

**CULTURAL IMPACT ASSESSMENT**

**FOR**

**OCEANIA DAIRY LIMITED**

**DISCHARGE OF CLEAN AND FACTORY WASTEWATER,  
PIPELINE AND OCEAN OUTFALL**



**Prepared by Aukaha on behalf of Te Rūnanga o Waihao**

**13 March 2019**

## Intellectual Property Rights

This report has been prepared for Oceania Dairy Ltd on behalf of Te Rūnanga o Waihao. Intellectual property rights are reserved by Te Rūnanga o Waihao and Oceania Dairy Ltd.

## Acknowledgement

The preparation of the Cultural Impact Assessment for discharge of treated factory wastewater via a pipeline to the ocean on the coast of Morven, Glenavy.

- Te Rūnanga o Waihao
- Oceania Dairy Ltd

**Front Cover Photograph:** The Oceania dairy factory. Picture taken from the application.

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	<b>Report 1 of 1</b>  Oceania Dairy

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## 1. EXECUTIVE SUMMARY

Ngāi Tahu have a historical relationship and pattern of use with the catchments of the South Canterbury. The Crown formally recognised this significance with the enactment of the Te Rūnanga o Ngāi Tahu Act 1996 and the Ngāi Tahu Claims Settlement Act 1998.

The southern dialect of Ngāi Tahu replaces 'ng' with 'k'. For example, Ngāi Tahu becomes Kāi Tahu. The dialects have been used interchangeably throughout this report.

Te Rūnanga o Waihao (Te Rūnanga) are the kaitiaki rūnanga for this area. They are responsible for assessing how any activity in their takiwā impacts upon their cultural values, beliefs and practices.

The takiwā of Te Rūnanga o Waihao centres on Wainono, sharing interests with Te Rūnanga o Arowhenua to Waitaki, and extends inland to Omarama and the Main Divide.



Figure 1: Waihao Marae<sup>1</sup>

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<sup>1</sup> Google image search October 2019

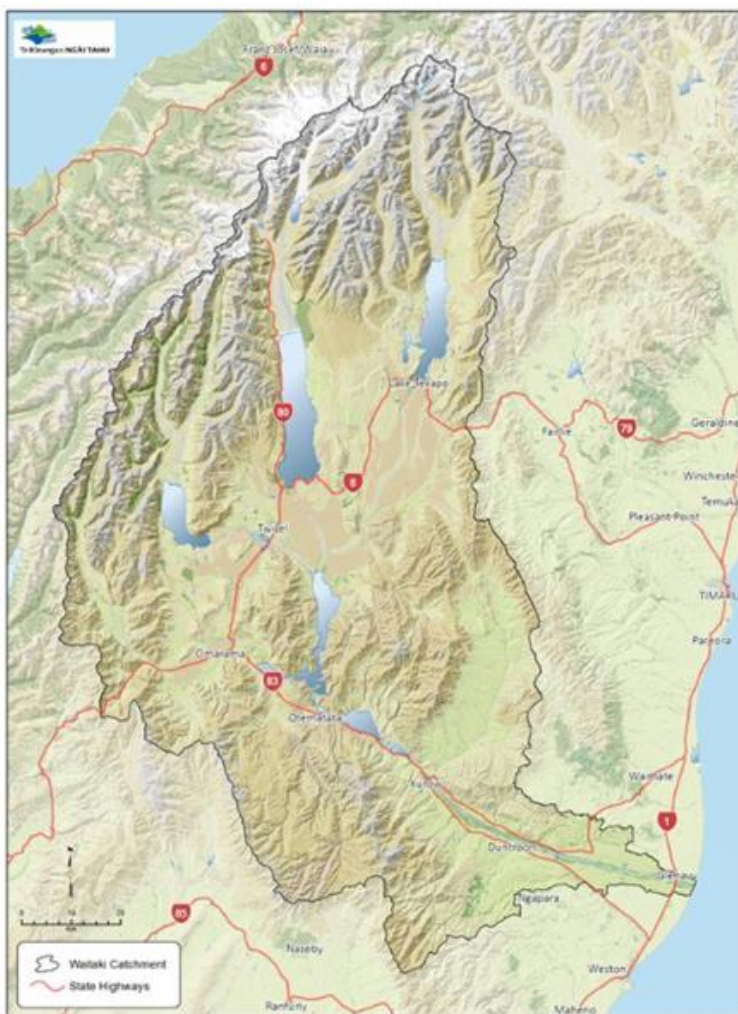


Figure 2: Area showing the Waitaki catchment (grey line)<sup>2</sup>

### 1.1 Potential impacts

Te Rūnanga o Waihao (Te Rūnanga) have concerns with the application to discharge treated wastewater to water, and the construction, installation and occupation of the coastal environment by a pipeline to convey the wastewater to the discharge location through roading reserve and the seabed, and to construct three diffuser outfalls.

