

Appendix I: Cultural Impact Assessment

CULTURAL IMPACT ASSESSMENT

**For the continued operation of the
Porirua Wastewater Treatment Plant & Outfall**

November 2019



TE RŪNANGA O TOA RANGĀTIRA

KIA TU AI A NGĀTI TOA RANGĀTIRA: HEI IWI TOA, HEI IWI RANGĀTIRA
*Ngāti Toa is a strong, vibrant and influential iwi, firmly grounded in our
cultural identity and leading change to enable whānau wellbeing and prosperity*

TOITŪ TE MARAE O TĀNE, TOITŪ TO MARAE O TANGAROA, TOITŪ TE IWI

*If the domain of Tāne survives to give sustenance,
And the domain of Tangaroa likewise remains, so too will the people*

Name	Role	Date
Miria Pomare	Author	22/11/2019

Te Rūnanga o Toa Rangatira as the mandated iwi authority for Ngāti Toa has responsibility for protecting and enhancing the mana of Ngāti Toa across the various political, economic, social and environmental spheres.

In relation to Te Ao Tūroa, Ngāti Toa's objective is to nurture a resilient environment to sustain future generations through reclaimed connection and mātauranga to natural resources, empowering kaitiaki who are leaders and co-managers of our natural environment, our commitment to environmental sustainability and our ability to adapt to the impacts of climate change.

Subject to the written consent of Te Rūnanga o Toa Rangatira, the information contained within this document must not be used for any other purpose than that intended.



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SECTION 1 – INTRODUCTION

The Porirua Waste Water Treatment Plant (WWTP) has been operational for almost thirty years and is now requiring approval to renew resource consents in order to continue the operation of the WWTP into the future. Initial upgrades have been made during the last seven years to enhance the capacity of the WWTP and improve the quality of discharge at the Rukutane Point outfall. However, this has not resolved issues with the wastewater system and further upgrades are now planned as part of the application by Wellington Water (WWL) for the renewal of resource consents which are due to expire in 2020.

The proposed upgrade is intended to address the significant issue of increasing overflows at the WWTP during extreme wet weather and storm events. Overflows occur when wastewater inflow exceeds the plant's capacity to fully treat it, resulting in a partially treated discharge of a considerably reduced quality. Increasing the treatment capacity of the plant from 950 L/s to 1,500 L/s is expected to provide for projected population growth, while also eliminating the need for future bypass discharges to the coastal environment.

The WWTP currently produces a secondary (and UV irradiated) treated effluent which is discharged out to sea via the existing shoreline outfall off Rukutane Point. There are no proposals to increase the standard of treatment at the plant. However, the eradication of bypass discharges through the proposed upgrade of plant capacity is expected to contribute to an improved quality discharge overall.

The purpose of this report is to provide an assessment of the potential effects of the proposal on any cultural values and identify appropriate measures, where practical, to mitigate any identified adverse effects (e.g. through resource consent conditions). The cultural effects assessment is also intended to inform the Assessment of Environmental Effects (AEE) as part of the resource consent application, in order to ensure that Ngāti Toa's cultural values are understood and accurately reflected throughout the consenting and decision-making process.

Although this report forms part of a suite of technical reports prepared to assist in the interpretation of a range of effects associated with the re-consenting of the WWTP, it nevertheless rests upon its own mana, as an autonomous expression of Ngāti Toa rangatiratanga (customary authority) and kaitiakitanga (guardianship) in relation to all activities associated with the environment, including the WWTP and outfall, which occur within Ngāti Toa's 'rohe' or tribal area.

Despite the development of this report, the consenting authority also has an obligation to consult with Te Rūnanga o Toa Rangatira (the Rūnanga) on this application.

1.1 Background

WWL is committed to working alongside the Rūnanga to support the development of a partnership in relation to the resource consent process for WWTP and a programme to improve the wastewater system serving Porirua and the northern suburbs of Wellington City.¹

In this context, discussions have continued on a regular basis to ensure Ngāti Toa's input into the evaluation of options at each stage of the work programme. This has involved undertaking an assessment of tangata whenua values against a range of proposed options to upgrade the Porirua wastewater scheme,² and completion of a subsequent report to re-evaluate the WWTP

¹ In 2017 the Rūnanga and WWL signed a Memorandum of Partnership to formalise an agreement to work together.

² Porirua Wastewater Network & WWTP - Comparative Assessment of Effects on 'Tangata whenua values'; M Pomare; June 7, 2019

outfall options following the Porirua City Council's decision to re-align the network component of the Porirua wastewater programme with outcomes sought under the Te Awarua-o-Porirua Whaitua Implementation Plan.³ This resulted in the selection of the existing shortfall as the preferred outfall option for the consenting process.

SECTION 2 - THE NGĀTI TOA RANGATIRA WORLD VIEW

2.1 Ngāti Toa Origins & Migration South

*Ko Whitireia te Maunga
Ko Raukawa te Moana
Ko Tainui te Waka
Ko Te Rauparaha te Tangata
Ko Ngati Toa Rangatira te Iwi.*

Ngāti Toa 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. Ngāti 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 Te Moana o Raukawa (the Cook Strait area) as a place to settle and trade with the Pākehā, Te Rauparaha led Ngāti Toa in a historic resettlement from Kawhia to the Wellington Region. The attraction of Te Moana o Raukawa 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 Russian trading ship passing through the area which highlighted for him the strategic importance of Te Moana o Raukawa both for trade and political purposes. Thus, by taking control of the major sea lanes and shipping routes throughout Te Moana o Raukawa, Ngati Toa effectively secured control over access to the entire region.

When the decision was finally made to leave Kawhia, Te Rauparaha led Ngāti Toa on the first leg of the journey to North Taranaki. This heke (migration) is referred to as - Te Heke Tahutahuahi - or the 'fire lighting' expedition. In Taranaki Ngāti Toa were joined by many of their Ngāti Tama and Ngāti Mutunga relations who then accompanied them on the journey south. The second heke, known as Te Heke Tataramoa, or the bramble bush migration, moved southward from Whanganui to the lands of Ngāti Apa and then further south towards Te Moana o Raukawa.

The key event marking the definitive establishment of Ngāti Toa in the greater Wellington region was the Battle of Waiorua on Kāpiti Island in 1824 where Ngāti Toa defeated a combined allied force of the Kurahaupō tribes. This defeat was followed by a series of other battles which saw Ngāti Toa clear any resistance to their settlement from other Iwi, from Kapiti to Te Whanganui-a-Tara. This culminated in the Battle of Tapu-te-Ranga in 1827, where Ngāti Mutunga and Ngāti Toa finally defeated Ngāti Ira. Their Ariki Tapairu (Paramount Chieftainess), Tamairangi, was taken captive and was presented to Ngāti Toa chief, 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.

Following the Battle of Waiorua, Te Rauparaha and Te Rangihaeata led a force south and a result of a number of campaigns and battles against the iwi of the Upper South Island and against Ngai Tahu, Ngāti Toa and its allies acquired customary rights by conquest in a large area of the Northern South Island.

By 1840 Ngāti Toa Rangatira was established as the pre-eminent Iwi dominating the Kapiti, Wellington and Te Tau Ihu (northern South Island) regions. Ngāti Toa held a maritime empire founded on a virtual monopoly of access to European goods and trade in the Cook Strait region.

Ngāti Toa possessed a de-facto military and economic power that was widely recognised and acknowledged by both Maori and European.

2.2 Ngāti Toa Rohe

Ngāti Toa's rohe is traditionally described as extending 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 (see Appendix 1).

The Ngāti 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. Importantly, Ngāti Toa's rohe does not simply focus on the landward areas within its boundaries, but also includes the waters and resources of Te Moana o Raukawa (Cook Strait). In fact, Te Moana o Raukawa is at the heart of the Ngāti Toa rohe and forms an integral part of the Iwi's historical association and political dominance of the Cook Strait region.

2.3 Crown Strategy to Undermine Ngāti Toa's Rangatiratanga

Te Rauparaha, Te Rangihaeata and other leading chiefs of Ngāti Toa reluctantly agreed to sign Te Tiriti o Waitangi in 1840 on the guarantee (Article 2) that it would re-affirm "tino rangatiratanga" over their lands, water, sites and all other taonga, and would enable them to retain full possession of their tribal estate for as long as they wished to do so. However, the ink on the Treaty was barely dry before the Crown began pressuring Ngāti Toa for land to provide for the increasing numbers of Pākehā migrants. Ngāti Toa's resistance to the sale of land was met with relentless and increasing demands from Grey. Eventually, Te Rangihaeata's refusal to acquiesce to Grey's insistence on acquiring the Hutt Valley culminated in war.

Grey concocted a deliberate military strategy against Ngāti Toa focused on the kidnap of Te Rauparaha from Taupo Pa (Plimmerton), and the expulsion of Te Rangihaeata from Pauatahanui. His plan was based on a classic "divide and rule" strategy. First, he persuaded some Iwi to aid the Crown against Ngāti Toa. Forts were built in Wellington, Karori, Hutt Valley and a blockhouse at Paremata; and 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 but was pursued north through the bush where he remained in exile. Te Rauparaha was initially taken captive on board a ship and was then held illegally at Auckland Domain. 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).

