

IN THE MATTER OF the Resource Management Act
1991

AND

IN THE MATTER OF One Plan, Plan Change 2 (PC2)

NOTIFIED BY Manawatū-Whanganui Regional
Council

NOTIFIED ON 22 July 2019

STATEMENT OF EVIDENCE OF HAYDEN TUROA

on behalf of

NGĀTI TURANGA

15 OCTOBER 2020

Hei Wāhinga – Introduction

1. I am Hayden Turoa I whakapapa to Ngati Patutokotoko, Ngati Te Kohera, and Ngati Turanga. I live at Paranui, and have grown up on Paranui Marae and continue to live on land handed down to our whanau since the Himatangi Crowns Grant Act 1877.

2. I am a descendent of Te Peehi Turoa and have strong connections to all the iwi on the Tai Hau-a-Uru and Central Plateau. Te Peehi Turoa aided Rangitane, Muaupoko, and his wider relations across the Aotea and Kurahaupo confederation prior to, and during the arrival of the Tainui confederation.

3. My whakapapa is as follows:
 Ko TURI te tangata, ko AOTEA te waka. Turi, Turanga-i-mua, Tamatea Kopiri, Hine whiro, Uru Maio, Tuai Ngaru, Tihi Pokaka, Hine te Ata, Rere Pounamu, Te Eru Mate, Rangiahuta, Waiaria, Tinanga, Pehi Turoa.
 Ko TAMATEKAPUA te tangata, ko te ARAWA te waka. Tamatekapua, Kahu, Tawake Hima, Uenuku, Rangitihi, Tuhourangi, Uenuku Kopako, Waitapu, Tuwhakairikawa, Hinerehua, Te Kahu, Reremoa, Waitapu (tuarua), Te Piungatai, Te Waka Totopipi, Weka, Hitaua, Peehi Turoa.
 Ko TAMATEA te tangata, ko TAKITIMU te waka. Tamatea, Kahungunu, Kahukuranui, Rakaihikuroa, Tuputupuru, Te Rangituehu, Rangituwhaka, Mahinarangi, Raukawa, Whakatere, Poutu, Te Ata Inutai, Te Piungatai, Te Waka Totopipi, Weka, Hitaua, Peehi Turoa.
 Ko HOTUROA te tangata, ko TAINUI te waka. Hoturoa, Hotu Matapu, Motai, Ue, Raka, Rakati, Tawhao, Turongo, Raukawa, Whakatere, Upokoiti, Te Ata Inutai, Waitapu, Te Piungatai, Te Waka Totopipi, Weka, Hitaua, Peehi Turoa. Na, ko nga tae enei kiia ai ... putake me ona waka, he tini ona iwi/hapu...

4. Te Peehi Turoa also comes from pre-migratory iwi including but not limited to Ngati Hotu, Ngati Ruakopiri, Te Kahui Rere, Te Kahui-a-Maui, Te Kahui Kapua, Te Kahui Tara, Te Tini a Toi. Through this Tupuna and others my blood line has never left the Te Tai-Hau-a-Uru, including, but not limited to Himatangi, Manawatu, Rangitikei, Taihape, and deep into the Central Plateau stretching across to Taranaki.

5. Te Peehi Turoa on various occasions fought on request of Rangitane, Ngati Upokoiti, Ngati Tuwharetoa, Ngati Apa, as well as implemented strategies with Muaupoko and others to counter Te Rauparaha's invasion into the region. He also fought with Ngati Raukawa at Rototara, Te Kuititanga and Haowhenua.
6. As a consequence of the chivalry displayed in some of these occasions Te Peehi Turoa arranged two significant marriages. The first, his niece Huia who married Rangiheuea the Ariki of Ngati Turanga. The second, his mokopuna Wiari Turoa who married Rangiheuea and Huia's mokopuna, Ramari Piupiu Roiri of Ngati Turanga and Ngati Patutokotoko.
7. Ngati Turanga are one of many hapu known as the Non-Sellers who resisted the sale of our lands despite pressure from the Government, external iwi as well as the majority of hapu and leaders within Ngati Raukawa.
8. Our history is pan tribal and spread across a number of locations. We have strategic relationships through direct Whakapapa within the Ngati Raukawa, including but not limited to Ngati Maiotaki, Ngati Kauwhata, Ngati Wehiwehi, Ngati Huia, Ngati Ngarongo and Patukohuru. We also have strategic relationships through direct whakapapa with wider iwi like Tuwharetoa, Whanganui, Muaupoko, Te Ati Awa, Ngati Apa and Rangitane hapu namely Ngati Rangitepaea, Ngati Hineaute, Ngati Mutuahi and Ngati Mairehau.
9. Ngati Te Au, Ngati Rakau and Ngati Turanga (referred to from this point as Nga Hapu o Himatangi) have lived alongside the Manawatu river mai utu ki tai. We have areas of interest within Palmerston North, Te Ahu-a-Turanga Block, and many others stretching right down to the mouth of the river. We are the kaitiaki of our eastern boundary and uphold the tribal maxim stated by Te Rangiotu at Tuwhakatupua "Te manawaroatanga o Ngati Raukawa ki te pupuri i te taonga ara ko te Rangimarie, ko te Whakapono".
10. The non-seller movement is very complex and sits on the backdrop of numerous Crown activity and violations of the Treaty of Waitangi. We argue that if we are being lenient on the Crown they failed to investigate all of the interest in the titles so Nga Hapu o Himatangi were excluded. If we were being harsh this is a deliberate act because of the stance that Parakaia te Pouepa and the non-sellers of the Himatangi took.