Wastewater comprises:

1. “clean wastewater” which is condensate and other sources of clean wastewater which have low concentrations of contaminants. Sources of wastewater include truck wash, general outside use, and from the evaporation of liquid milk into milk powder; and
2. “factory wastewater” which is produced by cleaning the factory equipment and comprises a mixture of milk residues and cleaning products. This wastewater usually has high conductivity, or is acidic or alkali.

Te Rūnanga believe there is insufficient information in the application to make an informed comment on what the potential or actual adverse effects, and their significance, will be on the

<sup>2</sup> KTKO Natural Resource Management Plan

environment, including mana whenua cultural values. Te Rūnanga are apprehensive about supporting the application due to the potential and actual adverse effects on the environment.

General impacts include:

- Diminished opportunity for kaitiakitanga and rangatiratanga because of a lack of information. This leads to uncertainty with regard to fully understanding the actual or potential adverse effects on cultural values and Te Rūnanga o Waihao are therefore unable to comment on the effects on cultural values.
- The construction of the pipeline through land which is a habitat for indigenous skinks and gecko species. These species may be negatively impacted.
- The discharge of treated wastewater may cause long-term impacts on the receiving environment including on mahinga kai and taonga species. Any discharge of contaminant to water is highly offensive to Te Rūnanga o Waihao.
- Visual impacts on the cultural landscape may occur due to the plume caused by the discharge.
- Potential for any wāhi taonga or any culturally significant sites being damaged or destroyed within the construction areas.

## 1.2 Overall assessment

It is unknown to what extent cultural values will be adversely affected by the proposed activity. Based on the information at hand, it is likely that the proposed activities will cause adverse effects on taonga species, cultural landscapes, and mahinga kai.

Skinks and geckos may be displaced and lose habitat when the pipeline and access way are constructed. It is imperative that the adverse effects on these species are reduced as much as possible, and if there are ongoing adverse effects from relocation for example, the species are monitored and ongoing work is carried out to ensure their survival.



Figure 3: McCann's skink (*Oligosoma maccanni*) was observed sunbasking<sup>3</sup>.

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<sup>3</sup> Photograph taken during the lizard survey and included in Technical Report 6 to the application.



## 2. INTRODUCTION

Oceania Dairy Limited (Oceania Dairy) are expected to acknowledge the kaitiaki responsibilities of Te Rūnanga o Waihao when undertaking this development. Oceania Dairy commissioned this CIA to document the concerns of Te Rūnanga o Waihao with respect to the expansion of the production facilities at the Oceania dairy factory. This requires the construction of a pipeline from the dairy factory wastewater treatment plant (WWTP) to an ocean outfall and construction of an ocean outfall on the coast of Morven, Glenavy, and to discharge wastewater from the ocean outfall.



Figure 4: Shows the proposed alignment of the pipeline and location of the discharge (outfalls). This was taken from the application.

## 2.1 Papatipu Rūnanga

Aukaha is the representative body of Te Rūnanga o Waihao, the tangata whenua who have manawhenua in the proposed affected area. Te Rūnanga o Waihao are members of Te Rūnanga o Ngāi Tahu and administer Ngāi Tahu interests in their traditional takiwā.

Aukaha acts on behalf of Te Rūnanga o Waohao. Te Rūnanga o Waihao has a strong and inherent relationship with all areas of their takiwā (area). Te Rūnanga o Waihao has a duty to protect the spiritual and other values, including wāhi tapu, wāhi taoka, mahing kai and other natural resources, for the benefit of members of Ngāi Tahu Whānui.

An important aspect to Ngāi Tahu Whānui was the holistic management of the resource they depended on. This can be described as 'Ki Uta Ki Tai' (from mountain to coast) and stands as a pillar of resource management to mana whenua. With this holistic approach, mana whenua are able to enforce kaitiakitaka over the the mana of the environment around us, while ensuring the resources gathered are healthy enough for future generations to depend on. Such resources could include mahika kai, species that were harvested for food; pounamu; materials for rongoā (medicine) and cultural artefacts.

