

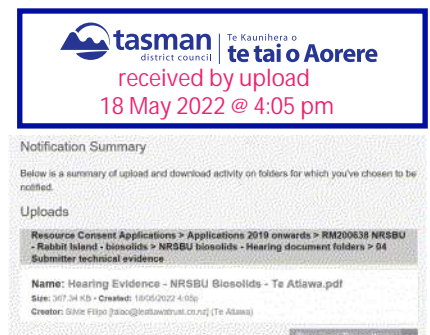
**RESOURCE CONSENT APPLICATION HEARING AT CLUB WAIMEA, 345 LOWER QUEEN STREET,
RICHMOND**

TE KAUPAPA:

A BUNDLE OF APPLICATIONS FOR RESOURCE CONSENT (RM200638, RM200639, RM200640, RM200641) BY NELSON SEWERAGE REGIONAL BUSINESS UNIT FOR APPLICATION OF BIOSOLIDS TO FORESTRY LAND, INCLUDING THE DISCHARGES OF CONTAMINANTS, AND THE OPERATION AND MAINTENANCE OF A BIOSOLIDS APPLICATION FACILITY

SUBMISSION IN OPPOSITION ON BEHALF OF TE ĀTIAWA MANAWHENUA KI TE TAU IHU TRUST

Dates this 18 May 2022



Toitū te whenua, toitū te moana, toitū te marae o te tāngata

‘If the land is well, and the sea is well, the people will thrive’

1.0 INTRODUCTION

- 1.1 Te Ātiawa Manawhenua Ki Te Tau Ihu Trust is a trust of Te Ātiawa Iwi. Te Ātiawa whānau and hapū are the tāngata whenua, who hold mana whenua / mana moana (traditional authority and influence) over the lands and waters of the Waimeha – Te Ātiawa Rohe (the area that Te Ātiawa is responsible for.)
- 1.2 Te Ātiawa Iwi holds mana because it has *ahi-kā roa* (continuous occupation status - title to land through occupation) and so acts as host to all who live, work, play and die in the Rohe. The people carry an intergenerational responsibility for ensuring that the mauri or essential life principle of the natural world is vibrant, thereby exercising kaitiakitanga.
- 1.3 This statement of evidence addresses the following issues:
- The relevant history and cultural values associated with the subject location (to be supported by verbal presentation by Te Ātiawa Kaitaiki and Tohukaitiakitanga, Daren Horne);
 - The relevant concerns of Te Ātiawa with respect to the application; and
 - Conclusions.

2.0 TE ĀTIAWA IWI ENVIRONMENTAL MANAGEMENT PLAN (IEMP)

- 2.1 Te Ātiawa published an Iwi Environmental Management Plan (IEMP) in August 2014 for the Marlborough Sounds Rohe. However, with reference to the IEMP foreword, Te Ātiawa has explicitly stated that this IEMP has relevance to all of Te Tau Ihu, irrespective of it not being lodged with TDC. The IEMP should be considered in all resource consent application decision-making processes.
- 2.2 In this case, an applicant has sought to validate existing infrastructure and practices of biosolid discharge within Waimea Inlet, for uses outside those considered normal/expected for a waahi tapu (sacred place). In the view of Te Ātiawa, the proposal is not consistent with and frustrates those policies contained within its IEMP, such as those pertaining to:

- Waahi tapu,
- Sustainable management of whenua,
- Kaitiakitanga,
- Coastal water quality and integrity, and
- Mauri of the coastal marine environment.

2.3 A number of provisions within the RMA provide for Māori interests in the management of the environment. Iwi Management Plans can assist in implementation of the Act by providing guidance in giving effect to Part 2, particularly sections 6(e), 6(f), 6(g), 7(a), and 8.

