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Regional councils'
relationships with
iwi and hapū for
freshwater
management – a
follow-up report



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Regional councils' relationships with iwi and hapū for freshwater management – a follow-up report

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Auditor-General's overview

E ngā mana, e ngā reo, e ngā karangarangatanga maha o te motu, tēnā koutou.

Freshwater is one of New Zealand's most important natural resources. The quality of the water that flows through our lakes and rivers affects the lives and livelihoods of all New Zealanders. Changes to the way we use and manage land have affected many of our waterways, and climate change is putting further pressure on our freshwater ecosystems.

Improving how we manage freshwater quality in New Zealand is important work. It is particularly important for regional councils, who are responsible for managing freshwater quality in their regions.

Regional councils have statutory obligations to involve iwi and hapū in managing freshwater resources through the National Policy Statement for Freshwater Management, the Resource Management Act 1991, Treaty settlements and other legislation. Many iwi also exercise kaitiakitanga over freshwater in their rohe.

Regional councils need meaningful relationships with iwi and hapū because of the deep cultural and traditional connections that tangata whenua have with water bodies and water. These relationships can help regional councils better understand the values and aspirations that iwi and hapū have for freshwater management.

In 2019, we looked at how effectively Waikato Regional Council, Taranaki Regional Council, Horizons Regional Council, and Environment Southland were managing freshwater quality. We recommended that, to manage freshwater quality better, three of these regional councils (Waikato, Taranaki, and Horizons) strengthen their relationships with iwi and hapū in their regions. In 2023, we followed up with all four regional councils and spoke with iwi and hapū representatives to see what progress the regional councils had made.

We found that all four regional councils are focused on strengthening their relationships with iwi and hapū. We saw improvements in how they work with iwi and hapū to manage freshwater quality, and they all now involve tangata whenua in governance structures that oversee regional freshwater management.

However, we heard from iwi and hapū representatives that they want more enduring and meaningful relationships with regional councils. Some iwi and hapū still feel that regional councils tend to engage with them only on specific projects and focus only on what the councils want to prioritise.

At times this can lead to regional councils not taking the time to understand iwi perspectives on the different waterways in their rohe, or engaging with the wrong people.

Meaningful relationships that will endure, even when circumstances change or challenges arise, require a more strategic approach. A strategic approach should focus on shared long-term goals for freshwater management; a common understanding of each other's interests in, and concerns for, freshwater; appropriate structures for councils to hear and respond to iwi and hapū voices; and effective processes for sharing information. Working with iwi and hapū in this way should be a core capability for councils, as it is critical to good environmental planning, and a range of other responsibilities regional councils have.

A strategic approach will assist councils to better prioritise and manage freshwater projects in ways that benefit everyone, adapt processes to ensure they work for all those involved, avoid engagements feeling transactional, and sustain and strengthen relationships.

The four regional councils we looked at all intend to continue to improve relationships and involve iwi and hapū in freshwater management and policy. Iwi and hapū representatives we spoke with recognised this. I encourage all councils to consider how they can learn from the observations in this report and the approaches that different councils have taken to working more effectively with iwi and hapū to manage freshwater quality.

I thank the staff of the four regional councils and the iwi and hapū representatives who volunteered their time and expertise to support this work. My Office will continue to have an interest in how regional councils are working to build meaningful and enduring relationships with iwi and hapū in their regions.

Nāku noa, nā

A handwritten signature in black ink, appearing to read 'John Ryan', with a stylized flourish at the end.

John Ryan
Controller and Auditor-General | Tumuaki o te Mana Arotake

10 May 2024

Why we did this work

- 1.1 Effective freshwater management is an important focus for all regional councils who are responsible for managing freshwater quality in their regions. The quality of New Zealand's freshwater environment affects the lives of all New Zealanders. However, the way we use and manage land and freshwater is putting many of our freshwater ecosystems under pressure.
- 1.2 In 2019, we published a report looking at how well Waikato Regional Council, Taranaki Regional Council, Horizons Regional Council, and Environment Southland manage freshwater quality in their regions.¹ We also looked at how well the Ministry for the Environment and Statistics New Zealand were using the data that regional councils collect to create a national picture of freshwater quality.
- 1.3 One of our recommendations in that report was:
... that Waikato Regional Council, Taranaki Regional Council, and Horizons Regional Council strengthen relationships with iwi and hapū, especially those yet to complete Treaty settlement processes, by formally seeking their aspirations for involvement in strategic decision-making and identifying how those aspirations can be met.
- 1.4 The purpose of this follow-up work was to see what progress the three regional councils have made on this recommendation since 2019. Although we did not direct the recommendation at Environment Southland, we included it in this work to see how its relationships had also developed during this period. We followed up the four other recommendations we made in our 2019 report in a separate piece of work in 2023.²
- 1.5 Māori have deep cultural, traditional, and customary connections with waterways. These relationships to water have a special significance in Treaty settlements. As a result, regional councils have statutory obligations to involve iwi and hapū in managing freshwater resources through the National Policy Statement for Freshwater Management (NPS-FM) and the Resource Management Act 1991, as well as Treaty settlements and other pieces of legislation.
- 1.6 As we noted in our 2019 report, effective relationships help regional councils to better understand Māori values and aspirations for freshwater management and reflect them in freshwater management objectives. We expect regional councils to have enduring and meaningful relationships with iwi and hapū so that all parties can work towards shared long-term goals for managing freshwater.

1 Controller and Auditor-General (2019), *Managing freshwater quality: Challenges and opportunities*, at oag.parliament.nz.

2 Controller and Auditor-General (2023), *Responses to our recommendations about managing freshwater quality*, at oag.parliament.nz.

- 1.7 The operating context for managing freshwater is changing. Enduring and meaningful relationships between regional councils and iwi and hapū can assist in navigating these changes.
- 1.8 The NPS-FM introduced the concept of Te Mana o te Wai, the life-supporting capacity of freshwater, in 2014. The NPS-FM was updated in 2020, and the update strengthened and clarified the role of Te Mana o te Wai as a fundamental concept in managing freshwater.³
- 1.9 The NPS-FM requires each regional council to give effect to Te Mana o te Wai by developing a long-term vision for freshwater management through discussions with communities and tangata whenua. Councils must involve tangata whenua in managing freshwater resources to the extent that they wish to be (including in decision-making processes and in monitoring and preparing policy statements and plans).
- 1.10 Councils must also investigate using tools available under the Resource Management Act as ways of involving tangata whenua.⁴ These tools include joint management arrangements, Whakahono ā Rohe: Iwi participation agreements, and the transfer or delegation of powers.
- 1.11 Regional councils are also required to monitor progress towards achieving target attribute states and environmental outcomes for water bodies in their regions.⁵ They must include mātauranga Māori measures in the methods they use to do this. They also need to submit updated regional freshwater plans to the Ministry for the Environment by 31 December 2027.⁶
- 1.12 The Resource Management Act requires regional councils to involve iwi and hapū in managing freshwater resources. The Local Government Act 2002, Treaty settlement legislation, and other pieces of legislation also include provisions that require regional councils to involve Māori in decision-making processes. Treaty settlements can require regional councils to enter into joint management

3 Ministry for the Environment (2023), *Essential Freshwater policies and regulations: implementation guidance*, at environment.govt.nz/acts-and-regulations/freshwater-implementation-guidance/.

