



TŪWHARETOA
MĀORI TRUST BOARD

Submission by the Tūwharetoa Māori Trust Board

concerning the:

Waikato Regional Council Draft Long Term Plan 2024-2034

2 May 2024

INTRODUCTION

1. This submission is made by the Tūwharetoa Māori Trust Board (the **Trust Board**) in relation to the Waikato Regional Council (**Council**) draft Long Term Plan (**LTP**) 2024-2034.
2. The Trust Board was established pursuant to the Māori Land Amendment Act 1924 and Māori Land Claims Adjustment Act 1926. The Trust Board later became a Māori Trust Board under the Māori Trust Boards Act 1955.¹
3. By Deeds with the Crown dated 28 August 1992 and 10 September 2007 the Trust Board is the legal owner of Taupō Waters. The term Taupō Waters refer to property including the bed, water column and air space of Lake Taupō and the Waihora, Waihaha, Whanganui, Whareroa, Kuratau, Poutu, Waimarino, Tauranga-Taupō, Tongariro, Waipahi, Waiotaka, Hinemaiaia and Waitahanui Rivers and the Waikato River, from the outlet of Lake Taupō to a place known as Te Toka a Tia, downstream and inclusive of the Huka Falls.
4. The Trust Board is also a party to the Waikato River Deed with the Crown dated 31 May 2010 (the **Waikato River Deed**). The Waikato River Deed was given legal effect through the Ngāti Tūwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010 (the **Upper Waikato River Act**). The Waikato River Deed provides that the Crown and the Trust Board agreed to enter into the Waikato River Deed in recognition of “the interests of Ngāti Tūwharetoa in the Waikato River and its catchment and in Taupō Waters and to provide for the participation of Ngāti Tūwharetoa in the co-governance and co-management arrangements in respect of the Waikato River”.²
5. The Trust Boards relationship to Taupō Waters is unique; it holds legal title as trustee and acts as kaitiaki for Taupō Waters. These fiduciary responsibilities over Taupō Waters to present and future generations underpin all the activities and aspirations of the Trust Board.
6. The Trust Board is also:
 - a. Party to an existing Joint Management Agreement with the Waikato Regional Council;³ and
 - b. The Iwi authority for Ngāti Tūwharetoa for the purposes of the Resource Management Act 1991 (RMA).⁴

TŪWHARETOA AND IMPORTANCE OF WATER

7. Expressions of our intrinsic connection to Ngā wai o Tūwharetoa have been well documented through our iwi planning documents and Joint Management Agreement with Taupō District Council as well as reflected at a national level through legislation such as the National Policy Statement for Freshwater – Te Mana o te Wai. We continue to express our position through the participation in numerous planning and policy processes. They are repeated in this submission as they form our enduring position on water within our rohe.
8. Tūwharetoa hold Mana Whenua and kaitiakitanga over the Central North Island including the Lake Taupō Catchment and part of the Upper Waikato, Whanganui, Rangitikei and Rangitaiki Catchments.

¹ Māori Trust Boards Act 1955, refer section 10.

² Waikato River Deed, 31 May 2010, refer clause 8

³ Available at <https://www.waikatoregion.govt.nz/assets/WRC/Community/Iwi/JMA-Tuwharetoa-WRC.pdf>

⁴ See <http://www.tkm.govt.nz/iwi/Ngāti-Tūwharetoa/>

9. Ngāti Tūwharetoa are the descendants of Ngatoroirangi and Tia and other Tūpuna who have occupied the Taupō region since the arrival of the Te Arawa waka. Ngāti Tūwharetoa are linked by whakapapa to our lands and taonga. This connection establishes our mana whenua, kaitiakitanga, and rangatiratanga including our right to establish and maintain a meaningful and sustainable relationships between whānau, hapū, marae and our taonga tuku iho.⁵
10. For Ngāti Tūwharetoa, water comes from the sacred pool of our ancestor, Io. Tāne entrusted the guardianship of all the waterways to Tangaroa while Tāwhirimātea was assigned the guardianship over the atmospheric forms of the water and the weather. These two guardians hold the mauri, the essential life forces, of these forms of water.
11. For Ngāti Tūwharetoa, our role in the Central North Island forms part of our ancestor, our earth mother Papatūānuku. The universe and atmosphere above and around us is our sky father, Ranginui. The geographical pinnacle of Papatūānuku, within our rohe is our maunga (mountains) including our esteemed ancestor, Tongariro. To the north of Tongariro lies our inland seas, Taupō and Rotoaira. Our mauri flows from our maunga and to the hinterlands via the Waikato, Whanganui and Rangitaiki. They link us directly with our neighbouring iwi.
12. This tangible natural water flow is necessary to nurture every form of life it encounters during its journey. It is the intangible interconnecting web that is the lifeblood of our whakapapa and enable the survival of our wellbeing and identity as iwi, hapū, marae, landowners and whānau. This way of looking at our fresh water highlights a truth we all acknowledge. Water is our lifeblood. Water is necessary for life. Water is us and we are the water.⁶
13. We have continued to exercise our customary rights and interests over all the waterways, waterbodies and tributaries in our rohe. Upholding our responsibilities as Mana Whenua and Kaitiaki requires us to remain present, active and visible in all discussions concerning wai management to ensure Te Mana o te Wai is preserved, restored and protected.