2.4 I will refer to the IEMP throughout different sections of the submission, as relevant.

3.0 TE ĀTIAWA WHAKAPAPA IN TE TAU IHU – Verbal evidence by Daren Horne

Heke

3.1 Brief description of migration from Taranaki and warfare.

Occupation and mana

3.2 Brief description of Te Ātiawa occupation and establishment of manamoana manawhenua.

Kaitiakitanga, Waahi Tapu and Cultural Practices

3.3 Brief description of kaitiakitanga, waahi tapu and cultural practices associated with Waimea Inlet and Moturoa Island.

4.0 OTHER STATUTORY DRIVERS

International Law – Te Tiriti o Waitangi

4.1 It is important to note that the Treaty comprises two legally extant documents, the Māori version and the English version. Rather than dwell on the significant differences between the two versions, I draw the attention of decision-makers to the similarities between the two, which provide support for Te Ātiawa providing evidence.

- 4.2 Both versions of the Treaty provide significant recognition to Māori authority and sovereignty over their lands, settlements and taonga. Taonga, in this sense being everything that is of importance to Māori, including; natural and physical ‘resources’, the environment, and development of those resources and the environment.
- 4.3 Our evidence provides the decision-makers support in identifying those taonga and issues affecting those taonga that are important to Te Ātiawa.

Resource Management Act 1991

- 4.4 The Resource Management Act 1991 (the RMA) is the principal document that sets out how the environment of Aotearoa is to be managed, how all natural and physical ‘resources’ are to be ‘used’ and ‘developed’, and how decisions are to be made around resource use and development.
- 4.5 At the root of this decision-making ability is Part 2 of the RMA which requires any and all decision-makers (acting under the RMA) to ensure that the purpose of the RMA is achieved, to *‘promote the sustainable management of natural and physical resources’*.
- 4.6 With particular applicability to our evidence is Part 2, particularly sections 6(e), 6(f), 6(g), 7(a), and 8.

Tasman Resource Management Plan

- 4.6 The operative Tasman Resource Management Plan (TRMP) is dated and is in the process of being reviewed.
- 4.7 The TRMP identifies at 1.2.5, the relationship of the TRMP with Tangata Whenua interests. This explanation includes the responsibilities / obligations of Council towards Māori, particularly Tangata Whenua, under the RMA. Of particular relevance to the subject application are:
- a) *to recognise and provide for traditional Māori interests in their ancestral lands, water, wāhi tapu and other taonga;*
 - b) *to take into account the principles of the Treaty of Waitangi; and*
 - c) *to have particular regard to the concept of kaitiakitanga.*

- 4.8 In accordance with tikanga Māori, Te Ātiawa considers that the mauri of the whenua and wai of the Waimea Inlet is degraded and continues to be degraded by the discharge of treated biosolids.
- 4.9 In terms of the current proposal, Te Ātiawa is of the view that what is proposed runs contrary to the aspirations of Te Ātiawa in terms of avoidance of discharges to waahi tapu. In our uncertain climate future, these concerns are significantly amplified.
- 4.10 The TRMP identifies Issue 21.2.1 - *The protection of coastal marine habitats and ecosystems from the damaging effects of disturbances, discharges, structures, or the introduction of animals or plants, or passage of vessels, vehicles, people or animals.*
- 4.11 Te Ātiawa considers that the infrastructure and related discharge of biosolids have effects on natural processes by contributing to the cumulative adverse effects of contaminants in the Inlet.
- 4.12 Chapter 35 of the TRMP regards discharges in the coastal marine area. This chapter seeks to identify the issues, objectives and policies with regard to (a) maintaining existing water quality; and (b) enhancing water quality where existing quality is degraded for natural and human uses or values.
- 4.13 In accordance with tikanga Māori, Te Ātiawa considers that the mauri of the water of the Waimea Inlet is degraded and continues to be degraded by discharge of biosolids to the whenua of Moturoa Island. Furthermore, this activity does not contribute to an enhanced state of water quality.

