



Te Runanga o Toa Rangatira

**Cultural Impact Assessment Report
For
Moa Point Wastewater Treatment Plant**

April 2007



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He Karakia

Whakataka te hau ki te uru
Whakataka te hau ki te tonga
Kia makinakina ki uta
Kia mataratara ki tai
Kia hi ake ana te atakura
He tio, he huka, he hauhunga
Tihei Mauriora!

Let the cold winds from the west
and from the south, that assail
the lands and seas, desist.
Let the red-tipped dawn come
with a touch of frost, a sharpened
air, the promise of a glorious day.
Behold, we live!



Table of Contents

Introduction	4
Te Runanga o Toa Rangatira Inc	5
Ngati Toa Rangatira	6
Ngati Toa Rangatira Rohe	11
Ngati Toa's Mana in the Wellington Area	12
Cultural Values	16
Assessment of Resource Consent Application	21
Assessment of Cultural Effects	25
Consideration of Mitigation Options	31
Mitigation of Cultural Effects	37
Statutory and Regulatory Assessment	39
Conclusion	54
Contact Details	56



Introduction

The purpose of this report is to assess the cultural impacts associated with the Wellington City Council's re-consenting application for the Moa Point Wastewater Treatment Plant. The disposal of human waste to Te Whanganui-a-Tara (Wellington Harbour) and Raukawa Moana (Cook Strait), whether treated or not, is an issue of considerable importance to Ngati Toa for cultural and spiritual reasons that will be traversed in this report.

As an introduction to the assessment of cultural effects, the first section of the report provides a summary of the main historical events that established Ngati Toa as Tangata whenua in the Cook Strait region. This is important background information to understanding the nature of Ngati Toa's relationship with the entire Wellington area and the area of the proposal, and the particular issues that are of concern to the Iwi.

Following this, the report will summarise the cultural and spiritual values of importance to Ngati Toa in terms of the treatment and disposal of human waste to water. This is intended to provide insight into the traditional Maori approach to waste disposal and how those principles are still relevant today.

This report will attempt to address the environmental effects of the Moa Point Wastewater Treatment Plant operation and its potential impacts on Ngati Toa Rangatira's customary and traditional rights particularly with regard to the Iwi's close association with the marine environment and Raukawa Moana (Cook Strait).

We will also discuss the duration of the consent, and Ngati Toa's recommendations on the appropriate term of consents, along with some suggestions and recommendations on ways to mitigate any potential issues of concern to the Iwi.

This report will also assess the proposed mitigation options associated with bypass events and it will identify the option preferred by Ngati Toa as being the most consistent with Kaitiakitanga and Ngati Toa Tikanga.



Te Runanga o Toa Rangatira Inc

This report is submitted by Te Runanga o Toa Rangatira Inc on behalf of Ngati Toa Rangatira (Ngati Toa).

The Runanga was established in 1989, and has since expanded to provide a range of services. The Runanga is the administrative body of Iwi estates and assets, and deals with the political and public issues of national interest through the management of relevant activities such as Treaty of Waitangi claims, customary fishing activities, tourism, health and medical services, vocational training and resource management.

The overall vision of the Runanga is:

“To promote the mana of Ngati Toa Rangatira by enhancing the social, economic, educational, cultural and spiritual development of all whanau members, in an open and responsive manner, by enabling them opportunities to attain their full potential for the benefit of the Iwi and the community.”

As part of this mission, the Runanga has an important role to oversee the recognition by the Crown and other public agencies of Ngati Toa’s customary interests and to ensure they are adequately acknowledged. This includes assessing the cultural effects of proposals such as the Moa Point Wastewater treatment plant re-consent which have the potential to impact on Ngati Toa’s interests.



Ngati Toa Rangatira



Ngati Toa Origins and Heke South

Ngati Toa Rangatira is a tribe belonging to the Tainui waka. The Iwi's eponymous ancestor was Toa Rangatira - a famous chief who lived in the 17th Century. Ngati Toa's traditional homeland was at Kawhia on the coast west of the heartland of Tainui. The Iwi occupied the coastline from Aotea to Huikomako, about 80 miles south of Kawhia.

As a consequence of the pressure from their Waikato neighbours and the attractions of the Cook Strait area as a place to settle and trade with the pakeha, Te Rauparaha led Ngati Toa in a historic resettlement from the Kawhia region to the Cook Strait. The attraction of the Cook Strait became apparent to Te Rauparaha during a preliminary scouting expedition to the area in 1819. While visiting Wellington's south coast, Te Rauparaha noticed a trading ship passing through the Cook Strait (the route of the ship is shown on the map below). Te Rauparaha saw the ship from Omere, an important lookout commanding wide views over Cook Strait, located on the ridge above Cape Terawhiti. This not only highlighted the strategic importance of the Cook Strait as a major highway, but also the importance of the Wellington coast as an important vantage point and node of access.

Te Rauparaha led Ngati Toa firstly to North Taranaki. This heke is referred to as - Te Heke Tahutahuahi - or the 'fire lighting' expedition. In Taranaki Ngati Toa were joined by Ngati Tama, some of Ngati Mutunga and some of Ngati Awa who then accompanied them on the journey south. The second heke, known as Tataramoia, or bramble bush, moved southward from Wanganui to the lands of Ngati Apa and then further south towards Cook Strait – although many Ngati Awa returned to Taranaki.

APPENDIX 2

Rauparaha and Te Rangihaeata also allocated land to Ngati Tama along the south west coast, principally at Ohariu, in recognition of the important role Ngati Tama played in the conquest.

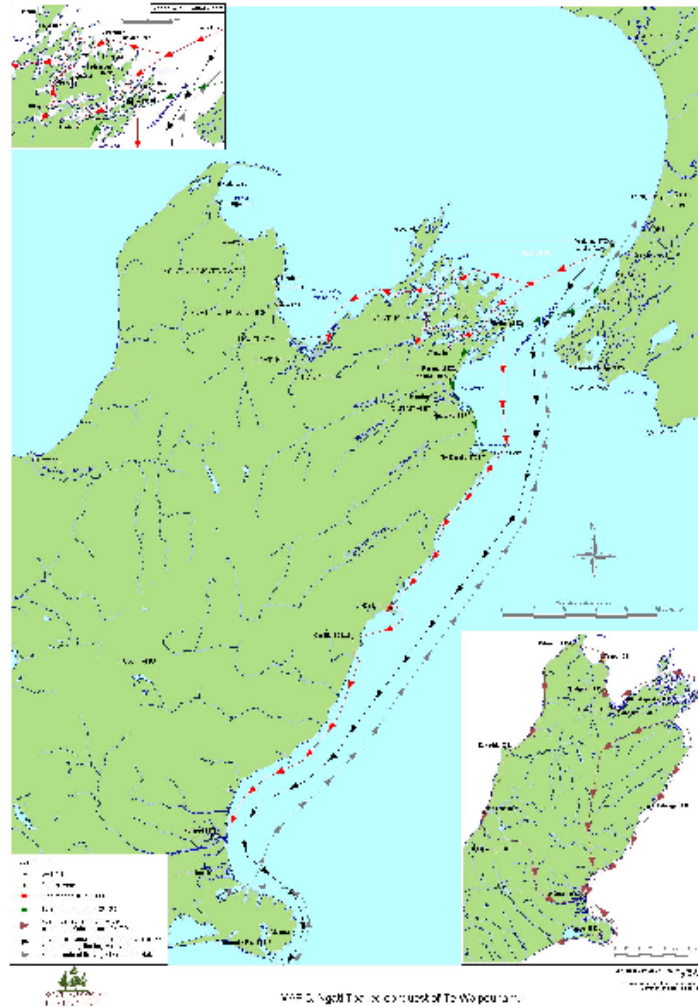


¹ Te Rangihaeata's pah with the island of Mana and the opposite shore of Cook's straits [1844]

APPENDIX 2

Heke to the South Island

Following the Battle of Waiorua, Te Rauparaha and Te Rangihaeata led a force south. Following a number of campaigns and battles against the iwi of the Upper South Island and against Ngai Tahu, Ngati Toa and its allies acquired customary rights by conquest in a large area of the Northern South Island. Areas particularly favoured by Ngati Toa in the South Island include the Wairau Valley, Port Underwood and Pelorus Sound.



APPENDIX 2

The Ngati Toa Empire

By 1840 Ngati Toa Rangatira was established as the pre-eminent Iwi dominating the Kapiti, Wellington and Te Tau Ihu (northern south island) regions.

Ngati Toa held a maritime empire founded on a virtual monopoly of access to European goods and trade in the Cook Strait region. Ngati Toa possessed a de facto military and economic power that was widely recognised and acknowledged by both Maori and European. The Crown has recently acknowledged this dominance² and the future negotiations for settling of the Ngati Toa claim will be addressing the loss Ngati Toa suffered as a result of Crown actions shortly after the signing of the Treaty.



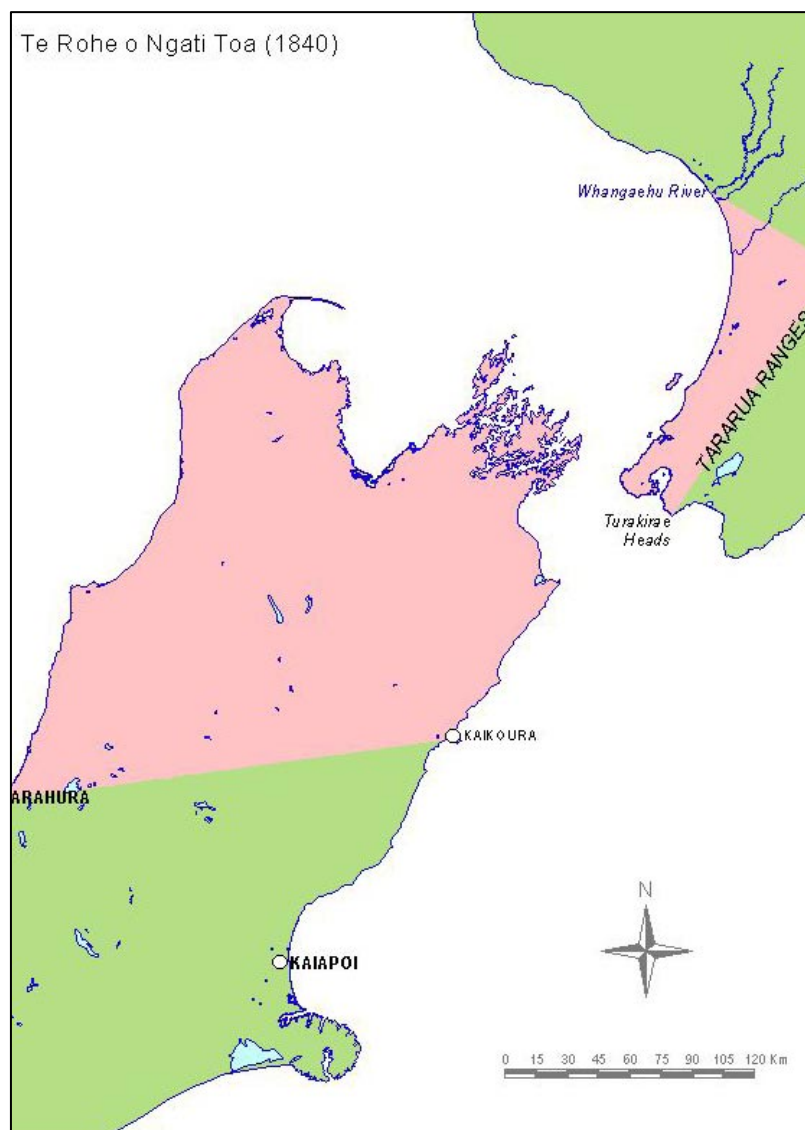
² Crown Closing submissions in the Te Tau Ihu Tribunal Inquiry at page 25.