Te Rūnanga o Waihao would like to establish a long term relationship with Oceania Dairy to deliver cultural, environmental and economic outcomes. As part of this relationship:-

- Te Rūnanga o Waihao would like Oceania Dairy to advocate for restoration and uptake of 'best management practice' including a plan for the removal of discharge to wastewater to water.
- Te Rūnanga o Waihao would like to have regular hui with Oceania Dairy. These hui would involve discussing this proposal, any issues or concerns raised by Te Rūnanga and any issues Oceania Dairy have with the operation of the dairy factory.
- Te Rūnanga o Waihao would like to be involved in the development of a monitoring programme and contingency plans or protocols on the operation of the ocean outfall and pipeline from the dairy factory to address Te Rūnanga o Waihao concerns related to potential cultural or environmental impacts.

## 2.2 Purpose of the Cultural Impact Assessment

This CIA represents best endeavours by Te Rūnanga o Waihao to identify cultural effects of concern which can generally be identified based on the information in the application. It is noted that Te Rūnanga o Waihao believes there is insufficient information to make a definite assessment of the effects on cultural values.

Te Rūnanga o Waihao reserve the right, to oppose the proposal or pursue avoidance or mitigation of any subsequent impacts that are identified as a result of further site visits or further discussions with Te Rūnanga.

This report should not be seen as all the consultation required with Te Rūnanga o Waihao but as a basis for ongoing consultation and discussion between Oceania Dairy and Te Rūnanga o Waihao.



## 2.3 Description of Activity

Oceania Dairy Limited (Oceania Dairy) have applied to increase the volume of wastewater which is discharged as a result of an expansion to the dairy factory. As part of this application, Oceania Dairy are proposing to install a pipeline running from the dairy factory to the discharge location. Waste water will be discharged via three outfalls about 500 metres into the sea.

Wastewater comprises:

1. “clean wastewater” which is condensate and other sources of clean wastewater which have low concentrations of contaminants. Sources of wastewater include truck wash, general outside use, and from the evaporation of liquid milk into milk powder; and
2. “factory wastewater” which is produced by cleaning the factory equipment and comprises a mixture of milk residues and cleaning products. This wastewater usually has high conductivity, or is acidic or alkali.

### Pipeline



*Figure 5: The proposed pipeline location in orange. Taken from the application.*

The pipeline will largely be installed within the road reserve, then onto private land and then in the seabed.

The onshore section (land) of the pipeline for 7.5 kilometres (km) may be installed in two ways:

- Trenchless, horizontal directional drilling or micro-tunnelling using access pits where horizontal bends will be required in the pipeline;
- Conventional trenching will be used for the majority of the installation. A trench will be dug with an excavator, the pipeline laid in and then the trench will be backfilled. This will be done in increments of 50 metres.

The coastal section of the site comprises a gully with 10 metre high cliffs on either side. In this area micro-tunnelling will be undertaken first from a surge tank which will be constructed, and then from a barge for the offshore section.

The offshore section is the 'wetted' area of the coastal environment. Micro-tunnelling within this area will occur for 100 metres however micro-tunnelling for the full 300 metres may be required. It is possible for the 350 metres to be dredged, the pipeline installed and then the dredge material used to backfill the trench in which the pipeline sits.

The length of the submerged pipeline is 350 metres plus three diffusers extending a further 50 to 150 metres into the ocean (total length 500 metres).

The pipeline will be installed either by:

- Floating the pipeline to sea and filling it with water to sink it into position using the anchors and the weight of the water. The pipeline will be buried over a period of time due to the dynamic movement of the seabed.
- Floating the pipeline out to sea, filling it and sinking it into the trench which has been dredged then backfilling the trench with the adjacent dredged material.

### Discharge

This will require the installation of three diffusers, which can either be installed with the main pipe, or after it's laid and backfilled under the seabed. The diffusers will be 1 metre above the seabed and will extend a further 50 to 150 metres out into the sea.



Figure 6: The proposed locations for the three outfalls in more detail. This was taken from the application.

The wastewater is treated prior to discharge, removing the fats and suspended matter, organic and nutrient components, and bacteria.

The outfalls are designed to discharge up to 10,000 cubic metres (m<sup>3</sup>) per day and will dilute the wastewater being discharged by 300-fold within 10 to 50 m of the outfall. The reasonable mixing zone will be this 10-50 m area around the diffuser.