ACKNOWLEDGEMENT

14. The Trust Board thanks the Waikato Regional Council (**the Council**) for the opportunity to provide feedback on the draft Long Term Plan 2024-2034 (**LTP**).
15. This submission responds to the:
 - a. Mahere Whānui draft Long Term Plan 2024-2034
 - b. Mahere Whānui 2024-2034 consultation document;
 - c. Mahere Whānui 2024-2034 supporting Information.
16. The Trust Board also provides points of submission on matters that are not included in the Councils consultation document.

⁵ Lake Rotoaira and Lake Taupō Forest Trusts and the Tūwharetoa Māori Trust Board (2011) *The Stewardship of Fresh Water – A Tūwharetoa Discussion Document*.

⁶ Tūwharetoa Māori Trust Board (2012) *Ngāti Tūwharetoa relationship with our ancestral waters*.

SPECIFIC POINTS OF SUBMISSION

17. The Trust Board provides the following specific points of submission.

SUBMISSION 1

18. The Joint Management Agreement (**JMA**) between the Trust Board and the Council is important to the Trust Board, as such, funding to uphold and implement the JMA is required. Examples such as the utilisation of section 33 of the RMA regarding water monitoring functions notes how the relationship between the entities provides positive outcomes.

Relief sought

19. Appropriate levels of funding must be included in the LTP to effectively service the JMA between the Trust Board and the Council.

Rationale

20. The Trust Board believes appropriate levels of funding must be available in the LTP to service the JMA between the Trust Board and the Council signed in 2018.

21. The purpose of the JMA is to set out how the Parties will work together when carrying out duties and functions and exercising powers under the RMA with regard to:

- a. monitoring and enforcement activities;
- b. preparing, reviewing, changing or varying a RMA Planning Document;
- c. considering applications for resource consents under Part 6 of the RMA;
- d. providing for processes to explore customary activities;
- e. exploring and giving effect to joint decision-making opportunities for resource consents, RMA Planning documents and other statutory and non-statutory documents prepared by the Council that affect Taupō Waters;
- f. joint decision-making on notified resource consent applications under section 104 of the RMA that are within Taupō Waters where a hearing is required; and
- g. joint decision-making on private plan changes under clause 10(1) of Schedule 1 of the RMA that affect Taupō Waters.

SUBMISSION 2

22. Increasing natural heritage rate

Relief sought

23. The Trust Board supports in principle the preferred option of increasing the natural heritage rate up to NZ\$8.68 per property per annum [option 1].

Rationale

24. The Trust Board understands the natural heritage rate funds the Natural Heritage Fund (NHF), Environmental initiatives Fund (EIF) and small scale Community Initiatives Fund (SSCIF). The allocation of funding is undertaken on an annual application round, with applications being assessed against assessment criteria.
25. Given that that Taupō District has the highest proportion of whenua Māori in the Region, the Trust Board considers that the Council should target a proportion of the NHF and EIF funding to assist the owners of multiple owned Māori land and Māori freehold land. This is particularly important where whanau own land that includes remnant indigenous biodiversity that may (or may not) be identified as being a Significant Natural Areas (SNA).
26. The Trust Board believes the service provided by undeveloped Māori land to biodiversity and ecosystem health and the climate is simply not recognised. Similarly, the Trust Board is aware that a number of residents in Taupō hold the view that undeveloped Māori land surrounding Taupō Waters should never be developed as this land provides “significant landscape and amenity values”. Notwithstanding the unfairness at play, we consider the Council should target NHF and EIC funding to the owners of multiple owned Māori land and Māori freehold land in the Taupō District.