11. The non-seller movement was a response to the imposition of imported constructs such as legal tenure, ownership, and alienation of whenua, natural resources and intangible taonga.
12. The Whanganui Land Sale (largely negotiated in Waikanae) the North Rangitikei Block Sales, coupled with the Wairau Incident, Arrest of Te Rauparaha, and forced asylum of Te Rangihaeata into the region, on-going difficulties with the New Zealand Company, all frame the approach from Crown Activity to acquire land at any costs, and the reaction from Tangata Whenua.
13. With all inter-iwi discussions, negotiations, compromises and agreements were made through tikanga and kawa prior, during and following the North Rangitikei Sale, Te Awahou Sale, Te Ahu-a-Turanga Sale.
14. The non-sellers movement clashed with the Rangitikei/Manawatu Sale as foreign notions such as legal tenure, ownership, Non-Maori institutions, Government Legislation, and specifically Victorian Colonial Entitlement collided with various inter-iwi Treaties, agreements, and Unions made through our tikanga and kawa.

Whakapapa relationship with whenua

15. Tangata whenua literally means “the descendants of the land” or “people belonging to the land”. Therefore, in Māori terms, humankind is not remote from nature, but part of it.
16. The Māori term for placenta is either ‘whenua’ or ‘ewe’. The fact that whenua can describe both land and placenta demonstrates the bond between people (tangata) and the land (whenua). In Māori custom, the whenua (placenta) is ritually buried at the place of one’s birth; tying one to that place and to the whenua (land).
17. Whenua is a wholly inclusive concept in Māori terms. All elements associated with land are inextricably intertwined with the concept of whenua. For example, mountains, rivers, lakes, swamps, forests, geothermal activity, oceans, animals – as well as tangata (people) form a Māori understanding of whenua.

18. The connection between all natural elements is demonstrated through whakapapa (genealogical lines or tables; genealogy). Tōhunga (experts specially trained within whare wānanga) maintain an intimate knowledge of whakapapa atua (supernatural ancestral genealogy) and the ties with whakapapa tupuna (human ancestral genealogy).
19. The layers of connection between Māori and the natural landscape and natural phenomena is present in all facets of Māori life for example, in karakia (incantations appealing directly to the atua or deities present in the matrix of whakapapa atua), karanga (calls of acknowledgment, welcome or farewell which acknowledge the physical as well as spiritual elements that are ever present), whaikōrero (formal speech making which makes reference constantly to the interrelationship between humankind and natural phenomena), waiata and haka (performing arts), mahi toi (static arts created through and dedicated to the atua) and food gathering (where interaction with the deity responsible for each resource occurs prior to and during harvesting).
20. I set out below the philosophy underpinning the concept of 'tangata whenua' by explaining how people whakapapa to the whenua through whakapapa atua and whakapapa tupuna.

Whakapapa atua

21. The knowledge system of the origins of the cosmos - simultaneously the religious and scientific basis of Māori understanding of the natural world - is referred to as kawa. Kawa is therefore also a word commonly used to represent sets of protocols or specific ceremonies within the Māori world. Every ceremony, whether a pōwhiri (welcoming ceremony) or tainga kawa (ceremony to open a new meeting house) has a foundation and meaning in kawa. This maintains a constant connection between the human world and Maori origins in the cosmos. Such origins are in common with those of the rest of the natural world as demonstrated in the following section.

Te Kore, Te Pō me Te Ao Marama

22. The most well-known and therefore prevailing account of the origins of the cosmos begins in Te Kore (the nothingness), then Te Pō (the many nights) and finally Te Ao Marama (the world of light and free expression).¹

¹ All whare wānanga hold knowledge of the cosmos that is somewhat more complex in nature. However, the common understanding is sufficiently useful for the purpose of this examination.

23. The origins of the cosmos is both the foundation of the Māori belief system as well as the way in which Māori provided, and continue to provide, rationale for the existence of natural phenomena. The transmission of such knowledge often occurs through institutions such as *whare wānanga*.

