

RESPONSE TO MATAWII DRAFT DECISION
CONDITIONS
PROVIDED BY
THE MATAWII EXPERT CONSENTING PANEL
6 OCT 2020



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First edition

DISCLAIMER

This report has been prepared within the limitations imposed by strict time constraints and lack of engagement in the initial stages, lack of consultation, lack of partnership with mandated Ngāti Rangī Hapū representatives. Ngāti Rangī being tangata whenua that hold mana o te whenua for the proposed site. Having only been consulted in the last two months. Despite this, all effort and care has been made to represent the information cited herein as it has been used and for its intended purpose within the specific reports cited.

Introduction

This report/commentary has been prepared in response to the invitation from the Matawii expert consenting panel regarding the panel's draft conditions of consent for the Matawii Water Storage Reservoir proposal provided by Te Tai Tokerau Water Trust.

Ngāti Rangi hold mana whenua for the Proposed Water Storage Reservoir site. Ngāti Rangi mana whenua status has been acknowledged and supported by Te Runanga a Iwi o Ngāpuhi Chair. The Chair has also supported and acknowledged the Cultural Impact Assessment Report that Te Kereru Associates was mandated to undertake on behalf of Ngāti Rangi Hapu. The lack of engagement and consultation from the applicant; Te Tai Tokerau Water Trust has been very apparent in regards to Ngāti Rangi Hapu throughout the whole consent process. Ngāti Rangi engagement was only initiated in the last two months, whilst other neighbouring hapu have been engaged and consulted with for several months to some being almost two years. As expressed in the Cultural Impact Assessment Report it must be noted that the lack of time to prepare and make comments has been limited and very constrained. Despite the Hapu representatives discussing with the applicant to include Ngāti Rangi Cultural Impact Assessment Report into the initial application it was ignored and still submitted without Ngāti Rangi been given the chance to submit their Cultural Impact Report, hence Te Kereru Associates having to submit their report through the comments back to the panel and the application. Despite these challenges we have still preserved with the process and engagement with the trust and inclusion of Ngāti Rangi hapu representatives on the Te Tai Tokerau Water Trust Advisory group.

Ngāti Rangi request to have representation on the Community Liaison Group as two Mana whenua Hapu representatives.

Ngāti Rangi request to have representation on the Kaitiaki Liaison Group as three Mana whenua Hapu representatives.

Ngāti Rangi request to be involved as Kaitiaki with the onsite decision making, cultural and ecological monitoring and management of the proposed site. This would be reflective in the Proposed Ngawha Business and Innovation Park on the adjacent properties and the partnership that is held with Ngāti Rangi Hapu being acknowledged by FNHL as holding mana whenua status of the proposed site.

As expressed in the Ngāti Rangi Cultural Impact Assessment Report and the recommendations, Ngāti Rangi would request that the draft conditions reflect and include the following recommendations:

1. Archaeological protocols: That clear protocols are developed and implemented as part of the resource consent to ensure:

(a) Ngāti Rangi are consulted in advance on any areas Te Tai Tokerau Water Trust wishes to undertake earthworks and or/drilling activities to ensure such works are not planned in the same location as known wāhi tapu;

(b) enable appropriate cultural rites to be performed ahead of planned works;

(c) provide for Ngāti Rangi to nominate Ngāti Rangi Kaitiaki of any earthworks or drilling activities

(d) in the event a new wāhi tapu or archaeological site is discovered or disturbed, that all works on the site shall cease and Council and Ngāti Rangi shall be notified immediately. Works shall not recommence until Council and the Ngāti Rangi are satisfied that it is appropriate to do so on cultural and archaeological grounds.

2. Disposal of wastewater or storm water would best be achieved with constructed solutions, rather than using natural ecosystems for water treatment. Disposal of treated water to local streams should be required to meet water quality standards so as to protect aquatic habitats. This disposal should also not disturb or change the mauri of the wai in the waterways and ecosystems. Cultural Monitoring of the waterways and ecosystems should be implemented onsite by Ngāti Rangi kaitiaki.

3. Having given regard to the policies and objectives in the Far North District Plan we consider that achieving resource consent to undertake activities in any of the wetlands or any of the three largest forest blocks (including the one which forms part of Kopenui Stream remnants). This would be difficult to support on Ngāti Rangi Cultural tikanga and kawa. On that basis those areas should be avoided. In relation to the smaller forest areas, removal or modification would need to be accompanied by mitigating actions sufficient to address the adverse effects on those habitats.

