



NGĀTI KUIA

Te Iwi Pakohe

CULTURAL EFFECTS ASSESSMENT

In the matter of: Replacement consents for the discharge of treated human waste to Waimea Estuary

Applicant: Nelson Regional Sewerage Business Unit (NRSBU)

Affected Party: Te Runanga o Ngāti Kūia Trust (TRONK)

Location: Bells Island, Waimea

Job Number: 017/010

Invoice: INV - 208

This document serves as proof the applicant has consulted with Ngāti Kūia regarding the application and outlines the relationship of the iwi and the degree of effect and the cultural effects of the activity. This is not to be considered as an affected party approval for the purposes of the Resource Management Act 1991.

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1. Introduction

1.1 Background

This Cultural effects assessment (CEA) is a joint report by Ngati Kuia, Ngati Apa ki te Rā Tō and Rangitane o Wairau, of the effects of the continued discharge of treated sewage from Bell island to the Waimea Estuary. The waste water treatment facility takes black water from both Nelson and Tasman districts and is the main treatment facility in the Nelson Richmond area.

The Bell Island facility was constructed in 1982 and has undergone modifications and upgrades since then. All iwi in Te Taihū have a legal acknowledgement of their relationship to the Coastal Marine Area (CMA) and therefore are affected by the proposal.

At this time, the applicant is not proposing changes to their consent however, other consents relating to the facility will expire and replacement consents required. The applicant is seeking a 35 year term of consent.

The Te Runanga o Ngāti Kuia Environment/Te Taiao Unit consists of Raymond Smith BIEM (Te Wānanga o Aotearoa) and Julia Eason BEMP (Lincoln University) who together have 29 years' experience in environmental management in New Zealand. The report is written with consent and input from Ngāti Apa and Rangitane.

1.2 Purpose

The purpose of this report is to assist in identifying and assessing potential positive and adverse effects of the proposal. To do this, Ngati Kuia will;

1. Identify the **relationships** (through the cultural footprint model) that Ngati Kuia have with the areas affected by this project.
2. Identify and assess the **effects** (cultural, environmental, economic and social) that the project may have on the values and well-being of Ngati Kuia.
3. To inform the proponent of any particular **culturally significant areas** and **taonga** that may be affected by the project*.
4. Develop **recommendations** regarding what the applicant, in collaboration with Te Taihū iwi, will do to avoid, remedy or mitigate the adverse effects on the interests of Ngati Kuia.
5. Develop an on-going process of engagement and collaboration with the proponent

**It is at the discretion of Ngati Kuia to determine the level of information that is disclosed around the location and nature of any wāhi tūpuna, cultural areas and taonga due to issues of sensitivity and security*

1.3 Proposal

The operation of treating Nelson and Richmond waste is a complex system of filters, solid separation and dispersal on Rabbit/Moturoa Island, settling ponds, aeration and microbial processing before ultimately being discharged in to Waimea inlet.

The facility has had to undertake regular upgrades of treatment systems and pipe network to keep up with demand. A significant new pipeline from Monaco Peninsular and new separation equipment were installed between 2008 and 2010. The proposal seeks to continue to discharge through an existing point source pipe buried in the bed of the estuary.

The facility currently also puts some water to land in the form of irrigation. This is located adjacent to the treatment ponds and is over pasture for stock feed. At the time of the site visit, the paddocks had young calves inside. Ancillary to the operation and the discharge consents is the accidental discharge via seepage from the oxidation ponds and; the occupation of the Coastal Marine Area with the outfall diffuser.

The applicant has been asked to consider the benefits of a new land based site to discharge the waste water to land for irrigation. Investigations in to alternative land based disposal options have revealed that there is currently not the space needed available to process the current volumes with current technology in a suitable location in order to be cost effective.

It is hoped improved efficiency in the safe use of waste water will be achieved during the term of this consent so a land based disposal/irrigation can be achieved in the foreseeable future.

1.4 Site Description

The site is located at the mouth of the Waimea River at the Waimea estuary. The discharge of waste water is primarily from a point source outfall pipe located at the primary eastern flow channel of the Waimea estuary within the tidal influence.

The area consist of the estuary and islands and islets that are located within it. Bell Island, Rabbit island and Bests island are all of a significant size and contain either residential properties or public land. Saxton, Pig and Oyster islands are much smaller and uninhabitable. Waimea Inlet is divided to east and west by way of a man made causeway that was constructed to access Rough and Rabbit/Moturoa islands from the mainland.

Nelson suburbs of Monaco, Stoke Nelson Airport and Tahunanui are located along the eastern side of the inlet with Tasman Main centre of Richmond located to the south. The area is significantly built up with urban and industrial development to the east while some farm/pastoral land borders the estuary to the south. The Township of Mapua is located on the western entrance to the estuary.

The Waimea River is the main input of freshwater to the estuary and enters the CMA at the causeway at the western tip of bests island. It moves eastwards past the treatment facility and out to sea at Tahunanui.

Bells Island consist primarily of two parts being the treatment facility on the eastern side and exotic forestry on the western side. The island has a number of archaeological sites that are at risk from erosion, pine forest intrusion, fossicking and potential land disturbance.

