

BEFORE THE

Waikato Regional Council Hearing
Commissioners

IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER

of Waikato Regional Proposed Plan Change 1 –
Waikato and Waipā River Catchments.

**STATEMENT OF RUKUMOANA SCHAAFHAUSEN
ON BEHALF OF WAIKATO-TAINUI IN RELATION TO THE HEARING
TOPICS FOR HEARING BLOCK 1**

(Submitter No. 74035 and 74105)

15 FEBRUARY 2019

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*“Kia whakahoonore i te Kiingi Maaori Tuuheitia e noho mai naa i runga i te
ahurewa tapu o ngoona nei tuupuna,
Kia maaturuturu iho mai te toomairangi ki runga ki a ia, ki te whare Kaahui
Aariki – rire, rire, hau, pai maarire!
Me hoki au ki Te Taaheke hukahuka
Ki Taupoo moana, ki te rohe puia o Ngaatoroirangi
Whakawhiti atu te rere ki ngaa maunga manu o Raukawa,
Kia hoki mai au ki Te Koopua Maania,
kei raro iho ko te huinga o ngaa wai
Runga o Taupiri huri taiaawhiowhio
Ki Te Riu o Waikato, te whenua i maimai arohahia ai e Taawhiao
Ki Te Awa koiora me ngoona nei pikonga,
he kura i tangihia moo te maataamuri
Waikato Horopounamu,
he piko, he taniwha, he piko, he taniwha!”*

INTRODUCTION

1. Teenaa koutou katoa, my name is Rukumoana Schaafhausen and I am named after my marae, Rukumoana, based in the heart of our tribal boundary of Ngaati Hauaa in Morrinsville. I serve as the Kaahui Ariki Maaori King’s Representative, and Chair Te Arataura, the executive board of Waikato-Tainui. I am the longest standing trustee of Waikato-Tainui and consider it a privilege to be in this position.
2. I hold a number of other roles, including being a trustee of the Tindall Foundation, the Prince’s Trust NZ, and I also carry multiple public and private directorships in AgResearch, Miro Berries Limited, and recently received the Sir Peter Blake award for leadership.
3. My most important role to date centres on whaanau. As a wife and mother of two sons - I contend for whaanau well-being. It is from this context I appreciate that whaanau well-being and Wai Ora are interlinked and inseparable, in an enduring relationship of *te mana o te awa* and *mana tangata*.

WAIKATO RIVER SETTLEMENT CONTEXT

4. I wanted to start today by setting the scene and providing some context about the Waikato River Settlement and the importance of the relationship with the River and Waikato-Tainui and indeed, all River iwi.
5. There are two particular points I want to make about our relationship with our awa tupuna, this relationship is central to our everyday identity as Waikato, even today.
6. First, I want to draw on the point that the Waikato River is a living ancestor to our people and is fundamental to our beliefs.
7. One of our rangatira and kaumaatua, Pumi Taituha summed up our relationship with our awa nicely, noting:

*“The Waikato River is a living ancestor. It is part of us.
Our River, symbolises a tuupuna, it is the name from*

which our tribe derives its identity and the issues that affect our River ultimately affects the tribe and its people.”

8. One of our kuia, Rangihinemutu (Nanny Iti) Rawiri of Te Awamaarahi Marae reconfirmed this view when she said that:

“The Waikato River is a tupuna and looks after us throughout our lives. The River feeds us, nurtures us, and takes care of us, healing our hurts and protecting us from harm. The River’s spiritual powers are as important today as they were in the past. The power of the River does not change or dwindle with the passing of the year...If people were going on journey, they would go to the River first before leaving the area. This is still practised today. When people were sick, we would send them to the River to anoint themselves and be healed. This is still practised today. To us, the most important thing about the River is the water’s healing power.”

9. Secondly, I want to make it clear that our tupuna awa is a single, indivisible being. Te Ture Whaimana is our modern-day attempt to reflect our awa’s indivisibility and find a place for it in a contemporary legislative context. In the words of our late kaumaatua, Kamira (Binga) Henry Haggie:

“The (Waikato) River is a being, a mother, complete and whole body comprising the water, the bed and the banks from its source to the sea. The life of the River and thus of the tribe is in its intactness – no limb struck from its body or the head separate from the heart.”

10. Today, this view remains. We still go to the awa in challenging times, we hold karakia and our practices to whakarite (bless) ourselves. Our tribal headquarters (at Hopuhopu and Hamilton), overlook our awa so we can draw on its power and strength. And in processes like this plan change, we focus on the potential effects on all elements of our awa, its banks, the water, and the bed, from the source to the sea.
11. Ultimately, the Waikato River is a representation of the tribe’s spiritual authority and power, and it harbours the mauri ora (life-force) of Waikato-Tainui. But, whilst our people might understand the inherent meaning of this, there has always been the challenge of translating these concepts and beliefs into something that the wider community could relate to.
12. The River’s health was the key focus of the Waikato-Tainui Treaty of Waitangi settlement negotiations. For far too long the nation had received benefits derived from the River, and though it is the backbone of the energy and primary sectors it has been overexploited resulting in severe degradation of its health.
13. And, despite its high value to the nation, its health and well-being had never been at the forefront of any form of decision making in the past.