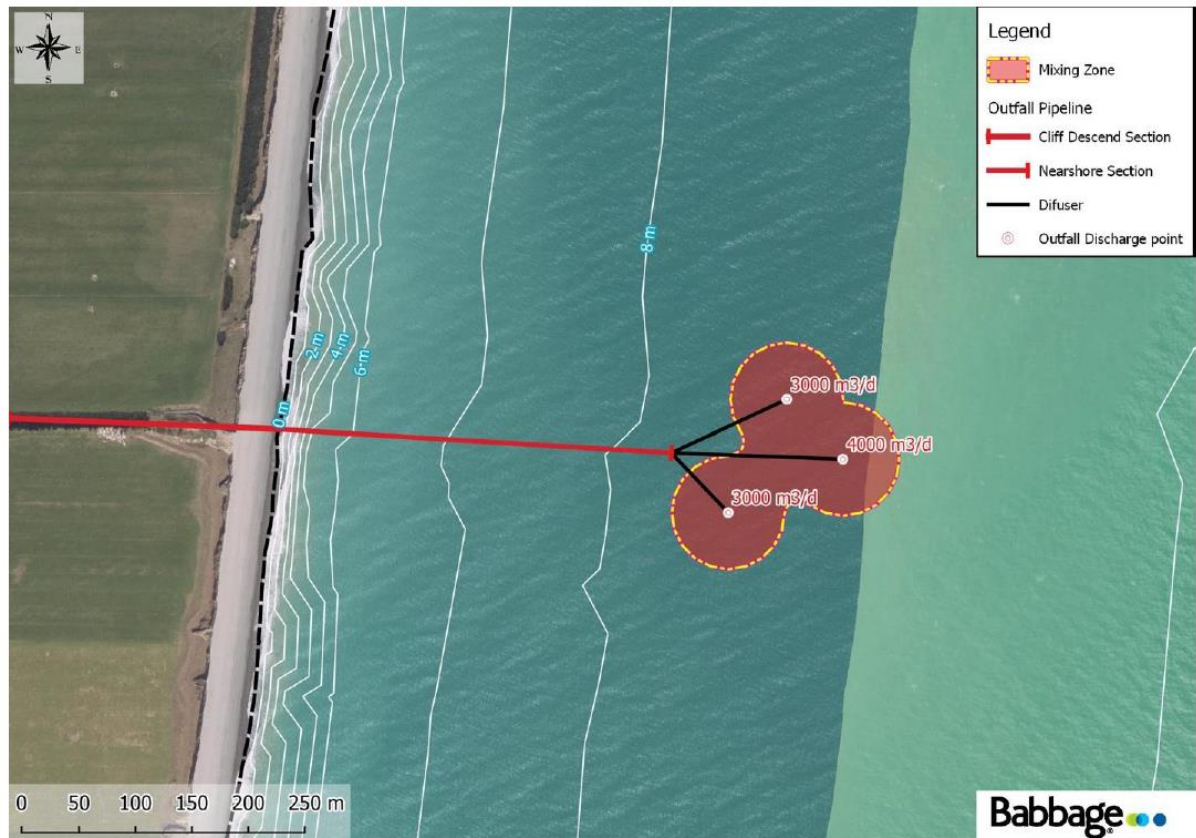


Figure 7: Discharge mixing zones shown in the red circle. The top diffuser will discharge 3,000 m<sup>3</sup>, the middle will discharge 4,000m<sup>3</sup> and the bottom will discharge 3,000m<sup>3</sup>. This picture was taken from the application.



### 3. METHODOLOGY

This assessment was completed after the application was lodged with Environment Canterbury. Usually a cultural impact assessment would be commissioned during the preparation of the Assessment of Environmental Effects, part of the application, and would be used to inform decision-making.

The impacts of the proposed activities have been evaluated using a qualitative assessment. This was undertaken through receiving feedback and comments from Te Rūnanga o Waihao through emails and meetings, using the application documents and technical reports and using the following planning documents.

A full methodology can be found in Appendix 1. Other statutory planning and policy framework which is relevant and important to understand Ngāi Tahu Whānui interests and management of the natural environment are outlined in Appendix 2.

- Oceania Dairy provided a briefing of the proposal.
- The application, appendices and technical reports
- Kāi Tahu ki Otago *Natural Resource Management Plan 2005*
- *Waitaki Iwi Management Plan 2019*



## 4. NGĀI TAHU CULTURAL VALUES

### 4.1 Cultural and traditional principles for sustainable management

Traditional management is founded on cultural values which are central to the Ngāi Tahu worldview. These principles have close relationships between people and the environment, which must be balanced to ensure the health of the natural world and the ability for the world to sustain human life. This is akin to the non-Maori concept of 'sustainable management' and therefore, the following principles should be understood all together.

The following is not an exhaustive list, please see the glossary for additional terms and definitions.