Ngati Toa Rangatira Rohe

Ngati Toa's rohe is traditionally described as being from Whangaehu in the north, the Tararua ranges to the east, south by Turakirae Heads to Kaikoura and west to Arahura, then returning to Whangaehu.

The Ngati Toa rohe spans a large number of local authorities. It includes both rural and urban areas, as well as a diverse range of landscapes from the Manawatu plains to the Marlborough Sounds and the North Canterbury high country. It is also important to bear in mind that our rohe is not simply focused on the land, but that the waters of the Cook Strait are at the heart of the rohe and are as integral to our association with this area as the land.

This is an important reason why the south coast of Wellington was so highly valued by Ngati Toa. With its commanding views over the Cook Strait and its strategic importance as a central point of access for waka converging from both sides of the Cook Strait, Ngati Toa recognised the need to assert authority over the area. Ngati Toa's control of the south west coast was an important factor in establishing political and economic dominance throughout the Cook Strait.



Ngati Toa's Mana in the Wellington Area

Customary Rights

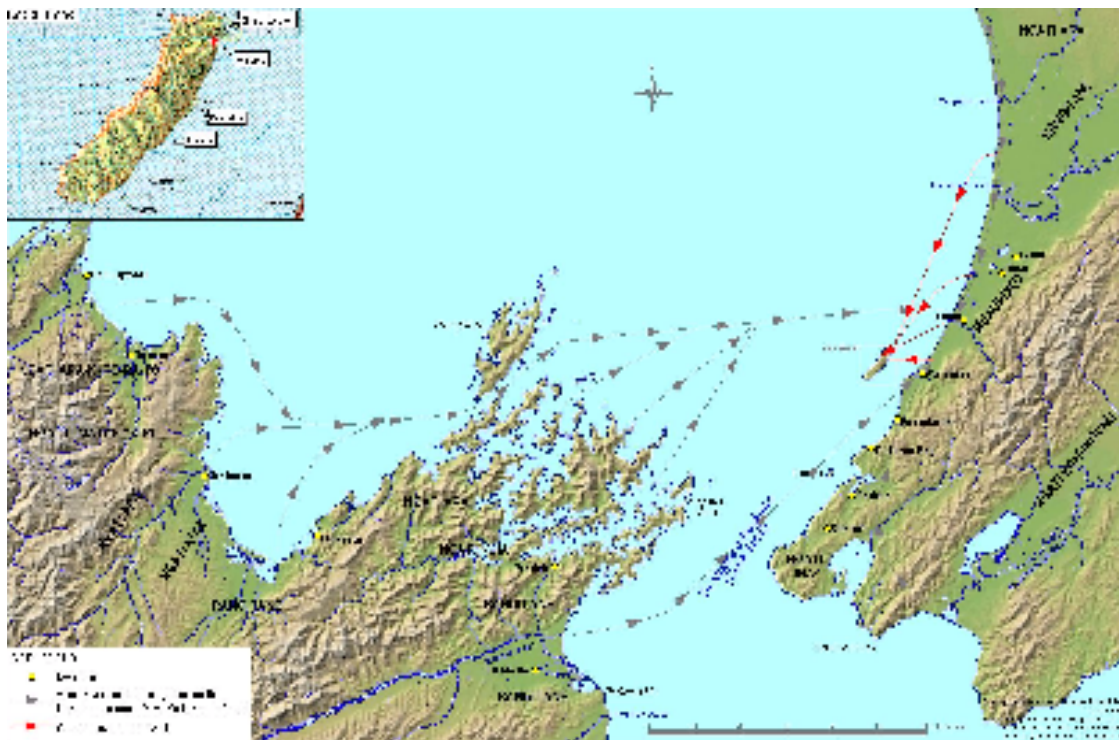
Ngati Toa's customary rights within the rohe, come from two tikanga (or customary law) principles of raupatu and ahi kaa.

Raupatu

Rights through raupatu or conquest arise from a number of key incidents that clearly show that Ngati Toa did subdue the iwi that were present in the rohe and as a result obtained rights through raupatu.

The campaign of raupatu whereby Ngati Toa subdued previous occupants by ringakaha (force of arms) included the battles of Waiorua on Kapiti Island (shown on the map below) and Tapu-te-Ranga at Island Bay. This battle occurred in 1827 and culminated in the final defeat of Ngati Ira by Ngati Mutunga and Ngati Toa. Ngati Ira's Chieftainess, Tamairangi, was taken prisoner and she was presented to Te Rangihaeata at Ohariu where she acceded to his protection. Tamairangi and her son, Te Kekerengu, were permitted to live and settle on Mana island by Te Rangihaeata.

The key battles of Waiorua and Tapu-te-Ranga, along with a series of other battles saw Ngati Toa clear any resistance to their settlement from other Iwi from Whangaehu to Te Whanganui-a-Tara as well as to areas in the South Island.



Map 2.1: Whanganui - Iwi of the lands of Ohariu and surrounding areas

APPENDIX 2

Ahi Kaa

By the 1830s Ngati Toa held over-arching rights in the area that now makes up our rohe. The strategic importance of the Wellington area became apparent to Te Rauparaha during a preliminary scouting expedition to the region in 1819.

Professor Ward, one of New Zealand's leading historians, acknowledged the wide influence of Te Rauparaha's mana in evidence before the Waitangi Tribunal. In particular, he stated that:

“actual occupation and cultivation of land, nor even the specific fishing rights that whanau and hapu developed, do not fully encompass the kind of authority Te Rauparaha had from his control of access to harbours and seaways.”³

Ngati Toa, not surprisingly, was very concerned to maintain the control of their trading empire in the Cook Strait. To do this, it was necessary for them to follow up their conquest with rights of ahi kaa. Ahi kaa literally means to keep the home fires burning and recognises the idea that it is not enough to simply conquer an area but that the conquerors must also retain a presence there.

In respect of the Wellington region and the Hutt valley, Ngati Toa's ahi kaa rights were applied through political, economic and military means, rather than strictly through occupation. This included the allocation of lands to relations and allies following the conquest.



Crown strategy to undermine the Ngati Toa Polity

Ngati Toa's control and dominance throughout the Cook Strait region continued until the Crown intervened with military force. Ngati Toa were perceived as a military and economic threat by the Crown, especially after the Wairau Affray in 1843 – caused by the illegal actions of the Nelson magistrate – and eventually Governor Grey set in place a deliberate policy of coercion in order to bring Ngati Toa hegemony to an end.

This programme involved a number of aspects. Following a classic “divide and rule” strategy Governor Grey persuaded some Iwi to aid the Crown against Ngati Toa. Forts were built in Wellington, Karori, Hutt Valley and a blockhouse

³ Professor Ward; Brief of Evidence for Waitangi Tribunal Hearing (Wai 207), 9 June 2003, p13

⁴ Decorated head of the chief Te Rauparaha's canoe [1890]

APPENDIX 2

at Paremata. In a combined sea and land military operation in 1846 Grey captured Te Rauparaha at Porirua and Pauatahanui was attacked in a two-pronged campaign by Crown forces. Te Rangihaeata escaped just in time and was pursued north through the bush where he remained in exile. Te Rauparaha was taken to Auckland. One chief captured at Pauatahanui was publicly hanged at Paremata barracks and others were transported as felons to the British penal colony in Van Diemen's Land (Tasmania). It was at this point that Grey forced Ngati Toa to part with their lands

Continuous Presence

Despite the Crown's military action against Ngati Toa, which left the Iwi in a state of virtual landlessness, Ngati Toa has continued to exercise customary rights along the south coast area to the present day. This has occurred mostly through the customary use of resources, such as the harvesting of kaimoana, and the exercise of Kaitiakitanga in relation to the protection and ongoing management of customary resources.

Customary use of resources

Since Ngati Toa's migration to the Cook Strait region in the early 1820s, the Iwi has continued to utilise and protect important coastal resources found along the south west coast. Although Ngati Toa lived mostly at Porirua, the south west coast was in close proximity and provided an important source of kaimoana and kaiawa, along with other valuable resources. Fishing trips were regularly made to this area, particularly for gathering taonga species including paua, kina and koura. At certain times of the year, trips were also made to the south west coast to gather tuere (blind eel) and piarau (lamprey) which were regarded as delicacies by Ngati Toa. Iwi oral traditions support the customary use of the area, for instance, Kaumatua Ruihi Solomon recounts trips made by his grandparents to the south west coast:

"Ngati Toa have always used the resources from throughout the Wellington region...I remember my grandparents used to go to the Ohariu Valley for weeks at a time to eel for lamprey....They used to fish off the whole coast of south Wellington and D'Urville and the South Island on a good day..."⁵

Today, the south west coast continues to be highly valued by Ngati Toa as an important area for customary fishing. Ngati Toa harvests a number of finfish species from the area including moki, terakihi, kahawai and butterfish. Koura, kina and paua are also found in relative abundance along the south coast, particularly at Oteranga Bay, Cape Terawhiti, Ohau Bay, Te Ika a Maru Bay, Opau Bay, Ohariu Bay, Sinclair head, Owhiro Bay and Moa Point itself.

⁵ Ruihi Solomon; Statement of Evidence before Waitangi Tribunal, Wai 145 Inquiry

APPENDIX 2

Key Findings of the Waitangi Tribunal

Ngati Toa's assertion of customary rights in Wellington, and along the south west coast, is supported by the findings of the Waitangi Tribunal in its report on the Wellington District (2003). The Tribunal agreed that Ngati Toa had mana through ahi kaa in the Porirua basin, parts of Ohariu, parts of Heretaunga (Hutt Valley) and parts of south west coast. It also agreed with Ngati Toa's assertion of mana through Raupatu, giving Ngati Toa unique status and rights throughout the rohe. Ngati Toa had rights over land (anywhere in Port Nicholson) where no other group had ahi kaa.

In respect to Crown actions the Tribunal made a number of important findings in support of Ngati Toa's claim. In particular, the Tribunal found that the Crown failed to ensure that Ngati Toa had a share in the Wellington Tenth's and it recommends an allocation of lands with parity to Wellington Tenth's. How this important finding will be implemented is a matter for negotiation between Ngati Toa and the Crown.

In the context of the Northern South Island Inquiry, the Crown has also made important concessions in respect of its coercive policy against Ngati Toa. In particular, the Crown has acknowledged that it took deliberate steps to undermine Ngati Toa's rangatiratanga, and that the diminution of Ngati Toa's power and control was the result of Crown policies aimed at controlling and limiting Ngati Toa's power. The Waitangi Tribunal is expected to release its findings in relation to the Northern South Island Inquiry within the next 12 months.

Cultural Values

It is important for the decision-makers at WCC to have an understanding of Maori cultural and spiritual values. The WCC is required under the Local Government Act (LGA) to decide on the best option to mitigate any adverse effects of bypass discharges resulting from the ongoing operation of the Moa Point Wastewater Treatment Plant. Decision-making under the LGA must take into account four “well-being's”; including social, environmental, economic and *cultural* factors.

Although WCC’s decision regarding the best option for re-consenting will be made under the LGA, the application will in fact be determined under the Resource Management Act (RMA). Therefore the reasons for the option chosen must be consistent with the purpose and principles of the RMA. Of key significance in considering the application will be the Maori provisions of the Act, which are expressed in sections 6(e); 7(a) and 8. In Ngati Toa’s view, these provisions are impossible to fully grasp without an understanding of Maori cultural and spiritual values.