4 Mana Whakahono ā Rohe is a tool designed to assist tangata whenua and local authorities to discuss, agree, and record how they will work together under the Resource Management Act.

5 An attribute is something that can be measured or monitored that describes the state of a river or lake. For example, the amount of nitrogen or phosphorus in the water. There are 22 compulsory attributes in the NPS-FM, many of which have a minimum standard, or national bottom line – these contribute to understanding how freshwater provides for ecosystem health and human contact. Ministry for the Environment (2020), *Action for health waterways: Information on attributes for managing the ecosystem health and human contact values in the National Policy Statement for Freshwater*, at environment.govt.nz.

6 On 19 December 2023, the deadline for notifying changes to freshwater plans was extended from 31 December 2024 to 31 December 2027 to allow the Government time to do the work needed to replace the NPS-FM and for regional councils to respond to the changes.

agreements with post-settlement governance entities to manage natural resources.⁷

- 1.13 There are opportunities to develop relationships between regional councils and iwi and hapū through different types of work on managing freshwater. These include regional councils consulting with iwi and hapū on updates to their regional freshwater plans, seeking cultural impact assessments on resource consents from iwi and hapū, and working with iwi and hapū to monitor freshwater quality.
- 1.14 Expected changes to legislation might shift the context for freshwater management. In December 2023, the Government said that it would consult to replace the NPS-FM. It has signalled elsewhere that this work will include work to rebalance Te Mana o te Wai.⁸
- 1.15 The Spatial Planning Act and the Natural and Built Environment Act were repealed under urgency in December 2023. As a result, the Resource Management Act remains the primary legislation that controls how our environment is managed. It is also set to be amended as part of the Government's coalition agreements.
- 1.16 Changes to these pieces of legislation might affect how regional councils are required to involve tangata whenua in managing freshwater. However, meaningful relationships are the basis for constructive dialogue about water management.

What we did

- 1.17 For relationships between regional councils, iwi, and hapū to support effective freshwater management, all parties need a high level of trust and confidence in each other.
- 1.18 We examined how the four regional councils work with iwi and hapū to strengthen their relationships for managing freshwater quality. That included how they incorporate the views of iwi and hapū on freshwater into their strategic decision-making. This allowed us to understand some of the drivers of meaningful and enduring relationships in managing freshwater.
- 1.19 We spoke with staff at each of the four regional councils about their work with iwi and hapū on managing freshwater. We also reviewed relevant documents

⁷ Joint management agreements are an instrument under the Resource Management Act that provides for agreements between a local authority with one or more public authorities, iwi authorities, or groups that represent hapū to jointly perform or exercise any of the local authority's functions, powers, or duties under the Resource Management Act relating to a natural or physical resource. Post-settlement governance entities are legal entities set up to manage the collective assets received by the claimant group of a Treaty settlement.

⁸ New Zealand National Party (2023) *Primary Sector Growth Plan*, at national.org.nz.

and talked to 25 representatives from a range of iwi, hapū, and post-settlement governance entities in the four regions about their views.

- 1.20 The findings of our 2022 report *Māori perspectives on public accountability* helped us to think about what might be important to iwi and hapū in building trusting relationships and informed our approach to this work.⁹
- 1.21 Iwi and hapū have a range of distinct views about their relationships with regional councils. Approaches to managing freshwater may differ in each region, as do the relationships between regional councils and each iwi and hapū.
- 1.22 We were not able to speak to all iwi and hapū working on freshwater in these regions, and our conclusions do not cover all the relationships that regional councils have with iwi and hapū. Instead, we focused on understanding what is working well (and not so well) in general so that our work can support councils to develop these relationships further.

9 Controller and Auditor-General (2022), Commissioned report: *Māori perspectives on public accountability*, Haemata Limited, at oag.parliament.nz.

What we found

- 2.1 Since our 2019 report, each of the four regional councils has carried out work to further understand iwi and hapū aspirations for managing freshwater. All four councils are working with iwi and hapū to develop freshwater plan updates as part of their work towards the NPS-FM.
- 2.2 Each council has also taken steps to involve tangata whenua in its formal governance structures. This includes providing for tangata whenua representation on key council committees for strategy and/or planning, which both have connections to freshwater policy.
- 2.3 Council staff who we spoke with were committed to working with iwi and hapū to improve freshwater quality. However, each council faces different challenges. The different regions vary in their geographical extent, their topography, the size and quality of their freshwater catchments,¹⁰ the number of iwi and hapū in their region, the amount of progress towards Treaty settlements, and existing arrangements for managing freshwater.
- 2.4 All these factors influence how councils, iwi, and hapū work together. Despite this, all four councils share an appreciation of the importance and value of their relationships with iwi and hapū for making progress on managing freshwater.
- 2.5 Many of the iwi and hapū representatives we spoke with highlighted the growing strength of their relationships with their respective regional councils and their trust and confidence in council staff. However, some also told us that regional councils could still do more to support more enduring and meaningful relationships.
- 2.6 In our view, regional councils need to take a more strategic approach to building relationships with iwi and hapū that will support effective freshwater management. A more strategic approach should focus on shared long-term goals for freshwater management; a common understanding of each other's interests in, and concerns for, freshwater; appropriate structures for the council to hear and respond to iwi and hapū voices; and effective processes for sharing information. Working with iwi and hapū in this way should be a core capability for councils, as it is critical to good environmental planning, and a range of other responsibilities of regional councils.
- 2.7 A more strategic approach will allow councils to better prioritise and manage freshwater projects in ways that benefit everyone.
- 2.8 This includes being willing to adapt to fit the circumstances of different iwi and hapū and avoid engagements feeling transactional. This will support regional councils to meet their statutory requirements to work with tangata whenua while sustaining and strengthening relationships.

¹⁰ A catchment, or whaitua, is an area of land where rain flows into a common river, lake, or other body of water.

- 2.9 We found that all four regional councils had good intent and had made progress in their relationships with iwi and hapū. Where there are effective relationships, iwi, hapū, and the council learn from each other, build their capabilities, and work towards positive freshwater outcomes that reflect the broad needs of everyone in the community.
- 2.10 At times, regional councils, iwi, and hapū will have different or competing views on managing freshwater. When council staff, iwi, and hapū know each other well, relationships will be more resilient and people will be better able to work constructively through disagreement.
- 2.11 Our findings highlight what is needed to strengthen relationships and build trust and confidence. We acknowledge what the four regional councils have done since our 2019 report and that each council faces unique challenges in building enduring and meaningful relationships with iwi and hapū. We discuss each of the four regions individually in subsequent parts of this report.

Regional councils getting to know individual iwi and hapū creates the foundation for meaningful relationships

- 2.12 The foundation for relationships to grow is set when regional council staff understand each iwi and hapū in their region and how they prefer to work. Trust and confidence can be built when iwi and hapū see that regional councils are committed to learning about their unique perspectives, including their histories and the ways they work.