Ranginui, Papatūānuku and their children

24. Māori trace their origins from relationships in common with all elements of the natural world. My Tupuna Te Peehi Turoa composed a *Waiata Tangi mo Kotukuraeroa* (the brother to Huia named above) which metaphorically summarises his *Whakapapa Atua* as *Te Ikanga-a-Rangi* (Milky way) as the *Tahuhu* of *Papatuanuku*.
25. He describes a line of genealogy from Tupua, on to Tawhito, te Tu, te Ku, te Wawau, te Parakuwai, te Parakoka, te Porapora which collectively developed the physical appearance of Rangi.
26. Emanating from Te Kore, was Rawea, Houtupu, Houroa, Ora and eventually Ranginui and Papatūānuku. It is widely known that from this union bore numerous children within the restrictive confines of their embrace in Te Pō, until finally being separated by one of their sons, Tāne-tokorangi (Tane who holds the sky aloft) to become the sky and the earth respectively (Ranginui and Papatūānuku).
27. The various unions of Tāne and his siblings with natural phenomena, such as the sun and stars, gave rise to natural elements such as water, birds, plants and animals. In the case of the union of Tāne with Hineahuone and then Hinetītama, a direct human line of descent is traced.
28. The primary supernatural relationship of Māori with the *whenua* is acknowledged through Papatūānuku, literally translated as “the earth”.
29. The youngest child of Ranginui and Papatūānuku, Ruaumoko, remains within the womb of his mother, Papatūānuku. Ruaumoko is regarded as the primary deity responsible for geological phenomena such as earthquakes.

30. Several of the primary offspring of Ranginui and Papatūānuku form the broader definition of whenua. Haumietiketike (deity of fern root and uncultivated foods) is one of those. Tāne, in another manifestation as deity of the forests (Tāne-mahuta) is commonly acknowledged as the progenitor of forests and birdlife.
31. Other unions of Tāne demonstrate the broader concept of whenua in the Māori world view. The union of Tane with Hine-tū-maunga resulted in Parawhenuamea, the deity primarily acknowledged as the personification of streams and flowing water. Parawhenuamea is therefore credited with geological processes – Rū-nuku, Rū-rangi, Rū-papawai, Rū-papa-paheke, Rū-papa-mania and Rū-papa-ū etc (references to tectonic, glacial, geothermal, slips, landslides etc).
32. A further example is that of the well-known demi-god Māui. Māui features in confirming the supernatural basis of the relationship of Māori to whenua. Ngati Raukawa can trace its line of decent to Maui and his brothers and their wives Hinewairangi, Hinewhararangi, Haurua, and Hineraumaukuuku.
33. As an example Maui Roto marries Hinewhararangi and twenty one generations later has Rakamamao, Kakati, Tawhao, Turongo, Raukawa.
34. I use this example to highlight our Whakapapa Tupuna to Tawhaki who is a principle Atua for Ngati Raukawa. On this same Whakapapa, eleven generations from Maui Roto and Hinewhararangi, and ten generations before Rakamamao was Tawhaki, and directly after his son Wahieroa, and grandson Rata. Tawhaki's grandmother Whitiri is the deity associated with thunder, while Tawhaki is the same with regards to lightning.
35. The final example I will show is our connection to Te Moana-nui-a-Kiwa, and Tangaroa through our tupuna Hine-ahu-One. Hineahu-one, has Hinetitama, who has Hinewharaurangi (an atua associated with the currents out at sea) who has Hine-moana (our tupuna for Te Hau-a-Uru) who marries Kiwa. From this union they have Hinepuhi, who has Hine-te-Ahupuke who marries Tangaroa-Mau-Tai.

36. This examples highlights that as Maori we have kawai atua, but also Tatai Atua that link us across our whakapapa and not strictly on a chain of decent.
37. This complex inter-weaving of relationships in the cosmology of Māori is at the root of the innate Māori relationship with whenua which gives rise to the concept of tangata whenua; that is, the people who descend from the land, and for whom the land is their ancestor.

Whakapapa Tupuna

38. Whakapapa tupuna (ancestral genealogy) stems from the whakapapa atua (supernatural ancestral genealogy) examined above. Tōhunga (experts), trained especially for this purpose within whare wānanga, are qualified to recite the connection between the supernatural and ancestral genealogical tables on behalf of the hapū (tribe/sub-tribe).
39. Under the tutelage of my elders, I learned and can provide an account of my pedigree from the atua, from Ranginui and Papatūānuku and all who preceded them, down through the supernatural genealogical tables, including Te Kāhui Maui (the Maui dynasty), to my ancestral lines.
40. Generally speaking, when giving their whakapapa most Māori will recite their connection to whenua beginning at their ancestral genealogical lines, usually traced from ancestral waka. Although individuals may not recite whakapapa atua, as that is for tōhunga, nonetheless it follows that whakapapa atua is inextricably linked with whakapapa tupuna. The latter simply cannot exist unless it stems from the former.
41. The Crown is incapable of expressing a connection to whenua through whakapapa tupuna as it will not be able to connect to the whenua through the necessary precedent of whakapapa atua. Te Tiriti o Waitangi was necessary to recognise such a reality in 1840.
42. Based on the precepts presented above related to Whakapapa Atua, and Tupuna, the notion of permanent alienation of land, including water ways, is unknown in Māori conceptualisation of whenua. To put it another way, the whakapapa connection with the land endures and cannot be broken.