Grey detained Te Rauparaha in his custody for 18 months, during which time he coerced Ngāti Toa into selling their prime lands to the Crown on the promise of Te Rauparaha's release. It was only at this point that Ngāti Toa conceded to part with their lands. As a result, Ngāti Toa were left in a state of virtual landlessness, and the mana and rangatiratanga of this formerly powerful and revered Iwi was so seriously diminished that it has never fully recovered. Today, Ngāti Toa has become relatively powerless as tangata whenua in exercising their Kaitiakitanga responsibilities, and the loss of control over their lands and resources has severely limited access to customary resources and undermined the protection of significant cultural sites/resources.

Throughout much of the twentieth century Ngāti Toa were excluded from any meaningful role in the management of the environment within their 'rohe', as the Crown assumed responsibility for this 'kaupapa' under the guise of kaitiakitanga. Over these decades, Ngāti Toa have witnessed the degradation of the environment and important natural resources that had previously sustained

the Iwi over many generations. The most significant of these adverse effects that has directly impacted on the health and wellbeing of Ngāti Toa relates to the despoliation of Te Awarua-o-Porirua (Porirua Harbour) and its coastal environs.

The Crown's failure to protect the environment and Te Awarua-o-Porirua (and its wider catchment) from the destructive effects of urban development and pollution, was central to Ngāti Toa's Treaty claim. The Waitangi Tribunal upheld the claim and found that the Crown had indeed acted in breach of the Principles of the Treaty by failing to actively protect the harbour and surrounding environment.

In response, the Crown acknowledged "that pollution, reclamation and public works have had a damaging impact on the shellfish and other kaimoana resources within Te Awarua-o-Porirua, and that the loss of this formerly abundant resource has adversely affected the cultural and spiritual well-being of Ngāti Toa Rangatira."⁴

Furthermore, the Crown unreservedly apologised for the breaches of Te Tiriti o Waitangi which have hurt and caused prejudice to Ngāti Toa, including its actions "...that intentionally undermined the mana and rangatiratanga of leading Ngāti Toa Rangatira chiefs....and its ongoing failure to protect Ngāti Toa Rangatira's remaining landholdings, which has left the Iwi virtually landless and unable to access customary resources and significant sites."⁵

2.4 Ngāti Toa Rangatira Claims Settlement Act 2014

The Ngāti Toa Rangatira Claims Settlement Act 2014 records the apology given by the Crown to Ngāti Toa for its historical actions or omissions in breach of the Principles of the Treaty of Waitangi and gives effect to the provisions of the Act that are aimed at restoring the rangatiratanga of Ngāti Toa to give practical effect to kaitiaki responsibilities.

These provisions include 'Coastal Statutory Acknowledgements' (CSA's) over specific areas or resources of particular cultural significance to Ngāti Toa. The overlays are intended to enhance Ngāti Toa's involvement in resource management and decision-making processes by ensuring that Ngāti Toa's cultural values are taken into account under the Resource Management Act (RMA). This redress also enables the Rūnanga, and any member of Ngāti Toa, to cite the statutory acknowledgments as evidence of Ngāti Toa's association with the taonga (see Appendix 2).

In the context of this application, there are five CSA's potentially affected by the activities of the WWTP. These include Te Awarua-o-Porirua (the harbour)⁶, Toka-a-Papa Reef (located in the sea between Hongoeka Bay and Whitireia Peninsula)⁷, Tawhiti Kuri Rocks (sited in the inter-tidal zone between Plimmerton and Ngāti Toa Domain)⁸, Te Mana o Kupe ki Aotearoa (Mana Island) and Te Moana o Raukawa (Cook Strait - encompassing the entire body of water between the North and South Islands - including all islands, natural features and resources)⁹.

However, the CSA relating to Te Moana o Raukawa is considered to be the only one directly relevant to the application. Therefore, any adverse cultural effects arising from the continued operation of the WWTP on Te Moana o Raukawa will need to be carefully considered in the context of the CSA which imposes legal duties on consent authorities to properly acknowledge and take into account Ngāti Toa's values in considering resource consent applications.

⁴ Ngāti Toa Rangatira Treaty Claim Settlement Act (Acknowledgement and Apology); 2014: pg. 44

⁵ *Ibid*: pg. 45

⁶ Ngāti Toa Rangatira Claims Settlement Act 2014; Coastal Statutory Areas, Te Awarua-o-Porirua Harbour: Appendix 1

⁷ *Ibid*; Appendix 2

⁸ *Ibid*; Appendix 3

⁹ *Ibid*; Appendix 4

2.5 Ngāti Toa Perspective on Human Waste Disposal

For Ngāti Toa, the role of kaitiakitanga in the management of natural resources and the integration of human wastewater into the natural environment is a matter of great significance and is taken very seriously. In developing community wastewater solutions, consenting decisions need to provide for the traditional relationship that Ngāti Toa has with their ancestral lands, waters, sacred places and other 'taonga' or things important to them. The intent is to ensure cultural and heritage matters important to Ngāti Toa are identified and considered as part of any development proposal or consent application.

Ngāti Toa retain a kaitiakitanga/guardianship role over natural resources within their 'rohe' and the legislation requires that this role is provided for. This is very important in dealing with such matters as water quality and the treatment and disposal of human waste.

In respect of kaitiakitanga, Ngāti Toa have an environmental protection role that compliments the statutory role of local authorities. This point is reinforced by a further requirement that in the administration of the RMA, all participants must have regard to the principles of the Treaty of Waitangi. While the prime responsibility for the proper observation of Treaty principles rests with Government, in terms of resource consent applications these obligations rest with local authorities, so such things as the principles of partnership, generally interpreted as being met through consultation with tangata whenua (although in Ngāti Toa's view this does not go far enough); or the principle of active protection where the Applicant needs to show what a project, such the operation of the WWTP, can deliver in terms of beneficial environmental or cultural outcomes and protection of important 'taonga'.

In considering Ngāti Toa views, what is of fundamental importance is that there remains a cultural and spiritual abhorrence to the discharge of treated human wastewater to natural water, regardless of the level of treatment of the wastewater. In considering wastewater management and disposal, Ngāti Toa take a holistic approach and do not just focus on the existing methods of treatment. The whakapapa linkage of nature and mankind as one, forms part of the fundamental basis from which this holistic approach is undertaken. In this respect, the RMA requires that local authorities' objectives, policies and methods "*achieve integrated management of the effects of natural and physical resources*" of the district.

Many new and recently upgraded wastewater management systems around the country exhibit notable processes towards more sustainable practices. Ngāti Toa believe there are opportunities through this reconsenting process for WWL to work more closely in partnership with Ngāti Toa towards the achievement of more sustainable practices to safeguard the life-supporting capacity and 'mauri' of Te Moana o Raukawa.

2.6 The Existing Environment – Te Moana o Raukawa

It is important to understand and appreciate that the existing outfall and discharge occur within an environment that continues to be treasured by Ngāti Toa as a 'taonga' of immense historical and cultural significance. The shoreline and marine environment near Rukutane Point, where the existing outfall and wastewater discharges occur, form part of the coastal domain of Te Moana o Raukawa. Not only was this taonga valued as an abundant source of food and other resources, but it also had important strategic and economic advantages which Te Rauparaha was able to exploit for the wider benefit of Ngāti Toa and their allies.

Associations with Polynesian explorers

Te Moana o Raukawa has its own rich and illustrious history extending back to the earliest Polynesian explorers, Maui and Kupe, whose presence endures to this day in the many place names that adorn the landscape and perpetually remind us of their great deeds. The name Te

Moana o Raukawa has its origins in the narrative of Kupe's voyage to Aotearoa in pursuit of the giant octopus, Te Wheke a Maturangi. Kupe eventually killed the wheke at the entrance to Tory Channel, Nga Whatu Kaiponu (The Brothers Islands), and so as not to reawaken the wheke, the eyes of people making their maiden crossing of Te Moana o Raukawa were covered with kawakawa leaves – hence the original name 'Te Moana of Raukawakawa'. The name of Mana Island – 'Te Mana o Kupe ki Aotearoa' also commemorates Kupe's defeat of Maturangi and acknowledges his superior skill and ability as a navigator in crossing the vast Pacific Ocean to reach Aotearoa.

The significant headland opposite Mana Island, Komangarautawhiri, was also named by Kupe who first visited the site to take advantage of its strategic position overlooking Raukawa (Cook Strait) while in pursuit of the wheke. The landing site of Kupe's canoe at Komanagrautawhiri, his Tauranga waka, was considered tapu or sacred at that time and is still commemorated as a waahi tupuna or site of ancestral significance today. Centuries later, Ngāti Ira built a pā on this headland and it became the principle home of Whanake and his celebrated wife, Tamairangi who were displaced by Ngāti Toa in the 1820s. During the 1960s-80s the area was proposed as the location for the new sewer outfall. However, Ngāti Toa strongly objected to the outfall in this location due to its traditional associations with Kupe.¹⁰

Ngāti Toa's maritime trading empire

Te Moana o Raukawa also provided an important means of transport and a critical navigable route between Te Upoko o Te Ika a Maui (the Wellington region) and Te Tau Ihu of Te Waka a Maui (the northern South Island). Land on both sides of the Moana was occupied by Ngāti Toa and other allied iwi groups and Te Moana o Raukawa facilitated a complex network of relationships and connections between the two islands that were vital for trade and the expansion of Ngāti Toa's mana and rangatiratanga into the South Island.