Invest time in learning about iwi, hapū, and their histories

- 2.13 Iwi and hapū representatives told us that meaningful relationships involve knowing people and feeling that they have a relationship with them, as well as understanding their position or role within the organisation.
- 2.14 This could mean being able to pick up the phone to get a quick answer from a familiar council contact, feeling comfortable to drop in at council or iwi offices for a cup of tea, or going the extra mile to give personal support to a staff member at a difficult time. In one example, we heard that the relationship between an iwi and regional council was built on strong personal connections like these, that had developed over a long time.
- 2.15 Iwi and hapū told us about the importance of being able to spend time with council staff. Some iwi and hapū representatives invest time with council staff to support them to better understand iwi and hapū histories and values more generally. These representatives saw these engagements as opportunities to lift

the council's capability and as a way to build trust between council members, staff, iwi, and hapū. Some of the iwi representatives we spoke with were interested in regularly setting aside time for whakawhanaungatanga with the council to maintain relationships, meet new staff, and talk about long-term aspirations.

- 2.16 However, we also heard frustration from iwi and hapū about some councils' staff's level of understanding, particularly where there was significant staff turnover. Some iwi and hapū felt that they had to explain their perspectives and values every time the council wanted to engage. In one instance, this was described as "an expectation that iwi would deliver 'Treaty 101' workshops" at every hui. Iwi representatives felt that needing to do this repeatedly wasted time that should be used to work together on managing freshwater.
- 2.17 Some councils are investing in the capability of their staff to better engage with and understand the views of iwi and hapū. For example, one council has developed a series of workshops that include visits to sites of significant cultural importance to iwi and hapū. It is offering this to staff throughout the organisation progressively. To date, feedback from staff has been positive, with comments focusing on how enriching staff had found the opportunities.
- 2.18 In our view, this kind of capability work can help reduce the burden that iwi and hapū feel to educate council staff about their iwi or hapū.

Understand how iwi and hapū operate and want to work

- 2.19 We heard that iwi and hapū approaches to making decisions can vary and that this has implications for how regional councils engage with them. Regional councils need to understand these different approaches and plan appropriate time and resources to allow for iwi and hapū representatives to seek input to form their views or make decisions.
- 2.20 For example, some iwi representatives felt that councils, in their planning, were not allowing appropriate time to engage with them on resource consent applications. Delays to iwi and hapū receiving resource consent applications can create the perception that it is iwi holding up the process.
- 2.21 It is also important for regional councils to take the time to make sure they understand who iwi and hapū representatives can speak on behalf of. This ensures that the council engages with the right people. We heard examples of councils engaging with iwi representatives on particular projects when it would have been more appropriate to engage with particular hapū. Not only does this waste time

but this lack of understanding of who to talk to also makes it harder for iwi and hapū to have confidence in the council's processes.

- 2.22 We also heard of times when a regional council's approach to involving iwi and hapū was at odds with how iwi and hapū wanted to work. For example, some regional councils use collective consultation processes to bring together the views of tangata whenua from throughout the region. However, we heard that iwi prefer to be engaged independently, so that their distinct perspectives can be heard. This is particularly important where there are joint management agreements (or other arrangements) that have been secured through Treaty settlements.
- 2.23 Regional councils also need to understand who is best placed at the council to work with iwi and hapū so that relationships are meaningful. Some of the regional councils have specific roles to support their relationships with iwi and hapū, and many council staff, iwi, and hapū felt that these roles help ensure that tangata whenua perspectives feature more prominently in the council's thinking. We heard that iwi and hapū trust these staff to understand and reflect their views and that these roles can open doors to collaborative working and support better processes for councils to work with iwi and hapū.
- 2.24 However, at times, there is a tendency for regional councils to rely on these staff to manage all their relationships with iwi and hapū.¹¹ Not only is this a large workload for an individual staff member (or a small group of staff) but, in some instances, iwi and hapū also want to be able to engage and build relationships with staff from other teams, such as staff in freshwater monitoring or resource consent.

Responding to individual iwi and hapū views on freshwater supports more effective freshwater management

- 2.25 Regional councils need to understand and respond to the views of iwi and hapū on managing freshwater to build trust and ensure that their relationships are meaningful. We saw evidence that freshwater management is more effective when it is driven by local knowledge and appropriately resourced.
- 2.26 Regional councils need to be able to support iwi and hapū to have enough time and resources to develop and share their views on, and aspirations for, managing freshwater. The NPS-FM requires regional councils to work with tangata whenua to give effect to Te Mana o te Wai. As a result, many iwi and hapū representatives we spoke with had been involved in work with regional councils to share their views on Te Mana o te Wai.

11 This is similar to what we observed in other government initiatives in a recent performance audit. See Controller and Auditor-General (2023), *Four initiatives supporting improved outcomes for Māori*, at oag.parliament.nz.

- 2.27 We heard that some limited funding was provided through the Ministry for the Environment to support iwi engagement in Te Mana o te Wai. In some instances, this funding was helpful in developing the statements of iwi and hapū values that underpin Te Mana o te Wai. We also heard that some iwi had to compete with other iwi for this limited funding. As a result, some iwi did not get funding and had fewer resources for developing their values and working with councils.
- 2.28 In one example, a regional council engaged with an iwi early to develop its Te Mana o te Wai values. The council and iwi worked together to weave these values into the regional values underpinning freshwater management that the council had developed with the community. Early engagement enabled robust discussions and built trust between the regional council and iwi.
- 2.29 We also heard that understanding iwi and hapū views and aspirations can help councils to better respond to the tikanga and mātauranga that shape iwi and hapū approaches to managing freshwater.
- 2.30 In one example, an iwi took over the defishing of a river after the council's approach, which used an electric shock treatment, had killed a large tuna. The iwi removed the remaining fish by hand, demonstrating how their approach to defishing was safer for the fish and better for the health of the river.¹² The iwi told us that it now leads more of the regional council projects in its rohe.
- 2.31 A consistent frustration from iwi and hapū was that regional council staff didn't understand their views on managing freshwater. Iwi and hapū representatives sometimes felt that council staff view freshwater as a commodity and that when developing initiatives they do not use existing knowledge and documents, such as management plans, that outline iwi and hapū aspirations and values for managing freshwater.
- 2.32 For example, some iwi and hapū representatives we spoke with explained how the concept of awa tūpuna means that river catchments cannot be easily grouped with other waterways into a freshwater management unit.¹³
- 2.33 One person we spoke with told us a more diversified system of river management would reflect the distinct identities of three water catchments whose different land uses, such as forestry or farming, affect freshwater quality differently.

12 Defishing ensures that freshwater species that would be affected by construction on a waterway are relocated to another habitat before construction begins.

13 Awa tūpuna or awa tīpuna was explained to us as the ancestral connections that iwi and hapū have to waterways. For example, the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 states that, to Waikato Tainui, the Waikato River is a tupuna that has mana and in turn represents the mana and mauri of the iwi. A freshwater management unit is a spatial area that includes a water body or multiple water bodies and catchments. They are intended to be the framework for freshwater planning and should be at a scale – deemed by the regional council – where freshwater can be appropriately cared for and give effect to Te Mana o te Wai.