43. Our involvement in environmental management within our rohe can only then be contextualized through the origins and relationship of our iwi, in whakapapa atua and whakapapa with whenua, Awa and Taiao.
44. Non Maori institutions like Horizon, government legislation, and specifically the resource management Act struggle to grapple with core Maori concepts relating to relationships of our iwi to whenua, natural resources and our intangible taonga.
45. Our dissatisfaction with the Plan Change 2 process, is also a response to the imposition of imported constructs such as legal tenure, ownership, and alienation of whenua, natural resources, and intangible taonga such as Te Reo.

PLAN CHANGE 2 PRE-HEARING PROCESS

46. Horizons has consistently failed to fulfil its statutory obligations to engage with us and has failed to recognise Ngāti Turanga as kaitiaki, further preventing us from exercising kaitiakitanga and to realise our aspirations for our land and our people.
47. Horizons received submissions on this Plan Change from Ngāti Turanga, yet failed to acknowledge and address the matters raised within our submission, again breaching their statutory obligations.
48. I participated in as an “Expert” on the 28 August 2020 and noted some concerns about the facilitator, and their ability to understand our Maori world view. While a minor issues, it is a further example that the process carried out is a failure to grapple with core Maori Concepts.
49. I would not describe myself as an expert by any means, but am someone who has been fortunate to grow up with Te Reo Maori in my home, and to have lived and participated on my Marae, and in Maori environments for my entire life. Accordingly, I attended this meeting prepared, and all my documentation provided in te Reo Maori. This is important to me, as expert concepts relating to iwi can only be described through our reo me ona tikanga and kawa.
50. As you could understand, I did not have the time to participate in the entire days meeting, but prior to me taking leave I did express my concerns, and apologise for the obvious

offense I had caused. Failure to see through a Maori World View, is not a personal character attack but an observation that in order to facilitate this level of discussion one would need to be able to converse complex Maori kaupapa in our language and with an understanding of Tikanga and Kawa.

51. I raise this example as there is obviously a need for a different approach with regards to a “iwi engagement” in these types of processes.

52. Ngāti Turanga oppose any further degradation of their waterways and water bodies within their rohe and will continue to seek engagement on these matters in a manner that is consistent with our tikanga and kawa and that seeks to improve, not degrade, our waterways.

INTRODUCTION TO THE STATUS QUO FOR NGATI TURANGA

53. Current day landuse further worsens historical and degradation of our land, water, species, and our wellbeing. The degraded quality of water also impacts on our people by preventing the collection of kai, rongoa, other resources, interruption of passing down knowledge, language connections to place and practice, ability to exercise kaitiakitanga and other core values, rights, and interests of hapū.

54. It is our aspiration that our whānau are once again able to reliably gather kai and other materials to sustain themselves physically and spiritually and to fulfil manaakitanga obligation. This aspiration is set out in further detail as follows:

“Ka whai horopaki tā mātou mahere tiaki taiao i te orokohanga me te hononga o tō mātou iwi, i ngā whakapapa, ki te whenua, ki te awa, ki te taiao anō hoki.

Ko ngā rōpu auraki, ko ngā ture kāwanatanga, mātua rā te Ture Whakahaere Rawa, ka kore e mārama ki tā te tirohanga Māori ki te hononga o ngā iwi ki te whenua, ki ngā rawa taiao, ka mutu, ki ngā taonga tē kitea.

He urupare tēnei mahere tiaki taiao ki te urunga mai o ngā whakaritenga tauīwi, ko te rīhitanga, ko te kokoraho, ko te kōpā i te whenua; i ngā rawa taiao me ngā taonga tē kitea, ko te reo hei tauira.

Ko te hua, ko tā mātou whai i tētahi ara e ora ai tō mātou hononga ki te whenua me a mātou taonga e noho nei i te kawa; i ngā whakapapa atua, me ngā whakapapa tūpuna.