SUBMISSION 3

27. Freshwater Policy Review

Relief sought

28. Support the appropriate level of funding in the LTP to resource the completion of the Freshwater Policy Review by 2027.

Rationale

29. The Trust Board acknowledges the review of the freshwater components of the Waikato Regional Plan (**WRP**) was signalled and resourced through 2021/31 LTP. The proposed plan change is directly relevant to parts of the Ngāti Tūwharetoa rohe.
30. The Trust Board expects the Freshwater Policy Review will:
 - a. protect and build upon the work undertaken by Māori landowners, including the Trust Board as the part of implementing Variation 5;
 - b. have a strategic fit with the finalised provisions of Proposed Plan Change 1;
 - c. be consistent with Part 4 of the Ngāti Tūwharetoa Claims Settlement Act 2018;
 - d. be cognisant of the Management Plan for Taupō Waters;
 - e. overhaul the allocation regime for freshwater in a way that is cognisant of:
 - i. unresolved rights and interests of Ngāti Tūwharetoa; and
 - ii. limits that are set for the Waikato River that are Te Ture Whaimana and NPS-FM 2020 compliant.

31. The expectation of the Trust Board is the co-governance arrangements set out in the Ngāti Tūwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010 (**upper Waikato River Act**) would be deployed. This would include the establishment of a joint working party to develop the content of any plan change and to stand-up a co-governance committee. The co-governance committee would be similar to the Healthy Rivers Wai Ora Committee used for the Proposed Plan Change 1 (**PC1**) process.
32. The Trust Board notes the substantive catchment area that comprises Taupō Moana was not part of the PC1 process. In replicating an effective process, the Trust Board considers the joint working party structure has utility outside of the Waikato River catchment. Similarly, a decision-making role should be created for Ngāti Tūwharetoa to provide a joint recommendation to WRC Council on the content of any plan change.
33. Funding these arrangements in the LTP would decrease the process risk that were identified to the Freshwater Policy Review in early 2024.

SUBMISSION 4

34. Rural compliance and support funding

Relief sought

35. Support the effective implementation of all measures in PC1, including (but not limited to) compliance effort for permitted and controlled activities, and technical support to assist the development of Farm Environment Plans.
36. Support an increase in compliance effort targeting the monitoring of, and compliance with, permitted activities and permitted activity rules in the Regional Plan.
37. Support an increase in technical support to implement the national farm plan regulations in the Waikato region.
38. Support the proposed 20:80 funding split based on properties greater than 20ha.

Rationale

39. Ngāti Tūwharetoa is one of five River Iwi that have engaged with the Council on development of PC1 since 2014. The Trust Board has invested heavily in the PC1 process, including internal staff time and resourcing independent legal and technical advice to provide input through the RMA process. This level of investment over time from the Trust Board [together with our River Iwi whanaunga] should strongly signal to the Council the importance of PC1 and our commitment to give effect to Te Ture Whaimana o Waikato (the Vision and Strategy for the Waikato River).
40. The Trust Board considers the effective implementation of PC1 is of paramount importance to achieving the 20% of Te Ture Whaimana target (Objective 2) in 10-years post PC1 becoming operative. To this end, the Trust Board expects that the Council will have allocated adequate resourcing in the LTP to increase compliance effort and design a bespoke programme that provides technical support to both Māori and European landowners in the development to Farm Environment Plans.
41. The Trust Boards view is this level of compliance effort and provision of technical support should also occur outside of the Waikato River catchment, within the Ngāti Tūwharetoa rohe. On the

basis of these dual outcomes being met, the revised 20:80 funding split is supported by the Trust Board.

SUBMISSION 5

42. Emergency response for spills into Taupō Waters

Relief sought

43. New funding to procure and domicile spills responses and containment equipment in Taupō.

44. New funding for staff in the Taupō District to access Maritime New Zealand responder training.

Rationale

45. The Trust Board is concerned the Council does not have ready access to sufficient dedicated spill response and containment equipment that is located in Taupō or Tūrangi. Appendix G of the Lake Taupō and its Tributaries Contamination Event Contingency Response Plan - 28 August 2023 [#21039179] indicates there is limited and small-scale equipment that is held by WRC in the Taupō District. While the Trust Board understands that Government departments, private companies and commercial vessels have access to their own containment equipment, and that in an emergency this equipment could become available, this is not an ideal situation.