Mutually beneficial relationships lay the foundations for effective long-term strategic freshwater management

- 2.34 Relationships that are mutually beneficial lead to more effective freshwater management. Not only does this support regional councils to meet their statutory requirements but it can have wider and long-term benefits for other work.
- 2.35 For iwi and hapū, we heard that there are mutual benefits in the way they work with regional councils on decision-making for resource consent applications or monitoring freshwater quality. Iwi and hapū see this work as valuable because it is more aligned with the way iwi work. For example, it can involve iwi and hapū working with council staff in their rohe, with their awa, directly in the place where freshwater outcomes are being sought.
- 2.36 These relationships also allow iwi and hapū to learn from the approaches that councils' scientific teams use, develop their understanding of council processes, and provide access to council equipment, information, and expertise to support their activities.
- 2.37 This can create the building blocks for more enduring relationships between the regional council, iwi, and hapū. However, we consider that councils do not always see the connection between this type of work and their engagements with iwi and hapū in other areas, such as consulting on regional plan updates.
- 2.38 In our view, iwi and hapū and regional councils will see greater benefit from their relationships if councils can integrate their engagement with iwi and hapū across different areas of their work.
- 2.39 By better integrating how different teams and areas of their work engage with iwi and hapū a wider range of staff can deepen their understanding of tikanga and mātauranga Māori about managing freshwater, and more generally, because of the time they spend working with iwi and hapū.
- 2.40 We saw examples where partnerships led to improvements in managing freshwater for the community. Reported benefits realised from co-governing a water catchment in one region included reducing contaminants flowing into the water, creating jobs, and developing mahinga kai for the iwi,¹⁴ as well as building knowledge and resources for farmers to reduce their business risk from future environmental regulations.

14 Mahinga kai generally refers to freshwater species that have traditionally been used as food, tools, or other resources. Their presence indicates the overall health of the water. It also refers to the places those species are found and to the act of catching them.

- 2.41 This had built trust between those in the farming sector and the iwi more generally, leading to the development of further initiatives to manage freshwater.
- 2.42 We also saw how mutually beneficial relationships can solve long-term issues in managing freshwater, such as workforce capacity issues. For example, we heard that collaboration with a council on monitoring work had led to increased education opportunities for young Māori, exposing them to potential careers in science and environmental management, and developing their practical and team-working skills. Some people felt that engaging with council scientific staff in the field (that is, in rivers and wetlands) is a valuable way of exploring the relationships between western science and mātauranga Māori for monitoring and managing water quality.

3

Waikato Regional Council's progress since 2019

Summary of key findings

- 3.1 In 2019, iwi who we spoke with in the Waikato said that their relationships with Waikato Regional Council were working well. However, representatives of iwi and hapū in the Waikato who were yet to settle Treaty claims were less positive. We encouraged the Council to continue to improve these relationships.
- 3.2 Although there has been significant progress in Treaty settlements for iwi and hapū in the Waikato, there are still a large number of iwi and hapū at different stages of their Treaty settlements. This has created challenges for the Council (and for some iwi and hapū) in strengthening relationships with all iwi and hapū. Council staff told us that these problems have been compounded by the significant reforms taking place in the local government sector and stretched the Council's limited resources.
- 3.3 Since 2019, Waikato Regional Council has continued to work with many iwi and hapū in its region to manage freshwater quality, focusing on being more agile and flexible in the way it operates. Several iwi and hapū representatives who we spoke with said that these relationships were mostly strong. However, the Council's effort still focuses on engaging with iwi and hapū to carry out specific pieces of work.
- 3.4 Other iwi representatives we spoke with said that their engagements with the Council needed to be more meaningful. They felt that it was not always clear how their views on, and aspirations for, managing freshwater were influencing decision-making or being embedded in policies and processes for managing freshwater. They felt that staff turnover at the Council made it hard to build enduring relationships. We heard similar concerns about turnover at the other councils.
- 3.5 In our view, the Council needs a more strategic approach to building relationships with iwi and hapū. Council staff need to be more responsive to the ways iwi and hapū want to work with the Council and their views on, and aspirations for, managing freshwater.
- 3.6 We note that Waikato Regional Council has joint management agreements for river management with several iwi who have Treaty settlements in the region. Joint management agreements can outline agreed processes for input into resource consents, water monitoring, enforcement, and policy and planning. Joint management committees usually include representatives from iwi and the regional council.

- 3.7 While we did not look at the effectiveness of these joint management agreements in this follow-up work specifically, in our view these committees are a significant opportunity to strengthen relationships.
- 3.8 The Council also needs to ensure that it prioritises appropriate resources to support a more strategic approach to relationship building.

Changes to freshwater management in the Waikato since 2019

Recent legislation sets out new freshwater management arrangements between iwi and Waikato Regional Council

- 3.9 The Ngāti Tūwharetoa Claims Settlement Act 2018 provided for the establishment of a statutory joint committee, Te Kōpu ā Kānapanapa. Te Kōpu ā Kānapanapa comprises members from Te Kotahitanga o Ngāti Tūwharetoa, Waikato Regional Council, and Taupō District Council.
- 3.10 The Maniapoto Claims Settlement Act 2022 required Waikato Regional Council, Waitomo District Council, Ōtorohanga District Council, Waikato District Council, and Waipā District Council to enter into a joint management agreement with Te Nehenehenui – Ngāti Maniapoto's post-settlement governance entity.
- 3.11 The Pare Hauraki Collective Redress Bill was introduced into the House in December 2022 and is still awaiting its first reading. As currently drafted, the Bill requires Waikato Regional Council to enter into a joint management agreement with the Hauraki iwi post-settlement governance entity.
- 3.12 Waikato Regional Council has been through a process to transfer functions to allow the Tūwharetoa Māori Trust board to take control of monitoring functions for freshwater at Lake Taupō. The power to do this is granted under the Resource Management Act.
- 3.13 Tūwharetoa is the first iwi to be granted these powers under the Resource Management Act. Under the new arrangement, Tūwharetoa Māori Trust Board now carries out water quality monitoring functions for summer bathing, regional rivers, rainfall, and groundwater.

Waikato Regional Council has set up a tangata whenua technical group to review its freshwater policy in line with the requirements of the National Policy Statement for Freshwater Management

- 3.14 Since our 2019 report, Waikato Regional Council has set up a tangata whenua forum, called Ngā Tira Mātauranga. The purpose of Ngā Tira Mātauranga is to increase the involvement of iwi, hapū, and tangata whenua in the freshwater policy review, provide a forum for technical discussion to assist council staff with developing policy, and disseminate project information to tangata whenua groups.
- 3.15 Ngā Tira Mātauranga comprises nominated representatives from tangata whenua entities within the Waikato region who wish to have representation at Ngā Tira Mātauranga. The work programme and terms of reference for the group incorporated tangata whenua representatives' recommendations about how the group should function.
- 3.16 Waikato Regional Council has also hosted open drop-in sessions for the freshwater policy review in different catchments in the region. Some tangata whenua have participated in these.

Waikato Regional Council has improved its approach to working with iwi and hapū

- 3.17 Council staff felt that the direction of travel in their relationships with iwi and hapū on freshwater quality management has been positive but that there is still progress to be made.
- 3.18 As we heard from the other regional councils, the demands on the Council to meet external deadlines makes it hard to invest the time needed to build trust with iwi and hapū in some areas. This is particularly so where the Council is forming new relationships with iwi or wanting to engage with iwi who have limited capacity and/or other priorities.
- 3.19 The Council is working to improve its approach to engaging with iwi and hapū. This includes contracting with individuals who have long-standing relationships with iwi and hapū to work on behalf of the Council, paying iwi and hapū for their participation in freshwater policy review work, and broadening the Council's engagement with iwi and hapū beyond post-settlement governance entities. These changes were described as the start of a "shift in mindset" within the Council to support iwi and hapū to work with the Council to achieve better freshwater outcomes.

