

IN THE MATTER
of the Resource Management Act 1991 (the Act)

And

IN THE MATTER of resource consent applications
under section 88 for AFFCO NEW ZEALAND LIMITED
for discharges from the
AFFCO MANAWATU EXPORT MEAT PROCESSING PLANT at FEILDING

STATEMENT OF EVIDENCE OF DENNIS BRUCE EMERY
ON BEHALF, OF
NGA KAITIAKI O NGATI KAUWHATA Incorporated
31 October 2016

May it please the Hearing!

1. INTRODUCTIONS – Whakamohiotanga

*Ko Ruahine te maunga
Ko Oroua te awa
Ko Kauwhata te marae
Ko Ngati Hinepare te hapu
Ko Ngati Kauwhata te Iwi
Ko Tainui te waaka
Tihe Mauriora!*

2. My name is **Dennis Bruce Emery**, of Ngati Kauwhata, Ngati Haua me Ngati Maniapoto descent, born at Kauwhata Marae in Feilding, but living in Palmerston North.
3. Our Emery Whanau still retains their turangawaewae or homestead in Feilding at present.
4. Through my whakapapa connections, I retain interests and involvement in several local Iwi committees, organisations and activities.
5. These include, but not limited to:
 - a. Kauwhata Marae, Te Arakura Line Extension, Feilding – hapu member
 - b. Aorangi Land Block, Te Arakura Line Extension – land shareholder
 - c. Sandon Land Block 153 – Awahuri Road, Feilding – trustee/land owner
 - d. Nga Kaitiaki O Ngati Kauwhata Incorporated – Chairperson
 - e. Te Hono-ki-Raukawa Settlement Trust – Chairperson
 - f. Treaty of Waitangi – WAI claimant (1461), on behalf of whanau, hapu & Iwi
 - g. Taiao Raukawa Environmental Resource Trust – Trustee
 - h. The Manawatu River Leaders Accord – Iwi signatory
 - i. Oroua River – Catchment Care Group - Chairperson
 - j. Awahuri Forest - Kitchener Park Trust, Feilding – Appointed trustee

3 PURPOSE: - Nga Kaupapa

This submission has been prepared on behalf of whanau, hapu and iwi members o Ngati Kauwhata Iwi in support of other s214 appellants, their statements and comments. This is inclusive of the sworn affidavits submitted to the Waitangi Tribunal at the pending hearings on freshwater and geothermal activities, supporting the stage 2 case of the NZ Maori Council, other hapu and Iwi ki Aotearoa.

The purpose of this submission is to provide a Maori world view (Te Ao Maori) from an indigenous cultural, spiritual and environmental perspective, the effects and damage of any discharge regime into the Oroua River, Feilding

In this submission, I wish to cover the following elements in statement:

The Oroua River flows within the original Manawatu block. The block extends inland from the southern West Coast of the North Island almost to Palmerston North.

My people of Ngāti Kauwhata claim customary ownership of a large part of the Manawatu block since 1823. They also claim *mana whenua* status, invoking authority and jurisdiction of the Oroua River, from its source and headwaters out of the Ruahine ranges, as it flows 142 kilometres southwards, through Feilding township towards its confluence with the Manawatu River at Rangiotu, south of Palmerston North city.

Ngati Kauwhata has retained *ahi kaa* – or kept the homes fires burning since, before Te Tiriti O Waitangi was signed on 6th February 1840, and before Pakeha settlers first came to this region. Ngati Kauwhata willingly acknowledges the spiritual connections of neighbouring Iwi.

The Oroua River was our main highway and, with the adjoining repo or wetlands on the flats, was our primary source of food (fish and water fowl) and materials, raupo, flax and timber from the kahikatea which grow abundantly with their feet in the water.

STATEMENT:

Our Iwi position is and remains:

Ngati Kauwhata wants ALL discharge stopped into the Oroua River period!

Previously, one of our Iwi most eminent leaders, **Sir Mason Durie** has advised

- 1 Our four main concerns - recreational prohibitions, river odour, the absence of fish-life, impacts on the cultural integrity of Ngāti Kauwhata - are matters that need to be given serious consideration before any long-term development plans are approved.
- 2 While the iwi endorses the increased use of land-based disposal and riparian planting schemes, our markers of acceptable water standards are a River that is:

- *safe to for children to swim in,*
- *conducive for the return of fish life,*
- *sufficiently clean for the performance of selected rituals involving running water.*

In an Iwi requested report, our endorsed report writer, **April Bennett** na Ngati Parewahawaha me Ngati Tuwharetoa recommended the following:

- 1) The need to discuss re-initiating an iwi project to monitor aquatic insects in the river. It is important that such a project would receive long-term funding and support.
- 2) To discuss initiating a Cultural Health Monitoring initiative that would wrap around the macroinvertebrate monitoring project. Other indicators that might be included in the Cultural Health Monitoring initiative include periphyton.
- 3) Supporting a mapping project, whereby the iwi map their mahinga kai and other significant sites along the river. The purpose of this project would be to enable Kauwhata to: strengthen tribal knowledge of these sites, build a repository of information about them, use the maps to participate in planning processes, re-connect the people with their sites, use the sites as monitoring areas, and consider the future of the sites including reinstating them over time and/or identifying new ones that could be used.
- 4) To consider entering an arrangement, such as a Joint Management Agreement under section 36B of the RMA, whereby Ngāti Kauwhata can contribute to planning for and decisions about the Oroua River with the Horizons Regional Council. The author notes there are now several examples of Joint Management Agreements around Aotearoa that potentially provide models and a platform on which to develop such an agreement.
- 5) To consider entering a formal relationship agreement, such as a Memorandum of Partnership, under which Ngāti Kauwhata and Horizons Regional Council can agree on terms of engagement, projects, and mutual goals.

