

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

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

And

In the matter of        Proposed Plan Change 9 (PPC9/TANK) to the Regional Resource  
Management Plan

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Statement of Evidence of Elizabeth Munroe  
on behalf of **Heretaunga Tamatea Settlement Trust**  
In the matter of its submission (Submitter No. 201)

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## MIHI

Ngāti Rāuhunga-i-te-rangi me Ngāti Pōporo  
Mangaroa tāngata, ngā ihi ngā wehi o te kāinga nei,  
ngā kārangatanga maha,  
koutou e hāpai nei i te mana o tēnei kaupapa  
Tēnei te mihi ake.

E ngā reo o ngā wai, ngā waha o ngā pūwaha o ō tātau awa,  
tēnei te mihi ake.

E te Kaunihera, ngā tūru i te tēpu.  
I hui mai ai tātau ki te whakatewhatewha i te kaupapa nei –  
Nā koutou, tēnei te tangi ake.

Ngā kaikomihana ngā mana o te whakatau,  
Kei a koutou te mana, kei a koutou te mahi nui.  
Kua takoto te mānuka, tēnā kawea ake.  
Tēnā koutou, tēnā tātau katoa.

## PEPEHA

### Heretaunga hāro o te kāhu

Ka timata i te takutai i Te Kauwae-a-Māui, ā,  
ka whai whakateraki i te takutai ki te ngutuawa o Tūtaekurī.  
I reira ka ahu whakateuru i te Tūtaekurī  
ka piki ake i ngā take ki nga pīnakitanga kai te taha rāwhiti o te Ika Whenua o Ruahine.  
Ka ahu whakatetonga ki ngā ngahere o Kāweka me Gwavas,  
ki te kauru o te awa o Manawatū i te tonga.  
I reira ka whakawhiti whakaterāwhiti ki te takutai i Te Poroporo, ā,  
ka ahu whakateraki i te takutai o Parimāhu,  
ka hipa i tētahi o ngā wahi tino whakahirahira puta katoa i te whenua nei –  
i Kohinurākau, i Te Mata-o-Rongokako me Kahurānaki, te maunga tapu o te rohe –  
ka hoki mai ki Te Kauwae-a-Māui.  
  
Kei tua a Ahuriri i a Heretaunga Tamatea,  
heoi anō he wāhi hirahira tēnei  
ki tō mātau hapū i runga i ngā whakapapa me ngā hononga ā-iwi.

*“The area of interest of Heretaunga Tamatea starts at Te Kauwae a Maui and follows the coast north to the mouth of the Tutaekurī River. It then extends westward along the Tutaekurī to the foothills and eastern slopes of the Kaweka and Gwavas Forests and follows the Ruahine Ranges to the headwaters of the Manawatū Rier in the south. It crosses eastward to the coast at Te Poroporo and turns northwards up the coast embracing Parimahu to arrive back at Te Kauwae a Maui, encompassing:*

*The Tutaekurī, Ngaruroro and Karamu Rivers and their tributaries.  
Ahuriri sits outside the area of interest of Heretaunga Tamatea  
however it has immense significance to the hapū of Heretaunga Tamatea  
through whakapapa and tribal associations.*

## **INTRODUCTION**

1. Tēnā koutou. I'm Liz Munroe and I am the Chief Executive of the Heretaunga Tamatea Settlement Trust (the Settlement Trust). This is the post-settlement entity established to receive and manage the redress negotiated in settlement of the historical Treaty grievances of Heretaunga Tamatea against the Crown. I have held the role since the Trust was established on 30 June 2015.
2. Prior to this I was the Chief Negotiator for the comprehensive Treaty claims, along with Negotiators Peter Paku and Brian Morris. The governance group was the Taumata of He Toa Takitini, comprising 23 marae, Whatuiapiti Tribal Authority and the Aorangi Maori Trust Board. It was chaired initially by Peter Paku, then Dr Roger Maaka, followed by Dr David Tipene-Leach.
3. Direct negotiations with the Crown commenced in 2009. The enacting settlement legislation was assented on 26 June 2018.
4. The area of interest is loosely described as Hastings and Central Hawke's Bay.
5. I hold a current practising certificate as a Barrister. I have held a practising certificate since I was admitted to the roll of Barristers and Solicitors of the High Court in 1986.
6. My environmental, local body and Crown experience is vast. It includes
  - a. Senior Maori advisor to the Waitakere City Council;
  - b. inaugural Manager of the Maori Unit, Wellington City Council,