- 3.20 Council staff told us that the open engagement approach with tangata whenua facilitated by Ngā Tira Mātauranga enabled the broadest range of iwi voices across the Waikato region to be included within the Council's limited resources. However, they also recognised that some iwi prefer to be engaged individually and that it was likely they would be unhappy with the process the Council took.
- 3.21 When we carried out our work, we heard that the deadline to update the Council's regional freshwater plan by the end of 2024 placed some iwi and hapū at a disadvantage by limiting the time and resources available for them to develop their guiding values for Te Mana o Te Wai.¹⁵
- 3.22 Council staff recognised that building trust with iwi and hapū takes time and commitment from all parties. Council staff we spoke with want to be able to focus on building long-term enduring relationships with iwi and hapū. However, they are conscious that most opportunities for forming relationships come from engagements on individual pieces of work and do not offer the continuity needed to build deeper trust in the relationships.

Iwi in Waikato want more meaningful and enduring relationships with the Council

- 3.23 Iwi and hapū representatives we spoke with felt that some relationships with council staff for working on freshwater quality are strong.
- 3.24 Factors in strong relationships include council staff being able to invest time in understanding the iwi, engaging with iwi over a longer period of time, and being open to working collaboratively. Iwi in these relationships said that council staff were quick to offer support when it was requested.
- 3.25 Iwi and hapū representatives we spoke with also spoke highly of the Council's contractors who work with iwi. However, it is a challenge for iwi to see how using contractors supports long-term relationship building with the Council. Some representatives want to work more directly with senior staff at the Council and are concerned about the loss of institutional knowledge when contractors move on.
- 3.26 We heard that relationships between members of the joint management committees are generally good and that the people involved are able to have difficult conversations. However, some people we spoke with are concerned that the Council has not used their respective joint management committee meetings to consult with iwi about the Council's approach to updating its regional freshwater plan in line with the NPS-FM.
- 3.27 We heard concerns from some iwi and hapū that their relationships with the Council had not improved as much as they had expected since our 2019 report.

¹⁵ Our interviews took place before the Government extended the deadline to update regional freshwater plans to December 2027.

They felt that many engagements with the Council are “tick-box” – in that they are driven by the Council’s priorities and time frames – and that it is not always clear how the Council uses their contribution. A lack of transparency about the Council’s processes and decision-making creates barriers to building greater trust and confidence in the Council.

- 3.28 Iwi want to move forward in their relationships with the Council. However, cultural capability within the Council is a consistent issue that iwi feel is a barrier.
- 3.29 Some iwi felt they spend too much time educating council staff about the Treaty and/or explaining their iwi values related to freshwater. Others felt council staff might avoid engaging with iwi for fear of doing something wrong or inadvertently causing offense.
- 3.30 Resourcing is a significant issue for iwi when trying to engage with the Council. This means that iwi and hapū have to carefully manage their time and resources to ensure that their engagements with council are meaningful and valuable.
- 3.31 Iwi are sympathetic to the pressures that the Council faces. However, they told us that the views of iwi and hapū are specific and unique to their rohe and cannot quickly be aggregated into a regional tangata whenua perspective for Waikato.
- 3.32 Some people we spoke with felt that the Council would be in a much stronger position if it engaged with iwi individually to understand their values relating to freshwater management. This would allow the Council to understand the nuances of different iwi positions and different freshwater catchments, as well as the common points of agreement that can improve regional freshwater management.

Taranaki Regional Council's progress since 2019

4

Summary of key findings

- 4.1 In 2019, iwi and hapū representatives in Taranaki told us that they respected Taranaki Regional Council's staff and appreciated that staff make a genuine effort to work with them on freshwater. However, there was frustration at the "one way" and "transactional" nature of the relationship.
- 4.2 Since 2019, Taranaki Regional Council has shifted its approach to engaging with iwi and hapū. We heard that the Council is moving away from consultation and towards collaboration in its work with iwi and hapū. This was particularly evident in the Council's agreement with Ngā Iwi o Taranaki for resourcing and completing the review of its regional freshwater policy.
- 4.3 In our view, Taranaki Regional Council has improved its approach to bringing iwi and hapū aspirations into freshwater planning. Leaders of the region's eight iwi and senior staff at the Council have increased the frequency of engagement. In other areas, such as work on freshwater monitoring, we saw some improvements in the trust and confidence iwi and hapū have in their relationships with the Council.
- 4.4 The Council's commitment to building its mātauranga Māori knowledge and capability, including appointing a mātauranga Māori science advisor, has played a particularly important role in supporting iwi and hapū in their freshwater work. It has also helped to improve the Council's approach to monitoring freshwater quality. Integrating and aligning the Council's approach to freshwater management with mātauranga Māori provides a strong foundation for its work with iwi and hapū.
- 4.5 However, the Council still needs to do more to develop a strategic approach to building relationships. In our view, there are opportunities for the Council to draw on the strong relationships some of its staff have when developing a council-wide approach to working with iwi and hapū on freshwater. This will enable the Council to better respond to iwi and hapū views on, and aspirations for, freshwater. Less reliance on a small group of council staff to maintain relationships will also support more enduring engagement.

Changes to freshwater management in Taranaki since 2019

Recent Treaty settlements have introduced new mechanisms for Taranaki Regional Council to work with iwi and hapū

- 4.6 In September 2023, Ngā Iwi o Taranaki and the Crown signed Te Ruruku Pūtakerongo – the Taranaki Maunga Collective Redress Deed. Ngā Iwi o Taranaki is the collective name for eight iwi of Taranaki: Ngāti Tama, Ngāti Mutunga, Taranaki Iwi, Te Ātiawa, Ngāti Maru, Ngāruahine, Ngāti Ruanui, and Ngaa Rauru Kiiitahi. Taranaki Maunga and the National Park were vested in a legal person, named Te Kāhui Tupua. A representative entity of Crown and iwi appointees will be set up to act in the best interests of Te Kāhui Tupua.
- 4.7 The Ngāti Maru (Taranaki) Settlement Act 2022 requires Taranaki Regional Council to have a joint management agreement with Ngāti Maru.
- 4.8 The Maniapoto Claims Settlement Act 2022 requires Taranaki Regional Council to have a joint management agreement with Te Nehenehenui – the post-settlement governance entity of Ngāti Maniapoto.

Taranaki Regional Council and Ngā Iwi o Taranaki have entered into an agreement to carry out the freshwater policy review for the National Policy Statement for Freshwater Management

- 4.9 Taranaki Regional Council entered into an agreement with Te Runanga o Ngāti Tama, Te Runanga o Ngāti Mutunga, Te Kāhui Maru, Te Kotahitanga o Te Ātiawa, Te Kāhui o Taranaki Iwi, Te Korowai o Ngāruahine, Te Runanga o Ngāti Ruanui, and Te Kāhui o Rauru to carry out the freshwater policy review for the Taranaki region.
- 4.10 The agreement was intended to assist with resourcing to meet the obligation for the Council to complete the review by 31 December 2024.¹⁶ The agreement set up an independent environmental unit that includes two full-time positions to carry out the review, funded by the Council. The iwi parties appointed these positions, and Te Kotahitanga o Te Ātiawa provides administrative support for the unit.
- 4.11 The Council and iwi partners review the agreement's deliverables and outcomes every six months.