5.0 WAAHI TAPU

- 5.1 The Te Ātiawa o Te Waka-a-Māui Deed of Recognition Document¹ provides an historic association of Te Ātiawa with regard to the Waimeha:

Te Atiawa o Te Waka-a-Maui has mana, whakapapa and history here. We have tikanga and kawa which involve tapu and noa. We have responsibilities and obligations to this place and its cultural, spiritual, historical and traditional values as tangata whenua of the area.

¹ Deed of Recognition Between Te Atiawa o Te Waka-a-Maui and Te Atiawa o te Waka-a-Maui Trust and the Minister of Conservation. (2014).

- 5.2 It is well known and documented that Moturoa / Rabbit Island is a waahi tapu. The NRSBU has been privileged with silent file information relating to the Island and there are many registered archaeological sites on the Island, as identified by the New Zealand Archaeological Association's mapping database. However, the archaeological layer is an archaeological lens assessment only and does not identify the full Māori cultural scope of association and activity of the area.
- 5.3 While it is not proposed to discharge treated biosolids directly on urupā, Te Ātiawa reaffirms that the whole Island is waahi tapu.
- 5.4 We understand that forestry harvest activities are not within the scope of what is being considered. However, at a recent visit in February, representatives of Te Ātiawa were shocked to discover that forestry machinery and harvest activities were still taking place on urupā known to the applicant, it's forestry consultants and the Council.

6.0 TE TAI AO

- 6.1 Given the degraded state and the continuing degradation of the Rohe (State of Environment monitoring supports this assertion), it is absolutely essential that all decision-making and the consequent outcomes of change (including this process) enable positive / restorative outcomes for te taiao, which, naturally, includes people.
- 6.2 With regard to impacts on te taiao at large. From any proposal within the Rohe, Te Ātiawa seeks *He kawa ora* or *Net Enduring Restorative Outcomes* (see appended information).

Coastal waters

- 6.3 The coast is the meeting place of Papatūānuku and Tangaroa. Traditionally, Te Ātiawa fished in lagoons, estuaries, river mouths and at sea. The relationship of Te Ātiawa with the coastal and marine environments is of the utmost importance, both in terms of maintaining relevant customs and traditions associated with the sea, and as kaitiaki. However, there is pressure put on the sea and all aquatic life by the behaviour of contemporary society; what's out of sight is out of mind, and so the precious moana has often been used as a dumping ground for waste – solid and liquid. In this case it is not through direct discharge but by runoff and groundwater.
- 6.4 Under the IEMP, section 7.8 *Sustainable management of the MOANA - (sea – coastal / marine area)*, the Headline objective is *The mauri of the coastal / marine resources will be sustained in*

perpetuity, and traditional Te Ātiawa practices and iwi aspirations will be realised. This section contains Objective 1 - *The quality of coastal / marine water throughout the rohe will be a priority outcome for all managers.*

6.5 Policy 2 and 4 relate to support for coastal / marine water quality monitoring and reporting and raising the understanding and awareness of tikanga and kaitiakitanga in relation to coastal / marine water quality.

6.6 In this case, Te Ātiawa sees Cultural Health Indicator (CHI) monitoring and reporting as a way to address Policy 2 and 4.

Whenua

6.7 Whenua (land) is represented through Papatūānuku and is life itself – it unites kinship and individual identity and provides a link between the past, present and future. Land is also an integral part of Māori culture and is the basis of sustainability, tribal territory and mana. The close spiritual relationship Te Ātiawa has with the land derives from the traditional concepts of the origins of all peoples.

6.8 Kaupapa 5 of the IEMP - *The sustainable management of WHENUA (land)* is included as one of the *Matters of Particular Importance to Te Ātiawa*. Under 7.6 - *Sustainable management of WHENUA (land)*, a headline objective is *The mauri of whenua in the rohe will be sustained in perpetuity, and Te Ātiawa cultural practices and contemporary aspirations involving whenua will be realised.* Objective 1 seeks the sustainable management of land by kaitiaki, in collaboration with co-managers of the rohe. Related policies 1 through 3 outline an intent to work with the co-managers of land in the rohe to ensure sustainable land management outcomes, to acquaint people with the role of Te Ātiawa as kaitiaki of the land and actively oppose practices and proposals that counter the sustainable management of land in the rohe.