Cawthron institute undertake the required monitoring of water quality for the existing consents which have been presented to the iwi Hui and site visit on 7 July. This shows the expected area of influence of the discharge could be as great as 6 kilometres from the outfall however, monitoring shows this is a very conservative distance and the zone of effect is most likely contained within the estuary and water quality on the east site of the inlet is better than the western side, particularly with E'coli level.



Figure 1 screen shot from Archsite 6 September 2017

1.5 Documents

The Applicant has provided considerable information in relation to the site including a Hui with representatives of the board, cawthron scientists and operation staff on 7 July. A site visit was undertaken after the hui with operational staff, Ursula Passal as facilitator and Iwi representatives of Ngati Kuia and Ngati Toa. This site visit was very informative in understanding the stages of treatment the wastewater goes through prior to discharging in to the inlet.



Figure 2 Silt removal stage

The archaeological report prepared for the 2008 pipeline upgrade provides useful information regarding the significance of the island to early Maori for food gathering and stone working. This is illustrated by the high number of recorded sites along the shoreline of Bells Island and the other islands in the estuary.



Figure 3 primary oxidation treatment

A copy of the existing consent, draft AEE and aerial photos of the island have also been viewed for the writing of this report.

2. Iwi History of Association

2.1 Te Taihū

There are eight iwi in Te Taihū (Northern South Island): Ngāti Kuia, Ngāti Apa, Rangitāne, Ngāti Toa, Ngāti Koata, Ngāti Rārua, Ngāti Tama and Te Āti Awa. Each of these iwi has self-identified areas of interests¹. Between 2000 and 2009 iwi pursued their Treaty claims with the Waitangi Tribunal. The Tribunal found that each iwi has layers of interests, which often overlap and intersect with each other². Between 2005 and 2014 Te Taihū iwi pursued their Treaty Claims with the Crown resulting in a number of Treaty Settlement Acts³. These settlements provide for consultation with certain Ministries and Councils.

The descendants of nine Iwi continue to inhabit the Nelson and greater Te Taihū region and flourish in the region now owning most schools and other lands privately and collectively.

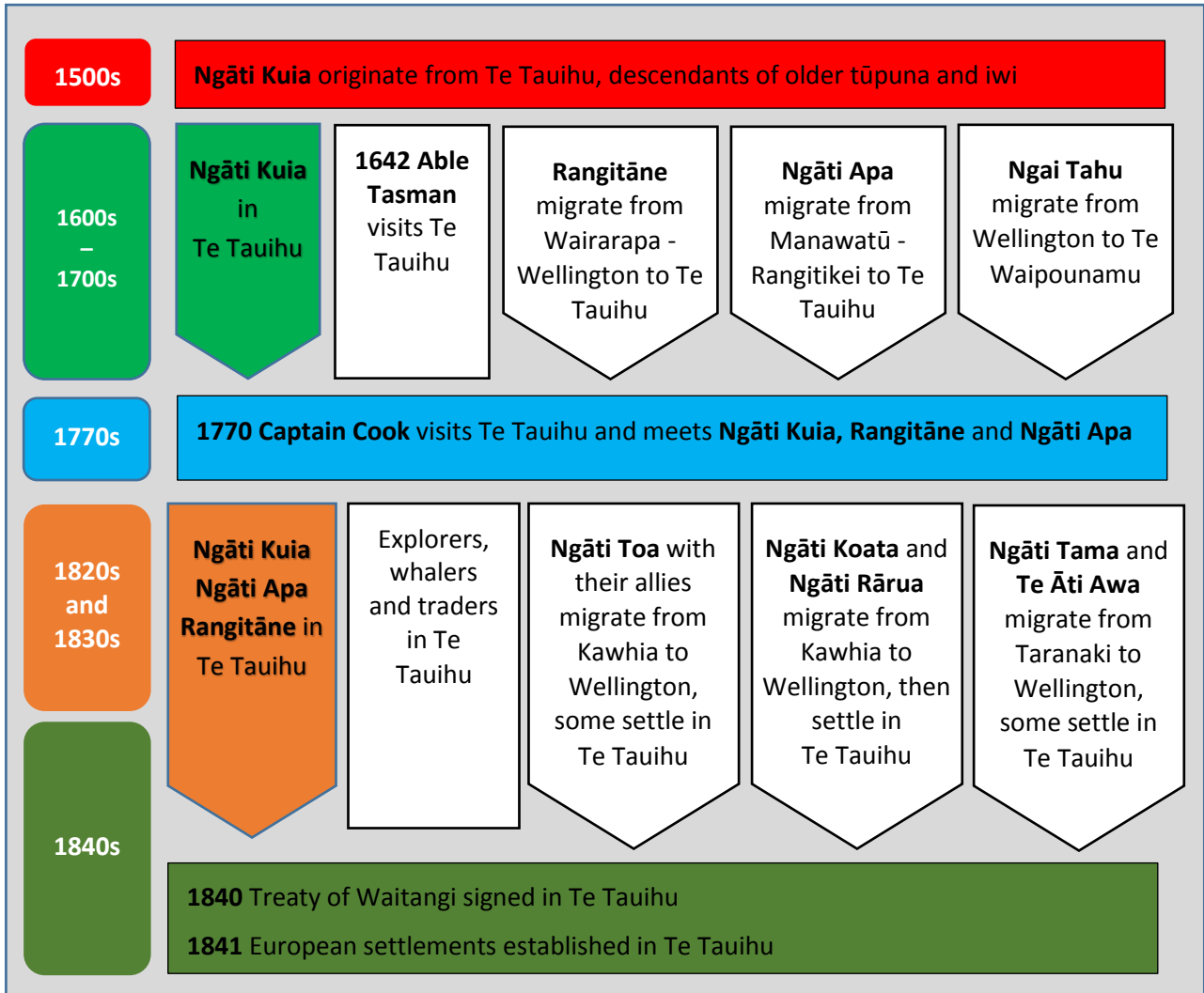
Prior to Cooks arrival to the top of the south, the area was largely home to semi migrant family groups scattered across the island but within close communication with their allied Whanau groups. The arrival of tribes from the north island in the early 1800's forced the scattered groups in to more confined areas for safety. The Waimea has inhabited by Ngati Kuia and Ngati Apa affiliated groups.