By the mid-1830s Ngāti Toa had established a powerful and unique strategic position in the Te Moana o Raukawa region. This largely emanated from the unassailable mana of Te Rauparaha and his ability to manage a complex network of iwi relationships which was crucial to quashing any resistance and seizing control over the region's vital resources. The re-establishment of Ngāti Toa's mana in Te Moana o Raukawa was vitally important for strengthening Iwi identity following Ngāti Toa's forced withdrawal and abandonment of their ancestral lands in Kawhia. It also provided Ngāti Toa with a virtual monopoly over access to European goods and trade throughout the region.

Widespread coastal settlements created important trading opportunities with Pākehā settlers. The flax trade and whaling industry proved to be extremely lucrative for Ngāti Toa until whaling went into decline in the early 1840s. At the height of the industry, there were numerous whaling stations established along the shores of Te Moana o Raukawa, including Te Korohiwa near the existing WWTP and outfall. Whaling stations at Mana Island and Ngāti Toa Domain also played an important role in Ngāti Toa's maritime trade.

Mahinga kai

The political control Ngāti Toa exercised over the vast wealth of resources within Te Moana o Raukawa was critical to the Iwi's monopoly on trade throughout the region. However, the abundance and diversity of an easily accessible food resource cannot be overstated and was vitally important for the physical sustenance of the Iwi.

¹⁰ Newspaper article; *Māoris oppose sewer outfall*; refer to Appendix E

Mahinga kai (food gathering areas) and kaimoana could be readily accessed along the coastline, including the vicinity of the outfall, and such resources provided valuable habitat for taonga species including koura, pāua and kina. These traditional mahinga kai would originally have had names and unique characteristics that distinguished one area from another. However, much of the traditional knowledge associated with mahinga kai has been lost as a result of the degradation of the environment and depletion of stocks. This has also led to an intergenerational loss of knowledge in relation to local customary fishing areas and practises.

Nevertheless, in places where customary fishing does still occur, some of this traditional knowledge has been retained. For example, 'Te Anga Pāua' is a traditional mahinga kai located south of Komangarautawhiri which continues to be used as an important shellfish gathering area for customary and recreational purposes. As the name suggests, this mahinga kai was traditionally an abundant pāua resource that sustained and preserved large quantities of pāua which were, and still are, the sentinel or taonga species along this particular coastline. Pāua were so revered as a food source that they were likened to the eyes of Topeora - 'Nga whatu o Topeora' - (sister of the Ngāti Toa Chief, Te Rangihaeata) who was a prominent and influential leader in her own right.

Another important mahinga kai is the Toka-a-Papa reef, located in the sea between Te Rewarewa Point (at Hongoeka Bay) and Whitireia Peninsula, which was close to the early Ngāti Toa settlements at Hongoeka, Onehunga and Taupo Pa (Plimmerton). This continues to be fished today primarily as a source of kukutai (mussels). Tawhiti Kuri, the rocky reef at Goat Point, is yet another mahinga kai at the entrance to the harbour. This provided an important food resource for the surrounding settlements, especially Taupo Pa, where Te Rauparaha resided, and which supported a large population occupying the coast to Tawhiti Kuri.

As part of Ngāti Toa's Treaty settlement, Coastal Statutory Acknowledgements have been included over Toka-a-Papa and Tawhiti Kuri to ensure that Ngāti Toa's values in relation to these traditional food sources are properly acknowledged in resource management processes.

Customary fishing practises

Te Moana o Raukawa provided a variety of locations for fishing and shellfish gathering, including a number of sheltered bays, that allowed for customary fishing to occur in all weather conditions. These customary practises or tikanga are still exercised today but have been severely diminished over the decades due to the inaccessibility of traditional food sources. It should be noted though that no matter how abundant resources in Te Moana o Raukawa may have been historically, the primary 'food basket' of the Iwi was Te Awarua-o-Porirua. The variety of fish and shellfish species available in the harbour, including pipi, cockles and tuangi (only in the harbour), complimented the predominant coastal species such as pāua, koura and kina.

Mana Island remains an important area for customary fishing. It is a source of koura, pāua, kina and a number of finfish species including moki, terakihi, kahawai, blue cod and butterfish. Mana Island has also been given special status in Ngāti Toa's Treaty settlement with a Coastal Statutory Acknowledgement overlay to protect its significant cultural values.

Coastal settlement

Widespread coastal settlements provided Ngāti Toa with access to an abundance of resources from the ocean, including extensive fisheries and shellfish resources. From the early 1820s, there were numerous Ngāti Toa settlements in the wider vicinity of the outfall. Mana Island was the primary residence of Te Rangihaeata who exerted considerable influence and control over the flax and whaling industries, from his island stronghold. Following Ngāti Ira's displacement from

their principle pa at Komangarautawhiri, Ngāti Toa took up occupation of the area and until recently continued to use the area as a seasonal fishing camp.

Further north along the coast, in the vicinity of the WWTP, is a low headland known as Te Korohiwa where a whaling station was established during the 1830s. The Te Korohiwa or 'Coal heavers' whaling station worked in conjunction with other whaling stations nearby, situated on Mana Island and at the entrance to the harbour. At Titahi Bay, the archeological remains of Te Pa o Kapo - an iconic Ngāti Ira pa site - area still visible in the landscape and the Pa continues to keep vigil overlooking Te Moana o Raukawa as it did in the days before Ngāti Toa arrived in the area.

Whitireia Peninsula, which forms the southern side of the entrance to the harbour, was also an important area for early Maori settlement. There were numerous pa sites and kainga around the coastal fringes, including Te Kahikatoa, Te Neke, Te Onepoto, Kaiaua, Onehunga and Kaitawa. And on the northern side of the entrance to Te Awarua-o-Porirua, at Plimmerton, stood Taupo Pa - the principle residence of Ngāti Toa chief, Te Rauparaha. Paremata Pa, located at today's Ngāti Toa Domain, was another important Ngāti Toa stronghold and area of intensive occupation and trade. This pa was built in the 1830s and became the residence of Te Rauparaha's brother, Nohorua. The Ngāti Toa settlement at Hongoeka was also established for the descendants of Nohorua and his wife, Miriama Te Wainokenoke.

These are the principle areas of Ngāti Toa settlement and occupation in general proximity to the WWTP and outfall, prior to the Treaty of Waitangi in 1840. These sites are not directly affected by the operation of the WWTP, but they do form an important part of the cultural landscape which remains relevant to our understanding of the cultural effects associated with this application.

Therefore, it is evident from the strong historical and ongoing associations of Ngāti Toa with Te Moana o Raukawa, and the Crown's acknowledgement of Ngāti Toa's cultural values through the CSA's, that the 'existing environment' - Te Moana o Raukawa - for the outfall and wastewater discharge is of immense cultural significance and therefore needs to be fully appreciated and acknowledged in the decision-making process for the current application.

SECTION 3 - NGĀTI TOA CULTURAL VALUES

The cultural values used to inform this cultural effects assessment are derived from Ngāti Toa's 'Statement of Coastal Values'¹¹ relating the CSA over Te Moana o Raukawa, as reflected in the provisions of the Ngāti Toa Rangatira Claims Settlement Act.

Although derived from a 'Pākehā' legal context, these cultural values originate from, and remain firmly anchored in, a Ngāti Toa world view paradigm. This reflects the unique Ngāti Toa way of viewing and seeing the world, encompassing both traditional knowledge and 'tikanga Maori' (rules and customs). Throughout this report the knowledge or mātauranga referred to is that provided through the unique lens by which Ngāti Toa views and interacts with the world.

The Ngāti Toa world view has its philosophical roots in a pantheist paradigm which attributes status to deities (Atua) which preside over elemental domains. Ranginui (Sky father) and Papatuanuku (Earth mother) are the parents, and from their union came the Atua or deities who became the first kaitiaki of the domains in the natural world. The domains of Atua provide the linkages across resources giving a holistic and integrated approach to environmental management.

The relationship between Atua, representing the environment, and Ngāti Toa, is expressed by way of kaitiakitanga. As Tangata whenua, Ngāti Toa has an inherent responsibility to fulfil their role of Kaitiakitanga or guardianship towards the natural environment within their 'rohe' or tribal domain. This requires the healthy existence of 'mauri' within individual natural, physical and metaphysical resources. The maintenance of mauri guarantees the ongoing life and health of that resource. As traditionally practiced, it ensures that resources are sustainably managed for future generations.

In this context, the cultural values referred to in this report relate to recognising and protecting the 'mauri' or life-supporting capacity of air, land and water, and to ensuring that the relationship between people and the environment is characterised by respect and reciprocity. These values are all derived from the domain of the Atua and form part of the set of cultural practices or 'tikanga' that are intended to unify the elements of all living things in a holistic way to achieve the overriding goal of maintaining and enhancing 'mauri'.

