

**IN THE MATTER OF:** The Resource Management Act 1991

**AND**

**IN THE MATTER OF:** Application by Alliance group Limited

**APP-20158595**

Alliance Group Limited has applied for resource consents to discharge treated wastewater and domestic sewage to water, discharge treated wastewater to land, discharge waste activated sludge (WAS) to land and WAS and stockyard solids to an on-site monofill, discharge treated wastewater to land for temporary storage purposes, discharge contaminants to air (combustion products from onsite boiler operations; odour), abstract and use surface water from the Ōreti River, and to disturb the bed of the Ōreti River in order to undertake periodic maintenance and clearance work associated with the water intake structure.

**Ko wai ahau**  
**Ko Motu Pohue Te Maunga**  
**Ko Te Ara a Kewa te Moana**  
**Ko Tarere ki Whenua Uta te Whenua**  
**Ko Aoraki te Waka**  
**Ko Ngai Tahu, Ngati Kahungunu nga Iwi**  
**Ko Dean Whaanga ahau**

## **1. Introduction**

- My Name is Dean Whaanga
- I am employed by Te Ao Marama Incorporated (Tami) as a Resource Management Officer.
- Tami represents Ngā Rūnanga ki Murihiku for resource management and Iwi environmental issues. It is made up of representatives of the four Murihiku Rūnanga Papatipu – Oraka/Aparima, Waihopai, Awarua and Hokonui.
- I have worked for Iwi for 30 years. This includes time studying and teaching Māori culture and Māori language.
- I am very aware of Ngāi Tahu history, culture, values and how these relate to the environment.
- I have formal qualifications as a Telecommunication Technician and have worked in the Tertiary Education sector. I have been certificated through the RMA Making Good Decisions process.

## **2. Submission**

Te Rūnanga of Waihopai oppose the application, our general position stating:

- i. We acknowledge the consultation process that has been undertaken by the Alliance Group Ltd. We appreciate being able to consult kanohi ki te kanohi and the ability to provide a Cultural Values Report.
- ii. The Makarewa and Ōreti River have immense cultural significance to us as the latter is recognized by the Crown as a Statutory Acknowledgement through the Ngāi Tahu Claim Settlement Act, 1998.
- iii. Generally support the primary wastewater upgrade.
- iv. We have a strong preference for land disposal of all wastewater and avoiding human waste discharges to water. However we accept that these preferences are not practicable in this case.
- v. Alliance has committed to an Environmental Monitoring Plan, a Habitat Enhancement Plan, Annual monitoring reports, pre-and post-upgrade aquatic biological and fish health surveys, on-going Iwi consultation, a wastewater treatment upgrade plan, continual improvement, avoidance of fish or eel stranding within the water tale channel or on the riverbanks, enabling practicable access to Alliance land, post-treatment upgrade review and participation in a catchment-wide water quality approach.
- vi. We do not support a 35 year term.

## **3. Te Runanga of Waihōpai, Awarua and Hokonui**

- b. The takiwā of three rūnanga (Hokonui, Waihopai and Awarua) extend across the area encompassed by the Makarewa, Lower Ōreti rivers and New River Estuary.
- c. The catchment is an area of significance to Ngāi Tahu especially those members of Te Rūnanga o Waihopai. Te Rūnanga o Waihopai holds kaitiaki responsibilities over the Ōreti and Makarewa catchments.

## **4. Concerns and Evidence**

Our evidence will address the following

- d. Ngāi Tahu values.
- e. The Ngāi Tahu Claim Settlement Act, 1998 and the Ōreti Statutory Acknowledgement.
- f. Lower Ōreti, Makarewa and New River Estuary cultural significance.
- g. Risks of proposal including length of consent proposal of 35 years.

## 5. Ngāi Tahu Values

### a) Ki Uta ki Tai

1. Ki Uta Ki Tai – From the Mountains to the Sea is a Ngāi Tahu concept to describe the overall approach to natural resource management. Ngāi Tahu understandings of the natural world are that all things are connected. Ki uta ki tai is about how the interlink ages and relationships of the natural environment, its processes, people and how it can be managed appropriately.
2. The kaupapa reflects the knowledge that resources are connected, from the mountains to the sea, and must be managed as such. Furthermore the kaupapa reflects that we belong to the environment and are only borrowing the resources from our generations that are yet to come. It is considered our duty to leave the environment in as good or even better condition than received from our tūpuna. The historical practices were established by our tūpuna and must be passed on to ngā uri kei te heke mai, the generations to come.
3. The Makarewa flows at its source (ki uta) from the Hokonui Hills which is an important resource area. In its mid reaches Tuna and Waikakahi were plentiful. Ki tai is the Oreti Estuary and was one of the principal settlements because of mahinga kai.