¹ Further information may be obtained from Iwi websites (Ngati Kuia Iwi, 2014) and (Te Puni Kokiri, TeKāhui Māngai, Directory of Iwi and Maori Organisations, 2014)

² Further information may be obtained from (Waitangi Tribunal Reports, 2014)

³ Further information may be obtained from (The Office of Treaty Settlements, 2014), or the settlement legislation (Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau Claims Settlement Act 2014), (Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014), (Ngati Toa Rangatira Claims Settlement Act 2014)

2.2 Iwi Settlement Timeframe Chart



2.3 Te Taihu iwi Environmental Decision Making Framework

A key focus of this report is to identify areas of cultural significance to Te Taihu iwi that should be avoided, protected or recognised in the process of this application. The Cultural Footprint Framework as outlined below has been developed as a tool for this cultural effects assessment process. It expresses our connections to our ancestors (Tāngata), highlights iconic identity markers which provide reference points in our environment (Whenua) and then notes specific associations through historical events and activities (Pūtake).

This framework shows our “cultural footprint” on the landscape and when used in conjunction with the cultural values described in section 4.2 offers a position statement for describing the impact of activities on our cultural values.

Table 2 below is an overview of the cultural footprint framework for Ngāti Kuia.

Table 2. - Cultural Footprint Framework for Te Taihu iwi

Tāngata	Acknowledging and upholding the mana (authority) of the people that whakapapa (have genealogical connections) and whanaungatanga (relationships) to the area	Māui Kupe
Whenua	Identifying the features of the physical landscape that are of particular cultural importance to the Tāngata, and explaining the relationship	Moana (Ocean) Awa (River) Maunga (Mountain) Pā (Fortified Village) Kāinga (Residential Areas) Urupā (Burial Sites)
Pūtake	Addressing the particular historical and contemporary issues relating to these areas, and any future aspirations	Tuku (Gifted) Raupatu (Confiscation) Rāhui (Prohibition of use) Tapu (Sacred/Restricted)

3. Effects on the Cultural Values of Ngati Kuia

3.1 Iwi Participation

Ngati Kuia welcome the opportunity to work alongside the proponent to ensure the values identified in this document are protected from effects of the activity. Ngati Kuia and Rangitane representatives attended the presentation hui on 7 July 2017. At that hui the iwi representatives had a number of concerns that arose from the iwi only conversation which were addressed by the staff and experts who presented.

Previously iwi have had a representative on the governance board of the NRSBU. The appointment of an iwi rep to the board should remain open however, it should be the decision of the iwi authorities to determine who that person should be and what reporting back to the authorities would be appropriate.

3.2 Tāngata

Kopia is the eponymous ancestress of Ngāti Kopia, she was from Ngāti Māmoe and had a union with Wairangi, the eponymous ancestor for Ngāti Wairangi. They lived at Rangitoto and their son Pūroro married into Ngāti Kuia.

Ngai Tara also lived in the area, some of the descendants of Te Whakamana of Ngai Tara, eponymous ancestor for Ngāti Whakamana, lived at Waimeha and Whakatū. Some of the descendants of Haeamaiterangi, of Ngāti Tūmatakokiri from Rangitoto, also lived at Whakatū and Waimeha. All these people married into Ngāti Kuia. They named geographical features, explored and established the trails, worked pakohe, cultivated, harvested and fished in the area.

Their descendants Te Pipiha, Tūranga Hāpuku, Tamahau, Wakatapihi and Te Whiro were important leaders in the area in the 1820s. By the late-1830s and early-1840s Ngāti Kuia tūpuna such as Te Whiro, Kereopa Karangi, Hōhepa Te Kīaka and others lived in the area.

Rangitane iwi are predominantly associated with the resources of the east coast but had steady trade with groups located in the Waimea, particularly the collection of Pakohe which is found in the headwaters of the Motueka and Roding Rivers.

Ngati Apa ki te Ra To have interests in the inland Waimea valley and the headwaters of the Buller River the relationship with Ngati Apa and Ngati Waewae meant a trade in Pounamu from the central west coast also took place and some green stone has been found at sites in the Waimea inlet.

All iwi were engaged in trade with the European settlements, such as the flax industry and sold produce from their cultivations. Ngati Kuia continue to reside and use the Te Hoiere/Te Hora area and its surrounds. Ngati Apa and Ngati Kuia have staff and offices in Whakatu/Nelson.