Ko Nga Ritenga

- Ka kitea ngā pāti katoa, he rūnanga ā-iwi/ā-hapu a Ngati Turanga.
- E mahi tahi ana ngā pāti katoa kia whakatūtaki i ngā kawa, hei kaupapa matāmua
- Kei reira a Ngati Turanga mai i te tīmatatanga.
- Ka kaha pāngia te pāti Ngati Turanga i taua rohe.
- Mā te whakauru mai o te hapu, ka kitea te rahi, te āheitanga hoki o te hinonga.
- I ngā pūahua mō te whenua, te awa rānei, mā Ngati Turanga ngā hē e whakatika
- E kore a Ngati Turanga e whakaaetia kia tupu te kino o te whenua, te awa rānei.
- E aru ana ngā kaitono me ngā kaiwhakahaere (ngā mana whakahaere) ki a Ngati Turanga kia ū ki te kawa, kia kouna ai te mahi.
- Ka porohē te tukunga mahi me Ngati Turanga kia kouna ake. Ka kitea a Ngati Turanga te kahanga o ērā atu whakahaumarutia tātou ki a rātou, rātou ki a tatou i rō tēnei rohe e inaki ana.
- Ko ngā hiahia o te hapu, ngā hiahia hoki o te hāpori, otirā, e tino hāngai ana ki ngā whakataunga a Ngati Turanga

55. This Plan Change prevents us from realising these aspirations.

56. It is an ongoing frustration for hapū that our rights and interests are continually neither acknowledged or provided for in resource management planning. Indeed, this Plan Change process is a typical example of how we are expected to front up to a joint witness conferencing process that was conducted with no regard for te ao Māori, our tikanga, and within unrealistic timeframes. This engagement came about, not at the start of the Plan Change proceedings when it should of, and certainly not as a matter of course, but due to pressure placed on the Council.

PREVIOUS ENGAGEMENT WITH COUNCIL REGARDING PLAN CHANGE 2

57. I understand that the One Plan includes policy directions to involve iwi and hapū in the management of freshwater and freshwater ecosystems in the Region and that in addition there is a requirement for this to occur under the National Policy Statement for Freshwater Management 2017 (Policy D1) that was in force during the consultation period for PC2.

58. In our submission, we set out a timeline of the limited engagement which we have had with Horizons. The pre-notification consultation process followed by Horizons fails to recognise Ngāti Turanga as Treaty partners. Instead, Horizons' engagement with us reflected a similar level of investment and effort as that provided to the agricultural sector in the Tararua district or the commercial vegetable growers in the Horowhenua. We are not mere stakeholders, and we are not to be 'consulted' with alongside stakeholders.
59. Horizons simply provided a copy of the relevant draft to us prior to notification. Dr Peet in his 42A report incorrectly estimates that '*iwi/hapū*' were provided with a copy of the draft provisions 23 days before notification. In our submission, we set out the timeline as we experienced it in the lead up to notification of the plan change.
60. To reiterate, Horizons resolved to adopt PC2 for notification on 25 June 2019. This was only 1 week after providing the draft plan change package to '*all iwi of the region*', and prior to the Council-set deadline (11 July 2019) for receiving feedback. This amounts to a most disingenuous attempt at engagement, providing no opportunity for our comments to influence decision-making, and in my view, sent a very clear message of Horizons' intentions towards their obligations to engage with Treaty partners.
61. I draw your attention to the section 32 report provided to Council on 25 June (as Annex B to Report 19-103). In reading the report was becomes obvious is
- a. The lack of meaningful or detailed communication of the consultation with iwi
 - b. An absence of clear identification of iwi concerns
 - c. The lack of a response to iwi concerns raised in submission; or identification of provisions in the plan change which address those concerns
62. It is clear that the Council made the decision on 25 June 2019 without having particular regard to the responses and advice of tangata whenua, including Ngāti Turanga. It is also evident that the Council were informed by Horizons staff that the notification date was to be 22 July 2019 and that Council did not request an update to iwi consultation or information as to how its obligations were met. I understand this is a breach of statutory requirements.

63. The submission made by Ngāti Turanga sets out that Horizons has failed to meet its statutory requirements under the Resource Management Act (RMA) in regards to engagement with iwi, including:

- a. Clause 3B of Schedule 1 of the RMA is not fully met. The Regional Council has not worked with Ngāti Turanga to investigate the use of mechanisms available under the RMA to enable the involvement of tangata whenua in freshwater management.
- b. I understand that the following engagement tools are available to give effect to Part 2 of the RMA in regards engagement with iwi. None of these have been used by Horizons in relation to PC2.
 - Memoranda of partnership between the Regional Council and hapū or iwi which set clear relationship and communication parameters to address resource management objectives
 - Recognition of existing arrangements and agreements between resource users, local authorities, hapū and iwi
 - Development of catchment-based forums, involving the Regional Council, hapū, iwi, and other interested groups including resource users, for information sharing, planning and research
 - Development, where appropriate, of hapū and iwi cultural indicator monitoring programmes by the Regional Council
 - Assistance from the Regional Council to hapū or iwi to facilitate research, projects, seminars and training
 - Transfers or delegations of power (under section 33 RMA)
 - Joint management agreements (under section 36B RMA)
 - Mana whakahono a rohe (under section 58M RMA)
 - Development of an iwi management plan
 - Training, resourcing or funding models