4. A peer review committee including Ngāti Rangi representation be convened to provide cultural advice and support to Te Tai Tokerau Water Trust and FNHL throughout to mitigate any issues that will arise.

5. Notice of Works: That Ngāti Rangi be notified and informed a minimum of four months in advance of any new planned works that occur onsite.

6. Agreement: That Te Tai Tokerau Water Trust enter into an agreement with Ngāti Rangi regarding the above matters and provides support to Ngāti Rangi for this purpose (Advisory costs and time).

7. In order to mitigate the adverse effects on the role of Ngāti Rangi as kaitiaki, Ngāti Rangi recommend conditions that:

(a) Recognise and actively protect the relationship Ngāti Rangi have with the whenua;

(b) Recognise the interconnectedness of the land and environments and provide for active protection of Ngāti Rangī cultural values within the activities associated with the whenua;

(c) Provide for Ngāti Rangī to exercise rangatiratanga and kaitiakitanga by ensuring Ngāti Rangī are afforded the opportunity to participate in the Proposed Matawii Water Storage Reservoir during all phases of the consent;

(d) Provide for Ngāti Rangī to express tikanga and mana over the Proposed Matawii Water Storage Reservoir by ensuring participation is inclusive of opportunities to be included in decision-making, monitoring and management of the whenua.

8. In order to mitigate the adverse Ngāti Rangī cultural impacts in respect of kaitiakitanga, mauri, mana, mātauranga and preservation for future generations, Mana Whenua recommend conditions that ensure:

(a) Culturally appropriate management and monitoring mechanisms are in place to allow Mana Whenua to monitor, maintain and enhance the mauri of the Proposed site (including the monitoring of cumulative cultural effects)

(b) Culturally appropriate management and monitoring mechanisms are in place to minimise the adverse effects on the mauri of Ngāti Rangī whenua and the areas of tapu and cultural practices within the Proposed Matawii Water Storage Reservoir. This includes, but is not limited to, water quality and visual amenity.

9. To mitigate adverse Ngāti Rangī cultural effects relating to ecology, Ngāti Rangī recommend conditions that provide:

(a) For the avoidance, to the greatest extent practicable, the disturbance of, or disposition on, the waterways in order to allow for the maintenance of the mauri of wai;

(b) Where the disturbance of the ecosystems is not avoidable, limiting the disturbance of contaminated land to the minimum extent required to reduce the potential for any disturbed contaminants to be discharged into the air, land or water;

(c) For the avoidance, to the greatest extent practicable, the cultural degradation of the environment, both tangible and intangible, in order to allow for the maintenance of the mauri of Proposed Matawii Water Storage Reservoir.

(d) That the implementation of appropriate measures to avoid adverse effect of freshwater species, particularly ecology and biota of the environment;

(e) That timeframes are set and appropriate measures are put in place to promote the recovery of the waterways;

(f) For the monitoring of water and sediment quality by Ngāti Rangi kaitiaki.

10.To mitigate the adverse Ngāti Rangi cultural effect in respect of access to the Proposed Matawii Water Storage Reservoir, Ngāti Rangi recommend conditions that:

(a) Provide continued access to Ngāti Rangi to their cultural lands, water and taonga before, during and after the consent, without being adversely affected by construction activities;

(b) Provide opportunity to Ngāti Rangi for access to their cultural lands, water and taonga.

11.To mitigate the adverse Ngāti Rangi cultural effects relating to Ngāti Rangi presence and values, Ngāti Rangi recommend implementing conditions or management plans that:

(a) Reaffirm Ngāti Rangi culture by providing opportunities to recognise and provide for both tangible and intangible reflection of cultural values as a key element of development and management, including, where appropriate:

(i) Ngāti Rangi to perform karakia and site blessings prior to works commencing;

(ii) Cultural induction of construction workers by Ngāti Rangi;

(iii) A direction of spoil reuse, rather than disposal being adopted, with methodology and if reuse is not possible, the generation of a document discussing why reuse was not possible;

(iv) Using traditional Ngāti Rangi names;

(v) Using indigenous plant species;

(vi) Using designs that reflect the cultural perspectives, ideas and materials of Ngāti Rangi;

(vii) Ensuring appropriate protocols are followed throughout the lifetime of the Proposed Matawii Water Storage Reservoir;

(viii) Implementation of accidental discovery protocols;

(ix) Include Ngāti Rangi in the processing of manuhiri that visit;

(x) Incorporate refuse/recycling facilities to cater to the increased manuhiri in the management plan/design; and

(xi) Using Ngāti Rangi designed and inspired artwork.