3.3 Whenua

Papatūānuku represents the ability to nurture and sustain all life and the cultural value of “Ki uta, ki Tai” - the interconnectedness of all life. As kaitiaki, Te Tauihu iwi are responsible for maintaining the health and connections of the whenua (land). The life supporting capacity of the whenua enables optimum health and wellbeing for all - tāngata (people); plants and animals; awa (waterways) and moana (sea).

The application is primarily to discharge to sea however there is a comparatively small percentage of water that is discharged to land. This is not over any identified archaeological sites. Likewise the discharge of solids to the exotic forestry block on Rabbit/Moturoa island is not part of this application and an assessment of that activity is not required at this time.

There are a number of recorded archaeological sites on the island with some located close to the exiting canal and outfall. The record of the sites show a diet rich in seafood and signs of carvings indicating a relatively comfortable habitation.

Islands and estuaries are typically abundant spaces for food due to the diversity of sources such as, freshwater eels and whitebait, swamp birds which were typically large, sea birds, ocean fish, mammals and shell fish. The Waimea estuary is large and contains a diversity of islands that would have provided for a substantial population.

Moturoa (long) island is also known now as Rabbit Island is the largest island in the group and is the only one to have a common name attributed to it.

3.4 Putake

The evidence from the archaeological investigations show a diet rich in shell fish. This area being close to urban areas would still be used for the customary collection of kai moana and flaxes etc. Although many customary practices would no longer be appropriate, it is aspirational for these to resume when sustainable and safe harvesting of traditional species can be achieved.

The Waimea inlet is a food basket in Tasman Bay, being the largest estuarine/Intertidal environment in Te Taihu. The plethora of recorded archaeological sites along the shore of the inlet is evidence of the suitability and desirability of the area for its climate and natural resources. It is the utilisation of these resources that constitute Putake. The existing utilisation of the area includes water based recreation, shell fish gathering, bird watching, restoration planting and; some commercial forestry and pasture farming is undertaken on Bells island itself.

Currently the activity of discharging to the Waimea inlet has an adverse effect on the perception of safety of shellfish collecting which prevents contemporary practices.

4. Legislative Framework

4.1 Te Tiriti o Waitangi (The Treaty of Waitangi)

Te Tiriti o Waitangi (Te Tiriti) is the foundation constitutional document of Aotearoa (New Zealand). The Iwi of Te Taihu acknowledges the importance of Te Tiriti.

The Resource Management Act 1991 (RMA) Part II section 8 - Te Tiriti o Waitangi, states that *“all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi”*.

In undertaking a decision on the appropriateness of the activity, the decision maker must consider if the activity will be consistent with the principles of treaty and if not, how these have been taken into account. The principles of the treaty cover responsibilities on the Crown for the active protection of Maori Interests, partnership between iwi and Crown entities, and participation in decision making. In addition, the proponent must not undertake to disregard these principles.

The NRSBU has undertaken to engage with all iwi that have a statutory acknowledgement over the CMA and this is carried through to the creation of impact assessment reports for each group of iwi.

4.2 Treaty of Waitangi Deed of Settlement

Ngati Kuia have a Deed of Settlement in place and the Treaty Settlement Act came into effect in 2014. Iwi are provided for in their respective settlement packages both culturally and commercially. As part of this redress, consultation by Local Government bodies of Te Taihū are now provided for. Areas of cultural significance for each iwi are recognised and acknowledged. Special acknowledgements for certain natural resources, waterways, coastal area, geographical features such as mountains, wetlands that are culturally special are acknowledged in their respective Treaty Settlement Acts.

The Kurahaupo collective of iwi being Ngati Kuia, Ngati Apa ki te Rā Tō and Rangitāna o Wairau all have a statutory acknowledgement over the Coastal Marine Area of Te Taihū. Specifically Ngati Kuia have a cultural redress property at Appleby School which is located on the site of an old Pā. All three iwi also have acknowledgements over the Waimea River and its tributaries.

The Settlement Act covers all three iwi together and stipulates that the iwi may site the Act as proof of association to any of the resources that may be affected by the activity and are listed in the Act. This includes activities adjacent to and/or directly affecting the resource. In this case, the Kurahaupo iwi would be considered affected by the discharge to sea, occupation of the CMA with the dispersal structure, and discharges to land where it may enter water.

Culturally Māori put significant value on the mauri of air and although the application is for the discharge of odour as well, air is not contained in the Act.

4.3 Resource Management Act 1991

Te Taihū iwi relationships with the application area and the whenua (land) has legal standing in various sections in Part II of RMA and Schedule 4 the Assessment of Environmental Effects. Decision makers exercising powers and functions under the RMA shall;

- **Section 6 (e):** As a 'matter of national importance', recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, areas, wāhi tapu, and other taonga
- **Section 7 (a):** Have particular regard for kaitiakitanga
- **Section 8:** Take into account the principles of the Treaty of Waitangi
- **Schedule 4 Part 7, 1 (a) and (d):** also require cultural effects and values must be considered when assessing the environmental effects of an application.