46. Additionally, the Trust Board is concerned that, along with having limited dedicated equipment on site, there may not be any Council staff located in Taupō with current Maritime New Zealand (**MNZ**) responder training. This means when an emergency situation arises, it is likely to take up to 90-minutes before specialist spill response and containment equipment and Council staff with MNZ training to arrive in Taupō. This timing only increases if the incident location is south or west of Taupō.

47. The Trust Board wishes to highlight the recent examples of heavy vehicles leaving the roading network and entering Lake Taupō, which in our view not only necessitated the August 2023 Contamination Event Contingency Plan, but also underscores the need for dedicated containment equipment and trained staff being readily available in the Taupō District. In these examples, we note the response time for Council staff to access spill response and containment equipment and arrive onsite ex-Hamilton, was considerable.

48. The Trust Board considers that the Council should domicile oil spill response and containment equipment in Taupō and have staff with current MNZ responder training in the Taupō District. We recognise there may be an opportunity for interagency cooperation to make this a reality and we welcome more discussions.

49. We note the Regional Marine Oil Spill Contingency Plan 2021-24 [#18181776] does not include a specific section on Taupō Moana. Given the size and importance of Lake Taupō to the region, and nation, the Trust Board believes the next iteration of the plan (to be reviewed in 2024) should include a section on Taupō Moana that has as its base content the August 2023 Contamination Event Contingency Plan.

50. The submission from Taupō District Council on the same subject is supported by the Trust Board.

SUBMISSION 6

51. Remission of rates for Māori freehold land

Relief sought

52. Support the retention of rates remission and postponement policies 3 and 4.

Rationale

53. Rates remission and postponement is critical for Māori landowners, particularly as whenua Māori has been substantially disadvantaged over time and in some cases rates arrears for some blocks has led whanau to view ownership as being a burden. The changes to rates remission policy in line with the Local Government (Rating of Whenua Māori) Amendment Act 2021 has assisted to shift this view.
54. The Trust Board supports the policy for rates to be remitted for Māori freehold land that is under development. Successful applications will provide some rates relief for Ngāti Tūwharetoa landowners while they invest in bringing their land into greater use.
55. The Trust Board also considers that any costs to the region of rates remission for Māori freehold land that is under development, will be offset by the benefits of that whenua being developed and able to contribute to the iwi economy.

SUBMISSION 7

56. Flood management within Taupō Waters catchments, including erosion and stopbank resilience works

Relief sought

57. Support continued maintenance of flood protection assets in the Ngāti Tūwharetoa rohe.
58. Support the capital programme to fund the resilience work for stopbank assets in the lake Taupō catchment.
59. Include additional resources for hapū and marae to participate [through Council led engagement] in the options process to redesign the stopbanks and any related flood protection works.

Rationale

60. The Trust Board is aware the Council operates regional scale flood protection assets in the Ngāti Tūwharetoa rohe that provide protection to whanau to minimise the risk of flooding events. We recognise the need to make existing flood protection assets more resilient to the impacts of a rapidly changing climate.
61. The problem is the Trust Board and mana whenua hapū are not appropriately engaged in the process to jointly decide on how those assets are managed, both operationally in the short-term and also in respect of planning for longer term management decisions around resilience and preparing for the impacts of a rapidly changing climate.

62. The Trust Board wants to be clear that it is not a proxy for engagement with mana whenua hapū. The responsibility for engagement with Ngāti Tūwharetoa hapū and marae falls on the Council. While we have some comfort providing Council staff with limited assistance at the pre-engagement phase of a project, the Trust Board reiterates its role is to provide support and assistance to our hapū and marae when required.
63. In respect of the process to design stopbanks in the Lake Taupō catchment to make them more resilient, the Trust Board suggests that the Council provides additional resources for hapū and marae to participate in the options process to redesign the stopbanks and any related flood protection works. The Trust Board wants to avoid a situation where the Council requests the Trust Board plays a ‘facilitator’ role with our hapū and marae that amounts to a rushed consultative process based on a finalised design option. This is unacceptable.
64. The Trust Board expects improved engagement from the Council with mana whenua hapū and marae to co-design improvements to flood management infrastructure. Appropriate timeframes should be included to ensure engagement is targeted, focussed and allows for decision-making processes of mana whenua hapū and marae to be concluded.
65. Flooding and erosion to our Tūwharetoa marae and papakāinga within Taupō Waters from high lake levels is continuing to have significant impacts. The constant high lake levels needs to be better managed and mitigated and project watershed funding being more available to our communities that are impacted. More effective management of lake levels causing erosion and flooding requires closer attention in light of climate change impacts now instead of dealing with the subsequent consequences.
66. The Trust Board requests visibility and transparency specifically on flooding and erosion funding from Project Watershed in the Tūwharetoa rohe. The Trust Board would like to provide input into Project Watershed to assist the Council in flooding and erosion mitigation and protection of our communities.