#### *Te Ao Maori*

This is a holistic approach and effects from actions are considered across all dimensions; spiritual, mental, physical and social.

#### *Whanaungatanga*

This incorporates the inter-relationship between all parts of the ecology, well-being of mana whenua and the obligations on decision makers to ensure that all parts of the ecosystem are cared for.

#### *Whakapapa*

In a natural resource context this means understanding that all actions cause an effect, which in turn, causes other effects.

This incorporates:

- traditional knowledge and scientific knowledge;
- ancestral decent rights which define authority with regard to who can and should act as kaitiaki (guardian);
- approval from the gods and non-human kaitiaki bestowed on individuals, whānau and hapū, who have the right and the mana to look after the environment and to speak on behalf of it.

#### *Taonga tuku iho*

This is a concept of treasures (knowledge, mahinga kai etc.) being passed down to us from our ancestors. The current generation has an obligation to control the effects of their actions, to ensure these treasures, resources, knowledge etc. are passed on to future generations in the same healthy condition that they were inherited with.

#### *Mauri*

This is the 'life force' which includes physical indicators such as high species diversity, high numbers of a certain species, as well as non-physical indicators such as being able to hear the bubbling water over the rocks compared to a trickle, being able to hear all of the different manu (birds) in the forest compared to one or two species.

This is used as one benchmark to measure health of the environment.

### *Mana*

Mana is the prestige or power and is a supernatural force in a person, place or object and has been handed down from atua (gods) through the generations. Mana is given a person authority to lead and make decisions.

### *Rangatiratanga*

Rangatiratanga is similar to mana in that it is the right to exercise authority, it is chieftainship and leadership. Rangatira (chief) are noble at birth and have high mana (prestige).

This incorporates tribal lands and waters of Ngāi Tahu, over which Ngāi Tahu hold authority to control and manage the activities and people affecting the environment. It is also closely linked to Article II of Te Tiriti o Waitangi (The Treaty of Waitangi).

### *Taonga*

This means treasure or things that are prized and is both physical and non-physical. For example, Te Reo Māori (the Māori language) is a taonga, the weka as a food resource is also a taonga, and mana bestowed by the gods is also a taonga.

### *Kaitiaki*

This is both the guardian spirit who communicates with the living world to warn of danger

## 4.2 Ngāi Tahu values

### 4.2.1 Wāhi tapu

Wāhi tapu are sacred sites for Ngāi Tahu and can include urupā (burial grounds), maunga (mountains) and tuhituhi neherā (rock art). Wāhi tapu are very closely linked with cultural landscapes and can be one and the same.

Māori burials can be in any place, including in the ground, in water, in rock clefts and up trees and very few burials are reported. This means that there are many burial places which are unknown. Urupā are sacred and disturbance is offensive.

Tuhituhi neherā (rock art) sites are of the highest sites of cultural significance to Ngāi Tahu because they provide an insight into the ancestor's beliefs, traditions, and lives. These sites are easily damaged because the art is drawn onto natural substrate, usually limestone, but in some cases, greywacke. This means that the art is vulnerable to erosion, rain, increased vegetation growth due to changes in climate and animals disturbing the area and human intervention. As a result of this, Ngāi Tahu history and taonga (treasure) is being lost.

### 4.2.2 Wāhi Tūpuna (Cultural landscapes)

Wāhi tūpuna are places that are important to Te Rūnanga o Waihao ancestral and contemporary significance and cultural and traditional values.

The entire Waitaki catchment is a cultural landscape and it is dotted with archaeological sites which are all part of a wider cultural setting. Cultural landscapes include areas where archaeological artefacts or sites have been found, but it also includes the following:



- Kāinga nohoanga are permanent settlements that would be inhabited year round for a long or short period of time, or seasonally, and were situated near resources to be worked.
- Umu is an oven and the areas where these were found is very diverse; from old stream banks, river terraces to low spurs or ridges.
- Wāhi mahi kohātu are sites for raw materials used for making stone tools
- Ara tawhito (trails or pathways)
- Maunga (mountains)
- Tauraka waka (canoe mooring sites) and wāhi pakaka (battle sites)
- Tuhituhi neherā (rock drawing sites)
- Ikoa tawhito (place names) and wāhi tohu (locators and their names in the landscape)

Some of the cultural landscapes have been damaged or destroyed, and others that have survived exist in a landscape that has been modified in terms of the sites function or setting. The entire landscape is still significant to mana whenua.

#### 4.2.3 Mahinga kai (mahika kai)

Mahinga kai is the heart of manawhenua culture and is more than just a steady food resource, it also includes areas well known for gathering or harvesting resources such as raupō and the habitats needed to support the mahinga kai practises.