Cultural, environmental, social and economic considerations that are set out in the RMA⁴ are used to frame the discussion on the effects on the Kurahaupo iwi. From a Maori perspective, the effects of any activity are to be assessed in a holistic manner to reflect the interconnectedness of all four pillars.

Applicants for consents or permits under the RMA are required to identify all effects of an activity including cultural effects. And provide a mechanism to satisfactorily *avoid, remedy* or *mitigate* any adverse effects. This report in its findings and recommendations is a tool for both identifying adverse effects and the methods to address those.

Under the RMA 1991 lies a series of National Policy documents being the New Zealand Coastal Policy Statement 2010 (CPS), the National Policy Statement for Freshwater 2014 (NPS-FW) and others. These also hold provision for iwi input to the management of the coastal environment and freshwater management units.

⁴ Part 2, s5 of RMA 1991- refers to social, economic, and cultural well-being and sustaining and protecting the environment.

The overall purpose of this CEA is for the NRSBU to have regard to the relevant sections of the RMA. Section 6(e) requires the decision maker to provide for the relationships referenced in this report. These include access to the CMA, the ability to undertake customary activities that have been identified, and the potential to improve these relationships. There is potential for the site of the facility to impact on koiwi, protected objects and not yet recorded archaeological sites. These matters are addressed in the following chapters.

Section 7(a) infers the decision maker must not disregard kaitiaki practices but when read in conjunction with the 'principles' of te Tiriti, the agent of the Crown (Being the Council) must go further and actively protect Māori interests. The kaitiaki activities that should be provided for include, rahui and the harvesting of the taking of kia moana, research for the management of these ocean resources; improving spawning grounds for fish stocks and, reducing contamination where possible.

relevant planning documents for this proposal include, the Tasman Resource Management Plan (TRMP) and; The New Zealand Coastal Policy Statement (NZCPS). The coastal chapters of the TRMP that are relevant are; Chapter 21 (Structures) and Chapter 35 (Discharges).

Chapter 21.1 Preservation of Natural Character. Policies 21.1.3 "To avoid, remedy or mitigate adverse effects on the natural character of the coastal marine area from activities, including; (c) structures, including impediments to natural coastal processes; and (f) the discharge of any contaminant or waste."

The proposal seeks to continue an activity that was first established prior to the operative plan. The effects of the existing structures are therefore part of the receiving environment for the existing consents. The application does not seek to install any new structures and the existing structures, although having an adverse effect on natural processes by their mere existence, do not pose a significant hindrance to these processes and seek to work with existing tidal flows to achieve the lowest effect on ocean processes from the discharge.

Policy 21.2.3.24 and .25 seek the removal of invasive non indigenous species where appropriate and the restoration of native species to the coastal marine area. This policy would be consistent with the removal of invasive pines and the re-introduction of native species to protect the shore from erosion.

Objectives 21.3.2 and 21.4.2 seek the maintenance of natural character/including processes and landscapes. These criteria are also intrinsic to the concept of mauri which is discussed further in this document. The natural character of the island could be improved by reinstating habitat within the precious estuarine environment. Compared to the Blenheim treatment plant at Hardings Road/ Wairau Lagoons, the Bell Island facility is barren with more introduced exotic species than native restoration. It would be beneficial for the commercial forestry and pasture to be replaced with suitable species of native plants and trees that may eventually be harvestable such as Kahikatea and Manuka.

Objective 35.1.2 of the Plan seeks to maintain water quality in the Coastal Marine Area or, enhance water quality where it is degraded and has natural or human uses or values. The evidence presented by Cawthron suggests that the treatment facility is discharging water that does not degrade water quality in the Waimea inlet to a level in which it causes a risk to human health. The discharge heads north on an outgoing tide and along the beaches of Moturoa island and Tahunanui beach. Should the discharge not meet safe water quality limits, it would pose a risk to human health.

Accidental discharges to the estuary appear to originate from the council run pump stations which overflow or backlog during heavy rain events. These are outside the scope of the proposal however, the treatment facility does have capacity to take the increase in receiving water during flood events and has management practices in place to maintain that capacity.

4.4 Protected Objects Act 2006

On 1 November 2006, the Protected Objects Act⁵ came into force and superseded the Antiquities Act 1975. The Ministry for Culture and Heritage (the Ministry) has developed guidelines for taonga tūturu⁶ which explains this process in more detail. Individual iwi of Te Taihū have a Taonga Tūturu Protocol Agreement with the Ministry. The Ministry should be contacted if a taonga tūturu is found.

4.5 Heritage New Zealand Pouhere Taonga Act 2014

Part 3 of the Act sets out how heritage sites are to be protected and the methodology for obtaining an authority to modify or destroy an archaeological site. Whether the site has been previously identified or not does not bear weight on the requirement to obtain an authority.

The area immediately south of the outfall pipe has been excavated. The results were recorded by Deb Foster in her 2008 report. A significant site N27/119 is located on the north of the island. Previously diggers and invasive pines threatened the site but recent photographs show that the pines have been removed and native species reintroduced to protect the site from erosion.

4.6 The Local Government Act 2002

Section 4 of the Act states “In order to recognise and respect the Crown’s responsibility to take appropriate account of the principles of the Treaty of Waitangi and to maintain and improve opportunities for Māori to contribute to local government decision-making processes, Parts 2 and 6 provide principles and requirements for local authorities that are intended to facilitate participation by Māori in local authority decision-making processes.”

