impaired but function well. b. The vitality of the wai is somewhat healthy, clear, and flowing with some restriction. c. Riparian vegetation, indigenous flora, fauna, and kai species are present but not in a state of abundance. d. Native birds are generally seen and heard. e. Evidence of harm from pests and invasive species. f. Te matangaro o tangata whenua is somewhat elevated through te tairongotanga (touch/feel, sound, sight, smell, taste) o te wai. g. Tangata whenua return to the area intermittently for ceremony to gather, to swim and to access the healing properties of wai but this may depend on the condition of the wai and surrounding eco-systems. h. Tikanga and kawa are in place to assist enhancement of mauri. 	
Te Tai Tokerau Bottom Line	
C	Diminished and impaired / Mauri heke
<ul style="list-style-type: none"> a. Awa / River health is diminished and/or impaired and ecological functions are sub-optimal. b. Life giving and healing properties are in decline and the wai struggles to sustain the surrounding eco-systems. c. There is little riparian vegetation, indigenous flora, fauna, and kai species present. d. Native birds are rarely seen and heard. e. The area is swarming with pests and invasive species. f. Te matangaro o tangata whenua is diminished through te tairongotanga (touch/feel, sound, sight, smell, taste) o te wai. g. Tangata whenua do not return to this site often. h. Tikanga and kawa are generally absent and do not assist enhancement of mauri. 	
D	Poor / Mauri noho / mate
<ul style="list-style-type: none"> a. Awa / River health is sick or brown or odorous or does not flow and struggles to sustain any life. b. Surrounding eco-systems are negatively impacted. The wai has no life-giving or healing properties. c. There is little to no riparian vegetation, indigenous flora, fauna, and kai species present. d. Native birds are not seen and heard. e. The area is overtaken with pests and invasive species. f. Te matangaro o tangata whenua is negatively impacted through te tairongotanga (touch/feel, sound, sight, smell, taste) o te wai. g. Tangata whenua do not return to this site. h. Tikanga and kawa are absent and mauri is degraded. 	

Advisory Note:

- (a) Tangata monitor this attribute. Mechanism needs to be developed to enable this to happen such as a s.33 transfer of powers or a joint management agreement.
- (b) Tangata whenua will need to determine the best percentage for each - species, birds, tohu.

Attribute Table A8: Roto / Lakes Health

Value (and component)	Māori freshwater values
Freshwater body type	All
Attribute unit	Roto / Lakes Health
Attribute band and description	Narrative attribute state
A	Excellent / Mauri ora
<ul style="list-style-type: none"> a. Roto / Lake health is excellent and ecological functions are optimal. b. The vitality of the wai is healthy and clear. c. There is an abundance and diversity of lush riparian vegetation, indigenous flora, fauna, and kai species for tangata whenua to access sustainably. d. The area is teeming with native birds. e. The area is pest and invasive species free. f. Te matangaro o tangata whenua is elevated through te tairongotanga (touch/feel, sound, sight, smell, taste) o te wai. g. Tangata whenua return to the area regularly for ceremony, to gather, to swim and access the healing abilities of wai. h. Tikanga and kawa are in place to assist enhancement of mauri. 	
B	Good / Mauri piki
<ul style="list-style-type: none"> a. Roto / Lake health is good and ecological functions are impaired but function well. b. The vitality of the wai is somewhat healthy and clear. c. Riparian vegetation, indigenous flora, fauna, and kai species are present but not in a state of abundance. d. Native birds are generally seen and heard. e. Evidence of harm from pests and invasive species. f. Te matangaro o tangata whenua is somewhat elevated through te tairongotanga (touch/feel, sound, sight, smell, taste) o te wai. g. Tangata whenua return to the area intermittently for ceremony to gather, to swim and to access the healing properties of wai but this may depend on the condition of the wai and surrounding eco-systems. h. Tikanga and kawa are in place to assist enhancement of mauri. 	
Te Tai Tokerau Bottom Line	
C	Diminished and impaired / Mauri heke
<ul style="list-style-type: none"> a. Roto / Lake health is diminished and/or impaired and ecological functions are sub-optimal. b. Life giving and healing properties are in decline and the wai struggles to sustain the surrounding eco-systems. c. There is little riparian vegetation, indigenous flora, fauna, and kai species present. d. Native birds are rarely seen and heard. e. The area is swarming with pests and invasive species. f. Te matangaro o tangata whenua is diminished through te tairongotanga (touch/feel, sound, sight, smell, taste) o te wai. g. Tangata whenua do not return to this site often. h. Tikanga and kawa are generally absent and do not assist enhancement of mauri. 	
D	Poor / Mauri noho / mate
<ul style="list-style-type: none"> a. Awa / River health is sick or brown or odorous or stagnant and struggles to sustain any life and surrounding eco-systems are negatively impacted. b. The wai has no life-giving or healing properties so tangata whenua do not return at all. Native birds are not seen or heard. c. There is little to no riparian vegetation, indigenous flora, fauna, and kai species present. d. Native birds are not seen and heard. e. The area is overtaken with pests and invasive species. f. Te matangaro o tangata whenua is negatively impacted through te tairongotanga (touch/feel, sound, sight, smell, taste) o te wai. g. Tangata whenua do not return to this site. h. Tikanga and kawa are absent and mauri is degraded. 	