Under the RMA requirements, relevant policy statements and plans must also be taken into account by decision-makers. The Maori cultural aversion to the discharge of treated or untreated human waste to water is well documented and reflected in objectives and policies of numerous planning documents including the New Zealand coastal Policy Statement (NZCPS), the Regional Policy Statement (RPS), and WCC’s District Plan. The strong preference of Tangata whenua for land disposal of human waste is clearly stated as a “significant resource management issue for the City” in the District Plan. This is still Ngati Toa’s view and the cultural context is explained below.

Te Ao Maori o Ngati Toa

Maori customs, values and attitudes (inadequately described as the ‘Maori world view’ or belief system) derive ultimately from an indigenous body of knowledge which seeks to explain the origin of the universe. Two aspects fundamental to the Maori world view are *whakapapa* (genealogy) and the personification of natural phenomena. Maori developed complex genealogical constructs to explain both the time before and the time after the origin of the Universe, including the creation of life itself. The detail of these whakapapa connections varies from tribe to tribe, so we only attempt here to provide a Ngati Toa version.

The Ngati Toa *wananga* (school of learning) begins with a description of *Te Kore* (the realm of chaos or nothingness: of potential being). In this realm dwelt *Io*, the supreme begin from whose *iho* (essence) the subsequent voids were conceived. Thus from *Te Kore* arose *Te Po* (the night realm), and from thence the twilight dawn, then *Te Ao Marama* (the full light of day). *Io* then created a single being or ancestor from whence came *Rangi* and *Papa* (who after separation became known as *Ranginui*, the male principle, or ‘sky father’; and

APPENDIX 2

Papatuanuku, the female principle or 'earth mother'. From these two primal parents arose many offspring, all supernatural beings, each responsible for, or guardians of, particular natural phenomena. These are the original *Kaitiaki* of the natural world.

Tane was the most important – he was personified as *Tane Mahuta* (god of the standing forest) and he engaged in numerous acts of procreation with supernatural female deities. In all, a total of eight wives produced nine species of large trees. With *punga* he produced the insects and other small creatures of the forest. Further cohabitations produced all other birds indigenous to Aotearoa.

Tangaroa was god of the sea and all sea creatures. All Fish descended from one of his grandchildren (*Ikatere*).

Tawhirimatea was the ancestor of the winds and all other meteorological aspects while Tumatauenga had authority over warfare, and human affairs. Rongomatane, god of agriculture, was responsible for all cultivated foods, especially the kumara, also the taro, the hue or gourd, and the ufi or yam. To this function was added that of god of peace. Haumietiketike was god of the uncultivated foods, for example, the bracken fern root which was an important food source in Aotearoa.

Because of the close embrace of the Sky Father and the Earth mother their children dwelt in darkness. In order to obtain the light, the brothers schemed to separate their parents. This was eventually accomplished by Tane standing on his hands (his 'roots' embedded in the earth mother) and pushing with his feet (his branches) against Rangihirea, who had arched his back against his father's chest and stomach. The other brothers, with the exception of Tawhirimatea, assisted by way of *karakia* (ritual chants and incantations). Thus were earth and sky separated. War broke out among the children and Tawhirimatea, who had opposed the separation, joined his father in the heavens. From thence he sent forth strong winds and storms which uprooted the forests of Tane. Tangaroa fled to the sea, while Rongomatane and Haumietiketike sought refuge in the bosom of their mother. Only Tumatauenga stood firm against the winds and storms of his brother. When these subsided, Tane was able to complete the heavens by locating the sun and moon in the sky and placing the stars on the breast of Ranginui. Yet the grief of the two parents at their separations still remained, and forever after the tears of Ranginui rain down from the skies, while the rising mists express the ongoing love of Papatuanuku for her husband.

Once major creation event, the origin of humankind, was yet to be accomplished. Because the offspring of Ranginui and Papatuanuku were all gods possessing *ira Atua* (supernatural life) it was necessary for them to find or to create a female of earthly origins, from whence *ira tangata* (mortal life) could be brought forth. Tane led the search for the female element form which to create humankind, but eventually the gods were forced to the conclusion that they themselves would have to create the female essence. So they moulded a human form from the red clay of Kurawaka at Hawaiiiki (the ancestral home the

APPENDIX 2

Maori people). Tane then breathed into her nostrils the Ha or breath of life, whereupon the eyes opened, the mouth gasped, and a sneeze broke forth: (hence the saying 'Tihei mauri ora' – I breath, I am alive!). Thus was Hineahuone, the earth-formed maiden, created from the substance of Papatuanuku, from the whenua (earth) and imbued with the mauri (life force) of the gods. Hineahuone and Tane then produced Hinetitama (the Dawn Maid) who Tane took to wife so that the human species might continue.

There are several points important to the Maori world view which emerge from this abbreviated account. Firstly, the three cosmological realms (Te kore –the realm of potential being; Te Po – the realm of becoming; Te Ao Marama – the realm of being) are all linked (by the great path of Tane). Along this path, in opposite directions, the departing spirits descending to Hawaiiki, and 'that which is in the process of becoming', ascending to the world of being. Thus the universe of holistic and dynamic; there is within it an ongoing process of continuous creation and recreation.

Secondly, everything in the universe, inanimate and animate, has its own whakapapa or genealogy, and all are ultimately linked via the gods to Rangi and Papa. There is no distinction or break in this order and hence in the whakapapa between supernatural and natural. The bond this creates between the humans and the rest of the physical world is both immutable and unseverable.

Therefore our Tupuna (ancestors) believed they belonged to the physical environment, it did not belong to them. They believed they were descended from Papa rather than ascendant to her – and it is in this notion that the essential difference between Western and Maori worldviews lies. This notion forms the essence of Kaitiakitanga which denotes the package of tikanga or practices that ensured people did not push the boundaries of their relationship with the natural world too far. Inherent in the ethic of Kaitiakitanga is the understanding that members of the present generation have a responsibility, passed to them by their ancestors, to care for the natural environment to ensure that it is passed on to the next generation. This is achieved by protecting the mauri inherent in all natural and physical resources.

APPENDIX 2

Kaitiakitanga

Kaitiakitanga is the environmental management system developed by Tangata whenua over many generations to ensure the sustainable management of our natural resources and surrounding environment. It is based on the notion that Tangata whenua are descended from Papatuanuku (Mother Earth) and therefore have an inherent obligation to protect and nurture her so that she can in turn sustain our human needs. The objective of sustainability is integral to the ethic of Kaitiakitanga which requires that the mauri, or life force, existing in all things in the natural world (including people) is protected and maintained. Without mauri, nothing can survive.

Practices, or tikanga, were developed to maintain mauri in order to ensure that resources were used and managed sustainably. In very basic terms this requires only taking what one needs, and protecting the rest for future generations. This simple tikanga is central to the Maori system of resource management, or Kaitiakitanga.

Water

To Ngati Toa (and to Maori generally) Water is a Taonga. Our ancestors referred to freshwater as the 'lubricant of life', and they maintained a strong reliance on te moana, the sea, for their physical and spiritual sustenance. The Regional Policy Statement recognises the ongoing importance of the connection between Tangata Whenua and the coastal environment; particularly the value placed on its mauri, and all it offers⁶.

The moana derives its Mana Atua / divine authority from Tangaroa who holds dominion over the sea. Any practices or uses that defile the mauri and the Mana of the sea and prevent fishing or gathering of seafood are considered abhorrent. The discharge of human effluent affects the physical and spiritual health of marine life and can undermine the exercise of customary and commercial fishing. The contamination of seafood by human waste undermines the exercise of manaakitanga (or hospitality) and reflects poorly on the Mana of the Iwi. Ngati Toa personify the sea and sea life as ancestors. Contaminating the sea is tantamount to contaminating our ancestors and ultimately ourselves.

The special importance of water to the Tangata whenua of Wellington City is expressly noted in the WCC District Plan; "Water to Maori is more than just the lubricant of life. It is the medium by which things are made useable by people. Fresh water and the waters of the Harbour are equally important; there is therefore a strong support for adopting the best practical options for sewage treatment, with a definite preference for land-based treatment of both human and industrial waste."⁷ (emphasis added)

⁶ RPS – Chapter 7 – the coastal environment. Page 114.

⁷ WCC District Plan..... Wellington City Council District Plan. Section 2.3.3

APPENDIX 2

Air

To Ngati Toa (and to Maori generally), air is a Taonga. Without air, human beings and the natural world cannot sustain life. Therefore if the air required for human life becomes contaminated, thus undermining its health or mauri, this will also undermine the health of people. To pollute air with discharges is deeply offensive to Ngati Toa, and contravenes the ethic of Kaitiakitanga.

Many things can make the air sick including smoke, gas, dust and odour. These pollutants can affect not only people's enjoyment of an area, but also the direct health of the air and subsequently the health of the people. Therefore pollution of air and airspace is considered to be as abhorrent as putting raw sewage in the sea.⁸

⁸ GWRC – Regional Policy Statement; page????

Assessment of Resource Consent Application

There are four resource consents being applied for under the Resource Management Act 1991. Wellington City Council is applying to Greater Wellington Regional Council for consent. The resource consents are required to enable the continued lawful operation of the Moa Point Wastewater Treatment Plant, Wellington, and to allow for the disposal of disinfected secondary treated effluent to water. The consents being applied for are:

WCC seeks the following consents from GWRC:

- (1) *Coastal permit to discharge up to 3000 L/s of disinfected secondary treated wastewater from the Moa Point Wastewater Treatment Plant (WWTP) to Cook Strait via the existing 1.8km long outfall.*
- (2) *Coastal permit to intermittently discharge up to 4000 L/s of mixed screened (but otherwise untreated) and disinfected secondary treated wastewater from the Moa Point WWTP to Cook Strait via the existing 1.87 km long outfall when the quantity of wastewater arriving at the plant exceeds 3000 L/s*
- (3) *Coastal permit for occupation of the foreshore and seabed of the coastal marine area for the purposes of maintenance and use of the existing 1.87 km long outfall pipeline.*
- (4) *Air discharge permit to continuously discharge air from the Moa Point WWTP ventilation system.*

Applications for consents (1) and (4) relate to “normal” operating conditions, that is the discharge of disinfected secondary treated wastewater (hereafter referred to as “treated- wastewater”) to Cook Strait, the use of the outfall pipeline and the discharge to air from the ventilation system.

The application for consent (2) covers the occasional discharge of wastewater which bypasses the primary, secondary treatment and disinfection trains during extreme wet weather, and which then mixes with treated wastewater prior to discharge through the existing 1.87 km long outfall.

The application for consent (3), for occupation, applies in relation to the structure at all times.⁹

Continuous Discharge to Water

Ngati Toa would also like to emphasise the need to constantly monitor water quality on the coast and the quality of the effluent as it leaves the WWTP. It is imperative that there is no reduction in the quality of the wastewater/effluent entering the coastal marine area. Ngati Toa would not accept any decrease in the quality standards of the effluent being pumped into Cook Strait from the long outfall.

⁹ Draft AEE Moa Point WWTP 2007

APPENDIX 2

In the AEE there is not sufficient information to determine what happens in the event of plant failure. Plant failure can occur for unforeseen reasons or for plant maintenance. Therefore in the event of plant failure, Ngati Toa recommends there should be a comprehensive contingency plan to address the process of what happens to all wastewater inflows.

There are already conditions on the current consent that require daily monitoring of the quality of the effluent. Ngati Toa would recommend that this condition be retained. There is a need for constant monitoring of water quality that exits the Moa Point WWTP because of the relatively high use of the coastal environment on the south coast for seafood gathering and contact recreational purposes, it is imperative to monitor water quality, and alert the public if there is any decrease in water quality that could lead to a public health risk.