Part 2 of the Act sets out the purpose of Local Government and the anticipated outcomes of a local authority undertaking its responsibilities.

Part 6 of the Act sets out how decisions are to be made and planning for future management of local resources.

Both Nelson City Council and Tasman District Councils have engaged all affected iwi to provide input in to the decision for the future of waste management in the region.

5. Ngāti Kuia Cultural Effects Assessment Model

5.1 Consultation with Ngāti Kuia

A Cultural Effects Assessment (CEA) is a tool that can be used to identify the potential effects that a proposed activity may have on a cultural group, in this case Ngāti Kuia. As such this ‘**Cultural Effects Assessment**’ is an environmental management tool. It identifies the past, present, and future relationships, values and aspirations held by Ngāti Kuia. These values and aspirations should be recognised, protected and managed in decision-making relating to the application. All effects in this CEA Report are ‘cultural’ as they affect the well-being of Ngāti Kuia as a cultural group.

5.2 Ngāti Kuia Cultural Values

Ngāti Kuia have identified key principles which have been used to assess the impact or effects of proposed activities on our cultural values. These include:

⁵ (Protected Objects Act 1975)

⁶ (MCH guide for Taonga Tūturu, 2014)

5.2.1 Mauri

Mauri is the life force that comes from wairua - the spirit, or source of existence and all life. Mauri is the life force in the physical world. The overall purpose of resource management for Ngāti Kuia is the maintenance of the mauri of natural and physical resources, and to enhance mauri where it has been degraded by the actions of humans.

As a life principle mauri implies health and spirit. In an environmental context, mauri underlies all resources and the encompassing ecosystem. In the community, mauri is of paramount importance to the wellbeing of the people as it contributes to the life giving force of drinking water, mahinga kai, the cleaning and swimming qualities of the wai and is therefore directly associated to good health and spiritual wellbeing. Mauri can be harmed by the actions of humans but is unaffected by natural processes such as natural disasters.

The preservation of the mauri of natural resources is paramount to Ngāti Kuia to ensure that resources may be used sustainably by present and future generations. Traditionally, rules were established to govern the use of natural and physical resources, and ensure that the mauri was protected from human actions. These rules form part of kawa and tikanga (Māori protocol) and have been passed on through the generations. For example, a rāhui may be used to safeguard the mauri of a particular resource, by enforcing a temporary restriction on use of the resource to protect the overall health and availability of the resource for both present and future generations. The RMA seeks these same outcomes; to promote the sustainable management of natural and physical resources (Section 5(1)).

There are indicators within the environment that the iwi use to interpret the status of mauri. These include (but are not limited to) the presence of healthy kai and other indigenous flora and fauna, the presence of resources fit for cultural use, and the aesthetic qualities of resources such as the visibility of important landmarks. Other indicators can take many forms and are recalled in the kōrero pūrākau (stories) of whānau (extended family) and hapu (subtribe).

The continued discharge will contribute to the cumulative degradation in water quality of the inlet. The other contributing factors being stormwater runoff from urban and industrial areas and; erosion from the waterways resulting from land clearance and; leaching from agricultural land upstream. The accidental discharge of untreated human waste from the city pump stations remains a key concern to iwi as it results in unsafe kai moana.

The degradation of water quality, continual loss of coastal integrity by vegetation clearance, habitat loss and the increasing modification of landscapes continues to erode the mauri of the estuary. There are initiatives underway to improve the integrity of the area through restoration work. Iwi are supportive of these initiatives and understand that a co-ordinated effort needs to be made when dealing with the commons such as the CMA.

The Mauri of the area has been degraded significantly over the last century and half but the effort to now turn that trend to improved health and quality should be continued as is intended by the current policies.

5.3 Tikanga

Cultural practices, or tikanga, were developed to maintain the mauri of the domains of Atua. They are based on the general understanding that people belong to the land and have a responsibility as kaitiaki of that land. Tikanga incorporates concepts such as tapu (sacredness) and rāhui (temporary restriction). These are forms of social control, which manage the interrelationship of people and the environment.

Tikanga are developed and managed to specifically recognise the four planes of reality:

- Te taha tinana (the physical plane)
- Te taha hinengaro (the intellectual plane)
- Te taha wairua (the spiritual plane)
- Te taha whānau (the family plane)

Tikanga seek to unify these four planes in a holistic way. Observing tikanga is part of the ethic and exercise of kaitiakitanga.

The idea of human waste being intentionally discharged to a food gathering area is against tikanga as there is the perception that doing so would result in both illness and the consumption of human elements. The treatment of the waste at the facility removes the solid content both human solids, silt and plastics before going to the settling ponds for further aeration.

The wind treatment also assists in breaking down the microbe content of the water making the risk to shellfish health minimal. These effect mitigations however, do not make the discharge consistent with tikanga and either the discharge should be to land or, should be further out to sea where it is away from common food gathering areas.

5.4 Kaitiakitanga

All persons exercising powers and functions under the RMA, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to kaitiakitanga (Section 7). However, kaitiakitanga is not explained in the RMA.