6.10 Te Ātiawa is committed to working with co-managers of Moturoa Island and seeks to extend that to ngahere (forest) CHI monitoring of certain sites on Moturoa.

7.0 PRIMARY CONCERNS

Culturally abhorrent practice of discharging biosolids to the whenua

- 7.1 The cultural health and traditional controls of tapu and noa are affected by presence of the modern wastewater treatment practices. Presence of wastewater and related bi-products contaminate mahinga kai and waahi tapu. The introduction of waters and/or organisms from other places can degrade the mauri of the coastal ecosystem.
- 7.2 There remains a loss of access to, and protection and enhancement of, Te Ātiawa customs, associated with mahinga mataitai, waahi tapu and waahi taonga, and a lack of involvement by Te Ātiawa in certain aspects of the management of islands.
- 7.3 The mana of an iwi is directly correlated to the health of its rohe. Te Ātiawa places considerable cultural and spiritual importance on the quality of the environment (in this case the whenua and associated coastal marine affected by the discharge of biosolids) where 'quality' is not just considered in chemical and/or physical terms but also in cultural and spiritual terms.
- 7.4 If this proposal is granted as applied for, the Trustees of Te Ātiawa o Te Waka-a-Māui Trust consider that their relationship and connection to their traditional lands and waters will continue to be affected.

The term, as applied for, is excessive

- 7.5 The term applied for is the maximum allowed under the Resource Management Act 1991 (RMA). This is unsettling for Te Ātiawa given the unknowns associated with the future, including the potential effects from climate change.
- 7.6 The application was lodged with TDC in 2020, since then, following best practice set out in the Ministry for the Environment's *2017 Coastal Hazards and Climate Change Guidance*, TDC completed a report on *Coastal Risk Assessment*, to identify values which are associated with those areas potentially affected by sea level rise. The report refers to Moturoa in several places, including that:

Areas of open space, recreation and conservation zoned land within the coastal margins of the Waimea Inlet, Best Island, Rough Island, Moturoa/Rabbit Island are vulnerable to the present day 1% AEP storm-tide. Progressive sea level rise over time will exacerbate the vulnerability of these land uses in these locations, in addition to causing new risks in other locations within the

coastal cell. Rising sea levels will affect horticultural land on the Waimea Plains, and an extensive area of Council owned exotic (plantation) forestry on Moturoa/Rabbit Island (767 hectares).

- 7.7 Although the future effects from climate change are uncertain, the evidence clearly suggests that these areas are and will continued to be affected. It should be noted that the Intergovernmental Panel on Climate Change report² has advised that the impacts from sea-level rise and associated shifts in climate, are significantly worse than anticipated in 2020.
- 7.8 In our submission, we detailed that the term sought, of 35 years, runs counter to precaution. This reduces the ability to rectify issues still needing to be addressed and does not allow opportunity to action precautionary activities to protect the integrity of wāhi tapu. Therefore, Te Ātiawa seeks a maximum term of 10 years, in the event that consents are granted.
- 7.9 The NRSBU was granted consent for its Bell Island wastewater treatment plant and related activities in 2020. The period granted was 20 years. A reluctant position from Te Ātiawa is that terms could align for 18 years' time, so all related activities can be reconsidered together. This is adequate time to allow the NRSBU to implement the necessary relocation strategy.