3.1 Mauri

Mauri is referred to as the essence of existence or life force of the natural world or a particular resource; it has a metaphysical dimension that is inherent in all things and is the bonding element that holds the fabric of the universe together.¹²

Mauri is tangibly represented by the physical characteristics of the environment or particular resource, including the indigenous flora and fauna, the fitness for cultural usage and its productive capacity. In relation to Te Moana o Raukawa, one of the cultural indicators of a healthy coastal environment is the presence of stingrays which generally indicates a healthy sea floor and good water quality. In this way mauri is an important cultural measure of environmental health and has various manifestations depending on whether mauri is diminished or enhanced through external influences. Small shifts in the mauri or life force of any part of the environment, through use or misuse, can cause shifts in the mauri of the entire ecosystem.

¹¹ Ngāti Toa Rangatira Claims Settlement Act 2014; pg. 41

¹² Marsden, M (2003); "God, Man and Universe: A Māori View". In T.A.C. Royal (Ed), *The Woven Universe: Selected Writings of Rev. Māori Marsden*. Otaki, New Zealand.

This concept is central to the traditional Maori environmental management system, kaitiakitanga, which recognises the inter-connectedness of all elements of the natural world and the need for integrated and holistic management. Ngāti Toa's role, as Kaitiaki, is to ensure that the mauri of a resource is maintained or enhanced.

3.2 Rangatiratanga

Rangatiratanga is the ultimate expression of 'chiefly' authority or leadership and reflects directly upon Iwi/Hapū mana through an ongoing ability to exert influence and control over the people, land and resources within a defined tribal area. 'Tino Rangatiratanga or 'full chiefly authority' is tantamount to sovereignty and was used in Article two (of the Maori version) of the Treaty of Waitangi, guaranteeing to Maori the retention of 'tino rangatiratanga or sovereignty over their lands, resources, sacred sites and all other taonga. It was this guarantee of rangatiratanga that persuaded Te Rauparaha and other Ngāti Toa Rangatira to sign the Treaty, as they were acutely aware that a loss of rangatiratanga would imperil the future survival of the Iwi. Therefore, the importance of rangatiratanga to the wellbeing and ultimate survival of the Iwi cannot be overstated.

In terms of environmental management, the ongoing exercise of rangatiratanga was an essential pre-requisite for kaitiakitanga and the ability to nurture an environment that could sustain its people. However, due to the detrimental actions and policies of the Crown which extend back to the signing of the Treaty in 1840, Ngāti Toa's rangatiratanga has been diminished to such an extent that today Ngāti Toa have virtually no influence or control over the vast territories, waterways and marine resources within their tribal domain. Ngāti Toa believe that the loss of rangatiratanga has directly contributed to the disempowerment and declining wellbeing of their people over the generations.

Nevertheless, Ngāti Toa remain committed to the practice of rangatiratanga which involves living in accordance with tikanga Maori and striving wherever possible to ensure that the lands and resources guaranteed to them under the Treaty are protected for the use and enjoyment of future generations. To this end, Ngāti Toa are seeking the right, as Treaty partners, to participate in planning and decision-making processes relating to the environment.

3.3 Mahinga kai

Mahinga kai are places where food and other resources are gathered. Mahinga kai were carefully managed in accordance with tikanga Maori to ensure that resources were sustainably harvested for the benefit of future generations. The health and abundance of Mahinga kai was one of the main indicators of marine ecological and cultural health. The link between the health of the kaimoana and the health of the people was very strong given the day-to-day reliance of Iwi members on kaimoana for their staple diet.

However, the degraded state of the marine environment as a result of the activities of the WWTP and other sources of contamination over the years, has considerably reduced the accessibility of mahinga kai within the coastal margins of Te Moana o Raukawa. The impact of this has been detrimental for Ngāti Toa in a number of ways, particularly in terms of the inability to source and provide kaimoana for visitors. An inability to provide 'manaakitanga' in this way, reflects poorly on the mana of Ngāti Toa and undermines Iwi rangatiratanga and identity.

3.4 Customary Fishing

Customary fishing is a well established historical and cultural activity for all coastal iwi, including Ngāti Toa. The maintenance of customary fishing practises, not only relies on the availability of

an accessible and healthy resource for the harvesting of fish and shellfish, but also requires an ability to regulate the use of resources in accordance with tikanga Maori. This ensures the sustainable management of the resource for both the benefit of the marine environment and future generations.

'Rahui' or temporary restrictions are generally imposed over areas that are intended to be set aside or restricted from the normal harvesting of food or other resources. Rahui are usually established to allow for the replenishment of stocks or to prohibit food gathering from areas that have become 'contaminated' or culturally unclean, for example, when someone passes away in the sea. The regulation of customary fishing was also important in maintaining the seasonal availability of certain species and limiting how much could be collected if stocks were depleting. Often valued species, such as pāua, were deliberately transplanted to alternative locations to ensure the sustainability and abundance of stocks along the full extent of the coastline.

For centuries, the inter-generational transfer of knowledge in relation to traditional fishing areas and practises has been integral to the ongoing ability of whanau to exercise customary fishing rights. The loss of customary fishing resources and knowledge over the decades has been due mainly to the over-exploitation of seafood resources, particularly pāua (usually by poachers), and the degraded state of the marine environment. This has caused a physical and cultural disconnection for many whanau from the marine environment - as they are no longer out in the environment, fishing and gathering kaimoana - which is necessary to enable the transfer of knowledge to the next generation.

3.5 Traditional Practices

The ability to undertake traditional cultural practices in the marine environment, other than fishing and gathering kaimoana, continues to be important to Ngāti Toa and their whanau. These cultural practices also include waka launching, voyaging, baptisms, blessings and swimming and other recreational activities. The ability to undertake these practices provides valuable opportunities to maintain an active relationship with the marine environment. Conversely, the inability to exercise these traditional practices, places the transfer of knowledge about them and associated with them, at risk. The absence of such relationships is considered to be devastating to whanau who are already at a precarious tipping point in the maintenance of key aspects of their Iwi identity and cultural wellbeing.

The cultural values identified in this section of the report, are bound together and underpinned by whakapapa or genealogical inter-relationships that create an inextricable connection between Ngāti Toa and the Te Moana o Raukawa. This includes the health of the marine environment which manifests as a direct reflection upon the health of the Iwi. The following assessment of cultural effects draws on these values as reference points to assess the potential and actual cultural effects related to the re-consenting proposal.

SECTION 4 - ASSESSMENT OF EFFECTS ON CULTURAL VALUES

The purpose of this section of the report is to identify the actual and potential effects on Ngāti Toa values as a result of the renewal of existing consents to enable the continued operation of the WWTP for an additional 20 years.

It is noted that in undertaking this assessment, the scope has been limited to the current application for the ongoing operation of the WWTP and outfall. Although directly relevant to the WWTP discharges, there has not yet been an assessment of the cultural effects of the wastewater conveyance network, as options for improving and upgrading the network are still under investigation and do not form part of this re-consenting process.

In this regard, Ngāti Toa representatives are working closely with WWL on a programme to improve the wastewater system and ultimately prevent overflows from the network into the harbour and streams. This is a very significant issue for Ngāti Toa and Maori generally, with particular concerns around a cultural abhorrence of discharging human effluent (regardless of the level of treatment) to water, including the marine environment.

Addressing this issue and working towards Ngāti Toa's vision for restoring 'mauri' to Te Awarua-o-Porirua and the surrounding coastal environment, will require long-term investment in the network and further upgrades to the WWTP. It is clear, therefore, that although the network is highly relevant to the ongoing operation of the WWTP and its effects on the environment, it cannot form part of the re-consenting proposal and has not been considered in the cultural effects assessment.

4.1 Limitations

To date, there has been no requirement for the collection of monitoring data in relation to cultural or ecological effects as this was, unfortunately, not included in the original conditions of consent. The Cawthron report (Morrisey, et al, 2019) addresses this information gap by presenting the results of recent ecological surveys undertaken in the area of the existing outfall (and other reference locations). This report presents the most up to date information and provides a critical baseline for conducting future ecological monitoring. It has also been relied upon in the context of this cultural effects assessment, given the absence of cultural monitoring data.

However, it should be observed that although ecological and cultural values are closely interconnected in relation to the health of the marine environment, from a Mātauranga Maori perspective, there is a spiritual and intangible dimension to the environment - in the form of 'mauri' - that cannot be empirically understood or 'measured' through a Western science lens. For example, the treated wastewater discharge from the WWTP may not seem to be having a marked effect on ecological values (as the Cawthorn report suggests) but it is having ongoing effects on cultural values, due primarily to the spiritual repugnance of human waste discharges to water. The flow-on cultural effects from the discharge of human waste into the sea lead to an array of coastal marine activities that will be affected in some way. Without the benefit of cultural monitoring information, the nature and magnitude of flow-on cultural effects over the past 30 years (and into the future) cannot be fully understood, assessed or planned for.

4.2 Description of the Outfall & Discharge

The Porirua WWTP currently discharges secondary treated and UV irradiated wastewater through a short outfall into the surf zone on the coast at Rukutane Point, 1000m west of the Titahi Bay surf club.