Kaitiakitanga is a broad notion which includes guardianship, sustainability, wise management, and resource indicators, where resources themselves indicate the state of their own mauri. Kaitiakitanga is a term that denotes the package of tikanga or practices concerning environmental management. A kaitiaki is a person and/or agent who perform the tasks of guardianship.

Kaitiakitanga is an environmental decision making system that has been developed by tāngata whenua to fulfil their responsibility towards the environment. The responsibility of kaitiaki is twofold: first, there is the ultimate aim of protecting mauri and, secondly, there is the duty to pass the environment to future generations in a state which is as good as, or better than, the current state.

Kaitiakitanga may be practiced through, but not limited to:

- The maintenance of wāhi tapu, wāhi tūpuna and other sites of importance;
- The management of fishing grounds (mahinga mātaimai);
- Observing the maramataka (lunar calendar);
- Observing the tikanga of sowing and harvest;
- Designing settlements in keeping with the environment; and
- Securing resources for present and future uses.

Kaitiakitanga is linked inextricably to tino rangatiratanga as it may only be practiced by those iwi, hapū or whānau who possess tino rangatiratanga (customary authority) in their tribal area.

Sometimes individuals, whanau or hapu, are charged with the tasks of kaitiakitanga. Kaitiaki often receive their mana or authority with respect to a particular locality, place or resource because they possess an

intricate knowledge of the local environment. For example, a family or individual might be the kaitiaki for a Pā or for a fishing ground.

Should the site have an accidental discharge, the NRSBU should make efforts to ensure any risk to human health from the collection of shell fish, seaweed or finfish.

6. Assessment of Cultural and Environmental Effects

6.1 Effects of Activity

This application seeks to continue to undertake the discharge of treated wastewater to the Waimea inlet. This activity has been undertaken since 1982 and is the largest waste treatment facility in the Nelson Tasman regions. Waste management on the scale required to service the needs of the urban, commercial and industrial needs.

The facility is located on an island that was a significant occupation site for Maori prior to the arrival of Cook and this is shown by the systematic waves of occupation on Bells and the other islands in the inlet. Culturally it is inappropriate to mix waste with food gathering or gardening areas.

Iwi are fundamentally opposed to point source discharges to sea for the reasons already mentioned however, an additional adverse effect of allowing for such discharges, is the perception of the Coastal marine area as a waste sink rather than as a resource.

Environmentally the facility is on land that has very little natural character remaining. The settlement ponds, irrigated pasture and exotic forestry on the site take up the majority of the land area with only small pockets of indigenous vegetation remaining and most of that is very young.

The discharge itself on the marine environment does not appear to be resulting in enrichment that could lead to algal blooms of a hazard to human health however, the cumulative effects of additional pressures as mentioned already, means the mauri of the estuary is degraded.

6.2 Ki uta, ki tai -from inland to the sea

The mauri of the waterways is also viewed holistically and includes from the source of the waterway (mountains, springs and wetlands) to the sea. This reinforces the view that activities upstream also impact on the well-being of the river downstream to the sea and aligns with the integrated management of catchments. The iwi also note the hierarchy of water use values – first to sustain the waterway itself, then to sustain human life and lastly for stock and commercial activities.

6.3 Mahinga Kai - the use of flora and fauna to sustain the people.

The value the iwi place on the environment is not based on its 'existence' and desires to 'preserve' it, but also on its 'use' to Māori and its ability to sustain ngā tāngata (the people). For example many of the areas impacted by the application would have been used historically for food foraging, harvesting and collecting of rongoa (traditional medicines), among other activities, and one of the aspirations of Te Tauihu iwi is to regenerate their whenua (land) to a state where these activities may once again be viable.

6.4 Recommendations

- That the applicant seek to improve the natural character of bell island to provide habitat for birds, breeding fish and for rongoa and kai species.

- That monitoring continues to measure the impacts of the discharge on the CMA.
- That the archaeological sites are protected from ongoing erosion by strategic planting along the shoreline.
- That the proponent move towards replacing the exotic forestry and pasture with appropriate native trees and shrubs. These can still be the subject of irrigation/ discharge to land as this would be appropriate provided it is not used for any food production such as honey, milk etc.
- That any upgrades to the facility that requires soil disturbance, have an iwi monitor on site to identify any material that could be taonga tuturu or an archaeological site.
- That the NRSBU appoint an iwi member to the board selected by the iwi authorities or/develop a protocol for ensuring the ongoing relationship between the parties is maintained and communication meets the needs of the parties involved.
- That the accidental discovery protocol attached be adhered to.

7. Supporting Information

7.1 References

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7.2 Appendix

Te Rūnanga o Ngāti Kuia - Accidental Discovery Protocol

Purpose

To provide clear procedures in the event of accidentally discovering, as the result of physical disturbance to the existing ground surface:

- Wāhi tūpuna/archaeological site,
- Kōiwi/human bones
- Taonga/ Māori artefacts
- other artefacts

This protocol involves the following parties:

- Land Owner/Consent Holder – including their lead Agent/Project Manager, Contractor and Site Supervisor and Project Archaeologist
- Heritage NZ Regional Archaeologist
- NZ Police for Kōiwi
- Te Rūnanga o Ngāti Kuia (Ngāti Kuia)

These procedures reflect the minimum requirements of Ngāti Kuia in accordance with statutory obligations under the Heritage New Zealand Pouhere Taonga Act 2014 (which replaced the Historic Places Act 1993 on 20 May 2014) and the Protected Objects Act 1975 .