Mahinga kai is the ability to not only feed the iwi but to also feed visitors and show the highest level of hospitality. The ability to do this bestows mana on the mana whenua and when mahinga kai resources are scarce, the mana is depleted in the eyes of the visitor.

Mahinga kai heavily relies on a healthy functioning ecosystem all the way from the mountains to the sea (Ki uta ki tai), including access to these sites and areas. A good resource is an indicator of a healthy ecosystem.

The ancestors of ngā rūnanga were hunter-gather types as traditional crops wouldn't grow in the cooler weather. This meant that they would travel great distances and follow the seasonal food resources. When ngā rūnanga also gather these foods and resources in these same places, there is a very strong familial link which is very important to Kāi Tahu whānui (the wider Kāi Tahu family)



*Figure 9: Weaving (Raraka / Raranga) <sup>4</sup>*



*Figure 10: Tuna preparation<sup>5</sup>*

#### 4.2.4 Cultural health monitoring

Cultural health and ecological health with regard to water quality is different. Water that is considered ecologically healthy may not be culturally healthy, as determinants of cultural health are more holistic than ecological health.

Mātauranga Māori (customary knowledge) and water quality monitoring are not well integrated in western science. Te Rūnanga o Waihao seek to ensure that cultural health monitoring is undertaken so that water can support Ngāi Tahu values and uses.

<sup>4</sup> Page 74 of the *Waitaki Iwi Management Plan 2019*

<sup>5</sup> Page 77 of the *Waitaki Iwi Management Plan 2019*

Cultural health monitoring is considered important to this proposal. Currently, there is a lack of information and understanding with regard to cultural effects. Cultural health and effects should be measured to be better understood.



*Figure 11: Ecological monitoring<sup>6</sup>*

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<sup>6</sup> Page 66 of the *Waitaki Iwi Management Plan 2019*

## 5 IMPACTS ON NGĀI TAHU VALUES & RECOMMENDATIONS

### Construction Phase – Coastal environment

The coastal environment here includes the coastal section onshore and the offshore section. Recommendations are based on the information available at the time of writing the cultural impact assessment. Values impacted, reasons and recommendations may change if additional information is supplied.

Value impacted	Reason	Description	Recommendation
Mahinga kai Cultural landscape Mauri	Increased sediment loads caused by disturbance could displace fish, smothering food sources, inducing behaviour change (avoidance).	The ability to gather food in certain areas is important, as is the knowledge and assurance that species will be located there.	Ensure ongoing monitoring of the structure(s) and seabed is undertaken to identify if there is increased erosion etc. or changes to the habitat in the wider vicinity. Require remedial action to be taken.
	The outfall structures could exacerbate erosion, changing the coastal processes, which changes species composition in the area.		Use construction and installation methods which lessen sedimentation.
	Disturbance of the seabed could cause mortality is individuals on or in the seabed.		Ensure structures are constructed and implemented to avoid erosion and changes in coastal processes.
Cultural landscape Wāhi taonga	Vegetation clearance could displace skinks / gecko in the area and will disturb or destroy habitat.	All species are taonga and play important roles in each ecosystem.	Keep disturbance to the minimum necessary to carry out the works. Use methods which reduce disturbance when constructing and installing the structures.
			Ensure a management plan is written in consultation with Te Rūnanga o Waihao. Ensure the plan, which will have the least adverse

			effects on skink and gecko is implemented. Include ongoing monitoring of the populations to ensure the long-term impact is a positive impact.
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## Discharge

Recommendations are based on the information available at the time of writing the cultural impact assessment. Values impacted, reasons and recommendations may change if additional information is supplied.

Value impacted	Reason	Description	Recommendation
Mauri Mahinga kai Cultural landscape	Any discharge of contaminants to water is highly offensive to Te Rūnanga o Waihao.	Water is sacred and carries mauri (life force).	A discharge to land is preferable.  Assess in sufficient detail alternative locations and methods for discharge, with the aim of ceasing discharge to land.
	Increase in nutrients in the ocean, within the mixing zone, which may cause fish to move away from the zone of mixing.	All species are taonga and play important roles in each ecosystem.	Ensure nutrients and dissolved oxygen in the wastewater are monitored and do not become elevated to ensure there are no effects beyond the mixing zone.
	Ambient oxygen within the mixing zone will be reduced, there will be no reductions outside of the mixing zone, as described in the application.		Consider new technologies to further reduce the levels of contaminants and effects of the discharge. This should further reduce effects within the zone of mixing.
	Discharge will cause a visible plume in the water. Beyond the zone of reasonable mixing this plume won't be visible, as described in the application.	The area is significant to mana whenua, which includes the naturalness and clarity of water.	Ensure that no plume is visible beyond the zone of mixing (within 50 metres of the diffuser).  Ensure the discharge is as clean as possible to diminish the levels of contaminants being discharged.