¹⁶ The agreement was made before the Government extended the deadline to update regional freshwater plans to December 2027.

Taranaki Regional Council is focused on working with iwi and hapū more collaboratively

- 4.12 Council staff told us that they consider that the foundations for positive relationships with iwi and hapū in the region are now in place. In their view, relationships between the Council, iwi, and hapū are healthier than they have ever been.
- 4.13 The recently set up senior-level governance group brings together chief executives of Ngā Iwi o Taranaki and senior council members to discuss freshwater and facilitate the process for updating the regional freshwater plan. The group has helped to build connections between iwi leaders and senior council staff.
- 4.14 We heard that Taranaki Regional Council is trying to take a more strategic approach to some aspects of the way it engages with iwi. For example, it is mindful of how challenging working with councils on issues such as freshwater can be for iwi, particularly when an iwi rohe spans more than one regional council boundary. Taranaki Regional Council is talking to other regional councils about working together more effectively for the benefit of those iwi.
- 4.15 The Council wants to form relationships that have long-term benefits for the Council, iwi, and hapū. It recognises that there is some way to go. Translating existing strong relationships between the Council, iwi, and hapū in specific areas to wider, lasting, and mutually beneficial relationships across a range of areas is a challenge. As with the other regional councils, limited council and iwi resources and high rates of staff turnover at the Council are persistent issues.
- 4.16 We heard about the challenge of integrating western scientific approaches to monitoring freshwater with mātauranga Māori. The Council acknowledged that there is still a tendency for the Council, iwi, and hapū to “talk past” each other. Council staff told us that a recent approach to studying eels and lamprey in the Waitara River helped to bring the different perspectives together and proved to be a very fruitful way of working for the Council and the hapū involved.
- 4.17 Council representatives were aware that some iwi prefer the Council to be engaging at the hapū level. They recognised that their engagement with hapū is currently not as strong as they would like. Council relationships with hapū generally focus on the day-to-day management of the resource consenting process rather than on processes for developing policy.

- 4.18 When we carried out our work, council staff told us that the pressure of the NPS-FM deadline had not been conducive to building long-term relationships.¹⁷ In the Council's view discussions focused on meeting the deadline, rather than on how to use the update of the NPS-FM plans as a vehicle for deeper conversations about relationship building. However, the Council is committed to building longer-term relationships that extend beyond individual projects.

Iwi and hapū in Taranaki want recent improvements at the Council to go further

- 4.19 Iwi and hapū representatives who we spoke with consider that their engagements with the Council have improved since 2019. They felt this was driven by the NPS-FM. They told us about positive changes in attitudes that council staff have towards building relationships with iwi and hapū. Examples include the Council hiring a mātauranga Māori specialist and more opportunities to work alongside council scientists on, and contribute to, monitoring freshwater.
- 4.20 We also heard that, since Ngā Iwi o Taranaki was set up, there has been greater engagement between senior staff in the Council and the chief executives of the post-settlement governance entities of the eight iwi.
- 4.21 However, iwi and hapū representatives said that they want the Council to take a collaborative approach to relationships at all levels; with iwi, hapū, and mana whenua. Some iwi and hapū still used words such as "transactional" and phrases such as "tick-box" to describe their engagements with the Council.
- 4.22 Some iwi and hapū representatives told us that there is a tendency for the Council to make engagement work the responsibility of a small number of Māori staff. Iwi and hapū we spoke with have built strong relationships with these staff members. However, some felt that the Council's reliance on these staff is limiting opportunities for iwi and hapū to form relationships with other specialists at the Council who have knowledge and skills that iwi and hapū could benefit from.
- 4.23 In our view, it is a risk to rely on a few key staff for maintaining iwi and hapū relationships. If these staff leave, the relationships they have built for the Council with iwi and hapū could be lost.
- 4.24 Iwi and hapū representatives want the Council to build and maintain long-lasting engagement on managing freshwater. In areas such as policy development, iwi felt that the Council still tends to wait to consult them when policy proposals are well advanced rather than involve them when there is still an opportunity to influence the policy's direction.

¹⁷ Our interviews took place before the Government extended the deadline to update regional freshwater plans to December 2027.

- 4.25 We also heard frustrations that council staff do not always let iwi and hapū know when they are working in their rohe, which misses opportunities for the Council, iwi, and hapū to work alongside each other. Some of those we spoke with felt that, despite the Council's greater interest in exploring mātaruanga Māori, some council staff do not understand the significance or value of it. This can be a barrier to closer working relationships.
- 4.26 Some iwi and hapū representatives told us that their resources are stretched but that they consider that their work on consents or freshwater monitoring could be the foundation for longer-term relationships with the Council. One person described their freshwater monitoring work as an opportunity for hapū to open the eyes of their young people to the possibilities of a career in science.

5

Horizons Regional Council's progress since 2019

Summary of key findings

- 5.1 In our 2019 report, we found that the strength of Horizons Regional Council's relationships with the many iwi and hapū it works with varied. We encouraged Horizons to "build on its positive experiences, and further apply these good practices to wider iwi and hapū in the region".
- 5.2 Since 2019, there have been further Treaty settlements in the region. The Council is working to be more responsive to the ways that different iwi and hapū operate. The Council has also started funding iwi and hapū for the time they spend on developing partnerships with the Council for freshwater work. It has also supported tangata whenua involvement in the governance of environmental issues in the region.
- 5.3 We saw evidence that the Council is incorporating tikanga and mātauranga Māori in its management of freshwater quality, and that this is building trust and confidence. However, as with the other regional councils, this is happening in only some areas of the Council's engagement with iwi and hapū.
- 5.4 The location of the Council's offices and the centralisation of decision-making in Palmerston North mean that some iwi further from Palmerston North feel more disconnected from the Council than closer iwi. The Council needs to take a more strategic and consistent approach to building relationships with iwi and hapū that is more responsive to the ways that different iwi and hapū want to work.
- 5.5 In our view, this could involve supporting council staff to work with iwi and hapū in their rohe and alongside the rivers and waterways more often. Iwi and hapū in the region view this type of visible support as a sign of the Council's long-term commitment to working together to manage freshwater quality. They consider that this is important to further build trust and confidence.
- 5.6 Some iwi also felt that more opportunities for iwi and hapū to sit down with senior staff at the Council to build relationships would be beneficial.

Changes to freshwater management in Manawatū-Whanganui since 2019

Treaty settlement legislation influences Horizons Regional Council's work on managing freshwater quality

- 5.7 Te Awa Tupua (Whanganui River Claims Settlement) Act was passed in 2017. This legislation is believed to be the first in the world to declare a river a legal person, recognising the significance of the Whanganui River to Whanganui iwi.
- 5.8 As required by the Act, Te Kōpuka was set up in 2019. Te Kōpuka is a strategy group made up of individuals and organisations with interests in the Whanganui River,

led by iwi representatives. Its purpose is to work collaboratively to advance the environmental, social, cultural, and economic health and well-being of Te Awa Tupua.