Evidence of archaeological sites can take the form of burnt and fire cracked stones, charcoal, rubbish heaps including shell, bone and/or 19th century glass and crockery, ditches, banks, pits, old building foundations, artefacts of Māori or early European origin, or human burials.

General Procedures Following the Accidental Discovery of Possible Wāhi Tūpuna, Kōiwi or Taonga

1. All work in the discovery area (within 20 metres of the suspected site) must cease immediately. Any machinery/plant/equipment operator must shut down equipment and any activity, leave the site area and leave unearthed archaeological material in situ and advise the site supervisor (if there is one) or Agent/Project Manager and other relevant persons including contractors of the find immediately.
2. The Agent/Project Manager shall then notify the following people of the discovery:
 - Resource Management Unit, Te Rūnanga o Ngāti Kuia
 - Project Archaeologist (if there is one already). If a project archaeologist is not nominated the Agent and/or Land Owner/Consent Holder will appoint a qualified archaeologist to ensure all archaeological sites and Taonga Tūturu are dealt with appropriately
 - New Zealand Police if any Kōiwi are uncovered. This is a requirement of the Coroners Act 2006.
3. Any contractor or persons must secure the discovery area (20 metres from suspected site), ensuring the area (and any objects contained within) remains undisturbed and meets health and safety requirements. Work may continue outside of the site area.
4. The Agent/Project Manager must ensure that either themselves or the Contractor, as appropriate, are available to meet and guide Ngāti Kuia, the Project Archaeologist, and Police (if required) to the discovery area. The Contractor and Agent/Project Manager will assist with any reasonable requests that any of these people may make.
5. The Agent/Project Manager shall ensure that no information is released to the media except as authorised by the Land Owner/Consent Holder, in consultation with Ngāti Kuia.

6. In the event the discovery area is found to contain an archaeological site, the Regional Archaeologist and Heritage NZ must be contacted and an archaeological authority must be obtained in accordance with the Heritage New Zealand Pouhere Taonga Act 2014. Kōiwi that are part of an archaeological site can only be removed if an archaeological authority has been obtained.
7. If an archaeological authority is granted, the Agent/Project Manager must ensure any Contractors or other persons undertake all subsequent works in accordance with the conditions of this authority.
8. The Contractor must ensure that all visits to the discovery area are cleared by the Agent/Project Manager.
9. The Agent/Project Manager must ensure that work in the discovery area does not recommence until all statutory and cultural requirements have been met.

Further Procedures in the Event that Kōiwi are discovered

10. As soon as practicable after the Agent/Project Manager has given notice to Ngāti Kuia that Kōiwi have been discovered, the Agent/Project Manager shall invite Ngāti Kuia to inspect the site and undertake appropriate cultural ceremonies at the site.
11. If Ngāti Kuia wish to undertake such ceremonies, the Agent/Project Manager shall make the necessary arrangements for these ceremonies as soon as practicable.
12. Once these ceremonies are completed, the Agent/Project Manager shall arrange for the Project Archaeologist, in consultation with the New Zealand Police and Ngāti Kuia, to inspect the skeletal remains.
13. The Project Archaeologist will record details of the Kōiwi, the site of discovery, and any other relevant facts, and these records will be made available to the New Zealand Police and Ngāti Kuia.
14. If the Kōiwi are Māori, and the New Zealand Police and/or Coroner have no uncertainty or suspicion about the Kōiwi, the Agent/Project Manager shall arrange for Ngāti Kuia to remove the Kōiwi from the site, or if they decline, arrange for the New Zealand Police and/or Coroner to do so.
15. In the event that the New Zealand Police and/or Coroner have any uncertainty or suspicion about the Kōiwi, they are responsible for making any records they require and for any Kōiwi that they remove from the site.
16. If the Kōiwi are Māori and the New Zealand Police and/or Coroner remove only part of the Kōiwi, the provisions of Section 14. above will apply.
17. If the Kōiwi are non-Māori, the New Zealand Police and/or Coroner will be responsible for removing any remaining exposed Kōiwi.

Custody of Taonga (Excluding Kōiwi) or Material Found at an Archaeological Site

18. The Project Archaeologist will have initial control of, and responsibility for, all material contained in the discovery area.
19. The Agent/Project Manager shall ensure no objects are removed from the site until it has been determined, in consultation between the Project Archaeologist and Ngāti Kuia, whether it is associated with an archaeological site or the object is Taonga (be it Taonga Tūturu or otherwise).
20. If the object is of Māori origin and found in an archaeological site and/or is a Taonga Tūturu, the Project Archaeologist will record the object and notify the Ministry for Culture and Heritage of the finding as required under the Protected Objects Act 1975. The Project Archaeologist will then hand the material to the local public museum for the Maori Land Court to make a determination on ownership. If the object is European in origin the Agent/Project Manager shall deliver any such object to the Land Owner/Consent Holder so that the legal right to ownership can be determined.
21. If the object is a Taonga and less than 50 years old, (ie not Taonga Tūturu), the Agent/Project Manager shall invite Ngāti Kuia to remove the Taonga from the site.

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