- c. One of three Negotiators for the Crown for Waikato River Co-Governance framework; and
  - d. Strategic advisor for the Manipoto Maori Trust Board on the same Waikato River negotiation but for their Waipa River which adjoins the Waikato.
7. I have worked with various iwi across Aotearoa, from Ngati Kahu and all the Muriwhenua iwi, Whangarei, Ngāti Whatua and others in Tamaki Makaurau, Waikato Tainui, Raukawa, Te Arawa, Tuwharetoa, all 8 Taranaki iwi and of course the post-settlement groupings within Ngati Kahungunu – Hineuru, Pahauwera, Mana Ahuriri, Maunga Haruru Tangitu, Te Wairoa and Wairarapa.
8. I am the current Deputy Co-Chair of the Hawke’s Bay Regional Planning Committee, representing Tamatea. The RPC was established by statute and forms part of the settlement redress for Heretaunga Tamatea.
9. I have a significant understanding of cultural values through Heretaunga Tamatea and through the lenses of various other hapū and iwi across the motu.
10. I do not claim to be an expert but I do have an opinion on Te Mana o te Wai which I will come back to later.
11. Before proceeding, there are three groups that serve the same member group as Heretaunga Tamatea. They are:
  - a. Te Taiwhenua o Heretaunga, the largest Maori provider of social and environmental management services in our rohe;
  - b. Te Taiwhenua o Tamatea, the Central Hawke’s Bay equivalent; and
  - c. Our iwi, Ngati Kahungunu Iwi incorporated.
  - d. There are also our marae, not the least of which Mangaroa, who continue to strive for tino rangatiratanga and Korongatā.

12. Because of these roopu and our marae, the Settlement Trust is in the privileged position of taking a more policy, overview approach as it establishes its post-settlement framework.
13. I can also rely on them. Their submissions will delve into the detail in respect of Plan Change 9, leaving us to point out key concerns. Thank you for privilege.
  - a. Ngaio;
  - b. Marei;
  - c. Our Tihei Tamatea whānau,
  - d. Koutou mā.
14. It is only right to acknowledge the sheer scale of effort and energy that has been put in to Plan Change 9, from the beginning in 2012 with the collaborative process through to the various drafts, workshops, wananga, the additional workshops to address the impasse, the written submissions, reviews and this process – 9 years at least.
15. Council officials have gone some considerable way to work with us, with tangata whenua. Certainly way further than any previous Council in the history of Hawke's Bay. And we thank you. We see that extra mile with the recent amended version published on 19 May. Also with the new approach to the Mohaka Plan change, adopting co-design and the provision of a Maori planner to develop that plan change through a Maori lens.
16. Significant relationship building has gone on too over the period amongst the stakeholder groups and especially between the Councillors and the tangata whenua members of the Regional Planning Committee. Commendable.
17. So it doesn't come easy to yet again be seen to complain. But we must and we trust the relationships developed thus far can sustain this.

18. Why? Because what is needed is a quantum leap and it needs to happen now because there won't ever come a better opportunity than that offered by the 2020 National Policy Statement on Freshwater Management and the standard in terms of giving effect to Te Mana o Te Wai.
19. Using more Maori terms in the plan and pepper potting instances where Maori values are recognised and provided for is good but it doesn't quite take us there. Neither is it enough to provide for consultation in terms of having particular regard to Kaitiakitanga, which incidentally is different to stewardship. And how does Plan Change 9 take into account the principles of the Treaty of Waitangi?
20. We also need to comment on some processes to date.
21. Firstly, much has been said about the collaborative process that defines Plan Change 9 and the participation of tangata whenua in that process. What hasn't been said is the discontent that emerged, leaving individual tangata whenua stakeholders with no option other than to walk away. And they did. They did not return.
22. Their return came through the droves of submissions filed in this process.
23. Tangata whenua were also concerned that Plan Change 9 was notified knowing a later Freshwater Management statement was in the pipeline.
24. As it transpired those concerns were well founded when the outcome of the 2020 Policy was to give primacy to Te Mana o te Wai ahead of the health needs of people and further behind still, the ability to provide for social, economic and cultural well being.
25. If we view Plan Change 9 through this hierarchy, the plan fails for want of the "actual and reasonable use" formula that places the needs of economic users over the needs of the overallocated aquifer and associated awa.