Treated and partially treated wastewater from the WWTP discharges via the shoreline outfall to an open rocky coast at Rukutane Point, 3.5km southwest of the entrance to Porirua Harbour. Mana Island lies opposite (3.2km offshore) the existing outfall and fishing is popular along the Mana Island marine bridge (“The Bridge”) to the west of the bay and off many rocky coastal areas. In terms of the abundance of shellfish or kaimoana along this coastline, it is noted that there is a lack of filter feeders (e.g. mussels) in the vicinity of the existing outfall and at other sites south of the WWTP. Shellfish such as pāua are grazers and do not tend to accumulate contaminants such as pathogens.¹³

As noted in section 2.5 of the AEE, throughout the duration of the current resource consent the full treatment capacity of the WWTP has been less than the volume of inflow to the plant during heavy wet weather events. At these times, the volume of wastewater exceeding the plant capacity (currently 1,040 L/s) bypasses the secondary treatment process (aeration basin and clarifiers). This wastewater is screened and then combined with the secondary treated wastewater prior to UV disinfection. However, as the UV disinfection facility currently has a capacity of 928 L/s, combined secondary/bypass flows in excess of this flow bypass UV treatment. The combined wastewater flow is discharged via the Rukutane Point shoreline outfall.

The frequency, duration and volume of WWTP bypasses over the period from January 2011 to end of December 2019 is summarised in Table 2-2 of the AEE. The average number of bypass events over that period is nearly 15 per year, peaking at 24 in 2015 but reducing to 11 in 2019, partly as a result of plant upgrades. These events occurred most often in the winter months from May to September and are mostly associated with heavy rainfall in the catchment.

To assess the effects of these bypass events, PCC has established seven coastal shoreline monitoring sites (see Figure 2-2 of the AEE). These are monitored in response to each wet weather bypass event at Porirua WWTP. This monitoring is focused on the period during and immediately after a bypass event when the risk of faecal contamination is highest. The results set out in section 3.3.3. of the AEE show that annual median enterococci values during WWTP bypass events comply with the Regional Coastal Plan guideline level of ≤ 35 enterococci per 100ml at sites 200m either side of the WWTP outfall but exceed the trigger value at the south end of Titahi Bay beach.

The results also show that the three year 95-percentile enterococci values consistently exceed the PNRP enterococci water quality objective at two sites in Titahi Bay and at Mount Couper, all of which are located adjacent to the urban area. By comparison, sites located 200m either side of the WWTP discharge complied with the 95-percentile trigger value during the three-year period to June 2019, and showed a marked improvement compared to the three-year period to June 2017. A reducing trend for maximum values between 2015 and 2019 at sites near the outfall is also evident. The results summarised in the AEE confirm that the WWTP discharge is not an important source of faecal contamination in Titahi Bay, although it may contribute to the cumulative level of faecal contamination in Titahi Bay.

4.3 Assessment of Effects on Cultural Values

Effects of the Outfall

It is assumed for the purposes of this assessment that no construction or modification work would be required for the continued operation of the outfall. To this extent, the re-consenting

¹³ Comparative Assessment of Public Health Effects/Outcomes; Graeme Jenner, May 2019: pg. 2

application is not expected to introduce any new cultural effects from the ongoing presence and operation of the outfall in its current location.

However, there remain actual and potential effects on cultural values that need to be considered in the context of this application. These effects relate primarily to the interference with 'mauri' in the coastal marine environment due to the presence of the outfall structure. This has caused ongoing disruption to Ngāti Toa's traditional relationship with the area and continues to undermine the ability of whanau to maintain customary fishing and other practices. In addition, the outfall has inhibited Ngāti Toa's ability to fulfil their Kaitiakitanga role and responsibilities in relation to the receiving environment.

Given the location of the outfall within the coastal environs of Te Moana o Raukawa, Ngāti Toa's relationship with the outfall area, and its associated effects on cultural values, needs to be understood in the broader context of the well-established traditional relationship of Ngāti Toa with Te Moana o Raukawa. Ngāti Toa continue to value this resource as a 'taonga' of the greatest cultural and historical significance, not only as a means of sustaining customary fishing and other traditional practices but also as a perpetual source of Iwi identity and future potential. The well-known and often quoted tribal saying "Mai Miria Te Kakara ki Whitireia, whakawhitia i Te Moana o Raukawa ki Wairau ki Whakatu" exemplifies the integral role that Te Moana o Raukawa plays in the identity of the Iwi and highlights the importance of the coastal area within which this outfall is located. In this sense, Ngāti Toa cannot readily separate the outfall area from the broader cultural context, nor the relationships embodied within the waters and resources of Te Moana o Raukawa. Therefore, in Ngāti Toa's view, an integrated and holistic approach is required to managing the effects of the outfall (and discharge) on the receiving environment.

Unfortunately, the degradation of the coastal environment over the years from various sources (including the WWTP and outfall) has contributed to the declining ability of Ngāti Toa to maintain traditional practices and relationships with the waters and resources of Te Moana o Raukawa. This has impacted on the Iwi's ability to provide for important cultural events and has resulted in the diminution of the mana of Ngāti Toa. The establishment of the WWTP and outfall at Rukutane Point compounded these issues as Ngāti Toa was no longer able to access mahinga kai and kaimoana along the full extent of the coastline, as they had been able to do in the past. The loss of this resource for customary fishing and gathering of coastal resources was significant for Ngāti Toa as it had always been maintained as a very productive mahinga kai and was easily accessible from the coast. The effect of the outfall over the last 30 years in terms of restricting Ngāti Toa's access and customary use of resources has effectively alienated a whole generation of Iwi members from this particular part of the coastal environment. Consequently, Ngāti Toa's ability to sustain the quality of their traditional relationship with the area and thereby ensure intergenerational knowledge transfer has been significantly undermined.

Furthermore, without the ability to maintain an ongoing holistic connection with the area of the outfall, Ngāti Toa - as an Iwi, and as individual Iwi members - have been unable to fulfil their kaitiakitanga responsibilities which is critical in the maintenance and enhancement of the mauri pertaining to the environment. The physical impact and presence of the outfall in the coastal environment due to the loss of natural habitat and disturbance to the marine ecology has inevitably impacted on the vitality of mauri, to a greater or lesser extent, over time. Although the magnitude of the impact on mauri from the outfall is uncertain, due largely to a lack of cultural monitoring information, there are signs occurring as cultural indicators of degrading marine health in the vicinity of the outfall. For example, there is a declining availability of kukutai/mussels, which play an important role in 'ecosystem services' (i.e. through filtering - nutrient sequestration). However, the absence of sufficient information and the lack of importance attached to understanding the cultural effects of the WWTP in the past, has created

an insufficiency of data in relation to this important cornerstone of resource management in terms of the need to better understand the effects on mauri.

Having said that, it is important to acknowledge that to some extent adverse effects on mauri have been mitigated by the adaptation or re-colonisation of the outfall area with similar species of flora and fauna to those found in the wider coastal area. The Cawthron ecological surveys show that there are no clear differences between the flora and fauna present in and around the pipeline and those found at other control sites, including Komangarautawhiri (Green Point). This suggests that the existence of the outfall in this location is not having a marked ecological effect. This will also have undoubtedly contributed to the enhancement of mauri (in the receiving environment) but, again, without the benefit of cultural monitoring data, it is difficult to determine any degree of improvement.

In conclusion, it is clear that there are existing and also continuing impacts on the cultural values associated with the location of the outfall within the coastal environment. These effects are causing ongoing disruption and adverse effects on Ngāti Toa's traditional relationship with the area and inhibiting customary access to mahinga kai and kaimoana resources that, prior to the establishment of the WWTP, had sustained Ngāti Toa whanau for generations. Consequently, Ngāti Toa has been unable to continue to fulfil their kaitiakitanga responsibilities towards the environment.

Effects of the Discharge

The outfall currently discharges secondary-treated and UV -disinfected wastewater but during periods of heavy rainfall excess flows bypass the secondary-treatment plant and are discharged as partially treated or milliscreened and UV-disinfected wastewater.¹⁴ There are currently on average 22 bypass events per year. Despite upgrades to the WWTP in 2015/16, the frequency of bypass events has exceeded that anticipated at the time the present consent was granted. The upgrade to the WWTP planned as part of the re-consenting application will increase the hydraulic capacity to 1500L/s and is intended to fully eliminate bypass discharges.

The Cawthron report confirms that the treated wastewater discharge is of a high quality and does not appear to be having significant adverse effects on the coastal environment, as water quality has not deteriorated to the extent that it is causing significant adverse effects on marine ecosystems and habitat. Even during periods of high rainfall when bypass discharges of partially treated wastewater occur to the coastal environment, the ecological effects appear to be of a localized and temporary nature (such as reductions in water clarity and deposition of organic matter)¹⁵. Modelling studies for the present WWTP discharge show that dispersion and dilution of the discharge at Rukutane Point is sufficient to reduce concentrations of nutrients to ecologically acceptable levels.¹⁶ Furthermore, the Cawthron report notes that the receiving environment at Green Point (near Te Korohiwa) is similar to that at Rukutane in terms of habitat and ecological effects.¹⁷ Therefore while the discharge may have a localized effect on water quality, there is no evidence that water quality is having a significant adverse effect on ecosystems or natural habitats. In addition, the proposed elimination of bypass discharges due to the upgrade of the WWTP should reduce adverse effects on water quality even further (at least in the short term) and there should be positive flow on effects for the enhancement of mauri.