- 5.9 The Ngāti Rangi Claims Settlement Act was passed in 2019. The Act established a framework for the Whangaehu River and catchment called Te Waiu-o-te Ika. Horizons Regional Council must recognise and provide for the values of Te Waiu-o-te Ika when making decisions about any application involving the Whangaehu River or catchment.
- 5.10 The Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Claims Settlement Act was passed in 2022. This requires the appointment of a member to an advisory board (established under the Rangitāne o Manawatu Claims Settlement Act 2016) to provide advice to Horizons Regional Council on freshwater management issues concerning the Manawatū River catchment.

Oranga Wai is Horizons Regional Council's work programme to update its regional plan and policies for managing freshwater

- 5.11 Oranga Wai is Horizons Regional Council's work programme to meet the requirements of the NPS-FM. The Council's website describes it as a way for people to learn about, and be involved in, some key changes to freshwater management in the region.
- 5.12 One piece of work in Oranga Wai is developing the Council's approach to Te Mana o Te Wai in partnership with tangata whenua.

The Climate Action Joint Committee involves tangata whenua in governance of the region's response to climate change

- 5.13 Horizons Regional Council and the district councils in the Manawatū-Whanganui region set up the Climate Action Joint Committee in March 2021. The Committee is responsible for supporting a co-ordinated response to climate change from the councils and communities of the Manawatū-Whanganui region.
- 5.14 The Committee members work together to promote the social, economic, environmental, and cultural well-being of their communities – in accordance with the principles of the Treaty of Waitangi and of sustainable management for current and future generations.
- 5.15 The Committee is made up of a member from each of the eight delegated local authorities in the Manawatū-Whanganui region and up to eight non-councillor members to represent the views of tangata whenua. The Council appointed the tangata whenua members on the recommendation of iwi leaders from throughout the region. A councillor and tangata whenua member co-chair the Committee.

Horizons Regional Council has strengthened its work with iwi and hapū on managing freshwater

- 5.16 Council staff told us that the Council has taken a more strategic approach to working with iwi and hapū on freshwater management since 2019. We were told that Oranga Wai had given greater strategic intent to the Council's engagement with iwi and hapū. Council staff also told us that Oranga Wai is a way to look at initiatives and work programmes as a whole and think more strategically about what better partnership looks like.
- 5.17 As with the other councils we spoke with, council staff told us that the pressure of the NPS-FW deadline and a lack of resources have challenged the Council's engagement strategy with iwi and hapū.¹⁸ Council staff told us that they would like to take time to build relationships with iwi and hapū. However, the Council's regulatory role and the demands of the annual planning and reporting cycle make it difficult to set aside the time to do this.
- 5.18 We heard that better staff cultural awareness throughout the Council could lead to stronger partnerships. Council staff pointed to the Council's programme for improving the cultural awareness of its staff as a recent positive factor in the Council's approach to partnership with Māori. They highlighted a cultural competency course, including opportunities for visiting marae, and support for increased use of te reo Māori as examples of progress.
- 5.19 Other staff acknowledged this council-wide effort to improve organisational capability but also highlighted that "on the job" experience had been the most useful way of building their understanding of te ao Māori.
- 5.20 The Council's decision to appoint a navigator to help with the consenting process in Whanganui is helping to build relationships between hapū and those seeking consents. Council staff talked about how this council-funded role could be developed further to help hapū build understanding of consent legislation and their role in it.
- 5.21 Council staff told us that, at the early stages, some iwi and hapū representatives had raised concerns about the Council's approach to Oranga Wai. The Council had engaged with iwi representatives collectively as part of Oranga Wai. Iwi indicated they would have preferred to be engaged about their views on managing freshwater individually.
- 5.22 Council staff were responsive to these concerns, and the Council now focuses on engaging with iwi and hapū individually or in smaller groupings. Staff noted that not all iwi and hapū have taken up the invitation to engage.

¹⁸ Our interviews took place before the Government extended the deadline to update regional freshwater plans to December 2027.

- 5.23 Council staff felt that short timelines for completing projects do not always allow them to spend time forming strong and lasting relationships. One staff member told us that there can be a difference between how much iwi want to be involved in freshwater work and how much they can be involved. Staff sometimes find it hard to know what factors influence current levels of iwi or hapū engagement.
- 5.24 We heard that a significant challenge for the Council is how to navigate the NPS-FM's focus on targeted catchments while respecting Te Awa Tupua and the evolution of Te Heke Ngahuru.¹⁹ The Council is working with Whanganui iwi and hapū, and the Ministry for the Environment, on these issues.

Iwi and hapū want strong relationships with a wider range of teams within the Council

- 5.25 The location of the Council's offices and the centralisation of decision-making in Palmerston North mean that some iwi further from Palmerston North feel more disconnected from the Council than closer located iwi.
- 5.26 Iwi we spoke with felt that their relationships with Horizons Regional Council are moving in the right direction, but some felt that it is going slowly. They spoke positively about council staff who visit them in their rohe to carry out freshwater work and take the time to understand iwi and hapū perspectives on managing freshwater.
- 5.27 They also consider that increases in the number of resource consents that they receive for cultural impact assessment are a positive step forward in their relationships with the Council.
- 5.28 We heard that Oranga Wai, after some initial challenges, is enabling stronger relationships between the Council and some iwi and hapū. Iwi told us that the initial meetings about the Oranga Wai programme were difficult and that some problems persist, including the short time frames that the work has to be completed in.
- 5.29 Short time frames are a significant issue preventing people from taking time to establish relationships and build trust. We were told that "true partnership" will grow when government representatives are willing to spend time with iwi and hapū in their rohe, because this kind of engagement opens doors to better mutual understanding.
- 5.30 Ensuring that engagements with the Council are mutually beneficial is important to iwi and hapū. Some people we spoke with were interested in learning about the Council's approaches to freshwater management and creating opportunities for rangatahi to learn about managing freshwater. Others cited sharing their iwi's

¹⁹ Te Heke Ngahuru is the strategy for the Whanganui River required by Te Awa Tupua Act 2017.

freshwater values as an opportunity to build council staff's capability in effective approaches to managing freshwater.

- 5.31 Relationships are stronger where iwi and hapū feel that council staff understand the value of mātauranga Māori and te reo Māori in freshwater management. People we spoke with appreciated the teams who worked with them on freshwater projects within their rohe and alongside the awa. Some acknowledged improvements in the Council's work to embrace mātauranga Māori and to listen and adapt when iwi want to manage freshwater in their rohe in different ways.
- 5.32 However, this has not always been a smooth process. Iwi described having to challenge the Council's standard processes to incorporate tikanga Māori and/or mātauranga Māori into freshwater management.
- 5.33 Sometimes, the Council responded positively to being challenged and changed its processes. One example of this – which was described to us as “ground-breaking” – was when an iwi was able to make a consent application orally in the presence of the awa that the resource consent related to. In another example, the Council made changes to an ecological plan to reflect an iwi's preferred ways of working.
- 5.34 Although this is positive, iwi and hapū felt that there needs to be a wider shift throughout the Council to support a more responsive approach to working with iwi and hapū.
- 5.35 Another area that iwi and hapū felt could be improved was more timely access to information from the Council. For example, one iwi told us that it had not yet heard back about a request for up-to-date water allocations in its rohe after several months.
- 5.36 Some people we spoke with felt that consent requests take too long to get to iwi or hapū for them to carry out their cultural assessments. This results in longer than necessary delays in processing consents for applicants, and creates the perception that iwi are holding up applications.
- 5.37 Iwi we spoke with wanted stronger relationships with a wider range of teams within the Council, from the senior level to operational staff. Being more responsive to the ways iwi and hapū want to work with the Council on managing freshwater was an important aspect of all of our discussions with iwi.
- 5.38 For example, some iwi want a greater council presence in their rohe, while iwi whose rohe cross multiple regional council boundaries would like regional councils to work together when engaging them on freshwater issues.