This is of potential concern to Ngati Toa, because of the strong cultural concerns associated with the disposal of human waste this way, and because the coast is highly valued for customary gathering of kaimoana and recreation. We would like to stress that no reduction in the quality of wastewater entering the coastal marine area is acceptable to Ngati Toa.

Restricted Coastal Activity

There are currently thirteen conditions of consent for the legal operation of the wastewater treatment plant. Ngati Toa would support the retention of all conditions, with some amendments to the current conditions.

Consent condition 6:

The permit holder shall, immediately upon becoming aware of a bypass discharge, place and maintain at least two signs on Lyall Bay beach and at least one sign on Tarakena Bay beach advising of the presence of the discharge at the site and containing wording derived through consultation with Regional Public Health and to the satisfaction of the Manager, Consents Management, Wellington Regional Council. The signs shall remain in place until at least seven days have elapsed following cessation of the bypass discharge.

Consent condition 11 (a)

The permit holder shall investigate ways and means of eliminating bypass events and shall provide to the Manager, Consents Management, Wellington Regional Council with annual reports on the findings of these investigations. These investigations shall include, but not necessarily be limited to:

- a) Provision of storage of peak flows at various locations within the city, including Murphy Street and Moa Point;*
- b) The use of Mt Albert Tunnel to store peak flows;*
- c) The enlargement of the Mt Victoria tunnel to store peak flows;*
- d) The utilisation of pump station storage to alleviate peak wet weather flows;*
- e) The amalgamation of sewage pump stations combined with a storage facility;*
- f) Enhancement of the capacity of the trunk sewer at specific locations, to*

APPENDIX 2

- reduce back-up and overflow potential;*
- g) Augmentation of the treatment capacity at the Moa Point WWTP, including upgrading the UV treatment capacity to treat peak flows;*
- h) Implementation of a comprehensive inflow and infiltration programme, targeted at specific subcatchments;*
- i) Sophisticated screening systems to screen stormwater flows; and*
- j) Sustainable urban drainage technologies.*

This report shall be submitted to the Manager, Consents Management, Wellington Regional Council by 30 May each year and a final report shall be submitted at least three months prior to the expiry of this permit.

Consent Condition 11 (b)

In the event that the permit holder undertakes significant remedial work as a result of the investigations referred to in condition 11 (a), this work shall be described in the annual reports.

Note: there are strong expectations that by the time the expiry date for this permit is reached, the permit holder will have implemented or be in the process of implementing means of eliminating bypass discharges.

Although some options have been implemented to mitigate the adverse effects of bypass discharges, a comprehensive solution has not yet been implemented. The option chosen by WCC for the re-consenting application will be crucial in addressing the expectations noted condition 11(b) that the means of eliminating bypass discharges would have been implemented or in the process of implementation by the time of the expiry of the permit. This recommendation is consistent with the views of Ngati Toa and we consider that it should be used to guide WCC in its decision on the best mitigation option for the continued operation of Moa Point.

Ngati Toa have some concern over the potential health risks Iwi members could be exposed to when diving for customary purposes. Ngati Toa suggest that the scope of signage could be widened to include more sites along the coastline including: more signage along Lyall Bay beach; alongside the airport runway where a lot of fishing is done; Moa Point carpark; and Te Raikaehau Point.

We note in the previous consent conditions that there was a strong expectation that “the permit holder will have implemented or be in the process of implementing means of eliminating bypass discharges”.

Ngati Toa have observed that elimination of bypasses is a long way off, and a complete solution has not yet been identified. We expect that a solution to eliminate all bypass discharges will be determined by which mitigation option Wellington City Council decides to adopt through this resource consent application.

Because bypass discharges were not eliminated during the previous (current) consent term, Ngati Toa would not support a full 35 year duration for the consent that will address the complete elimination of bypass discharges.

APPENDIX 2

Occupation of Coastal Area

There are no specific cultural concerns with this application other than periodic monitoring to ensure there is no leaching or leaking along the length of the pipe closer to shore that could have the potential to impact on the cultural values and physical health of the environment. We also suggest that there should be a maintenance plan developed for the lifetime of the pipeline, including regular inspections, mitigation options (if leaking is discovered), and processes for the upgrading of the pipeline if necessary.

Discharge to Air

There is insufficient monitoring information within the compliance report of the AEE to allow us to confirm the extent to which odour has caused adverse effects to the surrounding environment. There is also a lack of information regarding the process to deal with the event that noticeable offensive or objectionable odours are negatively impacting on the surrounding neighbourhoods of Miramar, Strathmore, the Wellington International Airport, Lyall Bay and the South Coast.

In this case, Ngati Toa believe the development of an odour management plan specific to the Moa Point WWTP should be developed to address mitigation measures for odour discharges.

The previous discharge to air consent was for a term of 10 years. However, the draft AEE does not provide any indication of the proposed term for the new consent. If the maximum duration of 35 years is sought, Ngati Toa would request that a condition is imposed to require ten yearly reviews to ensure that all conditions are being met and that any adverse effects on the environment continue to be no more than minor.

Assessment of Cultural Effects

This section of the report considers the cultural effects of the re-consenting proposal for the Moa Point Wastewater Treatment Plant from Ngati Toa's perspective. The proposal raises a number of issues of potential concern regarding the continuing operation of the wastewater treatment plant. The principal concerns of Ngati Toa are the cultural and environmental effects of the discharge of human waste to the coastal marine area.

Issues of potential concern to Ngati Toa

Discharge to water

As outlined in the Cultural values section, the discharge of human effluent to water is highly offensive to Ngati Toa and not only affects Maori but the whole community. The practice of pumping human sewage into Raukawa Moana (Cook Strait) thereby defiling the mauri and the Mana of the sea and preventing fishing or gathering of seafood is culturally abhorrent.

Raukawa Moana was the epicenter of Ngati Toa's maritime empire prior to the intervention of the Crown in the 1840s. The entire Wellington area has traditionally and continues to be an important area of mahinga kai (area for food gathering) for Ngati Toa, a customary right which the Iwi maintains to this day. However the contamination of seafood by human waste undermines customary fishing and the exercise of customary practices such as manaakitanga, or hospitality to manuhiri (visitors). If kaimoana is unhealthy, or prohibited from being taken due to contamination, and the Iwi is unable to extend manaakitanga this reflects negatively on the mana of the Iwi.

Raukawa Moana also has important traditional associations with Kupe, the great navigator and earliest explorer of the Wellington region. Hence many places around the Wellington coastline reflect his "discovery" of Aotearoa, including Matiu (Somes Island), Pariwhero (Red Rocks) and Ohariu. These traditional associations are defiled in Ngati Toa's view by the discharge of human waste to Raukawa Moana.

Not only is Ngati Toa acutely interested in the cultural and spiritual aspects of human effluent disposal, but we also have serious concerns about the physical, environmental and amenity values that can be significantly compromised when sewage is disposed of to water. This is of particular concern during bypass overflow events as is addressed later in this report. The discharge of human effluent can affect the physical health of marine life and can undermine the exercise of customary and commercial fishing. It also has negative effects for recreational and leisure activities including swimming, sailing and surfing that occurs mainly in Lyall Bay, in relative close proximity to the long outfall.

APPENDIX 2

The cultural and spiritual abhorrence of discharging human sewage to water is of serious concern to Ngati Toa and the Iwi has an explicit preference for land based treatment and disposal of human sewage over water based solutions. However Ngati Toa does acknowledge that the quality of effluent being discharged to Raukawa Moana has improved significantly since the construction of the Moa Point Treatment Plant. Furthermore, we accept that Moa Point provides the best solution for wastewater disposal over the short term, until advances in technology allow for alternative methods of disposal including land-based options. Therefore, Ngati Toa believe that WCC should be required to continue investigations aimed at eliminating bypass overflows and the need (ultimately) for the disposal of human waste to water.

The Effects of Bypass Events

Bypass overflows occur in the event of high rainfall when the inflow of effluent reaching the Moa Point WWTP through the interceptor sewer exceeds the capacity of the plant to treat the wastewater prior to discharge. Effluent volumes in excess of the plant's capacity are discharged with only primary treatment via the long outfall to Raukawa moana. Partially treated sewage is also discharged to the inner Harbour via short outfalls at Murphy Street, Overseas Passenger Terminal and Lyall Bay.

This situation is simply not acceptable to Ngati Toa for cultural and environmental reasons. We do not support any of the mitigation options that propose to continue intermittent discharges of essentially raw sewage to the inner harbour. We would like to see these discharges completely eliminated through the re-consenting process.

We are also opposed to proposals that allow for the unmitigated discharge of bypass overflows via Moa Point into the future. We recognise that it will be difficult to eliminate bypass events to Raukawa moana but we do not accept that it is impossible over the longer term. In any case, we consider that WCC should be required to continue investigations of ways and means to eliminate bypass overflows. As an absolute minimum, WCC should be required to at least mitigate the adverse environmental effects of bypass events.

The Inflow and Infiltration programme (I & I) should be a priority for WCC. Storm water contributes significantly to peak wastewater flows in high rainfall events. Therefore, while it is not a complete solution for the elimination of all bypass events, I & I reduction will ensure that the smaller quantities of waste water will reach the inflow into the Moa Point WWTP and will alleviate some of the pressure during and immediately after high rainfall.

APPENDIX 2

Discharge to Air

Air is a taonga, and to defile air is deeply offensive to Ngati Toa. The discharge of faecal coliforms and salmonella to air is of serious concern, as it negatively impacts on the mauri of the air, therefore affecting the life supporting capacity of the atmosphere.

Wellington City Council must hold a current resource consent to legally discharge air that may contain faecal coliforms or salmonella from the Moa Point WWTP. To minimise potential effects on the environment, all potential odour causing areas are sealed. This may mitigate day to day operation odour from the WWTP, but in the event of odour escaping into the atmosphere, we consider that some form of odour management plan should be developed. These events may include unforeseen events where untreated air is discharged to the atmosphere, plant maintenance, or plant failure that results in air discharge. An odour management plan would address mitigation options to deal with offensive or objectionable odours being discharged into the atmosphere.

Key Points

- An odour management plan should be developed that would outline a contingency plan for odour management in the event that offensive or objectionable odour is released from the Moa Point facility.
- Ngati Toa recommend that as part of a consent review process, Wellington City Council should produce a report detailing their investigations into any technological advances that might support alternative disposal options, such as land based options.
- Ngati Toa do not support any further bypass discharge to Wellington Harbour, and request that Wellington City Council be required as a condition of consent to continue investigations of ways and means to eliminate bypass events to Raukawa Moana over the long term.

Effects on Cultural and Spiritual Values

The Maori cultural aversion to the discharge of treated or untreated human waste (sewage) to water is well documented and reflected in the objectives and policies of relevant policy statements and plans. Such discharges are considered to be particularly offensive where there is any suggestion that traditional food gathering areas or waahi tapu could be affected. More generally, the discharge of contaminants to water bodies is considered to degrade the mauri of the water body.

As mentioned in the historical section of this report, the Wellington south coast is a traditional food gathering area for Ngati Toa and continues to be used as a source of kaimoana (seafood). Ngati Toa has a strong aversion to any sewage discharges to coastal waters, and in the long-term would like to see an elimination of all discharges to water. We are primarily concerned with the cultural and spiritual effects of discharges on the mauri of the water and its ability to sustain life, and also the potential ongoing effects of continuous discharge on the receiving coastal marine area in particular the health of the

APPENDIX 2

marine habitats and kaimoana. Ngati Toa will not accept any reduction in the quality of wastewater flow from the long outfall.