			<p>Look for new technologies to further treat the discharge.</p> <p>Assess alternatives of discharging to land and plan to cease discharging to water.</p>
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## 6 GLOSSARY

CIA	<p>Cultural Impact Assessment –</p> <ul style="list-style-type: none"><li>• Provide Te Rūnanga o Waihao with an understanding of the proposal</li><li>• Assess how a proposed activity will impact upon Kāi Tahu cultural values.</li><li>• Identify the key issues for Kāi Tahu</li><li>• Provide recommendations</li></ul>
Clean Wastewater	Condensate, truck wash, general outside use and evaporation of liquid in the milk powder process.
Factory Wastewater	<p>Wastewater from cleaning the equipment, which comprises a mix of milk residues and cleaning products.</p> <p>Also after testing if clean wastewater has high conductivity or is acidic or alkali it is diverted to the factory wastewater treatment system.</p>
Hui	Meeting
Iwi	Tribe. See also ‘Ngāi Tahu / Kāi Tahu’
Kāinga nohoanga	(Kāika nohoaka – southern dialect). Settlement
Kaitiaki	Guardian
Ngāi Tahu / Kāi Tahu	This is the ‘iwi’ and includes constituent iwi, Ngāi Tahu (Kāi Tahu is the southern dialect), Ngāti Mamoe and Waitaha.
Mahinga kai	(Mahika kai – southern dialect) Garden, cultivation of food, food-gathering place.
Mana whenua	People of the land holding the traditional rights of exclusive authority of their territories on the basis of whakapapa (decent). This is different to ‘manawhenua’ which is a concept.
Rūnanga	(Rūnaka – southern dialect) Tribal council, iwi authority
Takiwā	Area, region, district

Taonga (Taoka – southern dialect) Treasure

Wāhi Taonga Treasured Place

## **Appendix 1: Methodology**

### **Site visit**

A site visit on 24 May 2019 was undertaken by two staff members from Aukaha (Philip Pannett and Tania Richardson), the Consultant from Babbage Consulting (Lobo) and two staff members from Oceania Dairy Ltd (Shane and Chrissy). The party took a tour around the factory and to the proposed ocean outfall location.

### **Meetings**

A meeting on the 6 September 2019 was held. In attendance were representatives from Oceania Dairy Ltd, Te Rūnanga o Waihao (Sara Eddington) and Aukaha (Courtney Guise & Philip Pannett). Oceania Dairy Ltd's proposal was discussed and clarifications were made.

### **Application Documentation**

Aukaha studied, and have used, the following application documents:

- Oceania Dairy Factory Wastewater Pipeline and Outfall- Assessment of Effects on the environment report, 30 August 2019
- Oceania Wastewater Outfall: Water quality Assessment, 28 August 2019
- Oceania Wastewater Pipeline & Outfall: Specimen Design & Construction Methodology, 30 August 2019
- Oceania Dairy Outfall Dispersion Modelling, 26 August 2019
- Assessment of Ecological Effects: Oceania Dairy, Ocean Outfall, 30 August 2019
- Assessment of Effects on Marine Mammals" Oceania Dairy Limited – Wastewater Ocean Outfall, 29 August 2019
- Herpetofauna Assessment, Oceania Stage 3 Outfall, 19 July 2019
- Oceania Wastewater Outfall, Coastal Hazards Assessment, 29 August 2019
- Yili Oceania Project Stage 3: Coastal Bird Assessment, 29 April 2019
- Oceania Dairy – Proposed Ocean Outfall: Recreation Effects Assessment, August 2019
- Microbial risk Assessment for Oceania Dairy Limited; Assessment of potential human health risk effects from discharge of dairy factory processing wastewaters via an ocean outfall, August 2019

### **Iwi management plans**

The KTKO Natural Resource Management Plan 2005 was used as a general guide to inform discussions with Te Rūnanga o Waihao. The Waitaki Iwi Management Plan 2019 was used in more detail because this plan sets out specific objectives, policies and issues within the takiwā of Te Rūnanga o Waihao.

### **Draft Cultural Impact Assessment**

A draft cultural impact assessment was prepared and submitted to Te Rūnanga o Waihao for review. At this point in time Te Rūnanga o Waihao were able to identify additional issues and concerns with the proposal, and requested that the application was opposed.