However, while there is a strong emphasis on the health and wellbeing of the River, the tribe seeks a path where cultural, social, environmental and economic aspirations work hand in hand. Waikato-Tainui along with all Iwi had economic aspirations which were undermined with the Raupatu.

14. A comprehensive approach was needed by the negotiation team to find innovative solutions to improve the health and wellbeing of the River, or *te mana o te awa*.
15. Firstly, this required a clear and direct overarching purpose – to restore and protect the health and wellbeing of the Waikato River for future generations. This re-emphasised the position of the Waikato River as being more than a mere commodity. But more importantly, it was a concept that all stakeholders and communities along the River agreed with.
16. Secondly, in order to support the idea of protecting and restoring the River, whilst recognising the socio-economic connections between the communities with it, including recognising all the River iwi's relationships with our awa. Definitions had to consider the River holistically and so capture all physical aspects – the water, bed, banks, and flood plains – as well as its metaphysical being. This is acknowledged in s8(3) Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 – where it states:

“The Waikato River is a single indivisible being that flows from Te Taheke Hukahuka to Te Puuaha o Waikato (the mouth) and includes its waters, banks and beds (and all minerals under them) and its streams, waterways, tributaries, lakes, aquatic fisheries, vegetation, flood plains, wetlands, islands, springs, water column, airspace, and substratum as well as its metaphysical being. Our relationship with the Waikato River, and our respect for it, gives rise to our responsibilities to protect te mana o te Awa and to exercise our mana whakahaere in accordance with long established tikanga to ensure the wellbeing of the River. Our relationship with the River and our respect for it lies at the heart of our spiritual and physical wellbeing, and our tribal identity and culture.”
17. Only when the River was considered as an entity in its entirety, could we find more sustainable pathways for our communities into the future.
18. In our view, the River is to be the *beneficiary* of the Treaty settlement.
19. The Deed that sets out our Raupatu River Settlement is unique because it recognises the special relationship that our people – and indeed, all River iwi have with the River. Encapsulated within the Deed was the restoration of our ancient right of *mana whakahaere*, which is a concept of guardianship involving the exercise of rights and responsibilities towards the protection of the River and all its resources in a holistic way – recognising the River's mana – *te mana o te awa*.

20. Furthermore, the Deed for the Waikato-Tainui Raupatu River Settlement is the first of its kind introducing some unprecedented co-governance arrangements:
 - (a) The establishment of the Waikato River Authority: whose origins are enshrined in legislation; and
 - (b) The development of Te Ture Whaimana: a Vision and Strategy for the whole River.
21. Waikato-Tainui view the Proposed Plan Change One as an important first step on the journey toward giving effect to Te Ture Whaimana and contributing to the achievement of tribe's intent for Objective A of Te Ture Whaimana – “restoring and protecting the health and wellbeing of our tupuna, te awa o Waikato”.

TE TURE WHAIMANA – VISION AND STRATEGY FOR THE WAIKATO RIVER

22. The Vision and Strategy was redress to Waikato-Tainui (and to other River iwi) to improve the management of freshwater and ensure all iwi, water users and the community share a desire for the continual improvement to the quality of freshwater in the Waikato over time in a way that improves the health and wellbeing of people but also our social, cultural and economic prosperity as a region.
23. The intent of the Waikato Objectives within Te Ture Whaimana is to give voice to the tikanga that underpin our mana whakahaere and kaitiaki responsibilities to the River.
24. Restoration and protection, health and wellbeing, integrated management, avoidance of cumulative effects, precautionary approach, maintenance of our relationships, all have been part of our mana whakahaere tikanga and practice for generations.
25. Tikanga that is supported by a body of knowledge – maatauranga – that has grown through the long intimate association that our people had with the River and the environment around them.
26. While the words used to convey our objectives are in English, the intent behind those words are based on the maatauranga and tikanga of Waikato; which implies that to understand them, then you must go back to our people.
27. I do not propose to go into that intent today – but it is mentioned so that it is understood that the Waikato Objectives of Te Ture Whaimana cannot be interpreted or defined purely on the words in front of you – there is a history, a body of knowledge, a practice and a people that sit within them. We ask that you be mindful of this knowledge base and those very important factors.