Environment Southland's progress since 2019

6

Summary of key findings

- 6.1 In 2019, we saw that Environment Southland had built strong collaborative relationships with Ngāi Tahu ki Murihiku on freshwater initiatives over many years. In this follow-up work, we wanted to see whether these relationships remained strong.
- 6.2 In our view, the foundations built from long-standing personal relationships between the Council and Ngāi Tahu ki Murihiku have created the conditions for enduring and meaningful relationships. This results in more effective freshwater management.
- 6.3 The Council has a flexible and responsive approach to working with the iwi, and there is a shared understanding of partnership in their relationship. The Council and the iwi successfully integrated community and iwi values for managing freshwater in their work on the NPS-FM.
- 6.4 We heard that trust and confidence between Environment Southland and Ngāi Tahu ki Murihiku has continued to improve since 2019. This has led to mana whenua being appointed to governance roles, improvements in iwi access to mahinga kai, and improvements in water quality in some catchments.

Changes to freshwater management in Southland since 2019

Environment Southland and Ngāi Tahu are developing their relationship through several freshwater management projects

- 6.5 Environment Southland has partnered with Te Ao Mārama – the entity that represents the four rūnanga of Ngāi Tahu ki Murihiku on environmental issues – on Plan Change Tuatahi.²⁰ The purpose of this work is to update the Southland Water and Land Plan in keeping with the 2020 update to the NPS-FM.
- 6.6 As part of this work, Te Ao Mārama and Environment Southland have worked together to identify values that describe what matters about freshwater to the people of Southland. This was a two-year programme that involved Environment Southland identifying and consulting on community values to guide freshwater management and Te Ao Mārama identifying values at a catchment level.
- 6.7 Environment Southland and Te Ao Mārama staff then worked to bring together the iwi's and community's freshwater values into one set as the first step in preparing a national framework for freshwater management under the NPS-FM.

²⁰ Plan Change Tuatahi is Environment Southland's work programme to update the Southland Water and Land Plan in line with the NPS-FM.

- 6.8 On 20 February 2019, the Council approved the appointment of two mana whenua members to each of the Regional Services Committee and the Strategy and Policy Committee.²¹ On 9 March 2022, the Council formally appointed the first mana whenua representatives to these committees.
- 6.9 Environment Southland has partnered with Hokonui Rūnanga to co-fund the surveying and monitoring of mahinga kai. It has also worked with Te Ao Mārama to develop a catchment context tool to provide easy access to catchment information for property owners preparing farm plans.
- 6.10 Environment Southland has worked with Te Rūnanga o Ngāi Tahu and other agencies on Whakamana te Waituna – a trust set up in 2018 to co-ordinate activities to restore the mana of the Waituna Lagoon and catchment.
- 6.11 The Council is also part of the Enviroschools programme alongside Te Rūnanga o Ngāi Tahu, schools and kindergartens, and other local councils which involves students in environmental management.

Environment Southland and Ngāi Tahu ki Murihiku are achieving positive freshwater outcomes

- 6.12 Council staff spoke about how their recent work on freshwater has benefited from the Council's long-standing relationship with Te Ao Mārama. Council staff felt that the iwi and the Council have a mutual understanding of this partnership and that this has resulted in ongoing discussions about involving iwi in freshwater and environmental management.
- 6.13 Council staff spoke about being flexible and responsive to the way iwi want to work and the importance of ensuring safety for iwi and council staff in freshwater discussions to allow difficult conversations and different views to be worked through.
- 6.14 The iwi felt that council staff are helpful and that they understand the importance of Te Mana o Te Wai for achieving freshwater outcomes for the region. They spoke of a strong commitment to building and maintaining relationships throughout the Council.
- 6.15 The iwi felt that relationships with councillors are positive but that the three-year election cycle can make it hard to maintain long-term relationships. This means that the iwi needs to rebuild relationships when councils change. Recent appointments of mana whenua to council committees are a positive step that show that the Council's senior staff value iwi input.

21 The Regional Services Committee's responsibilities include governance for the Council on its non-regulatory implementation of council plans. The Strategy and Policy Committee's responsibilities include governance for the Council on its plans, policies, and strategies.

- 6.16 We heard that the approach that Environment Southland and Te Ao Mārama have taken to integrate freshwater management values has built trust. Both the Council and the iwi invested a lot of time in making the process respectful and thorough. The Council set up reporting and feedback mechanisms at all levels of the Council and made conscious efforts to set up mechanisms for co-governance as part of the overall process.
- 6.17 We heard examples of partnerships between Environment Southland and mana whenua that have led to positive freshwater and social outcomes. Iwi involvement has led to sewerage being disposed on land rather than into Lake Te Anau, protecting its water quality. A recent evaluation of Whakamana te Waituna found improvements to the ecological health of the Waituna catchment and to mana whenua access to mahinga kai.²²
- 6.18 In their work on improving freshwater quality, Ngāi Tahu ki Murihiku and Environment Southland rely on a strong foundation of trust and confidence built over many years. This has proved to be effective, but without a Mana Whakahono ā Rohe agreement there is a potential risk to their enduring relationships if council staff or iwi representatives move on.²³
- 6.19 A strength of Environment Southland's relationship with mana whenua in managing freshwater is the value placed on discussions about their long-term relationship and how it might develop further. For example, we heard that the charter of understanding between Te Ao Mārama and local authorities in Murihiku, including Environment Southland, is being reviewed to consider how Te Rūnanga o Ngāi Tahu wants to work with councils.
- 6.20 We heard that the iwi and the Council felt that their joint work is leading to positive freshwater outcomes for the region, even though it takes a long time and can be frustrating for them both. They agreed that they need to better communicate this success to the public. The Council and the iwi both consider that it is important to keep the community aware and involved with their work in the future.
- 6.21 Implementing Plan Change Tuatahi will be the next big challenge for the iwi and the Council. Although there is uncertainty about potential changes in national policy settings, both the iwi and the regional council felt that their relationship will remain strong.

22 Whakamana te Waituna is the trust set up between Te Runanga o Ngāi Tahu, the Department of Conservation, Environment Southland, Southland District Council, and Fonterra to restore the mana of the Waituna Lagoon and catchment.

23 Mana Whakahono ā Rohe is a tool designed to assist tangata whenua and local authorities to discuss, agree, and record how they will work together under the Resource Management Act.

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