### b) Kaitiakitanga

1. The exercise of guardianship by mana whenua of an area and resources in accordance with tikanga Māori. Kaitiakitanga governs the way humans interact with the environment. The notions of sharing and maintaining balance with nature underpin cultural uses and practices. Balance requires respect to be shown when interacting with the environment; and use of the resource afforded by ecosystems. Tangata whenua continue to have a duty to protect the natural world.<sup>1</sup>
2. The use of land, waters, forests, fisheries, was a communal and/or tribal right. All natural resources, all life was birthed from Papatūānuku. Thus the resources of the earth did not belong to man but rather, man belonged to the earth. Man as well as animal, bird, fish, could harvest the bounty of mother earth.<sup>2</sup>
3. Ngā Rūnanga ki Murihiku as Kaitiaki believe it is a responsibility handed down from our tūpuna to guard, protect and preserve the earth and use the resources of the land in a responsible manner. The Makarewa needs some help from its kaitiaki. As kaitiaki we need to increase its potential as a mahinga kai area.

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<sup>1</sup> Kitson, 2014.

<sup>2</sup> Maori Marsden, 1992.

### c) Mahinga kai

1. Mahinga kai encompasses the resource harvested, the ability to access the resource, the site where gathering occurs, the act of gathering and using the resource, and the good health of the resource. Mahinga kai is central to the Ngāi Tahu way of life and cultural wellbeing, it binds whānau, hapū and community together providing a sense of identity that also serves as the vehicle for the transmission of values and knowledge.<sup>3</sup>
2. Mahinga kai is considered to be the principle 'environmental indicator' in natural systems. If Mahinga kai is not present, or is unsafe to harvest, then, that natural system is under stress and requires immediate action. The state of freshwater is important as a medium for sustaining and accessing mahinga kai. Ideally streams will sustain healthy and diverse koiora/ life.
3. The Makarewa was once abundant in mahinga kai, through straightening, development and decreased water quality and quantity there is a decrease in our relationship with our Awa.
4. Mahinga kai within the Makarewa, Lower Ōreti and New River Estuary was rich and varied including Manu (birds), such as Weka and ducks, rākau/ wood, harakeke and rongoā (medicinal plants). Freshwater mahinga kai includes: Tuna, Kōkopu, kaoro, wai koura, paraki/ smelt, Waikakahi (freshwater mussels), Inanga, Kanakana and Watercress. Estuarine mahinga kai would include Tuaki (cockles) and Pātiki (flounders).<sup>4</sup>
5. Waikakahi are an important mahinga kai species and are currently under threat and declining likely due to modification or destruction of habitat and the presence and abundance of the original host fish the kaoro during the parasitic larval stage.<sup>5</sup> Waikakahi are sensitive to ammonia poisoning, and it is considered the current ANZECC water quality guidelines for total ammonia nitrogen are unlikely to protect this taonga species<sup>6</sup>. The Makarewa River was once widespread with Waikakahi.

### d) Water

1. Water has its own whakapapa and is the lifeblood of Papatūānuku. Water is a taonga or treasure, Māori conceive that each water body contains its own mauri, guarded by spiritual guardians and tribal caretakers as well as having its own status or mana.<sup>7</sup> The continued wellbeing of these qualities is dependent on the physical health of water.

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<sup>3</sup> Kitson, 2014.

<sup>4</sup> Kitson, 2014.

<sup>5</sup> Niwa, 2016.

<sup>6</sup> Clearwater, Thompson & Hickey, 2014.

<sup>7</sup> Tipa & Associates, 2011.

2. Water has an inherent value that should be recognized, water plays a unique role in the traditional economy and culture of Ngāi Tahu including contemporary values. Without water no living thing, plant, fish or animal can survive.<sup>8</sup>
3. We need to continue to improve the water quality of the Makarewa and protect its Mana and Mauri

#### **e) Other Values**

1. There are a wide variety of other values within Te Ao Māori specific to this application include those that are extremely important in maintaining the health and wellbeing of Iwi and the natural environment including the Lower Ōreti, Makarewa and New river Estuary. The health of Iwi is dependent on the four cornerstones of Maori wellbeing including again, wairua (spiritual), hinengaro (mind), tinana (body) and whānau (family).
2. It is important to also mention whanaungatanga as the interrelationship of Māori with their ancestors, their whānau, hapū and iwi as well as the natural resources within their tribal boundaries. This genealogical relationship is one of the foundations upon which the Māori culture is based.