¹⁴ Cawthron Report (Morrissey, et al., 2019); *Porirua Wastewater Treatment Plant: Assessment of Effects of Different Outfall Options on the Marine Environment*; pg. 41

¹⁵ *Ibid*; pg. 45

¹⁶ *ibid*: pg43

¹⁷ *ibid*: pg. 46

The ecological survey data also seems to confirm anecdotal evidence of cultural effects relating to the discharge. Most notably, the discharge does not appear to be causing significant adverse effects on customary fishing and the maintenance of mahinga kai in areas beyond the 200m radius mixing zone. However, in the immediate vicinity of the outfall, Ngāti Toa are clearly inhibited from exercising their customary fishing rights and traditional practises. Ngāti Toa divers have had to adapt to the presence of the discharge over the years by adopting the 'tikanga' of avoiding the outfall area for shellfish gathering. In this sense the discharge has had a similar impact to a 'rahui' or restricted fishing area, except for the fact that the restrictions were not imposed by Ngāti Toa who have been excluded from any role in the management, use and protection of the outfall area. The ongoing effects of the discharge, including the need to minimize health risk effects for the public, have come at the expense of Ngāti Toa's mana and rangatiratanga as tangata whenua.

The inaccessibility of the outfall area for customary purposes over the last 30 years has continued to undermine Ngāti Toa's traditional relationship with the area and has prevented opportunities for maintaining and improving customary use of the coastal marine environment. These effects have been exacerbated by the presence of an abundant pāua resource along the pipeline (noted in the Cawthron report) which confirms the ongoing impact of the discharge on customary fishing activities. The report notes that the high density of pāua in this location is probably because of reduced fishing pressure rather than any direct effect of the outfall. Ngāti Toa can confirm this to be the case in terms of the restriction of customary fishing activities around the outfall. Ngāti Toa's avoidance of the outfall for shellfish gathering has little to do with potential health risks but is intended to avoid the calamitous cultural and spiritual effects of coming into contact with, and potentially consuming, kaimoana that has been desecrated by human effluent (irrespective of whether it is treated or not). While the semi-protected zone around the outfall may well be deterring the general public from taking shellfish from the outfall area, which in turn may be helping to sustain the pāua population; it is the presence of the discharge itself (rather than any restrictions on access) that have necessitated Ngāti Toa divers to avoid the outfall, and this has severely restricted Ngāti Toa's customary rights to harvest the resource and maintain it as a mahinga kai in accordance with tikanga Maori.

The most significant impacts of the discharge from a tikanga Maori perspective, however, relate to the deep cultural and spiritual aversion of direct discharges of human waste (via wastewater) to natural water, regardless of the level of treatment. The discharge of human waste into waterways, the estuary and sea over the years has caused great concern to Ngāti Toa for cultural, environmental and public health reasons. This has had an ongoing impact on the Iwi's ability to harvest traditional sources of food and other resources, and the knowledge and practices associated with the gathering, utilisation and protection of those resources. In addition to not being able to provide for its own people, Ngāti Toa now has a diminished ability to provide manaakitanga to its manuhiri. While it has to be acknowledged that the establishment of the Porirua WWTP has led to improvements in local sewage disposal, the cultural and spiritual aversion to mixing human waste with water has never been addressed and has instead continued to be exacerbated over the years by the discharge of increasing volumes of wastewater to the sea.

The elimination of bypass flows as a result of WWTP upgrades will help to reduce human effluent in wastewater discharges and improve water quality in the vicinity of the outfall. This, in turn, should have a positive flow on effect for the enhancement of mauri (although over time water quality is expected to degrade). However, Ngāti Toa remains fundamentally opposed to the practice of disposing human waste to water as this is an affront to tikanga Maori which requires the filtration of human waste through land (to remove the 'tapu') before it can be discharged to water. 'Tapu' was a powerful concept in traditional Maori society and its application to human waste was intended to protect people from potential health risks. This traditional concept has

been carried through into the contemporary world and, for Ngāti Toa, the tikanga of ‘no discharge to water’ continues to set the benchmark for addressing contemporary wastewater issues.

Summary & Conclusions

In summary, the continued operation of the WWTP and outfall will inevitably result in adverse effects, of varying intensity, on identified cultural values, particularly in relation to the sustainability of mauri, mahinga kai, customary fishing practises and rangatiratanga. The culmination of some or all of these effects will inhibit Ngāti Toa’s ability to fulfil inherent kaitiaki responsibilities towards the coastal environment. Although these effects will be confined to a relatively small area of the coast (generally within the outfall area and mixing zone), they will nonetheless have ongoing and long-term effects (should consent be granted for the proposed 20 years). The expected exacerbation of existing effects (that have culminated over the last 30 years) by the continued operation of the WWTP for an additional 20 years, will potentially result in additional cumulative effects on cultural values due to the degradation of mauri over time. This will occur through the impact of wastewater discharges containing increasing volumes of human effluent (as the population increases), and Ngāti Toa’s inability to sustain their traditional relationship and their customary practises in the outfall area. These effects will be long term, spanning 50 years or more, and will impact on two generations of Ngāti Toa whanau.

The Proposed Natural Resources Plan

It is also noted that the cultural effects of the discharge are likely to be inconsistent with the Proposed Natural Resources Plan (PNRP) which directs that the “mauri...of coastal waters is sustained and, where it has been depleted, natural resources and processes are enhanced to replenish mauri”¹⁸, and further requires the “maintenance or improvement of water quality” and “safeguarding of mahinga kai”.¹⁹ The expectation that water quality will degrade over time due to population growth, and that wastewater containing human effluent will continue to be discharged (in increasing volumes) to the sea, it seems highly unlikely these objectives will be met.

In addition, the consenting authority must have also regard to Kaitiakitanga by enabling Ngāti Toa to actively participate in any planning and decision-making²⁰; and it must recognise and provide for “The relationships of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga”.²¹ To date, neither of these objectives have been adequately recognised or provided for under the existing consent or consent conditions. Furthermore, consistency with Objective 014 requires any resource consent application to (a) maintain and improve opportunities for Maori customary use of the coastal marine area; (b) maintain and improve the availability of mahinga kai species; (c) provide for the relationship of mana whenua with Nga Taonga Nui a Kiwa; and (d) protect sites with significant mana whenua values.²² To reiterate, the continuation of the WWTP for another 20 years is highly likely to make existing adverse effects on cultural values worse, not better as is required by these provisions.

Part 2 RMA considerations

Finally, under Part 2 of the Resource Management Act, when managing the use, development and protection of natural and physical resources, the territorial authority and regional council shall ‘recognise and provide for’ (as a matter of national importance) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites waahi tapu and other taonga.

¹⁸ Proposed Natural Resources Plan for the Wellington Region; Chapter 3 Objectives: pg. 43

¹⁹ *Ibid*; Objectives 023 & 024

²⁰ *Ibid*; Objective 15

²¹ *Ibid*; Objective 14

²² *Ibid*;

²³It is Ngāti Toa's view that historically this relationship has not been adequately recognised or provided for, which has resulted in an undermining of customary practises and the ability to exercise kaitiakitanga in relation to the receiving environment. However, it is also Ngāti Toa's view that the value of the relationship has been partially *recognised* by the Applicant through the commissioning of this cultural impact assessment, but that *providing* for this relationship will take a long time while improvements in environmental quality occur in order for mauri to be restored. As a result, it is Ngāti Toa's view that s6(e) RMA has historically not been met, and continues not to be met, but may be able to be met over the duration of the consent with appropriate mitigation and significant investment from both WWL and Ngāti Toa in forming an innovative and committed partnership.

Section 7(a) of the RMA also requires local authorities to 'have particular regard to' kaitiakitanga and the ethic of stewardship. The Act defines 'kaitiakitanga' as the exercise of guardianship by the tangata whenua of an area in accordance with tikanga Maori in relation to natural and physical resources. Objective 15 of the PNRP requires the active participation of tangata whenua in planning and decision-making in recognition of the need to 'have particular regard to' kaitiakitanga. However, in Ngāti Toa's view kaitiakitanga has not historically been given particular regard to which is contrary to the sections 7(a) and 7(aa) of the RMA.

The RMA also requires local authorities to 'take into account the principles of the Treaty of Waitangi' ²⁴in exercising its functions and powers. The special position of iwi and hapū as Treaty partners is reflected in the specific provision for Maori under the Act, in particular the principle of active protection, which requires going beyond mere consultation with tangata whenua to include the active protection of 'taonga'. It is clear that the mauri of the receiving environment is not being adequately protected, in a spiritual sense, from the desecration of human waste discharges; this is contrary to tikanga Maori and RMA obligations of active protection. Nevertheless, it is recognised that WWL has acted in good faith and has made efforts to become better informed in its decision making, and where Te Ao Maori can be integrated into future decision making. This goes some way towards achieving the reciprocity of partnership envisaged by the Treaty. The continued operation of the WWTP will not introduce any new grievances, but nor does not extinguish any historical grievances.