64. It is my view that Horizons has no further plans to integrate Ngāti Turanga into its implementation of PC2². We are conspicuously absent from Dr Peet's evidence. It appears

² Tangata whenua are absent from any and all reference made by Dr Peet at [92] and [94]

that it is Horizons' position that the best that can be done is the commissioning of an iwi management plan.³

65. Our people are on the receiving end of Horizons failure to implement its statutory obligations to iwi, and its own plan. We bear witness to the continued decline in water, land, environment, social values, exclusion from fulfilling economic aspirations, seemingly without consequence.

66. The population of Horowhenua and the lower Manawatu region is projected to grow significantly over the next 20 years and beyond. The associated development in the District is projected to be significant in scale and effect. This forecasted growth and development adds further challenges to a number of environmental concerns hapū have been raising throughout the last two centuries.

67. Our hapū and marae agree that there is a real need for economic stimulus within our rohe however this must not be prioritised at the expense of the environment or social returns, rather that they are funnelled directly to support hapu, marae, our awa, maunga, whenua to both protect and enhance. A key objective for Ngāti Turanga is to encourage Horizon to identify and facilitate pathways to overcome this challenging task.

68. Ngāti Turanga invest significant time and resources into decision making across its rohe, including on municipal projects that affect our mana, including sewage treatment plants and housing developments. The following list sets out a long and wide list of matters across the rohe that Ngāti Turanga are currently engaged in, and are placing pressure on the mana and mauri of the rohe. Ngāti Turanga are approached by developers and councils in a siloed manner, with no adoption of an integrated approach, ki uta ki tai, as required by Te Mana o te Wai. The resolution of these issues will involve working with either, or both, Horowhenua District Council and Horizons Regional Council.

- Palmerston North municipal wastewater discharges into the Manawatū awa⁴

³ Dr Peet at [97]

⁴ As the City Council has noted in their submission, the PNCC sewage treatment plant is captured by the policies of plan change 2. Ngāti Turanga are the ultimate receiving ground for this waste (at the Manawatū estuary) and therefore are working with the City to improve outcomes for whanau in that environment

- Assigning the Lower Manawatū River a priority catchment within the One Plan
- Foxton Wastewater Treatment Plant / Matararapa Island
- Inter-related issues pertaining to Lake Horowhenua, Hokio Stream, Levin landfill and The Pot
- The Whirokino cut
- Flooding of Papangaio Block
- The irreversible damage caused on Piriharakeke
- Management of the abstraction and allocation of region's groundwater and surface water resource
- Management of the abstraction and allocation of the region's gravel resource.

69. At several places in their section 42A report, it states that certain matters are out of scope, or that the scope of PC2 is narrow, and transitional, and relies on subsequent future plan changes so as to give effect to the relevant regional and policy policies.⁵ It also repeatedly uses this limited scope within PC2 as justification by which to reject submission points made by Ngāti Turanga.⁶

70. I do not accept that PC2 is merely transitional and therefore limited in scope. I do not accept that engaging with iwi and providing for our rights and interests is outside scope. As Treaty partners, this is always in scope.

71. It is my opinion that the scope argument is not used as a reason to:

- a. Exacerbate historical and unresolved grievances or create future grievance under Te Tiriti o Waitangi
- b. Ignore the purpose of the RMA and the requirement to
 - i. Recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga

⁵ at [37], [38]

⁶ At [44]

- ii. Have particular regard to kaitiakitanga
 - c. Ignore the requirements of NPSFM including the
 - i. Fundamental concept of Te Mana o te Wai, which I believe has been in the NPSFM framework since 2014
 - ii. Rights of active involvement of tangata whenua in freshwater management (including in decision making)
 - iii. The obligation for transparent decision making regarding tangata whenua involvement in freshwater management
72. From our perspective, every layer of policy and council plan that ignores our rights and interests entrenches the disadvantages we experience from being excluded from decision making. This disadvantage is exacerbated by the time and cost burden that is experienced by hapū where we do choose to be engaged at our own cost.
73. We are essentially being asked to 'just trust us' by a council that has an extremely poor track record on these issues and scant interest in working to ensure the rights and interests of their Treaty partners are appropriately addressed. The prospect of future processes provides no substitute for addressing our rights and interests within PC2. We have no reassurance that future processes will be in any way improved on the current processes. In any case a future promise does not remove existing statutory obligations.