SUBMISSION 8

67. Emergency Management response

Relief sought

68. Increased funding for dedicated CDEM resources domiciled in the Taupō District.
69. Increase in coordination and planning with partner agencies, including Taupō District Council and Trust Board.

Rationale

70. The Trust Board is concerned the Civil Defence Emergency Management (CDEM) in the Waikato region is not capable of adequately responding to emergency situations in the Ngāti Tūwharetoa rohe.
71. Recent examples of flooding that adversely affected marae and papakainga in the Ngāti Tūwharetoa rohe demonstrated a lack of coordination between agencies and resulted in slow response times. Trust Board staff and whānau had to take the role of responding to calls for assistance. This is not good enough.

72. We note recently released reports highlighting weaknesses and gaps with emergency management nationally and in a number of regions. We think a number of these findings are applicable to the CDEM function in the Waikato, particularly a lack of focus and investment in readiness planning, activities, equipment, and supplies.
73. The Trust Board considers the LTP should include funding for dedicated CDEM resources to be domiciled in the Taupō District. There should be a corresponding increase in coordination and planning with partner agencies in the Taupō District and led by the Council.

SUBMISSION 9

74. Containment and eradication of *Corbicula* species such as *Corbicula Fluminea* and *Corbicula Australis* (Freshwater Clam) in the Waikato River catchment

Relief sought

75. Identified funding to assist with efforts to contain and suppress the spread of invasive Freshwater Clam species in the Waikato River catchment.

Rationale

76. The Trust Board remains deeply concerned by the May 2023 incursion of the invasive pest, Freshwater Gold Clam (*Corbicula fluminea*), into the Waikato River catchment.
77. We are aware that *corbicula fluminea* incursions have been confirmed for the length of the Waikato Awa downstream of Lake Maraetai. We are also fully aware of incursion of *corbicula australis* at the Lake Taupō Aqua Park.
78. The Trust Board is extremely worried if proactive measures are not put in place to prevent the transfer of Freshwater Clams, an incursion will occur within the Lake Taupō catchment. This would be a disaster for Ngāti Tūwharetoa and put at risk the tourism lifeblood of the Taupō District⁷. Furthermore the impacts to critical infrastructure that support our communities as such.
79. The Trust Board acknowledges the current situation is the responsibility of Biosecurity NZ, however long-term containment and suppression will require a multiple agency approach to combat wider spread in the Waikato and Waipa catchments.
80. While the Trust Board also acknowledges eradication is not technically feasible at this time (with current technology), every practicable step must be undertaken to suppress and contain the existing incursions. The Trust Board considers this must be an “across agency” programme and should include:
 - a. Robust and fulsome communications programme;
 - b. Continued surveillance to detect new incursions;
 - c. Containment measures for known populations that include strict movement control for vessels, people and activities;

⁷ The Biosecurity New Zealand Technical Advisory Group (TAG) report concluded the presence of Freshwater Gold Clam could have significant potential impacts on the native ecosystem within the Waikato River and Lake Taupo, as well as further in Aotearoa New Zealand if it spreads.

- d. Eradication of existing small scale populations and any new populations;
 - e. Programme of action to identify the most effective suppression and eradication tools;
81. The Trust Board is committed to work with our Waikato and Waipā River Iwi whanaunga, Government and Local Government agencies and companies to contain and suppress the spread of Freshwater Clam in the Waikato River catchment.

CONCLUSION

82. The Trust Board wishes to be heard in support of this submission.
83. For any further queries please contact Peter Shepherd, Natural Resource Manager, Tūwharetoa Māori Trust Board.

Nāku iti nei, nā



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