Advisory Note:

- a. Tangata monitor this attribute. Mechanism needs to be developed to enable this to happen such as a s.33 transfer of powers or a joint management agreement.
- b. Tangata whenua will need to determine the best percentage for each - species, birds, tohu.

Attribute Table A9: Uepapa (Upper Aquifer) and Hamuimui (Lower Aquifer) / Groundwater Health

Value (and component)	Māori freshwater values
Freshwater body type	All
Attribute unit	Wai Whenua / Aquifer / Groundwater Health
Attribute band and description	Narrative attribute state
A Uepapa (Upper Aquifer) and Hamuimui (Lower Aquifer) / Groundwater health, quality and quantity is excellent and is a positive source for surface water. Tangata whenua feel proud of the state of Uepapa (Upper Aquifer) and Hamuimui (Lower Aquifer) / Groundwater.	Excellent / Mauri ora
B Uepapa (Upper Aquifer) and Hamuimui (Lower Aquifer) / Groundwater health, quality and quantity is good and is generally a positive source for surface water. Tangata whenua feel contentment over the state of Uepapa (Upper Aquifer) and Hamuimui (Lower Aquifer) / Groundwater.	Good / Mauri piki
Te Tai Tokerau Bottom Line	
C Uepapa (Upper Aquifer) and Hamuimui (Lower Aquifer) / Groundwater health, quality and/or quantity is diminished and impaired and is generally a negative source for surface water. Tangata whenua feel concerned over the state of Uepapa (Upper Aquifer) and Hamuimui (Lower Aquifer) / Groundwater.	Diminished and impaired / Mauri heke
D Uepapa (Upper Aquifer) and Hamuimui (Lower Aquifer) / Groundwater health, quality and/or quantity is poor and a negative source for surface water. Tangata whenua feel sad and troubled by the state of Uepapa (Upper Aquifer) and Hamuimui (Lower Aquifer) / Groundwater.	Poor / Mauri noho / mate

Advisory Note:

- a) Tangata whenua monitor this attribute. Mechanism needs to be developed to enable this to happen such as a s.33 transfer of powers or a joint management agreement.
- b) The classification of wai can be different at different times of the year and across time to account for climate change, which must be reflected in freshwater decision making.
- c) Different classifications of wai can apply across the same Wai Whenua / Aquifer.
- d) The same Wai Whenua / Aquifer can have different wai classifications that represent differing views amongst iwi, hapū and/or marae.



WĀHANGA TUA WHĀ

Part 4: Next Steps

8 Wāhanga Tua Whā: Part 4: Next Steps

In order to successfully give effect to Te Mana me te Mauri o te Wai and empower tangata whenua to be active in all parts of freshwater decision making, the recommended provisions in this report should be adopted in the FPI.

While there are limitations to the extent of this report, it is critical that any FPI implementing the NPSFM, gives effect to the tangata whenua provisions that have been co-created with TWWAG.

There will be regional and local variances with respect to how Te Mana me te Mauri o te Wai should be given effect to in respective rohe and takiwā. But most importantly, it is critical that any future resource consent applications or plan changes impacting on Te Mana me te Mauri o te Wai appropriately consider tangata whenua values. These values and the appropriate pathways to avoid, remedy or mitigate potential cultural effects, need to be developed in partnership with tangata whenua. In doing so, tangata whenua need to be adequately resourced by local authorities and applicants for their participation in decision making to be successful.

Upon agreement with TTWAG and TTMAC it is expected that further consultation and engagement with wider tangata whenua groups will take place on the draft tangata whenua provisions. There may be further research and investigation required for parts of the FPI, the development of FMUs with tangata whenua and communities.