26. We also heard yesterday the comparative analysis by Mitchell Daysh that the 2020 standards are only partially captured in Plan Change 9. This is suggesting a need to test the entire plan in terms of capturing the 2020 NPSFM. Does that happen in this process or in the Te Kotahi process with the 2024 deadline?
27. At a minimum, this process needs to set some bottom lines in terms of Te Mana o Te Wai or the complete rewrite should begin, from a co-design perspective and through the Maori lens with Maori planners alongside the Council planners.
28. Te Mana o Te Wai. I first came across that phrase in negotiations with Waikato Tainui – 2007. Our TANK process started in 2012, some 5 years later and the term has been redefined in 2014, 2017 and now 2020.
29. What is Te Mana o Te Wai here in our rohe? Te Mana o Te Wai is not some abstract concept or notion defined by national working groups. In our view their guidelines can be nothing more than that as the mana sits with the hapū. Te Mana o te Wai is something to be defined within and by Heretaunga Tamatea. In the same way the mana of the hapū extends to the whenua, the mana of the hapū extends to the wai. That exercise has yet to occur within Heretaunga Tamatea and there does not seem to be any provision for it within Plan Change 9.
30. We were also concerned to learn of the suggestion that the panel work with the amended Plan Change 9 that was filed on 19 May.
31. Whilst on the one hand it was a clear effort to accommodate submissions, it has left no time for tangata whenua to properly consider it and potentially makes the current oral submissions meaningless, if decisions have already been made on the written versions. It also benefits those submitters scheduled later in June who have a further 3 to 5 weeks to review this new version and tailor their submissions accordingly.



32. To that extent tangata whenua are disadvantaged. We are further disadvantaged by the additional evidence that I believe has also been submitted. Tangata whenua must have equity and we'd suggest a further opportunity be given to tangata whenua to review the amended plan within the current process.
33. This iterative approach to amending Plan change 9, whilst well intended, also carries risk. It is important to guard against viewing this from an academic perspective and in isolation, bereft of the mauri which can only come from input from tangata whenua.
34. Yesterday co-design was posed as the better approach and this should continue into this Plan Change.
35. And why?
36. I am proud to stand here and speak for Heretaunga Tamatea.
37. I am particularly proud to speak for those who cannot speak for themselves.
38. In the first instance I speak for the waterways that are at the heart of this hearing and sit within the heart of our rohe:
  - a. Ko te Tutaekurī
  - b. Ko te Ngaruroro-Mokotuararo-ki-Rangatira;
  - c. Ko te Karamu.
  - d. I also speak for our neighbouring Ahuriri Estuary by reason of our shared whakapapa and close tribal association.
39. I speak for our awa because they are me and I am them: Ko au ko te awa, ko te awa ko au; they are parents to me as I am a parent to them; they are my children and mokopuna as I am their child and mokopuna; ōku matua, ōku tamariki, ōku mokopuna:

40. I also speak on behalf of our highly valued Joella Brown, senior environmental analyst for Heretaunga Tamatea. This was meant to be her time but she couldn't be here today because of severely debilitating but life-saving surgery and while we may never hear her voice as we once did, Joella's whakaaro will continue to resonate in all things environmental within Heretaunga. She extends her apologies to the Hearing Panel.

41. I speak also for the great chiefs, the chieftainesses and their uri of Heretaunga Tamatea who graced these lands in the time leading to the signing of Te Tiriti o Waitangi. Heretaunga takoto noa. I also speak for the unborn, future generations. Ae marika!

42. I want to take us back to the time when our great Rangatira, Te Hapuku, signed Te Tiriti o Waitangi on June 24, 1840 at Waipūreku, along with Hoani Waikato and Harawira Mahikai.

43. Although one of the few non-Ngāpuhi to sign the Declaration of Independence in 1835, Te Hapuku had issues about the treaty, and land that had already been unlawfully taken. He initially refused to sign.

44. Let us place ourselves in his mind at that time.

45. Te Hāpuku may have said: "E Tame (*referring to the emissary Major Thomas Bunbury aboard the HMZ Herald*) "he aha tēnei mea? Why should I sign when our lands continue to be taken unlawfully?"