Not only does the operation of the Moa Point WWTP have an effect on the quality of the water on the south coast, but it also has the potential to impact on the health of the harbour, particularly in high rainfall events. Ngati Toa also has a strong interest in the health of the harbour, and this has the potential to be negatively affected depending on which mitigation option(s) are adopted by council. Because of Ngati Toa still exercises customary fishing rights in Wellington Harbour, particularly in the vicinity of Matiu Island, we have serious concerns about the discharge of any contaminants into the harbour. Other concerns we have are around the high concentration of residential areas that surround the inner harbour and the ever-increasing use of the harbour for recreational purposes, and the effects any discharges, treated or untreated, have on the harbour.

Water Quality

We acknowledge that the conclusion of the Cawthron report states that the continuing operation of the outfall at current effluent quality and flow rates is unlikely to result in significant adverse effects on the benthic environment. However given the significant cultural, recreational and environmental values associated with the area in the vicinity of the outfall, we consider it necessary for regular monitoring of water quality to be undertaken. To this end, we support the recommendation of the report regarding the need for water quality monitoring to examine any effects that the continuous flow is having over the long term.

In addition, Ngati Toa are concerned about the lack of information in respect of the environmental impacts of bypass overflows. The Cawthron report does not appear to address this issue. However, we would expect there to be some adverse effects on the marine habitat despite the infrequency of bypass events. We are mostly concerned about the potential cumulative effects over the long term and consider that water quality testing and perhaps even ecological monitoring is necessary to ensure that any adverse environmental effects are no more than minor.

Duration of consents

The AEE states that the term of consents has not yet been determined by WCC. However, during initial consultation we understood that Wellington City Council intended to apply for the maximum term of 35 years for each of the four consents sought.

While Ngati Toa accepts the need for WCC to have some level of certainty in terms of the long term management of their operations and assets, including the Moa Point Treatment Plant, this must be balanced against the sustainable management of the environment. Ngati Toa is concerned that as the WWTP has only been in operation for 10 years, there is insufficient information available to determine the long term effects of the continuous discharge to

APPENDIX 2

Raukawa Moana, and more particularly of the intermittent bypass overflows to the inner harbour and south coast.

The AEE gives no indication as to the estimated lifetime of the Moa Point WWTP. It would be of serious concern and negligence if the council were to apply for a 35 year consent if the WWTP did not have an operating lifetime that was consistent with this term. This not only applies to the WWTP, but all systems associated with the treatment of human waste in Wellington City, including the interceptor sewer system, the various pump stations, the wastewater treatment plant itself, and the long outfall into Cook Strait. It is unlikely that Ngati Toa would give its support for a longer term consent if there was not certainty that all aspects of the wastewater treatment and disposal system had a lifetime of at least that of the term of consent.

Therefore Ngati Toa would not support a proposal for the maximum term of consent for any of the permits sought. There is insufficient information available in terms of the long term environmental effects and the expected lifetime of the plant to permit the ongoing discharge of effluent to Raukawa Moana and of odour to the air over the next 35 years. Ngati Toa propose instead a shorter term of consent for a period of 15-20 years. In our view this would provide certainty for WCC in terms of its asset management, while also providing for regular monitoring of the ecological health of the coastal marine area to ensure the sustainable management of the environment.

The bypass discharges, in our view, require an even shorter duration of consent. This is due mainly to the likelihood of increased incidents of bypass events in the future as a result of climate change (discussed further below) and the lack of information regarding the environmental effects of bypass overflows. This creates a situation of uncertainty thus requiring a precautionary approach.

Moreover, the previous consent noted that there was a strong expectation that bypass discharges would be eliminated or in the process of being eliminated by the expiry date of the consent. Although WCC has undertaken some mitigation, this has not resulted in any reduction in bypass discharges. Last year there were seven bypass discharges, compared to the average of three per year for the term of the consent.

Therefore, in light of the uncertainty of effects resulting from climate change and the unknown consequences of bypass overflows on the environment, Ngati Toa suggest that a 10 year duration would be appropriate for the bypass consent. Within this timeframe, we consider that WCC must have implemented or be in the process of implementing ways and means of eliminating bypass discharges.

Climate Change

Rainfall is expected to increase with climate change. Ngati Toa is concerned that significant and extreme wet weather events may become more frequent in the future as a result of climate change. If no serious remedial work is undertaken immediately, then we can assume that the frequency of bypass discharges will increase.

APPENDIX 2

The effects of climate change are a matter that the consent authority has to have particular regard to, pursuant to section 7(i) of the Resource Management Act (the Act). 'Climate change' is defined in the Act as '*a change of climate that is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and that is in addition to natural climate variability observed over comparable time periods*'.

Ministry for the Environment (MfE) has published a guidance manual for local government in New Zealand. The manual advises that climate change impacts on local government services (such as wastewater collection and disposal) should be considered whenever an asset, consent, resource requirement or service function depends on a climate variable and its lifetime exceeds 30 years. We can assume that the estimated lifetime of the Moa Point WWTP will exceed 30 years, however the AEE does not address this. However assuming that the council (WCC) does intend to apply for resource consent for 35 years, the maximum possible under the Act, we must assume that the council would have some plans for upgrading and maintenance of the WWTP as flows gradually increase over the coming years, again, the AEE does not address this either.

Consideration of Mitigation Options

As a condition on the current resource consent, the WCC had to make investigations into elimination options for wastewater bypass discharges. There were three broad strategies to address mitigation for bypass discharges.

1. Detention storage of peak flows
2. Complete or partial conveyance of the sewer system from Murphy Street to Moa Point.
3. Discharging peak flows into Wellington Harbour at a number of wastewater overflow locations. Outflow points from the sewer system at:
 - Murphy Street (outlet at the container terminal)
 - Overseas Passenger Terminal,
 - Through the short outfall at Lyall Bay.

These three strategies can be implemented alone, or in combination to generate six different options.

1. Option One – Detention storage of peak flows.

There are three areas that have been considered for detention storage of peak flows.

- In the vicinity of Murphy Street, Thorndon.
- In the vicinity of Drummond Street, Newtown.
- At Moa Point.

Our understanding is that this option would provide adequate storage to contain the volume of wastewater that is typically discharged untreated. If this eliminates the need to discharge any primary treated wastewater out of the short or long outfall, Ngati Toa would support the detention storage proposal. However, this would be on the condition that the storage facility was not in the immediate vicinity of any waahi tapu. The storage of human waste on or near sacred areas is deeply objectionable to Ngati Toa, as it would be for any culture.

2. Option Two – Conveyance of peak flows to Moa Point.

This proposal is intended to enhance pipe (conveyance) capacity within the interceptor sewer system through the construction of a new interceptor sewer from Murphy Street to moa Point, parallel to the existing sewer.

Ngati Toa's understanding is that the enhanced conveyance capacity of the interceptor sewer would eliminate overflows along the length of the sewer, but the Moa Point WWTP would need to be upgraded to cope with increased wastewater volumes arriving at the plant in high rainfall events. The increased capacity throughout the system would avoid discharges of untreated effluent down the long outfall.

APPENDIX 2

The construction of a second interceptor sewer can be expected to cause significant disruption and inconvenience to communities and road users along the route of the sewer during the construction period. However, the increased wastewater capacity provided by a new pipeline and the upgrades to the Moa Point treatment Plant would generally eliminate overflows at the long outfall at Moa Point.

This option, from the outset, would be Ngati Toa's preference as it provides the best opportunity for eliminating all overflows at any point in the sewer line and down the long outfall. As discussed in this report, the discharge of human effluent to water, whether treated or untreated, is culturally offensive to Ngati Toa. However, we accept that at this time there are no viable alternatives to discharging treated sewage to Raukawa Moana. We do not accept, however, that it is necessary to discharge untreated (milliscreened) effluent to the inner harbour or the south coast. Nor do we accept that the environmental effects of bypass discharges are no more than minor given the magnitude of cultural and spiritual concerns and the lack of information regarding environmental impacts.

3. Option Three – Overflow treatment and discharges of peak flows.

This option aims to provide primary treatment to overflows at times of peak flows, and discharge the overflow effluent into the harbour. This would occur prior to discharge at the Murphy Street overflow, the Drummond Street overflow, Moa Point, and various overflow locations downstream of Mount Victoria. This option would reduce the peak flows reaching Moa Point and the frequency of bypass discharges but would not completely eliminate them.

In Ngati Toa's view, this option has very serious impacts not only in terms of the physical health of the marine environment, but also in terms of the cultural and spiritual connection of Ngati Toa to the inner harbour and Raukawa Moana, and our obligation as Kaitiaki to protect our taonga. Ngati Toa do not support any discharges of human effluent, treated or untreated, to the inner harbour.

The inner harbour is used extensively for contact recreation purposes including swimming, boating, some fishing and Waka-Ama / dragon boating. The numbers of people involved in these and other activities will inevitably grow, therefore it is imperative that the council do not allow for any further discharge into Wellington Harbour at any point.

More importantly, Ngati Toa continue to exercise customary fishing rights in the inner harbour, particularly in the vicinity of Matiu Island. Ngati Toa is not generally aware of the bypass discharges to the inner harbour and is concerned about the potential health risk to the lwi and the overall effects on the health of kaimoana (especially mussels) and the surrounding marine environment. We strongly oppose any options that will allow for continued discharges of untreated sewage to the inner harbour.

APPENDIX 2

4. Option Four – Overflow treatment and discharge at Murphy Street, combined with downstream storage at Drummond Street and/or Moa Point.

This option uses a combination of overflow treatment and discharge, and some storage. In the northern section of the sewer, a small storage and primary treatment sector would be established at the Murphy street overflow, before peak overflows were discharged into the harbour. There would also be storage at Drummond Street. This would decrease but not eliminate instances of peak wet weather overflows out the long outfall.

This option still involves the discharge of only primary treated wastewater into the harbour which is of serious concern to Ngati Toa. The proposal to discharge essentially raw sewage into the harbour is abhorrent to Ngati Toa as it harms the mauri of the water, thus undermining the physical and spiritual health of the harbour. Maori have always used the harbour to survive, and for hundreds of years it was a rich and healthy source of kaimoana that sustained numerous groups of Maori around the harbour. Despite the harmful effects of pollution into the harbour over the years which have rendered some parts of the harbour all but dead, Ngati Toa are still reliant on the harbour for customary fishing and regularly gather kaimoana from around Matiu Island. The discharge of untreated sewage to the harbour, no matter how infrequent, is an ongoing concern for the Iwi.

Therefore, Ngati Toa strongly oppose any further discharges of effluent into the harbour, and from the outset would not support this option. This option does not have the ability to completely eliminate all bypass discharges, which is not acceptable to Ngati Toa, and is not consistent with the very strong expectation attached to the current resource consent.

5. Option Five – Murphy Street storage and downstream overflow treatment and discharge

This option involves storage at Murphy Street, however there will still be minor storage and primary treatment facilities downstream of Murphy Street including primary treatment facilities at Moa Point. This would not likely eliminate all bypass events.

As with other proposed mitigation options, Ngati Toa do not support any disposal of untreated or treated sewage to the inner harbour, and we do not believe that this option will successfully eliminate bypass events on the south coast, and therefore we do not support this option.

APPENDIX 2

6. Option Six – Murphy Street overflow storage and downstream conveyance.

This option also involves storage for excess effluent in the northern sector of the sewage system, but will also involve conveyance of the sewer system to Moa Point downstream of Murphy Street. This option will also require an upgrade of the Moa Point WWTP to deal with increased inflow to Moa Point. This option will avoid overflow discharges at Moa Point in all but the most extreme wet weather events.

However, because Ngati Toa are also conscious of the economic cost of the conveyance option, and the significant disruptions the works are likely to cause, Ngati Toa have identified this is a secondary option behind full conveyance. This is because it eliminates the need to discharge untreated waste to the Harbour and coastal marine area, thereby mitigating the cultural concerns of bypass overflows.