The purpose of the Act is to promote the sustainable management of natural and physical resources. In this case, the Applicant while undertaking the discharge activity would need to empower the role and function of Ngāti Toa as tangata whenua with the rangatiratanga necessary to enable them to exercise kaitiakitanga of the environment, while also:

- (a) sustaining the potential of the receiving environment (Te Moana o Raukawa) and the coastline to meet the reasonably foreseeable needs of future generations to practice tikanga;
- (b) safeguarding the life-supporting capacity of air, water, soil and ecosystems to be used as mahinga kai;
- (c) remedying historic adverse effects on the mauri of the receiving coastal environment and avoiding future worsening of those effects.

It is Ngāti Toa's view that the operation of the WWTP has not, historically, achieved the above stated sustainable management purpose and principles. It is also Ngāti Toa's view that doubt remains as to whether the life-supporting capacity or 'mauri' of the receiving environment is

²³ Section 6(e) RMA.

²⁴ Section 8 of the RMA

being safeguarded, and it has been demonstrated that the relationship of Maori (Ngāti Toa) with their taonga is not provided for with adverse effects on intergenerational transmission of cultural knowledge. Therefore, if renewal consents are granted, conditions will be necessary to ensure that the adverse effects on the cultural values identified in this assessment are able to be appropriately addressed.

SECTION 5 - MITIGATION OF ADVERSE CULTURAL EFFECTS

The cultural effects assessment (above) has identified that existing adverse cultural effects have been occurring since the WWTP was established 30 years ago, and that these effects will potentially be exacerbated by the continued operation of the WWTP over the next 20 years (should consent be granted).

Due to the nature of the discharge (sewage or human waste) and the cultural significance of the receiving environment – Te Moana o Raukawa – the adverse cultural effects are considered to be potentially significant and over the duration of the consent are likely to have more than a minor effect on the receiving environment. Therefore, it is necessary for appropriate mitigation measures to be included in conditions of consent to address actual and potential adverse effects on cultural values.

The following measures are recommended to achieve this purpose. However, it should be noted that while the measures will go some way towards recognising and providing for cultural values, particularly kaitiakitanga, they cannot fully provide for the tino rangatiratanga of Ngāti Toa in relation to the exercise of environmental management. Nevertheless, they are intended to achieve a number of key objectives with a view to mitigating adverse cultural effects as follows:

- To empower Ngāti Toa, as Kaitiaki, to better fulfil their guardianship responsibilities to ensure that activities connected with the operation of the WWTP do not compromise the mauri and/or life supporting capacity of the coastal environment.
- To recognise and provide for the traditional relationship of Ngāti Toa with the receiving environment, within Te Moana o Raukawa, and the tikanga that expresses it as a ‘taonga’ of the greatest significance.
- To provide for enhanced rangatiratanga by ensuring Ngāti Toa’s active involvement in planning and decision-making in relation to the management and operations of the WWTP and discharge.
- To achieve consistency with statutory requirements under the RMA and relevant planning instruments regarding the protection of cultural values.
- To give effect to the statutory obligations under Ngāti Toa’s Treaty settlement which require cultural values in relation to the ‘Coastal Statutory Acknowledgement’ over Te Moana o Raukawa to be taken into account in resource consent decisions under the RMA.
- To investigate alternative, and culturally appropriate, wastewater treatment and disposal options that are consistent with tikanga Maori and meet Ngāti Toa’s aspirations for ‘no discharges to water’.

5.1 Wastewater Management Partnership Group

It is recommended that the inclusion of Ngāti Toa as Tangata whenua in wastewater management is undertaken in the spirit of partnership, as envisaged by Te Tiriti o Waitangi and the application of its Principles, through the formation of the Wastewater Management Partnership Group comprising representatives from Ngāti Toa and WWL.

The purpose of this group would be to engage with the WWTP staff and monitor the performance and ongoing development of the WWTP disposal scheme with an express commitment to continuously improving outcomes for the receiving environment. This commitment would involve working towards more sustainable practises to safeguard the life-supporting capacity and ‘mauri’ of the coastal environment. To this end, a key objective of the partnership group would be to identify opportunities to remedy and mitigate adverse effects of the coastal outfall structure and discharge on mauri (as well as to enhance mauri) for the duration of the consent.

The Partnership Group would also have a role in exploring concepts and design solutions intended to address Ngāti Toa's fundamental concern around the cultural and spiritual implications of discharging wastewater, containing human effluent, to water. For example, the Hastings wastewater treatment scheme is based on the removal of human waste from wastewater and this is achieved by passing waste through a land-based biological trickling filter system before it is finally discharged to the sea.

5.2 Environmental Review Panel

It is recommended that an Environmental Review Panel be established, with provision for Ngāti Toa involvement, aided by technical experts, to periodically review the operation of the wastewater discharges, including monitoring information as required by consent conditions, and to evaluate information produced from the conditions with a view to recommending possible changes to the design, operation or monitoring aspects of the WWTP where necessary.

5.3 Research

It is recommended that research initiatives are established that have a direct connection with the receiving environment into which the treated wastewater is discharged.

Research would be expected to focus on the development and engineering of technical and non-technical solutions that meet cultural and spiritual standards for wastewater treatment and disposal. Opportunities for further investigations relating to the beneficial reuse of treated wastewater and/or the by-products could also be explored.

5.4 Kaitiaki monitoring programme

It is recommended that a cultural monitoring programme is developed including Ngāti Toa Kaitiaki to assess the effects of the discharge and outfall on mauri. The cultural monitoring information will enhance both Partners' understanding of the cultural effects of the WWTP operations and wastewater discharge to the coastal environment and provide a critical baseline for future cultural monitoring.

The monitoring programme would necessarily support the application of mātauranga Maori methods and knowledge to monitoring, while also facilitating intergenerational knowledge transfer. The key objective of the monitoring programme would be to enable restoration of the mauri pertaining to the coastal environment.

5.5 Duration of consent

It is recommended that a reduced consent term of 10 years is most appropriate (with a right of renewal for an additional 10 years, subject to the review process) for the following reasons:

- (a) The Applicant has been unable to demonstrate that the proposed discharge does not have an adverse effect on the mauri of the receiving environment within Te Moana o Raukawa, and this report has demonstrated that Ngāti Toa's customary use and kaitiaki responsibilities in relation to the receiving environment are being significantly impacted. A shorter duration is appropriate to monitor and appropriately respond to this effect. A longer term would disable the ability to effectively mitigate any effects as they emerge.
- (b) The Applicant has also been unable to demonstrate that Ngāti Toa's 'Coastal Statutory Acknowledgement' over Te Moana o Raukawa (which requires recognition of Ngāti Toa's cultural values in RMA processes) will be properly acknowledged and adequately provided for through this re-consenting application.

- (c) There remains uncertainty in relation to the effectiveness of proposed mitigation/conditions to address cultural effects, particularly in relation to sustaining mauri, which must be achieved for consistency with both the PNRP and tikanga Maori.
- (d) The effect of projected population growth on water quality and mauri over the duration of the consent is also uncertain. It is expected that water quality will degrade over time but there is insufficient information available at this stage to assess the potential effects on mauri and other cultural values. This will partly depend on what improvements are made to the wastewater and stormwater network which may impact on the WWTP's ability to maintain its existing high-quality discharge.

SECTION 6 – CONCLUSION

*Mauri tū, Mauri ora
Mauri noho, Mauri mate
Tihei Mauriora!*

The cultural effects assessment provided in this report has demonstrated that in addition to any tangible effects from the operation of the WWTP on the mauri within the sea and coastline of Te Moana o Raukawa, the flow-on effects of the outfall and discharge further inhibit the ability of Ngāti Toa to fulfil their kaitiakitanga responsibilities in relation to the coastline, and effectively undermines the responsibility to maintain and enhance the mauri of the coastal marine environment.

As the long-established Tangata whenua of the area affected by the wastewater discharge, Ngāti Toa still hold true to these kaitiakitanga obligations and the right to execute these cultural duties is as relevant now, as ever before. Given the cultural significance of Ngāti Toa's traditional relationship with Te Moana o Raukawa, and the nature of the wastewater discharge (containing human waste), the effects of continuing to discharge wastewater (irrespective of the level of treatment) into the coastal environment are, in Ngāti Toa's view, considered to be culturally and spiritually abhorrent. Furthermore, the ongoing discharge of wastewater into the moana has a debilitating effect on the guardianship responsibilities that Ngāti Toa are obligated to uphold as Kaitiaki, especially where the mauri of the coastal environment is not being protected and strengthened.

On the basis of this contention, it can be concluded that Ngāti Toa's cultural values are adversely affected by the existing discharge and outfall structure, and that the proposed operation of the WWTP for an additional 20 years will potentially exacerbate existing effects to the extent that they become significantly worse throughout the duration of the consent. While the proposed upgrade of the WWTP will eliminate bypass discharges and improve water quality in the short term, as the population increases over time the water quality, and thereby mauri, of the receiving coastal environment is expected to degrade commensurately.

A series of mitigation measures have been proposed to address adverse cultural effects. These are expected to go some way towards empowering Ngāti Toa as Kaitiaki and in recognising the importance of the Iwi's traditional relationship with the receiving environment - being part of Te Moana o Raukawa - which has been recognised in Ngāti Toa's Treaty settlement as a significant cultural resource requiring special acknowledgement of Ngāti Toa's cultural values in the context of resource consent applications.