46. He may have also looked across to his peers – Ko Hoani raua ko Harawira.

47. After some pondering he reads aloud what he is to sign:

- a. **Ko te tuatahi**....ka tuku rawa atu ki te Kuini o Ingarangi ake tonu atu te Kawanatanga katoa o o ratou whenua.
  - b. **Ko te tuarua**....Ko te Kuini o Ingarangi ka whakarite ka whakaae ki ngā Rangatira, i ngā hapū, ki ngā tangata katoa o Niu Tirenī, te tino Rangatiratanga o o ratou whenua o ratou kainga me o ratou taonga katoa...
48. He ponders further. One final look and a nod from his peers - Hoani Waikato and Harawira Mahikai – he says “Ah...Pai tēnā!!! And he signs. His peers follow.
49. **Fast forward to 2021**....What does Te Hāpuku see? How does he feel? What of Hoani Waikato and Harawira Mahikai? Aue te mamae!!!
50. They see:
- a. degradation....pollution....poorly rationalised “first in first served” allocation.
  - b. Submission after submission, year after year, being made by their mokopuna – Marei Apatu, Ngaio Tiuka, Hira Huata, Huia Huata – back breaking struggles to no avail.
  - c. The Karewarewa; the Paritua; “kei hea raua? Aue!”
  - d. They are annoyed. They feel deprived.
  - e. They look to our Settlement Trust, which cannot buy a water consent, even with its \$100 million.
51. Therein lies the crux of our submission.
52. These waterways are taonga referred to and protected by Article 2 of Te Tiriti o Waitangi;
53. What transpired was not foreseen by these great chiefs. Can it therefore have been intended to operate in this way?

54. Does this reflect Tino Rangatiratanga and what was agreed when Te Tiriti was signed?
55. By signing Te Tiriti, in Article 2, these great men - Te Hapuku, Hoani Waikato and Harawira Mahikai - were taking on the obligation to exercise te tino rangatiratanga over their whenua, kainga and other taonga.
56. And have their hapū been able to?
57. Kao. Hapū have been prevented from performing their obligations agreed to in Te Tiriti by the current regulatory and fiscal framework. The result is environmental mismanagement that hapū have to bare consequentially along with successive governments, central, regional and local. That is not taking into account Te Tiriti.
58. This plan therefore must go further and provide the means for the hapū to undertake the obligation quite apart from the Crown performing theirs.
59. Our submission proposes the gold standard: Te Mana o Te Wai must be imbued right through the entire plan change, in every rule, every policy and every objective; indeed an overarching philosophy and objective – Te Mana o Te Wai. This is not something that can be clipped on.
60. The desired outcome is as follows:
  - a. Provide for te tino rangatiratanga as set out in Article 2;
  - b. The flow of the Karewarewa must return; as with the Paritua;
  - c. Equity must be provided to the settlement trust, the 23 marae and the associated hapū to ensure access to water for economic and cultural development. There is no justification for denying equity to hapū due to the failings of the existing consent holders and the weak environmental management framework. Any tension or

stress should properly be borne by the current consent holders and the regulating bodies, not by our Maori landowners.

61. The means is a complete review of Plan Change 9 (whether the original or amended) through the lens of Te Mana o Te Wai. If that becomes difficult, then perhaps we go back to a blank page and start developing the vision and strategy for each awa that is centred on or sourced from Te Mana o Te Wai.

Closing comments/Mihi

E aku rangatira tino rongonui  
Te Hapuku, Hoani Waikato, Harawira Mahikai  
Nui te mihi, nui te humarie, Moe mai rā.

E te Kaunihera, ngā tūru i te tēpu.  
I o koutou haerenga i raro i te Tiriti o Waitangi  
Kia kaha

Ngā kaikomihana ngā mana o te whakatau,  
Nui te mihi

E ngā reo o ngā wai, ngā waha o ngā pūwaha o ō tātau awa,  
tēnei te mihi ake.

Ngāti Rāuhunga-i-te-rangi me Ngāti Pōporo  
Nui te aroha.

Kua takoto tatou te mānuka, tēnā kawea ake.  
Tēnā koutou, tēnā tātau katoa.