PLAN CHANGE ONE

28. Waikato-Tainui has made a joint-submission, together with the other Waikato and Waipaa River Iwi, on Variation One and you will hear from each of the iwi over the next day.
29. The Waikato and Waipaa River Iwi acknowledge and accept that achievement of the long-term objectives will take time, and that the measures set out in Proposed Plan Change One are the first, important steps to assist with achieving those objectives.
30. The Waikato and Waipaa River Iwi therefore support a staged approach – advanced through Proposed Plan Change One – to achieve the long-term objectives set out in Te Ture Whaimana.
31. Te Ture Whaimana (and its long-term focus) has significant status and is intended to have the same effect as a National Policy Statement. The intention is quite clear and stated clearly in the Deed and the settlement legislation that:

‘The vision and strategy is intended by Parliament to be the primary direction setting document for the Waikato River and activities within its catchment affecting the Waikato River’.¹

32. For the first time, the significance of the Waikato River to Waikato-Tainui and other iwi is formally reflected in the Deed and settlement legislation. Settlement legislation also gives Te Ture Whaimana statutory recognition and it is the primary direction setting document for the Waikato River. For resource management purposes, it forms part of the Waikato Regional Policy Statement. It also has an effect on 20 other pieces of legislation.
33. It overrides any National Policy Statement, including the National Policy Statement for Freshwater Management. It cannot be reviewed by the WRC (which overrides section 79 of the RMA). The WRC must give effect to Te Ture Whaimana in the Regional Plan, as does, the Proposed Plan Change One.

OTHER SUPPLEMENTARY MATTERS

Administrative tools and impacts on Iwi Rights and Interests in Freshwater

34. I wanted to also take the opportunity to touch on a number of points in our submission, particularly the proposed administrative system for nutrient management. As highlighted in the joint submission, it does create barriers for our people in terms of their own land development.
35. The bigger issue for Waikato-Tainui is the proposals for the use of Farm Management Plans could be used as part of justification for “locking in” some form of rights through resource consents. In our mind, these are in effect, pre-empting and pre-determining discussions

¹ Clause 6.5, Waikato-Tainui Deed of Settlement 2009; s5(1) Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010
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pertaining to any future allocation regime regionally and the broader resolution iwi rights and interests to freshwater.

36. Waikato-Tainui want a greater involvement and participation in freshwater decision-making including the management and governance of freshwater at the national and regional level (this is effected through the co-management and co-governance arrangements).
37. Furthermore, any new freshwater management framework needs to be consistent with the Waikato-Tainui Waikato River settlement; it needs to be robust, equitable and durable. This would only occur when Waikato-Tainui has an ability to access water for economic development.
38. While we are mindful that some of these conversations and discussions can only be had between the iwi and the Crown. The Council has a number of responsibilities to be engaging with Waikato-Tainui on these key policy matters in the lead up to the next stages of the Healthy Rivers Plan [post 2026].
39. Furthermore, we also hold Joint Management Agreements with all the relevant territorial authorities that again strongly emphasise an agreed platform for co-management of the River. In our view, it must be a holistic approach to management of our wai as opposed to an ad hoc approach to management.
40. Waikato-Tainui expects that the Council will uphold our agreements and will have the iwi at the table at all phases of design and implementation of any mechanisms arising from the Healthy Rivers Plan.
41. Where mechanisms have already been developed, we expect that the Council will call in those mechanisms as they pertain to our area of interest as recognised under our River Settlement and will jointly review and agree them with Waikato-Tainui before they are implemented.
42. On a final note we make these statements because of our longstanding ahi kaa. These were recognised and supported through our settlements and mechanisms and as far as we knew under agreements with organisations in this region.
43. For this reason, Waikato-Tainui vehemently oppose all claims of interests by Pare Hauraki within our tribal territory and especially in relation to the Waikato River whereby Pare Hauraki's enduring ahi kaa presence in the region has remained absent.

CONCLUSION

44. In closing, for Waikato-Tainui (and other River iwi), 22 October 2016 represented a significant milestone; a further step along the pathway to achieving Te Ture Whaimana (the Vision and Strategy for the Waikato and Waipaa Rivers). I am of course referring to the public notification of Proposed Plan Change 1 – Waikato and Waipaa River Catchments, which, in our view, assists to give effect to the relevant matters set out in the five Waikato and Waipaa River Settlement Acts.

45. The term 'give effect to', while an important legal term, has a much deeper meaning for Waikato-Tainui and our River Settlement. The outcomes signalled through Proposed Plan Change One — to achieve Te Ture Whaimana in 80-years (by 2096) — finally, provides certainty that our ancestral tupuna will be protected and restored, to an agreed level, and in the fullness of time.
46. The fact that the Waikato community — through the Collaborative Stakeholder Group process — agreed to the trajectory of change over the 80-year timeframe, fills me full of hope for the future and makes me proud to be from the Waikato.
47. Lastly, I would like to conclude with this tongi (as I started) which I think lends itself to the task ahead of the hearing panel...it is the vision that the second Maaori King, Kiingi Taawhiao left for our people.

Tooku awa koiora me oona pikonga he kura tangihia o te maataamuri.

The river of life, each curve more beautiful than the last.

48. It is a vision that describes his admiration and respect of the Waikato River. Wai is an inseparable part of our whakapapa and our identity. It is a fundamental part of what defines our very existence. And it is that same vision that Lady Raiha Mahuta set for us in her leadership throughout the River negotiations with the Crown.
49. Waikato-Tainui aspirations for our environment, for our awa are reflected in Te Ture Whaimana and our environmental plan – Tai Tumu, Tai Pari, and Tai Ao. We want to restore life to the River. It is an ambition of our iwi that the environment will one day be in the state that Kiingi Taawhiao observed when he composed his maimai aroha.