Inflow and Infiltration Reduction Program.

A major cause of increased volumes of wastewater to Moa Point WWTP during high rainfall events is from storm water entering the sewer line. This occurs from storm water leaching into the sewer system through cracks in the pipes, or from illegal connections into the sewer system. While this option is not a solution to all bypass discharges on its own, it will be implemented along with the option that is employed by council.

Inflow and infiltration is a major problem in Wellington. Tackling this problem will involve continued efforts by WCC to identify properties that have illegal connections for storm water discharge into the main sewer system. It will also require maintenance and upgrading of some of the sewer line that is susceptible to inflow and infiltration from storm water. This is an extremely costly exercise and has the potential to cause significant disruption to inner city users in situations where remedial work is required on the sewer line.

Despite the significant costs, it is Ngati Toa's view that this work is imperative and should be prioritised by WCC. Inflow of storm water into the sewer system during incidences of high rainfall contributes substantially to the quantity of wastewater that reaches Moa Point WWTP, and is a major contributing factor to bypass overflows. When the Moa Point WWTP was first proposed and Ngati Toa was consulted, we understood that bypass discharges would only be temporary and that the I&I programme would eliminate them. Although WCC has devoted considerable resources towards the elimination of I&I, there has only been very limited success. The problem appears to be much larger than first anticipated. Nevertheless this is a primary infrastructure issue that needs to be properly addressed by WCC, and given the possibility of increased incidents of high rainfall in the future, we believe it is increasingly important for WCC to continue its I & I programme alongside whichever option is chosen to mitigate bypass discharges.

APPENDIX 2

Key Points

- Storage is acceptable to Ngati Toa, however this would need to be of an appropriate capacity to store all peak flows in high rainfall events to eliminate the need for discharges to the inner harbour. Ngati Toa's support would also be on the condition that the sites chosen for storage are not in the vicinity of any waahi tapu.
- No reduction in the quality standards of wastewater down the long outfall is acceptable to the Iwi.
- Inflow and Infiltration programme (I & I) should be a priority, as this appears to be a major contributor to the interceptor sewer flows in high rainfall events.
- Conveyance is Ngati Toa's preferred mitigation option, as we believe this option is the best suited to eliminate all bypass discharges, and provide more capacity to deal with the expected future flows.
- Ngati Toa do not support any options that require the continuation of bypass discharges to the inner harbour.

Multi-Criteria Analysis.

At a workshop in November 2006, Ngati Toa identified eight assessment criteria for WCC to use in assessing cultural issues in relation to the various options proposed to mitigate the effects of bypass discharges. The purpose of the workshop was to identify key cultural values or issues, rather than to determine Ngati Toa's preferred option. The criteria were:

- Cultural and spiritual values
- Customary use of the marine environment
- Kaitiakitanga
- Impact on waahi tapu
- Protection of mauri
- Health of the marine environment
- Commercial fisheries and aquaculture
- Cost to ratepayer

There are a number of points to note in relation to these criteria:

It should be appreciated that they were identified "off the cuff" at the workshop and also that the information on which our judgements were being made was incomplete at the time. Therefore it was recognised by Capacity and WCC that further consultation and the preparation of a Cultural Impact Assessment Report would be necessary to enable Ngati Toa to provide more meaningful input.

It will be noted that the last criterion, in retrospect, does not really fit within the cultural criteria. This is not because cost is not an issue for Ngati Toa but rather that it is no more of an issue for Ngati Toa but rather that it is no more of an issue for Ngati Toa than it would be for ratepayers generally. In other words, cost will naturally be an important economic consideration that will be included amongst the "economic well beings" anyway. These economic well beings will

APPENDIX 2

be weighed by Council against the cultural, social and environmental well beings in assessing the mitigation options to arrive at a preferred option. So by including cost as a cultural criterion, it skews the outcome of the Multi-Criteria Analysis (MCA) towards a more affordable solution as opposed to a more culturally appropriate one.

When looking at the criteria it is obvious that many of them are closely inter-related with little disjuncture between the secular (physical) and spiritual worlds. This is illustrative of the Maori holistic approach to life. For example, the objective of Kaitiakitanga is to ensure the protection of mauri (which recognises that all things have a life force and personality of their own); and customary and commercial fishing is obviously dependant on the health of the marine environment, and so on.

From the Maori worldview it is as difficult to divorce Kaitiakitanga from mauri as it is to divorce it from mana, which provides the authority for the exercise of the stewardship obligation; or tapu, which acknowledges the special or sacred character of all things and hence the need to protect the spiritual well being of those resource subject to tribal mana. These concepts are all intrinsic to the ethic of Kaitiakitanga (whether identified as criteria or not) and they are integral to any understanding of Maori cultural and spiritual values, but they can only be understood within a Maori cultural context (explained earlier in this report).

Mitigation of Cultural Effects

This section outlines the specific measures proposed by Ngati Toa to mitigate the cultural effects associated with the key issues outlined above. It may be appropriate for some or all of these measures to be included as conditions of resource consent.

Proposed Mitigation for Cultural Effects

- WCC should be required to investigate alternative options for the disposal of human sewage as technology changes. Iwi have always advocated for land-based treatment solutions over water-based discharges.
- Ngati Toa recommend that as part of a consent review process, Wellington City Council should produce a report detailing their investigations into any technological advances that might support alternative disposal options, such as land based options.
- We request the council investigate and implement ways and means to eliminate all bypass discharges in the short term.
- Discharges out of overflows upstream of the Moa Point WWTP, (i.e. Murphy Street and overseas passenger terminal) should be completely eliminated.
- Ngati Toa would also like to emphasise the need to constantly monitor water quality on the coast and the quality of the effluent as it leaves the WWTP.
- Ngati Toa recommends there should be a comprehensive contingency plan to address the process of what happens to all wastewater inflows to the WWTP in the event of plant failure.
- There are already conditions on the current consent that require daily monitoring of the quality of the effluent. Ngati Toa would recommend that this condition be retained.
- There should be processes and plans in place to alert the public if there is any decrease in water quality that could lead to a public health risk.
- No reduction in the quality of wastewater entering the coastal marine area is acceptable to Ngati Toa
- We also suggest that there should be a maintenance plan developed for the lifetime of the pipeline and regular monitoring.

APPENDIX 2

- Ngati Toa believe the development of an odour management plan specific to the Moa Point WWTP should be developed to address mitigation measures for odour discharges.
- The Inflow and Infiltration programme (I & I) should be a priority for WCC, no matter which mitigation option is pursued.
- Ngati Toa propose instead a shorter term of consent for a period of 15-20 years for continual discharge.
- Ngati Toa suggest that a 10 year duration would be appropriate for the bypass consent
- A precautionary approach should be employed in assessing this consent, particularly in regards to the consideration of the long term effects of bypass discharges on the receiving environment, and the potential impacts of climate change/global warming on the frequency of high rainfall events.

Statutory and Regulatory Assessment

This section will outline the regulatory framework pertaining specifically to Maori issues (many of which are consistent with those of the general public) which Tangata Whenua have a responsibility to protect.

These issues should be taken into consideration by decision makers as this forms the regulatory criteria and will reinforce our position on the resource consent application at Moa Point.

The relevant statutory and regulatory requirements that should be taken into account when assessing the application in terms of its effects on Ngati Toa's cultural values are:

- Resource Management Act 1991
- New Zealand Coastal Policy Statement
- Regional Policy Statement (GWRC)
- Regional Coastal Plan (GWRC)
- Regional Air Quality Management Plan (GWRC)
- Wellington City Council District Plan (WCC)

RMA - Part II Evaluation

This section provides a cultural assessment of the proposal against the relevant sections of the Resource Management Act 1991 (RMA).

Section 5 – The Purpose

The purpose of the Resource Management Act as set out in Section 5 “is to promote the sustainable management of natural and physical resources”. The term “sustainable management” is defined to mean:

Managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural well-being and for their health and safety while:

- a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- b) Safeguarding their life supporting capacity of air, water, soil and ecosystems; and*
- c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

Wellington City Council's application is for the lawful continuation of use of the existing interceptor sewer line, the Moa Point Wastewater Treatment Plant, and the long outfall 1870 metres south of Lyall Bay in Cook Strait to treat and dispose of human sewage. This is obviously an essential infrastructure that the council must maintain to provide a social benefit to the ratepayers of Wellington.

APPENDIX 2

There are a raft of complications involved in the disposal of human sewage, including the environmental effects of sewage disposal to water, and the cultural and spiritual abhorrence of discharging treated and untreated sewage to Cook Strait, an area of particular significance to Ngati Toa.

Section 6 – Matters of National Importance

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

Particularly relating to this issue is section (e).

S.6 (e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.

In exercising its powers and functions under the Act, the decision-makers are required to recognise and provide for the matters of national importance listed in Section 6 of the Act.

Section 6 (e)

Provides for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other Taonga.

The continuous discharge of human waste (treated or untreated) to Raukawa Moana (Cook Strait) is culturally offensive to Ngati Toa. Of particular abhorrence is the discharge of effectively untreated (mixed) sewage to the inner harbour and Raukawa Moana during overflow and bypass discharges in the event of high rainfall. This is of particular concern, not only because of the obvious short term serious environmental effects of bypass discharges, but the unknown long term effects and the cultural effects on the mauri of the water and its ability to sustain life.

Section 7 – Other matters.

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to:

S.7 (a) Kaitiakitanga (the ethic of stewardship)

This section of the RMA recognises Maori tikanga in terms of management of resources, and recognises the special relationship Maori have with the environment. In terms of this consent, it is important for WCC to recognise Ngati Toa's traditional relationship with the moana, and our responsibilities as Kaitiaki to actively protect the environment and natural resources in Wellington.

In the context of the Moa Point WWTP this means that Ngati Toa's views regarding waste disposal must be carefully considered by decision-makers in relation to the future operation of the WWTP. One way in which Ngati Toa is exercising Kaitiakitanga is through this Cultural Impact Report and proposals for

APPENDIX 2

the mitigation of adverse environmental effects arising from this consent application.

Section 8 – Treaty of Waitangi.

In achieving the purpose of this Act, 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 (Te Tiriti o Waitangi).

Te Tiriti o Waitangi is the founding document of Aotearoa. Inherent in Te Tiriti is the notion of partnership between the British Crown and the Maori sovereign nation. This same notion of partnership underpins the relationship between Council and Ngati Toa and is reflected in our Memorandum of Understanding that is based on the principles of the Treaty.

In considering applications under the RMA, decision-makers are required to take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). The Waitangi tribunal and courts continue to establish the principles of the Treaty of Waitangi and it is recognised that the principles are continuing to evolve. Two of the key principles that must be taken into consideration are active protection and consultation. The principle of active protection requires that the Taonga of Ngati Toa are actively protected at all times. The principle of consultation requires that Ngati Toa are consulted about important issues within our tribal area.

In this case, Moa Point is within Ngati Toa's traditional area as outlined in the historical sections of this report. Therefore, it has particular cultural significance that the Council has a duty to protect. The commissioning of this CIR goes some way towards recognising the principle of active protection. Ngati Toa has also engaged in consultation with the Council from the earliest stages of the consent process which is also consistent with the principles of the Treaty.

Wellington City Council has demonstrated its obligations in terms of consultation, however the principle of active protection of our traditional resources is yet to be met through the mitigation measures proposed in this report to address cultural concerns.