### **6. The Ngāi Tahu Claim Settlement Act 1998**

1. The Ngāi Tahu Claims Settlement Act 1998 (NTCSA, 1998) gives effect to the provisions of the Deed of Settlement, entered into between Ngāi Tahu and the Crown in 1997. The Cultural Redress elements of the Crown's Settlement Offer were aimed at restoring the ability of Ngāi Tahu to give practical effect to its kaitiaki responsibilities.
2. Mahinga kai, its importance and loss, was a major component of the Ngāi Tahu Claim negotiations with the Crown and hence the NTCSA (1998) contains a number of mechanisms that have improved the effectiveness of Ngāi Tahu participation in the management of freshwater ecosystems.<sup>9</sup> Makarewa was a very important mahinga kai resource.
3. Statutory acknowledgements provide for the special association and mana recognition of Ngāi Tahu with these water ways.<sup>10</sup> Namely the particular cultural, spiritual, historical and traditional association of Ngai Tahu with those areas (known as statutory areas).<sup>11</sup>

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<sup>8</sup> TRoNT Freshwater Policy, 2007.

<sup>9</sup> TroNT Freshwater policy, 2007.

<sup>10</sup> Kitson, 2014.

<sup>11</sup> Te Tangi a Tauria Pg 47.

4. The Ōreti Statutory Acknowledgement gives effect to our relationship with the Crown and supports our Tupuna in recognizing the importance of the Ōreti catchment to tangata whenua both historically and contemporarily. The Ōreti Statutory acknowledges provides our association with the Ōreti catchment including: the various historical trails that were used by our tūpuna travelling inland, nohoanga that supported such travel and the important settlement sites at the mouth of the Ōreti, within the New River Estuary and Omaui as well as a pā at Otaupiri close to the headwaters of the Makarewa river. It includes the many wāhi tapu and urupā that are located within the lower catchment.

## **2. Lower Ōreti, Makarewa and New River Estuary cultural significance**

1. It has been an important place for the collection of taonga species for tangata whenua. Our ability to collect mahinga kai has suffered as a result of access and decline in species quantity. Mahinga kai is central to Ngāi Tahu wellbeing and identity. The kaitiaki responsibility is of tangata whenua to continue to protect cultural associations and values.<sup>12</sup>
2. This landscape is special to Iwi as a reminder of a frequented historical cultural landscape. As our tūpuna moved throughout Te Wai Pounamu their presence was preserved in the naming of places, in present times these names reinforces our connections to Ngāi Tahu traditions, tūpuna, incidents and mahinga kai resources. The Makarewa and Lower Ōreti catchment is a rich cultural landscape, it includes some of the oldest settlements in Aotearoa (adjacent to the New River Estuary). There are stories of the travels of Tamatea and his waka Takitimu. A number of significant wāhi tapu and archaeological sites exist as well as a large amount of Māori Land.

## **7. Acknowledgement of the applicant**

1. We are appreciative and acknowledge the consultation process that has been undertaken by the Alliance Group Ltd. We appreciate being able to consult kanohi ki te kanohi (face to face) and the ability to provide a cultural values report.
2. The outcome of this consultation process has ensured Iwi have an understanding on the applications being sought by Alliance Group Ltd.
3. We acknowledge the significant contribution Alliance Group Ltd make to the Southland economy.

## **8. Conclusion**

1. It is our policy as per our Iwi Management Plan, “Ngāi Tahu ki Murihiku do not believe we should be granting consents for activities where we do not know what the effects may be over

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<sup>12</sup> Kitson, 2014.

the long term. Anything over 25 years is essentially making decisions for the next generation. We also need to ensure that consent duration recognizes and provides for changes in technology, thus allowing us to continually improve the way we do things.”<sup>13</sup>

2. There is no doubt that the present condition of the Makarewa and Lower Oreti River and estuary impacts upon Iwi values.
3. The Alliance Group Ltd intend to improve their impacts on the receiving environments. For TAMI this involves mitigations including monitoring and habitat enhancement.
4. Alliance Group Ltd have put a considerable amount of time preparing and consulting for their consent.
5. The staff report identifies a lack of certainty regarding improvements in water quality over time. This supports TAMI regarding why a long term consent would be inappropriate.