12.Ngāti Rangi recommends the applicant select the ‘in dam’ oxygenation pump method to remedy any adverse effects of future anaerobic state of the lower level water strata. The dam

habitat will be improved by the increased oxygen levels which will mitigate the adverse effects the dam has on the mauri of the water.

13.The applicant must provide fish passage in line with current best practice for all in stream structures. These must be in place no less than six months from the grant of consent. This may include but is not limited to, wet passage for climbing stage species and Tuna. Retreats for long distance climbs identified on the spillway of the Dam and the overflow.

14.The applicant must undertake fish transfers from the water tributaries on no less than 5 occasions in any one year.

15.The applicant must provide a report of each of the fish transfers including, the number, size and health of tuna(eels). The presence and abundance of inanga, kokopu, torrent fish and any other native fish species collected. The weather on the day of the transfer, the gps location the fish were captured from and released. The time the collection started and the time the fish were released.

16.Exotic species must not be transferred.

17.The applicant shall undertake no less than three ecological reports each year at Ngati Rangi identified site locations for the Matawii Water Storage Reservoir. The report must include three locations being the northern, southern sides of the dam, upstream and downstream of the dam in relation to the water level recorder. The report must include fish species; invertebrates; algae and cyanobacteria and; instream vascular flora.

18.If the reports show depleted native flora and fauna health and abundance, the applicant must propose a remedy within 3 months of the report and present that remedy to Ngāti Rangi for input and participation.

19.The applicant must remove any debris from the subject structures from the bed or banks of the dam within two days of the end of any flooding event or at any other time when debris becomes detached from the consented structures.

20.The instream fauna values of the dam will be sufficient to allow for sustainable harvesting of tuna(number will be relative to survey and monitoring data received) per year from the waterways. The number will represent a realistic customary take of tuna by Hapū members.

21.It is proposed that a cultural mapping project be undertaken to curate and harvest any knowledge from extant maps(held by LINZ) that have been created in the area. This can be coupled with and to other cultural data collection projects currently underway.

22.Presence of wāhi tapu sites within the reservoir footprint and immediate environs need to be addressed.

23.The impact on the natural habitat and cultural practices pertaining thereto needs to be addressed. It is recommended that a report detailing cultural harvesting and practices of Hapū within the region is required.

24.A complimentary cultural report to the Hydrology assessment regarding the whakapapa and tapu nature of water needs to be undertaken.

25.The global pandemic and the measures imposed by the Government coupled with climate change raises serious implications for water supply for and to Kaikohe. A water strategy is required that will provide basic human rights to water within the region is required.

26.Wetlands removal requires compensation planting to offset the effects of climate change and maintain the balance in the ecosystem. Measure the carbon positive footprint of the wetlands.

27.Part of the lifecycle of the tuna (eel) is the migratory patterns to and from the sea which would result in population decline. Eel migratory patterns need to be maintained.

28.A pertinent question is: Has sufficient be done to ascertain wāhi tapu or other places that are culturally significant to local hapū/iwi.

Conclusion

As expressed in the recommendations the Hapu Cultural Impact Assessment Report Water is a taonga for Ngāti Rangi hapu. The essential role of hapu kaitiaki is imperative in the water space and has not been fully explored or extensively considered in any of the documents presented to the EPA for consideration for the proposed site. This needs more research and monitoring from a Ngāti Rangi Hapu perspective and viewpoint. There is a real need for the mauri and mana of the water to be researched, monitored and managed from a hapu perspective. As Kaitiaki it is our role and responsibility to care not only for our taiao but the future of our whanau and generations to come depend upon it.

Ngāti Rangi as tāngata whenua, have customary rights and responsibilities associated with freshwater resources in the region, as expressed through the exercise of manawhenua, rangatiratanga, kaitiakitanga and manaakitanga, and as guaranteed by Te Tiriti o Waitangi. Ensuring that freshwater management recognises and provides for these rights and interests is critical to enabling tāngata whenua to protect water as a taonga for future generations. The RMA recognises the relationship of Māori to freshwater as a matter of national importance.

Our rivers, groundwater, lakes, and wetlands have provided our people with food, spiritual nourishment, cleansing, modes of transport, and communication as well as medicinal, building, and weaving materials. Water is a sensitive and complex taonga that Ngāti Rangi has a duty to respect, protect, and restore. Our mana whakahaere is balanced by the inherent responsibilities that come as guardians of our water bodies. This places the expectation that each generation leaves our water bodies in a healthy and balanced state for future generations.