BACKGROUND TO THE ONE PLAN AND ITS IMPLEMENTATION

74. When the One Plan was first introduced, water quality monitoring at the time showed that the health of many of the Region's waterways were poor and/or at risk of degradation, particularly with regards to nutrients, pathogens, and sediment. Run-off of nutrients, sediment and bacteria from farms was identified as the single largest threat to water quality in the Region. Some water bodies were deemed unsuitable for swimming or food gathering, and aquatic life was being damaged.⁷
75. As I understand it, water quality targets have been identified for each Water Management Sub-Zone (WMSZ) (Policy 5-2), and where water quality targets are met, water quality must be managed in a manner that ensures they will continue to be met (Policy 5-3) and

⁷ Chapter 5 One Plan.

where water quality targets are not met, water quality must be managed to enhance existing water quality (Policy 5-4).

76. I have been informed that the nutrient discharges from intensive farming land uses are managed via a consenting process through the rules in Chapter 14 of the Regional Plan and the cumulative leaching maximums specified in Table 14.2.
77. However, Horizons implemented these rules in a way that was found to be unlawful by the Environment Court in 2017 as Horizons was issuing consents for intensive farming above the leaching maximums without a thorough assessment of the effects. In its decision, the Environment Court noted that if multiple consents are granted over the limits provided in the One Plan, with no adequate or reliable assessment of environmental effects against One Plan's targets, the Council could not possibly be confident that water quality in the Region is being maintained or improved.⁸ The Environment Court made a declaration that the Council must have regard to all relevant matters when assessing resource consent applications that exceed the limits, and that this is required to ensure that the environmental effects, including the cumulative effects, of exceeding the limits are properly and adequately considered in decision-making.⁹
78. Horizons' main premise of PC2 is that the rule framework regarding intensive farming land use activities in the One Plan is 'unworkable' and this is the reason for the unlawful and unconsented intensive farming land use activities in the Region. Horizons has estimated that 118 existing dairy farming activities and 51 existing commercial vegetable growing activities require resource consent in the targeted WMSZ. Additionally, there are four known existing intensive sheep and beef land uses and an unknown number of existing cropping land uses requiring consent.¹⁰
79. The Council considers that bringing these activities into the consenting framework will enable Horizons to better manage these activities and therefore better achieve the water quality targets set in One Plan. I have several concerns with this approach, which individually and collectively do not provide for Ngāti Turanga's rights and interests.

⁸ Para 67

⁹ Para 75

¹⁰ Section 32, section 4.4

- a. Horizons has not fully assessed the environmental effects of the changes to the Rule framework, specifically the effects of exceeding the nitrogen limits
- b. PC2 appears to come from the inappropriate baseline for comparison, being that the Council is not implementing its own One Plan
- c. PC2 does not include any maximum exceedances in Table 14

INAPPROPRIATE BASELINE FOR COMPARISON

80. In reference to the stated purpose of PC2, the Council's section 32 report states¹¹:

"...the environmental outcomes of the proposed provisions are superior to the status quo (assuming the operative provisions are not strictly enforced) because more existing intensive farming land users that require a resource consent will be get one."

81. I consider the status quo to be an inappropriate baseline for comparison, as many farm operations are operating outside of the One Plan. PC2 should be compared with where the baseline would be if the One Plan requirements had been enforced.

82. Horizons' section 32 evaluation stacks that economic cost against environmental and social costs¹², justifying further environmental and social degradation via safeguarding some private commercial interests.

83. In adopting an objective focusing on *workability* and *viability*, the Council appears to be more concerned about granting resource consents to those users who cannot achieve the controlled standards set out in the Regional Plan¹³, than the sustainable management of natural resources and life sustaining capacity. Such an approach would, if my interpretation of the council position is correct, be contrary to the Act,¹⁴ and therefore constitute an inappropriate baseline for comparison in the section 32 evaluation.

¹¹ Page 40

¹² Page 40

¹³ Dr Peet at [73]

¹⁴ section 84

84. Failure to enforce compliance significantly undermines the objectives of the RPS,¹⁵ the NPSFM and the purpose of the Act. It appears to me, unfathomable that a consent authority can so openly ignore its own planning document,¹⁶ without repercussion¹⁷ and then adopt that position as a comparative baseline¹⁸ in their section 32 evaluation. I quote Kahui Wai Māori's comments that *'failure to enforce compliance can significantly undermine investment in good planning, policy making and resource consenting processes'*.

EFFECTS OF PC2 ON TE MANA O TE WAI

85. Ngāti Turanga is generally in agreement that the cumulative nitrogen leaching maximums in Table 14.2 can be updated to reflect recent updates to OVERSEER. However, Ngāti Turanga does not agree with the proposed new rule framework that would enable the Council to grant consent for existing land use activities exceeding the limits as a discretionary activity. The effects of this rule have not been fully assessed and Ngāti Turanga does not agree that the rule would enable the Council to better achieve the water quality targets set out in the One Plan.