**Kia ora**

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<sup>13</sup> Te Tangi a Taurira, 2008, pg 139



## 9. Appendix 1- Statutory Acknowledgement for Ōreti River (schedule 50)

The area to which this Statutory Acknowledgement applies (Statutory Area) is the River known as Ōreti, the location of which is shown on Allocation Plan MD123 (SO Plan 12262).

### 2 Preamble

Pursuant to section [ ] of the Settlement Legislation (clause 12.2.2 of the Deed of Settlement), the Crown acknowledges Te Rūnanga statement of Ngāi Tahu cultural, spiritual, historic and/or traditional association to Ōreti as set out below.

### 3 Cultural, Spiritual, Historic And/ Or Traditional Association Of Ngāi Tahu With The Statutory Area

- 3.1 The Ōreti River traverses a significant area of Murihiku, stretching from its mouth at Invercargill almost to the edge of Whakatipu-wai-māori (Lake Wakatipu). As such, it formed one of the main trails inland from the coast, with an important pounamu trade route continuing northward from the headwaters of the Ōreti and travelling, via the Mavora or Von River Valley, to the edge of Wakatipu and onto the Dart and Route burn pounamu sources. Indeed, pounamu can be found in the upper reaches of the Ōreti itself.
- 3.2 The tūpuna had considerable knowledge of whakapapa, traditional trails and tauranga waka, places for gathering kai and other taonga, ways in which to use the resources of Ōreti, the relationship of people with the river and their dependence on it, and tikanga for the proper and sustainable utilization of resources. All of these values remain important to Ngāi Tahu today.
- 3.3 The kai resources of the Ōreti would have supported numerous parties venturing into the interior, and returning by mōkihi (vessels made of raupō), laden with pounamu and mahinga kai. Nohoanga (temporary campsites) supported such travel by providing bases from which the travelers could go water fowling, eeling and catching Inanga (whitebait), and were located along the course of Ōreti River.
- 3.4 There were a number of important settlement sites at the mouth of the Ōreti, in the New River estuary, including Omaui, which was located at the mouth of the Ōreti, where it passes the New River Heads. Oue, at the mouth of the Ōreti River (New River estuary), opposite Omaui, was one of the principal settlements in Murihiku. Honekai who was a principal chief of Murihiku in his time was resident at this settlement in the early 1820s, at the time of the sealers. In 1850 there were said to still be 40 people living at the kāinga at Omaui under the chief 'Mauhe'.
- 3.5 As a result of this pattern of occupation, there are a number of Urupā located at the lower end of the Ōreti, in the estuarine area. Urupā are the resting places of Ngāi Tahu tūpuna and, as such, are the focus for whānau traditions. These are places holding the memories, traditions, victories and

defeats of Ngāi Tahu tūpuna, and are frequently protected by secret locations.

**3.6** The mauri of the Ōreti represents the essence that binds the physical and spiritual elements of all things together, generating and upholding all life. All elements of the natural environment possess a life force, and all forms of life are related. Mauri is a critical element of the spiritual relationship of Ngāi Tahu Whānui with the river.

#### **4** Effect Of Statutory Acknowledgement

**4.1** Pursuant to section [ ] of the Settlement Legislation (clause 12.2.10 of the Deed of Settlement), and without limiting clause 5, the only purposes of this Statutory Acknowledgement are:

- (a)** to require that relevant consent authorities forward summaries of relevant resource consent applications to Te Rūnanga as provided in section [ ] of the Settlement Legislation (clause 12.2.3 of the Deed of Settlement);
- (b)** to require that relevant consent authorities, the Historic Places Trust or the Environment Court as the case may be, have regard to this Statutory Acknowledgement in relation to Ōreti, as provided in section [ ] of the Settlement Legislation (clause 12.2.4 of the Deed of Settlement);
- (c)** to empower the Minister responsible for management of Ōreti to enter into a Deed of Recognition as provided in section [ ] of the Settlement Legislation (clause 12.2.6 of the Deed of Settlement); and
- (d)** to enable Te Rūnanga and any member of Ngāi Tahu Whānui to cite this Statutory Acknowledgement as evidence of the association of Ngāi Tahu to Ōreti as provided in section [ ] of the Settlement Legislation (clause 12.2.5 of the Deed of Settlement).