Evaluation of Relevant Planning Documents

Wellington Regional Policy Statement (RPS)

Key objectives/policies	Relevance	Assessment
<p>Chapter Four: The Iwi environmental management system</p> <p>-----</p> <p>Objective 2 The principles of the Treaty of Waitangi are taken into account in resource management.</p> <p>Objective 3 There are increased opportunities for tangata whenua to exercise Kaitiakitanga in the Region.</p> <p>Objective 4 There are increased opportunities for the cultural aspirations and tikanga of tangata whenua with regard to natural and physical resources to be met.</p> <p>Policy 1 To develop an understanding of, and recognise the relationship between, rangatiratanga and kawanatanga in the management of the Region's natural and physical resources, including recognition of the principle of tino -rangatiratanga and its association with tribal autonomy, authority, control and self-determination.</p> <p>Policy 2 To support the active participation of tangata whenua in the development and implementation of resource management policy and plans, and in the resource consent granting process.</p> <p>Policy 3 To promote awareness of the Treaty of Waitangi and the</p>	<ul style="list-style-type: none"> • Reflects the requirements of Part 2 of the RMA • Any discharges to fresh or coastal water is culturally offensive to Tangata Whenua 	<p>Thus far, WCC actively engaged in consultation with Ngati Toa over the proposal and through the commissioning of the CIR.</p> <ul style="list-style-type: none"> • The Cultural Impact Assessment report provides Ngati Toa with an opportunity to express its cultural values and potential concerns in regards to the consent application. • The Cultural Impact Assessment report increases opportunities for Ngati Toa to participate in the Resource Consent process. • Through the cultural values section of this report, we have been able to express some of the cultural principles and ethics from a Ngati Toa perspective that were used to assess the application. • This report enables Tangata whenua (Ngati Toa) to investigate and put across our cultural values associated with the disposal of human sewage. • The cultural impact assessment report will be included in the final AEE (Assessment of Environmental Effects) in

APPENDIX 2

<p>Maori environmental management system within local authorities and other resource management agencies.</p> <p>Policy 4 To recognise and provide for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.</p> <p>Policy 6 To recognise and promote the role and importance of Kaitiakitanga.</p>		<p>the final resource consent application to GWRC.</p> <ul style="list-style-type: none"> • Ngati Toa, as kaitiaki, are obligated to protect our taonga. The Cultural Impact Assessment Report has gone some way towards achieving this, as have our ongoing relationships with territorial authorities in our rohe.
<p>Chapter Seven: The Coastal environment -----</p> <p>Issue 4 A variety of human activities, in the coastal environment and further inland, are causing degradation of coastal water quality, contamination of sediments and biota, and disruption to natural processes. Specific examples include the pollution of the Waiwhetu Stream, sewage discharges off the south Wellington coast and degradation of water quality in the Pauatahanui Inlet as a result of silt discharge from upstream subdivisions. Silt from catchments surrounding Pauatahanui has smothered filter feeders and exacerbated infilling of the inlet. There is potential for this to continue where land development occurs without careful run-off management.</p> <p>Issue 5 There is quite limited knowledge of the nature and functioning of coastal ecosystems and coastal processes, particularly in the coastal marine area. The lack of knowledge makes for difficulties when local authorities need to make</p>	<ul style="list-style-type: none"> • Reflects the requirements of Part 2 of the RMA • The Moa Point operation involves the continuous discharge of disinfected secondary (fully treated) wastewater to the Coastal Marine Area and the discharge of milliscreened wastewater to the Coastal Marine Area during significant wet weather events. 	<ul style="list-style-type: none"> • Ngati Toa has a definite preference for land based treatment and disposal of human sewage over water based disposal solutions. • While some of the emphasis of this report was around the physical environmental effects of disposing of human sewage to water, there was a strong emphasis to protect and maintain the cultural and spiritual values of the receiving environment.

APPENDIX 2

decisions about the potential effects of subdivision, use and development in the coastal environment whilst providing for the preservation of the natural character of that environment.

Issue 7

There is a need to recognise and provide for **the relationship of Maori and their culture and traditions with the coast.**

Considerations include water quality, access to waahi tapu, tauranga waka, mahinga maataitai and areas of taonga raranga and the provision for papakainga housing and marae development.

Objective 1

The natural character of the coastal environment is preserved through:

- (1) The protection of nationally and regionally significant areas and values;
- (2) The protection of the integrity, functioning and resilience of physical and ecological processes in the coastal environment;
- (3) The restoration and rehabilitation of degraded areas; and
- (4) The management of subdivision, use and development, and the allocation of resources in the coastal environment so that adverse effects are avoided, remedied or mitigated.

Objective 3

Coastal water quality is of a high standard.

Objective 4

There are increased opportunities for the aspirations of the tangata whenua for the coastal environment to be met.

- This report has addressed and explained the close relationship of Ngati Toa with Te Whanganui a Tara and Raukawa Moana, and why we have such a cultural aversion to the disposal of human sewage to these environments.
- We have emphasised throughout this report Ngati Toa's concerns surrounding the protection of quality standards of any sewage entering the Coastal Marine Area.
- Ngati Toa will not accept any reduction in the quality of wastewater entering Cook Strait down the long outfall.
- This report has been an opportunity for Ngati Toa to educate the Council and decision makers about the cultural issues associated with

APPENDIX 2

<p>Policy 5 To maintain or improve the quality of coastal water by: (1) Improving, where necessary, the quality of fresh water entering the coastal marine area; (2) Avoiding, remedying or mitigating the effects of activities in the coastal environment that can degrade coastal water; and (3) Avoiding, remedying or mitigating the effects of point discharges that directly enter the coastal marine area so the effects do not render any water in the coastal marine area unsuitable for any purpose specified in a Regional Coastal Plan for the Wellington Region.</p> <p>Policy 6 To adopt a precautionary approach to the evaluation of risk in making decisions that affect the coastal environment, recognising that there will be situations where there is a low probability of an event occurring, but that such an event has the potential to create major adverse effects. Such events include: (1) Earthquakes and tsunami; (2) Maritime shipping disasters; and (3) Accidents involving release of contaminants into the coastal marine area.</p> <p>Policy 7 To protect, where appropriate, the characteristics of the coastal environment of special value to the tangata whenua including waahi tapu, tauranga waka, mahinga maataitai and taonga raranga.</p>		<p>applications for disposal of effluent to fresh water or the coast.</p> <ul style="list-style-type: none"> • Ngati Toa have very serious concerns about the long term effects disposal of effluent to the coastal marine area. These are around the long term effects of the discharge on the cultural values and the mauri of the water, and also the physical environmental effects on kaimoana gathering and contact recreation. • A precautionary approach should be employed in assessing this consent. This is particularly in regard to the consideration of the long term effects of bypass discharges on the receiving environment, and the potential impacts of climate change/global warming on the frequency of high rainfall events. • Ngati Toa objects to any activity that has the potential to compromise the special characteristics of the coastal marine area, in particular our strong association with Raukawa Moana.
<p>Chapter Eight: Air -----</p> <p>Objective 1 High quality air in the Region</p>	<ul style="list-style-type: none"> • The operation of the Moa Point Wastewater 	<ul style="list-style-type: none"> • To Ngati Toa, air is a taonga. Therefore its

APPENDIX 2

<p><i>is maintained and protected, and there is no significant deterioration in air quality in any part of the Region.</i></p> <p>Objective 3 <i>The adverse effects of the discharge of contaminants into air on human health, local or global environmental systems and public amenity are avoided, remedied or mitigated.</i></p> <p>Policy 6 <i>To avoid or minimise, where appropriate and practicable, the discharge of contaminants to air at their source by the development and implementation of improved control technology and by good pollution control practice.</i></p> <p>Policy 11 <i>To avoid, remedy or mitigate the adverse effects of air pollution on public amenity values.</i></p> <p>Policy 12 <i>To avoid, remedy or mitigate the adverse effects of odours on public amenity.</i></p>	<p><i>Treatment Plant requires a resource consent to discharge deodorised air into the atmosphere through the Moa Point ventilation system.</i></p>	<p><i>protection is imperative, any activity that defiles the air is culturally offensive to the Iwi.</i></p> <ul style="list-style-type: none"> • <i>Not only are there impacts on cultural values from the discharge of contaminants to air, but there are also the negative physical impacts on the air as a result of discharges.</i> • <i>Ngati Toa recognises there is currently very effective technology that mitigates odour and air pollution, but the Iwi believe there should be an odour management plan developed to address mitigation procedures particularly in the event of plant failure at the Moa Point WWTP.</i> • <i>Currently there is an efficient method of ensuring no offensive or objectionable odours come from the plant. If any complaints are received by GWRC, they are further investigated and mitigated if appropriate. Ngati Toa is satisfied with the results of the compliance record that the overall effects on public amenity are relatively minor.</i>
<p>Chapter Thirteen: Waste Management and hazardous substances -----</p> <p>Issue 6 <i>The discharge of treated and untreated sewage into water, including the discharge of sewage into the sea in Wellington and the Hutt Valley, and into rivers in the Wairarapa, is of general concern and of particular concern to Maori.</i></p> <p>Issue 8 <i>Inadequate waste management practices, both</i></p>	<ul style="list-style-type: none"> • <i>The operation of the Moa Point Wastewater Treatment Plant involves the discharge of treated sewage into the Coastal Marine area through the long outfall 1870 metres south of Lyall Bay.</i> • <i>Any discharges to fresh or coastal waters are culturally offensive to Tangata Whenua.</i> 	<ul style="list-style-type: none"> • <i>Ngati Toa does not accept that any discharges of treated or untreated sewage into Wellington Harbour is necessary. These excess flows should be conveyed to Moa Point WWTP for treatment and disposal. This at least ensures quality standards are upheld and potential health risks to the public</i>

APPENDIX 2

<p><i>in the past and at present, are causing pollution and adverse environmental effects.</i></p> <p>Policy 10 <i>To ensure, in all decisions on the treatment and disposal of sewage, that:</i></p> <p><i>(1) Sewage is treated to a level which is appropriate to the means of disposal so that adverse effects on human health and the quality of ecosystems are avoided, remedied or mitigated, and in particular:</i></p> <p><i>(a) For discharge into or onto land, adverse effects on the quality of groundwater and surface water are avoided, remedied or mitigated;</i></p> <p><i>(b) For discharge into coastal water, the discharge, after reasonable mixing, does not render the receiving waters unsuitable for contact recreation or for any other purpose specified for that water in the Regional Coastal Plan;</i></p> <p><i>(c) For discharge into freshwater, the discharge, after reasonable mixing, does not render the receiving waters unsuitable for any purpose specified for that water in any relevant plan;</i></p> <p><i>(2) The values and views of the relevant Iwi are given due recognition; and</i></p> <p><i>(3) The values and views of the appropriate communities of interest are taken into account.</i></p>	<ul style="list-style-type: none"> • <i>The focus of Policy 10 “is on the quality of the sewage effluent and sewage solids after treatment and the effects of the treated effluent and solids on the receiving environment”. “This approach has been adopted in preference to advocating a particular receiving environment (i.e. disposal on land), because the discharge of sewage effluent onto land, while not impossible in the Wellington region, is subject to considerable geographic (and therefore cost) limitations.</i> • <i>The operation of the Moa Point Wastewater Treatment Plant involves the discharge of treated sewage into the Coastal Marine area through the long outfall 1870 metres south of Lyall Bay.</i> • <i>Any discharges to fresh or coastal waters are culturally offensive to Tangata Whenua.</i> 	<p><i>are minimised.</i></p> <ul style="list-style-type: none"> • <i>Mitigation options should be further investigated in terms of alternative options for the disposal of human sewage. Ngati Toa only consider the disposal of human sewage to water on the south coast a short term solution. In the long term, Ngati Toa believe that WCC should be required to investigate and implement alternative disposal methods for wastewater in Wellington.</i> • <i>Ngati Toa will not accept any decrease in the quality of the wastewater that is discharged to Raukawa Moana. The highest standards practicable should be maintained at all times. During bypass events the coastal marine area is often not safe for kaimoana gathering or contact recreation. This impinges on Ngati Toa’s customary rights and interests on the south coast.</i>
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APPENDIX 2