It is assumed that tangata whenua will also actively participate in formal notification processes for the FPI. This may include through submissions, and future submissions, attendance at mediation, hearings or expert witness conferencing. It should also be requested that Māori hearing commissioners with te ao Māori and Te Tiriti o Waitangi expertise are appointed to the freshwater hearings panel for this topic.



WĀHANGA TUA RIMA

Part 5: Whakakapi | Conclusion

9 Wāhanga Tua Rima: Part 5: Whakakapi | Conclusion

The whakatauki below is well known in Te Tai Tokerau. It discusses prominent rivers and springs of the east coast of Taumarere and the west coast of Hokianga. Two of the main fountains of life for descendants and haukāinga from these areas.

But as Sir James Henare puts it, '*Ehara i te puna wai, engari he puna tangata.*' It does not refer to a spring of water, but a spring of people'.⁹⁸

What this whakatauki metaphorically tells us is the importance of wai and the relationships and whakapapa between iwi, hapū and whānau. The proverb also emphasises the notion of reciprocity that is embodied in kinship ties. While the whakatauki focuses on the ties between Te Taitamatane me Te Tai Tamawahine, and in particular Taumarere and Hokianga, it is a concept other iwi, hapū and whānau of Te Tai Tokerau can relate to. That is whakapapa, kinship and relationships bring us together when discussing te mauri o te wai, or the wellbeing and life-force of our freshwater. Without which we would not be able to thrive or survive as a people.

Ka mimiti te puna i Taumarere, ka toto te puna i Hokianga

Ka toto te puna i Taumarere, ka mimiti te puna i Hokianga

E whakarongo ana tātou ki ngā tai e rua - Te Tai Tamatane, me Te Tai Tamawahine

When the spring or fountain at Taumarere are empty

The spring or fountain at Hokianga are full

When the spring or fountain at Taumarere are full,

The spring or fountain at Hokianga are empty.

Listen all of us to the two tides, the male tide and the female tide.

⁹⁸ see Kawharu, M., Tahuu Korero, 2009

References

- Armstrong, D., & Shortland, T. (2022). *Te Mana me te Mauri o te Wai: A Discussion Document for Te Tai Tokerau*. Whāngarei .
- Cloher, D. U., and Merimeri Penfold, *The Tribes of Muriwhenua: Their Origins and Stories*, (2002). Auckland: Auckland University Press .
- Harmsworth, G., & Awatere, S. (2013). *Indigenous Māori knowledge and perspectives of ecosystems*. Lincoln, New Zealand : Manaaki Whenua Press.
- Jackson, M. (2021). *Statement of Moana Jackson* . Retrieved from Abuse in Care: Royal Commission of Inquiry: <https://www.abuseincare.org.nz/our-progress/library/v/82/statement-of-moana-jackson>
- Marsden, M Rev. (1992) *Kaitiakitanga: A Definitive Introduction to the Holistic World View of the Maori*. As defined in 'Maori Values Supplement' (2010). Published by the Ministry for the Environment.
- Marsden, M., & Royal, T. A. (2003). *The Woven Universe: Selected Writings of Rev. Maori Marsden*.
- Mead, H., (2016) *Tikanga Maori: Living by Maori Values*. Wellington: Huia Publishers.
- Mutu, M. (2010). Constitutional Intentions. In M. Muholland, & V. M. Tawhai , *Weeping Waters: The Treaty of Waitangi and Constitutional Change*. Wellington : Huia .
- Mutu, M., & Jackson, M. (2016). *He Whakaaro Here Whakaumu mo Aotearoa: The Report of Matike Mai Aotearoa - The Independent Working Group on Constitutional Transformation*. Aotearoa: Matike Mai.
- Myers, S., Clarkson, B. D., Reeves, P. N., & Clarkson, B. R. (2013). Wetland management in New Zealand: Are current approaches and policies sustaining wetland ecosystems in agricultural landscapes? *Ecological Engineering* , 107-120.
- Norman Waerete, 1996. Muriwhenua Cultural Research Segment for Te Hiku o Te Ika, in *Sustainable Development in Tai Tokerau. Case Study Two. Te Hiku o Te Ika*. University of Auckland: James Henare Maori Research Centre,
- Panel, I. (2012). *Ngāpuhi Speaks* . Whāngarei : Te Kawariki and Network Waitangi .
- Royal, C., *Te Kawa Waiora Report 2020-2021*, (2022). Reconnecting Northland. ISBN: 978-0-473-63437-7
- Smith, L. T. (1999). *Decolonizing Methodologies: Research and Indigenous Peoples*. London : Zed Books .
- Tate, H. A. (2010). *Towards Some Foundations of a Systematic Māori Theology* . Auckland : The University of Auckland .
- Tate, H. A. (2012). *He puna iti o te ao marama: A little spring in the world of light* .
- Tribunal, W. (2012). *Stage 1 Report on the National and Freshwater and Geothermal Resources Claim (WAI 2358)*. Wellington : Legislation Direct .