8.0 RECOMMENDATIONS

- 8.1 The position of Te Atiawa is that, if granted, there should be a range of conditions that address Māori cultural issues, including those relevant to kaitiakitanga, waahi tapu, the whenua, and the related coastal environments.
- 8.2 In order to address / mitigate these concerns, the applicant could:
- i. Take steps identified in the Cultural Impact Assessment(CIA) to protect waahi tapu and waahi taonga;
 - ii. Offer a condition that those operating the plant and/or responsible for the application of biosolids will have access to and be familiar with the terms / conditions of consent;
 - iii. On appointment of new staff, engage Te Ātiawa to determine what cultural induction processes will be required;

² <https://www.ipcc.ch/report/ar6/wg2/>

- iv. Ensure regular reporting (every six months) of water based and land-based sampling to iwi, including sites beyond the application area and respond appropriately (urgently) to any adverse results;
- v. To restore balance to the traditional controls of tapu and noa, continue to work with ngā iwi on the staged removal of biosolid plant and related discharges from areas within Waimeha Inlet;
- vi. Offer restoration opportunities in line with the related CIA;
- vii. Review Iwi representation on the NRSBU;
- viii. Add provision for cultural monitoring of ngahere; and
- ix. Reconsider a significantly reduced consent period of 10 years.

9.0 CONCLUSION

- 9.1 Te Ātiawa whānau and hapū hold mana whenua / mana moana (traditional authority and influence) over the lands and waters of the Waimeha.
- 9.2 Decision makers are required to recognise and provide for cultural matters and values to be maintained or enhanced.
- 9.3 Moturoa Island is a waahi tapu and it is culturally abhorrent to discharge biosolids on/near waahi tapu.
- 9.4 Te Ātiawa has provided the applicant with a set of recommendations to address the cultural issues set out in this submission.
- 9.5 Unless the timeframe is reduced and there is a strong commitment to removing biosolid discharge activities from waahi tapu, it is the view of Te Ātiawa that the applications be declined.

APPENDIX I – NET ENDURING RESTORATIVE OUTCOMES

Net Enduring Restorative Outcomes (NERO) defined

The Kaitiaki o te Taiao Team (the KT Team) for Te Ātiawa Manawhenua Ki Te Tau Ihu Trust understands/is advised, from the current findings of Mātauranga Māori and Western science, that the natural world, which includes the socio-cultural world of the human species, is being progressively degraded by unwise human activity/behaviour. (Climate change impacts are an overt expression/symptom of this continuing process, as is the widening gap in wealth-equity between *Haves* and *Have-nots* in Aotearoa.).

This situation, which adversely confronts the exercise of kaitiakitanga (the role of the KT Team in supporting the cultural responsibilities of Te Ātiawa Whānau), has arisen as a consequence of a long sequence of human decisions/actions that have enabled collective, unsustainable change. We have reached a point at which it is clear that human survival is at stake (also noting that this outcome has meant the extinction of many other species).

To halt and attempt to reverse this unacceptable outcome, all decisions/actions that deliver change must improve our current situation – be **restorative**. The changes must also **endure** if they are to be meaningfully contributory. Change is mostly multi-factorial in its implications. So, for the aggregated elements of any particular change, e.g., housing development, the **net outcome** of those collective elements of change must be positive/restorative.

Accordingly, the KT Team, in undertaking its day-to-day mahi, in evaluating and responding responsibly to proposals for change³ and their related implications for Te Taiao, is seeking that resulting change(s) delivers:

Net Enduring Restorative Outcomes.**Incremental Definitions**

(Lexico on-line Dictionary: <https://www.lexico.com/>)

NET: Remaining after all factors have been taken into account; overall.

ENDURING: Lasting over a period of time; durable.

RESTORATIVE: Having the ability to restore health, strength, or well-being.

OUTCOME(S): The way a thing turns out; a consequence.

³ A proposal for prospective *change* is not about *growth, development, progress* or any other inherently flawed and deceptively positive notion, it is simply about a proposal for 'change' and needs to be exhaustively evaluated and progressed in that context, with precaution consciously applied to decision-making, where there is inadequate information/doubt.

What sort of change might there be, negative, positive or no change at all? In today's known collapsing natural / social world, there is no defensible choice other than supporting action that enables 'Net Enduring Restorative Outcomes', with a view to ultimately achieving a *regenerative state*. (KT Team – 2020)