However, despite the proposed elimination of occasional bypass discharges and the recommended mitigation measures (conditions) to address adverse cultural effects, Ngāti Toa's over-arching concern relates to the cultural and spiritual repugnance of discharging human waste to water and cannot be mitigated through the proposed conditions. This can only occur by removing the human waste from the wastewater discharge (or disposing to land which does not appear to be a feasible option).

Therefore, as a compromise solution, Ngāti Toa are proposing that WWL and Ngāti Toa establish a working partnership to explore, together, new concepts and future design solutions with a view to addressing this fundamental cultural concern. It is proposed that by the end of a

shortened 10-year consent duration, mutual agreement over an appropriate alternative treatment and disposal method will have been reached to the extent that an implementation plan, for a potentially world leading solution, will have been developed for consideration as part of the future operations of the WWTP.

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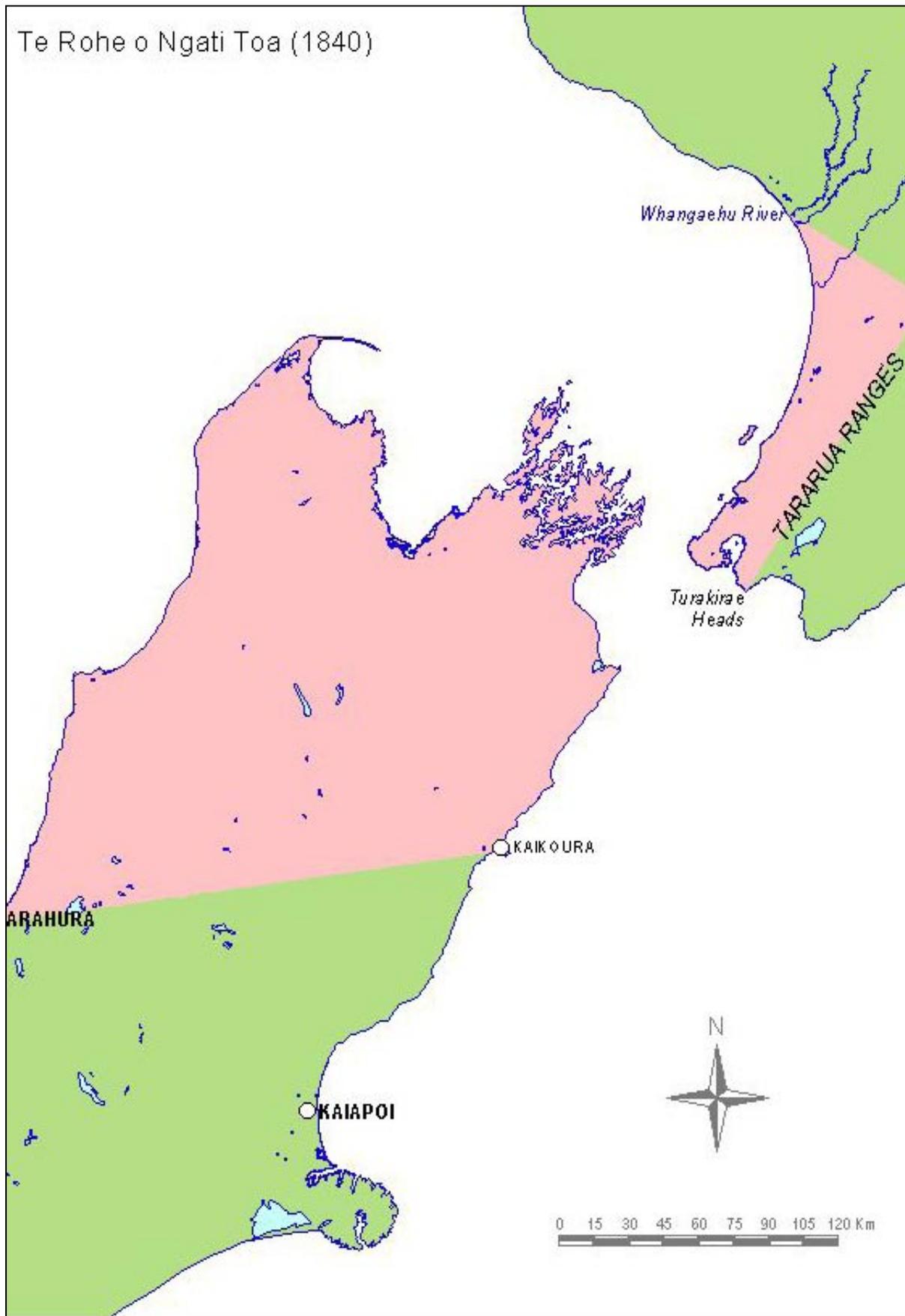
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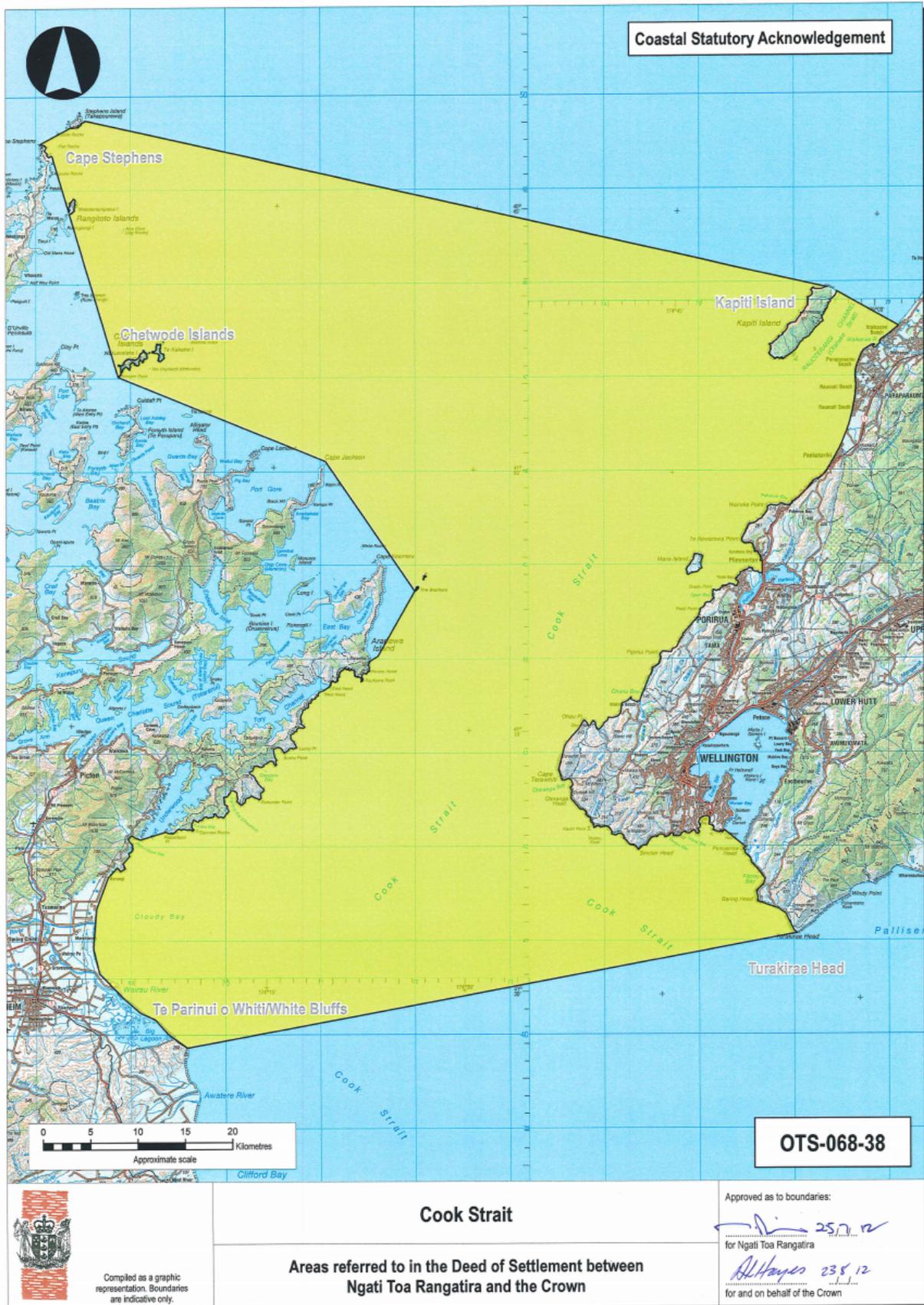
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APPENDIX 1 – NGĀTI TOA ROHE



APPENDIX 2 – STATUTORY ACKNOWLEDGEMENTS





Compiled as a graphic representation. Boundaries are indicative only.

Te Awarua-o-Porirua Harbour

Areas referred to in the Deed of Settlement between Ngati Toa Rangatira and the Crown

Approved as to boundaries:

[Signature] 25.7.12
for Ngati Toa Rangatira

[Signature] 28.8.12
for and on behalf of the Crown