In discussions, whilst AFFCO Manawatu have been supportive of building (1) and (2) above – aquatic insect and Cultural Health monitoring need to be added to the consent as conditions.

The conditions which also need to be included that: ensure Dissolved Reactive Phosphorus in the discharge will meet the One Plan targets, provide for periphyton and macroinvertebrate monitoring above and below the discharge, and guarantee the discharge will meet the One Plan targets for clarity.

Dr Mike Joy – a freshwater scientist at Massey University, in a submission to the Environment Court

- failure to take sufficient cognisance of the failing infrastructure in Feilding town meaning the storm water getting into sewage line during heavy rainfall resulting in treatment failures, and failing to give weight to the fact that this will get worse with climate change meaning more intense weather events.
- failure to include the costs of doing nothing (continuing to discharge to river) that is the loss of natural capital, ecosystem services and the cultural impact, when weighing up costs of doing things to get the discharge out of the river

- failure to take into account the cumulative impacts. This was revealed in the caucusing where agreement was made to compromise conditions based on the fact that the river is already degraded before it reaches the discharge.
- failure to look at the many alternatives to river discharge versus land e.g. like wood chip denitrification¹.
- I think we must all take note that because of the production of artificial nitrogen, at a global scale we (humans) are producing Nitrogen far in excess of what the environment can safely assimilate on land and in oceans². Phosphorus is similarly in excess and is a finite resource. Excess nutrient tends to migrate to the coast and ocean and therefore its ecological health cannot be managed without taking into account the impacts of land-based activities. We therefore submit that this excess nutrient environment should be the underlying context for nutrient planning and management at all levels.
- Using alum to floc out sediment and reduce Phosphate loss to river is unsustainable, wasteful and stupid. Phosphate is a valuable element the world is running short of and this process where an environmental issue is created by adding aluminium to sediment is a short-term option only. Another option that should be considered is reducing phosphate inputs by subsidising low or no phosphate soaps and detergents.
- To create plans that meet sustainable nutrient management criteria there are therefore three primary paths. One is to mitigate nutrient use, another other is to minimise the use of artificial nutrient supplements and thirdly stop wastewater discharge. To achieve a healthy Oroua River all three must happen.
- Therefore, provisions must be made to require and incentivise land use pattern and land use practice that minimises the need for supplementary nutrient input and maximises nutrient capture and recycling as well as stopping nutrients entering the river from the MDC WWTP.
- **Further comment on Integrated management of catchments**
- Policy C1 in the NPSFM states "By every regional council managing fresh water and land use and development in catchments in an integrated and sustainable way, so as to avoid, remedy or mitigate adverse effects, including cumulative effects".

¹ wood chip bioreactors have the capacity to remove 5g nitrate N / m³/day
 So if we assume an effluent concentration of 18 g/m³ and a discharge of 7400 cubic metres / day
 18*7400 = 133 kg/ day /5 g= 26640 m³ of wood chip
 dug to a depth of 1 metre = 2.6 Ha
 This would remove at least half their SIN (a lot of ammoniacal N in there)

² <http://www.stockholmresilience.org/21/research/research-programmes/planetary-boundaries/planetary-boundaries/about-the-research/the-nine-planetary-boundaries.html>

- This seems to be a very clear statement about the requirement for fully integrated resource management. The term appears in many plans but its importance probably not yet fully appreciated or acted upon.
- If it is accepted that instream ecological values must be retained, then the targets will need to be changed and not compromised using the excuse that water is already degraded before it reaches the WWTP. All other things being equal this is likely to have implications for the maximum intensity of land use in the area. This approach is at the heart of the Horizons One Plan but has not been implemented or achieved its goals in the Oroua River example
- However, the nutrient load that a given catchment can safely assimilate and discharge is a function of the proportion of the precipitation that can be captured, the seasonal release profile and the extent to which nutrient can be retained within the root zone. The potential to influence these favourably has not been explored in this plan change process yet it is clearly an element of integrated resource management.
- Moreover, catchment management and sustainable land and water management are key development areas which present opportunities to achieve water security, ecological stability, climate adaptation and (to the extent that the process enhances carbon sequestration), climate mitigation (meets NPSFWM Policy B1)
- Thus, avoiding over allocation of nutrients need not prevent development. Rather, it may lead to more robust land use systems, better suited to the more extreme weather patterns that the IPCC predicts we should expect.

CONCLUSIONS

- We have read and noted evidence of Plant Manager at Affco Manawatu Ltd, the consultant engaged to the process, and other expert evidence provided.
- Ngati Kauwhata Iwi is not unappreciative of the amount of work and thought that lies behind the Application and we are not unaware of the efforts to manage waste in a way that does not take a toll on the environment.
- The Iwi are also keen that our relationships with the Affco Manawatu Ltd, Manawatu District Council, the Horizons Regional Council, the Manawatu River Accord and the Oroua Catchment Care Group are maintained so that a collective approach can win through.
- To the Iwi, it scarcely needs to be mentioned that water will be both the gold and the oil of the future. Across the globe, access to clean water will become a major challenge and likely cause of disputes, even warfare.

- Today is an opportunity for us to model an approach to water safety and water protection that might well have implications for other regions in New Zealand and other countries in the world.

Signed:

A handwritten signature in black ink, appearing to read 'D. Emery', written in a cursive style.

Dennis Emery – Chairperson
On behalf of Nga Kaitiaki O Ngati Kauwhata Inc