Wellington Regional Coastal Plan (RCP)

Key Objectives / Policies	Relevance	Assessment
<p>Discharges to land and water -----</p> <p>10.1.1 <i>High quality water in the coastal marine area is protected and not degraded through human activities.</i></p> <p>10.1.2 <i>Where practicable, the quality of water in the coastal marine area which is currently degraded as a result of human activities is enhanced.</i></p> <p>10.1.3 <i>The quality of water in the coastal marine area is, as far as practicable, consistent with the values of the tangata whenua.</i></p> <p>10.1.4 <i>Discharges of water or contaminants into water or land in the coastal marine area are provided for as permitted or controlled activities where the adverse effects are no more than minor.</i></p> <p>10.1.5 <i>The risk to human health from contaminated water in the coastal marine area is minimised.</i></p> <p>10.2.1 <i>To manage all water in the following areas for shellfish gathering purposes:</i></p> <ul style="list-style-type: none"> • <i>Those parts of the coastal marine area mean high water springs seawards for 200 metres between the points NZMS 260 Sheet R27 519 829 and NZMS 260 Sheet R27 568 829;</i> <p><i>To manage all water in the following areas for contact recreation purposes:</i></p> <ul style="list-style-type: none"> • <i>Those parts of the coastal</i> 	<ul style="list-style-type: none"> • <i>This application deals with the continuous discharge of treated wastewater to the coastal marine area. This also involves the periodic discharge of untreated mixed screened wastewater into the coastal marine area during high rainfall events. .</i> 	<ul style="list-style-type: none"> • <i>The potential degradation of water quality resulting from the discharge of human effluent to water is of serious cultural concern to Ngati Toa.</i> • <i>Currently the discharged wastewater from the WWTP is of an acceptable standard, and no significant short term effects have been observed. Because the plant has only been in operation for 10 years, the long term effects of the discharge may be yet to be realised.</i> • <i>The quality of the water discharged into the coastal marine area is of a relatively high standard which allows for customary gathering of kaimoana. However, the quality of the water in cultural terms is not acceptable. Any contaminants, be they treated or untreated still negatively affect the mauri of the environment (in this case altering the state of Raukawa Moana) which is an ongoing concern for Ngati Toa.</i> • <i>Maintaining the health of the water is a paramount concern for Ngati Toa, particularly if the health of the water compromises the Iwi's ability to exercise its customary fisheries rights and traditional relationship with the area.</i>

APPENDIX 2

marine area within Wellington Harbour and the Wellington South Coast landward of a straight line extending between a point 1000 metres offshore of Baring Head (NZMS 260 Sheet R28 657 749) and 1000 metres offshore of Tongue Point (NZMS 260 Sheet Q27 484 828), except that described in Policy 10.2.1;

10.2.3

To have particular regard to the criteria in order to determine, when considering applications for resource consents, if a discharge is able to comply with Policies 10.2.1 and 10.2.2.

10.2.4

To allow discharges of contaminants or water to land or water in the coastal marine area which do not meet the requirements of Policies 10.2.1, 10.2.2 and 10.2.3 only if, after reasonable mixing:

- the discharge is not likely to cause a decrease in the existing quality of water at that site; or
- the discharge would result in an overall improvement in water quality in the coastal marine area; or
- the discharge was present at the time this plan was notified and the person responsible for the discharge has defined a programme of work for the upgrading of the discharge so that it can meet the requirements of policies 10.2.1, 10.2.2 and 10.2.3; or
- the discharge is of a temporary nature or associated with necessary maintenance works or there are exceptional circumstances and that it is consistent with the purposes of the Act to do so.

10.2.5

To take into account, when setting conditions for

- Ngati Toa can accept that there are few alternatives in terms of disposal solutions in the Wellington region. We also accept that the continuous discharge quality is of a high standard, however the Iwi have very serious concerns about the long term effects of this discharge and the effects of bypass discharges on the cultural and physical health of the receiving marine environment.
- Ngati Toa only accepts the continuous discharge as a short term solution to Wellington's sewage disposal operation. There is a strong expectation that investigations into alternatives will be undertaken during the course of this consent.
- A comprehensive contingency plan should

APPENDIX 2

<p><i>improvement of existing discharges to land and water in the coastal marine area, the time that is required to progressively upgrade existing systems due to any geographic, technical or financial difficulties associated with immediately eliminating or treating existing contaminants.</i></p> <p>10.2.8 <i>To ensure that where appropriate coastal permits to discharge contaminants to land or water in the coastal marine area contains conditions for monitoring:</i></p> <ul style="list-style-type: none"> <i>• the effects of the discharge; and</i> <i>• compliance with any conditions or standards imposed on the consent.</i> <p>10.2.9 <i>To have particular regard to the adverse effects of the discharge of water or contaminants to land or water in the coastal marine area on areas:</i></p> <ul style="list-style-type: none"> <i>• containing important ecosystems or species;</i> <i>• used for fisheries purposes;</i> <i>• used for fish spawning purposes;</i> <i>• used for the gathering or cultivating of shellfish for human consumption;</i> <i>• used for contact recreation purposes;</i> <i>• used for industrial abstraction;</i> <i>• which are significant because of their natural values;</i> <i>• which are significant because of their aesthetic values; and</i> <i>• with significant cultural value.</i> <p>10.2.11 <i>To have particular regard to the views, values, aspirations and customary knowledge of tangata whenua when assessing applications to discharge contaminants to</i></p>		<p><i>be developed to address what happens in the event of plant failure or plant maintenance. This includes infrastructure upgrades and the effects that will have on the continuous flow.</i></p> <ul style="list-style-type: none"> <i>• Ngati Toa expects there will be stringent monitoring requirements on the applicant. We stress the need to monitor water quality before wastewater leave the WWTP, and the water quality in the receiving environment. This water monitoring should also be conducted at times of bypass discharge, and information made available so the Iwi and various other groups are able to assess the cultural effects of bypass discharges.</i> <i>• Ngati Toa have serious concerns about the effects of discharging wastewater into the coastal marine area and our ability to exercise our customary rights in relation to gathering kaimoana, contact recreation, and to maintain our traditional relationship with Raukawa Moana. This is underpinned by the ethic of Kaitiakitanga, and the obligation of tangata whenua to protect and maintain the cultural, spiritual and environmental values.</i> <i>• The Council have sought Ngati Toa's views by commissioning a Cultural Impact Assessment Report.</i>
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APPENDIX 2

<p><i>land or water in the coastal marine area.</i></p> <p>10.2.14 <i>To only allow a discharge of human sewage direct into water, without passing through land, where:</i></p> <ul style="list-style-type: none"><i>• it better meets the purpose of the Act than disposal onto land; and</i><i>• there has been consultation with the tangata whenua in accordance with tikanga Maori and due weight has been given to sections 6, 7, and 8 of the Act; and</i><i>• there has been consultation with the community generally.</i>		<ul style="list-style-type: none"><i>• The council has partially fulfilled its requirements in this regard by commissioning this cultural impact report. The extent to which the information in the cultural impact report is taken into account will determine the extent to which Council has fulfilled its requirements</i>
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APPENDIX 2

WELLINGTON REGIONAL AIR QUALITY MANAGEMENT PLAN (RAQMP)

Key Objectives / Policies	Relevance	Assessment
<p>4.2.4 To avoid, remedy or mitigate any adverse effect of the discharge of contaminants to air that is noxious, dangerous, offensive, or objectionable.</p> <p>4.2.5 To avoid or minimise, where appropriate and practicable, the discharge of contaminants to air at their source.</p> <p>4.2.7 To avoid, remedy or mitigate the adverse effects of the discharge of contaminants to air on amenity values.</p> <p>4.2.9 To give particular consideration, where relevant, to the following matters when assessing an application for a resource consent to discharge contaminants to air: (1) the volume, composition and characteristics of the discharge, including the 34 Objectives and Policies maximum ground level concentration of significant contaminants in the discharge, (2) the frequency, intensity, duration, offensiveness, location and time of the discharge; (3) the potential for the discharge to be reduced at source, and in particular, the desirability of minimising the emission of any of the "Hazardous Air Contaminants" (4) any actual or potential effects of the discharge on human health and safety; (5) any actual or potential effects of the discharge on amenity values, including any effects of odour or particulate matter arising from the discharge; (6) any actual or potential</p>	<ul style="list-style-type: none"> • This application deals with the discharge of contaminants into the air from the Moa Point WWTP ventilation system. 	<ul style="list-style-type: none"> • Ngati Toa believes the permit holder should be required to develop an odour management plan that will address the management of effects of discharge of odour. • The council employs technology and chemical scrubbers to take the odour and diseases out of the air. • Any activities that defile

APPENDIX 2

<p><i>effects of the discharge on resources or values of significance to tangata whenua;</i></p> <p><i>(7) any actual or potential effects of the discharge on the health and functioning of ecosystems, plants and animals, including indigenous ecosystems and plants and animals of commercial significance;</i></p> <p><i>(8) any actual or potential effects of the discharge on other environmental media;</i></p> <p><i>(9) any actual or potential effects on the global atmosphere;</i></p> <p><i>(10) any cumulative effects which may arise over time or in combination with other effects;</i></p> <p><i>(11) any effects of low probability but high potential impact;</i></p> <p><i>(12) any positive effects arising from activities associated with the discharge;</i></p> <p><i>and</i></p> <p><i>(13) any other relevant matters.</i></p> <p>4.2.14</p> <p><i>To avoid, remedy or mitigate any adverse effects, (including on human health or amenity values) which arise as a result of the frequency, intensity, duration, offensiveness, time and location of the discharge to air of odorous contaminants.</i></p>		<p><i>the air are offensive to Ngati Toa. However, provided that the council continue to investigate new technologies to mitigate cultural concerns about the discharge to air, Ngati Toa consider this sufficient mitigation of cultural concerns.</i></p>
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Conclusion

Ngati Toa appreciates the need to dispose of human waste somewhere in the region, and recognise there are relatively few options in terms of end waste disposal. Further, there is now a public expectation and requirement that waste will be disposed of in an environmentally friendly and culturally conscious way, both on a regional and national scale.

Our focus has been on assessing the cultural effects of the proposal with a view to protecting Ngati Toa's customary interests. This report has highlighted Ngati Toa's overriding concern for the achievement of environmental sustainability in order to protect the cultural and spiritual values of Ngati Toa in our capacity as Kaitiaki.

The mitigation options were assessed through the report, and from a Ngati Toa perspective, Conveyance is Ngati Toa's preferred option. This is because from a cultural perspective, we believe this option will successfully mitigate and eliminate bypass events. We believe this option will also provide future capacity for the entire Wellington sewer network. This is consistent with studies that have identified that the population in the sewer catchment will increase, and a precautionary approach must be employed in terms of the potential effects of climate change and the expected increased rainfall Wellington is likely to experience.

It is also a major concern that the I & I works are not being prioritised enough. From Ngati Toa's observations, the I & I reduction programme should be implemented simultaneously. This has the potential to significantly reduce the amount of storm water in the sewer system which contributes to the increased flows downstream at the WWTP. We see this as essential remediation works and infrastructure development, and recommend the Council to implement the programme simultaneously with which ever mitigation option is chosen.

Whakatauki

Toitu te Marae o Tane,
Toitu to Marae o Tangaroa,
Toitu to Iwi.

If the domain of Tane survives to give sustenance,
And the domain of Tangaroa likewise remains,
So too will the people.



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