A second draft of the cultural impact assessment was prepared and submitted to Te Rūnanga o Waihao. The cultural impact assessment was accepted.

## Appendix 2: Statutory Planning and Policy Framework

Current statutory planning and policies represent a significant re-emergence of Ngāi Tahu Whānui interests and capacity in the management of the natural environment in our takiwā. For generations our elders struggled for recognition of their values and beliefs in respect of the interconnectedness of people, their actions and the health of the environment.

The success of the iwi in establishing the iwi authority Te Rūnanga o Ngāi Tahu (1996) and negotiating the Ngāi Tahu Claims Settlement Act (1998) has played a crucial part in restoring influence and involvement that is a reflection of tino rakatirataka.

Central to the function of participation is building and maintaining effective relationships with the community, with local government and government agencies in the decision-making framework in Waitaki. This requires mutual respect, effort and understanding from all parties who have the wider objective of a healthy environment at heart.

The task of ensuring the Crown recognises and gives effect to the Treaty of Waitangi and respects their treaty partner remains a pivotal task that influences whether success or failure occurs at a local level.

### **Te Tiriti o Waitangi (The Treaty of Waitangi)**

Te Tiriti o Waitangi (Treaty of Waitangi) was signed between the Chiefs of Aotearoa and Her Majesty the Queen of England formalising an agreement to allow British subjects to settle in areas, such as Te Wai Pounamu, under formal British colonial rule, and that guaranteed to Māori the protection of their taonga for so long as they wished. Such taonga were their waters, lands, fisheries and mahinga kai.

Te Tiriti o Waitangi was signed just off Pukekura on the 13th of June 1840, by Karaetai and Korako.

Te Tiriti o Waitangi reaffirmed rights thus:-

Maori Text:

*“Ko te Kuini o Ingarani ka whakarite ka whakaae ki nga Rangatira, ki nga Hapu, ki nga tangata katoa o Nu Tirani, te tino rangatiratanga o o ratou whenua o ratou kainga me o ratou taonga katoa. Otiia ko nga Rangatira o te Whakaminenga me nga Rangatira katoa atu, ka tuku ki te Kuini te hokonga o era wahi whenua e pai ai te tangata nona te whenua, ki te ritenga o te utu e whakarite ai e ratou ko te kai hoko e meatia nei i te Kuini hei kai hoko mona”.*

English Text:

*“Her Majesty the Queen of England confirms and guarantees to the Chiefs and Tribes of New Zealand to the respective families and individuals thereof the full exclusive and undisturbed possession of their Lands and Estates, Forests, Fisheries and other properties which they may collectively or individually possess so long as it is their wish and desire to retain the same in their possession....”.*

The words “their lands and estates, forests, fisheries...” in the Treaty of Waitangi encapsulates the right to maintain kaitiakitaka over areas of cultural value and significance; including wāhi tapu, wāhi taoka; mahika kai and other natural resources.

## **Resource Management Act 1991**

The Resource Management Act is the mechanism under which the natural and physical resources of New Zealand are to be managed.

Section 5 sets out that the purpose is to promote sustainable management of natural and physical resources. Meaning the use, development and protection of natural and physical resources occurs in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural well being and for their health and safety.

The duties and the obligations the RMA imposes are for all people who exercise functions or powers under the Act in relation to the use of natural resources.

Section 6 sets out the matters that are of national importance, which include:

- the preservation of natural character of the coastal environment;
- the protection of outstanding natural features and landscapes;
- the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna;
- the maintenance and enhancement of public access to and along the coastal marine area;
- the relationship of Maori and their culture and traditions with their ancestral lands, water, sites waahi tapu, and other taonga;
- the protection of protected customary rights:

Section 7 sets out other matters that regard is to be had to, which includes:

- Kaitiakitanga
  - The ethic of stewardship
- The efficient use and development of natural and physical resources:
  - the efficiency of the end use of energy:
- The maintenance and enhancement of amenity values:
- Intrinsic values of ecosystems:
- Maintenance and enhancement of the quality of the environment:
- Any finite characteristics of natural and physical resources:

Section 8 states that the principles of the Treaty of Waitangi need to be taken into account.

These principles have been further described in case law: Court of Appeal in *Court of Appeal v NZ Māori Council 1987 CA 54/87*:

- The principle of partnership.
- The principle of active protection of Maori people in the use of their lands and waters to the fullest extent practicable.
- The principle of utmost good faith in dealings with the other Treaty partner.