Tribunal, W. (2014). *The Report on Stage 1 of the Te Paparahi o Te Raki Inquiry*.
Wellington: Legislation Direct.

Tribunal, W. (2022). *The report on Stage 2 of the Te Paparahi o Te Raki Inquiry*.
Wellington: Legislation Direct.

Williams, H.W. (1971) *Dictionary of the Maori Language*. 7th Edition. Wellington: GP
Publications.

Appendix A: Glossary

Kupu Māori	Translation	Intent and meaning of kupu
Ahikāroa	Burning fires of occupation, long undisturbed occupation, continuous occupation, title to land through occupation by a group generally over a long period of time. The group is able, through whakapapa, to trace back to primary ancestors who lived on the land.	
Awa awa	Stream or river	
Awa tupua	Ancestral stream	Associated with significant cultural values.
Hamuimui	Lower Aquifer	
Hapū Kaitiakitanga		An expression of mana i te whenua and as the protectors of their respective areas they are responsible for observing, protecting, maintaining, restoring and enhancing the mauri of every being (both human and non-human) that constitutes the eco-systems which sustain them physically, spiritually, culturally, socially and economically. The authority in enacting and enforcing tikanga to protect, maintain, restore and enhance mauri resides solely with mana i te whenua.
Koura	Freshwater crayfish	
Mai i uta ki tai	water that derives from inland to the sea/salt waters.	Importance of integrated management.
Mana i te whenua	Peoples of authority	Whānau, hapū and iwi who are the authority of a particular area of land through whakapapa and ahikāroa.

Mana whakahaere	Authority to manage	Those who have the responsibility on behalf of tangata whenua to manage or take care of the water body or environment.
Mataitai	Traditional food sources for Māori, especially seafood.	Fish or other food sources derived from the sea or from lakes (Williams, 1971, p.187)
Matangaro		The unseen elevation of mauri and wairua through tairongo (senses) when the mauri is in a state of ora
Puna wai	Spring water	An area where tangata whenua get water from usually to drink
Taiapure	A local fishery.	Term refers to an area of coastline or a specific fishing ground which was set aside by the coastal tribe of a particular area for use by an inland iwi or hapū. The taiapure was often accompanied by the right for the inland iwi or hapū to use an area of land near to the taiapure so that fish and kaimoana caught during the fishing season could be preserved for use through winter (Marsden, 1992, p.20)
Tairongo	Senses	Smell, touch, taste, vision and hearing. In te ao Māori tangata whenua often use their senses to listen, feel and experience how the mauri of wai might be. These are sometimes used as cultural indicators.
Tangata whenua	Peoples of the land	
Te Hurihanga Wai	The Hydrological Cycle	See Stage 1 Report.

Tikanga wai	Attributes	The attributes that are associated with the way in which wai should be managed or cared for.
Tohu tupuna	An ancestral sign	A sign that may have only been evident pre-colonial times or pre-development and is not seen any more or not common anymore.
Uepapa	Lower acquirer	Kupu more well known in mid-north.
Utu	Return for anything, satisfaction, make response, payment, answer (Williams, p.471)	Giving more than you receive – leaving something in a better state than when you found it. Restoring balance.
Wahapū	Headwaters.	To describe an area that is the source of a river, spring or harbour.
Wāhi wai Māori	Another word for FMU	
Wai huna	Hidden waters	Wai that has been an intangible meaning to tangata whenua as underground bodies of water that connect up to other water bodies such as repo/wetlands or awaawa (streams)
Wai ora	Healing waters	Waters used for rituals and healing such as 'pure' or 'tohi'
Wai paru paru	Wastewater	
Wai puke	Flood waters	To describe flood prone areas?
Wai tai	Salt water	
Wai tapu	Sacred waters	Waters that should be given the highest order of protection due to the cultural values associated to it.
Wai whakamaumahara	Rememberable waters	These could possibly be included as wai rongonui or freshwater sites of significance.

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