86. This is because Horizons' has failed to identify the environmental effects associated with the intensive land uses that cannot comply with the recalibrated maximums in Table 14.2. Furthermore, the mitigation of nutrients, pathogens, and sediment associated with 'Good Management Practice' or 'Best Practicable Option' are not defined to any minimum standard in the Plan Change and there is no technical or scientific assessment of the potential outcomes of these aspects of the proposal. Thus, the benefit of this policy to our hapū, if any, cannot be evaluated at this time; this includes any alignment between good management practice and te mana o te wai. That is, whether achievement of good management practice is sufficient to minimise the effect of that farm on the awa so that taonga species are sustained, and te hauora o te tangata is not compromised.

¹⁵ Objective 2-1, 5-1

¹⁶ Dr Peet at [73], [74]. See also s 32 at 4.7

¹⁷ Dr Peet at [43], [90]

¹⁸ Council Section 32 report at page 40

87. My reading of PC2 is that the emphasis is on the effort made by farmers to meet maximum nitrogen limits, as opposed to the cumulative effects of exceeding the nitrogen limits. This provides no assurance that water quality in the Region is being maintained or improved.
88. I have been informed that under the new rule framework, existing intensive land use activities will be able to exceed these limits set out in Table 14.2 where certain criteria are met. These criteria include the implementation of '*good management practices*'. No absolute maximums for nitrogen leaching in the Region are provided. This approach effectively throws the barn door open with a yet unquantified estimation of how much additional nitrogen the amended regulatory framework will result in, compared to if the operative regional plan was enforced.

TE MANAWATŪ RIVER ESTUARY

89. Plan Change 2 will have impacts on inland lakes in the coastal environment and the Manawatū River catchment which ultimately ends up at its estuary. Ngāti Turanga is deeply connected to and derive identity from the estuary. The estuary and surrounding coastal environment is important to Ngāti Turanga, such as the coastal waters all along the western coast line as a connection to ancestors, food gathering, ritual, wahi tapu and taonga.
90. The New Zealand Coastal Policy Statement is yet another planning instrument that sets out rights and interests of tangata whenua in planning and decision-making in the coastal environment, including the interface of coastal and fresh waters (at policy 2). Yet, we have not experienced the opportunity to express or represent our rights and interests in the coastal environment.
91. I understand that the Coastal Manawatū water management zone (including its six sub-zones) is not targeted in One Plan for regulation of existing intensive farming land use activities. The result of this policy decision is that existing intensive farming land use activities in and around catchments of the coastal Manawatū River and its estuary are not regulated for diffuse nitrogen leaching inputs. This has grave consequences for Ngāti Turanga as we are effectively excluded from the policy interventions set out in the regional plan.

92. Much of the technical evidence relied upon by Council in their notification of PC2 was based on scientific work undertaken in the Manawatū River management zones upstream of the Gorge and therefore I am of the opinion that reasonable doubt still exists as to whether these models are accurate for the Horowhenua and Rangitikei catchments.
93. Clean water, and ultimately, the ability to gather food is a core, underpinning value of ours. The uncontrolled pollution by way of leaching of nitrogen into waterways is particularly unfathomable to us when the effects are so well understood. Over the life of the plan, run-off and leaching of nutrients, sediment and bacteria from farms has continued as the single largest threat to water quality, ecosystem health and human health in the Region. This continued decline in surface water quality has also degraded the mauri of the water such that our waterways no longer provides for the current and future needs of tangata whenua; these include the ability to swim, gather kai, access river at traditional sites, undertake rituals, movement, rongoā, use of materials. This is true for our whānau whose rohe are degraded but are not captured by regulations in the One Plan and therefore degradation is continuing.
94. I am advised that the proposed provisions will not address these issues we experience at the estuary and coast. This will lock in an existing pathway of degradation experienced by whānau at the estuary, thereby exacerbating historical problems, and removing an opportunity for improvements not only in te mana o te wai but for providing rangatiratanga back to those whānau I submit that to adequately achieve Te Mana o te Wai within the coastal environment is to include all coastal catchments into Table 14.1 thereby including those hapū into the decision making process over their freshwater taonga.

SUMMARY

95. For the reasons that I have set out in this evidence I propose that the Council withdraw its plan change on the grounds that the proposal does not achieve the water quality objectives of the One Plan or the rights and interests of Ngāti Turanga which are afforded through its own kawa, and Te Tiriti.

96. Ngāti Turanga are supportive of working with the Council after it has withdrawn the plan change to develop a model that works for the community while providing for the rights and interests of tangata whenua.

Hayden Turoa

Thursday 15 October 2020