

STATEMENT OF EVIDENCE OF CALEB ROYAL

To: Commissioners Hearing a Review of Resource Consent Conditions and

Application by Horowhenua District Council for Change of
Consent Conditions

With regard to The Levin Landfill

Conducted by Manawatū –Whanganui Regional Council, September 2016

Tēnā tatou i roto i te ahuatanga o te wā,

My name is Caleb Royal. I graduated from Lincoln University in 1998 with a Bachelor of Science degree with a major environmental science. I have been a lecturer for 15 years at a recognised university of New Zealand, namely Te Wānanga o Raukawa. Within my role at Te Wānanga o Raukawa I have had the responsibility of developing and the delivery of the diploma and degree programme Māori and Environmental Management. In addition to this, I have successfully worked with NIWA, and undertaken a number of research projects including oral history recordings and fisheries research. I am currently a self employed consultant and work between two companies. I have been engaged in this field of work for the past 17 years.

I am of Ngāti Raukawa descent and belong to the hapū of Ngāti Pare, Ngāti Koroki, and Ngāti Kikopiri. For the past 4 years I have been working with Ngā Hapū o Ōtaki as the consents processing officer. I have completed my hearing commissioner training and have been an independent hearing commissioner for three cases in the last 4 years.

I have been asked to provide expert evidence in relation to the review of the Hōkio Landfill in relation to the effects the landfill is having on Māori values. While I have been involved with the Hōkio Landfill in the past, I have not been involved for a number of years, with the exception of attending one Neighbourhood Liaison Group meeting about 12 months ago. I submit that my evidence is objective and based on the facts and opinions presented by tangata whenua and the law.

In considering the review of the Hōkio Landfill it is important to reflect on the purpose of the Resource Management Act (RMA), and the definition of term 'effect'. The RMA is clear, the purpose of the act is to;

“promote the sustainable management of natural and physical resources.”

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

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

The Hōkio Landfill must protect the communities of Levin and Hōkio and provide for their social, economic and cultural wellbeing, and provide for their health and safety. While providing for those values it must ALSO sustain the potential of natural resources, safeguard the life supporting capacity of air, water, soil and ecosystems, and mitigate any adverse effects on the environment.

My evidence will not focus on the economic wellbeing as I do not profess to be an expert in that field. I will direct my focus to the social and cultural wellbeing aspects of the RMA to consider the effects the landfill is having on the communities and tangata whenua. What is clear from the purpose of the RMA is the question, how does the Hōkio Landfill provide for cultural wellbeing? The most qualified people to answer this question are people of Ngāti Pareraukawa. Ngāti Pareraukawa have consistently opposed the location of the landfill in the porous sand country where the whenua (land or placenta) is filled with waste from around the region. Solid waste (commonly referred to as rubbish) is compacted and buried within the body of Papatūānuku, the ancestral mother of humankind.

Land is translated as whenua, and local Māori as tangata whenua (people of the land). This simplistic translation is not a true or accurate reflection of the relationship that Ngāti Pareraukawa have with the land in their area. Whenua is the placenta, the organ which feeds and nourishes the baby within the womb. The whenua we are discussing today is the same whenua that has nourished and raised successive generations of Ngāti Pareraukawa at Hōkio. The placing of ‘rubbish’ into the placenta of the ancestral mother of Ngāti Pareraukawa is culturally offensive and is contrary to the purpose of the RMA which is to provide for cultural wellbeing.

As a matter of national importance the RMA states that “all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga”¹. The essential aspect to this section of the RMA is the onus of responsibility for the applicant to firstly recognise the relationship that Ngāti Pareraukawa have with their ancestral lands which include the landfill; their waters, the Hōkio Stream, the groundwater, the Tasman sea; their sites and taonga. The applicant cannot deny this relationship, furthermore, they need to recognise this relationship, and in doing so they have a legal obligation to provide for the relationship that Ngāti Pareraukawa have with their, lands, waters, sites and taonga. This is

¹ Section 6e of the RMA 1991

not, a 'nice to have' but a requirement for the provision of the relationship that Ngāti Pareraukawa has with the environment.

The applicant has had many years of Ngāti Pareraukawa identifying activities that effect the relationship they have with the environment. Consequently, the applicant should have no problem recognising that discharges of leachate and odours into the environment is abhorrent to Ngāti Pareraukawa, and compromises their culture and traditions. Ngāti Pareraukawa have consistently submitted that the discharging of offensive odours and leachate prevents them from practicing their culture and traditions. With this in mind, **the requirement to provide natural and physical resources for Māori culture and traditions has been grossly neglected.**

Below are a range of effects that in my opinion, are detrimental to Ngāti Pareraukawatanga:

The effects of pollution² on the kāinga³ of Ngāti Pareraukawa (however small or minor) compromises their ability to:

- interact with the environment in ways that are meaningful to them;
- gather food, especially fish, kaimoana, and water plants from their fisheries as guaranteed to them by Te Tiriti o Waitangi;
- draw sustenance from the land, water, and air environs to sustain themselves;
- provide food and nourishment for their guests through the provision of food that is caught off the land, caught in the lake, stream and/or ocean. It is worthy of mention that tuna heke (eels caught when they 'run' to sea during migration for breeding) caught by Ngāti Pareraukawa have always been caught and then stored in the stream for months. This ability to provide kai rangatira (top quality food that is fit for guests) is reliant on a stream that firstly provides good tuna heke, but that can also hold (store) tuna in situ until the time is right for consumption.

The above point is a direct reflection on the mana of Ngāti Pareraukawa; for example the traditional food source for Ngāti Pareraukawa is tuna, pātiki, koura and other freshwater species that once were prevalent in the Hōkio Stream. When these species are unable to be caught and served up as kai at the marae, then the mana of Ngāti Pareraukawa is greatly diminished.

- Fulfil their birthright as kaitiaki – this is not an optional responsibility, but rather an obligation that comes with consequences;
- Obtain one of fundamental elements of life, water. Water needs to be pristine and free from contaminants for drinking, bathing, recreational purposes, spiritual rituals and duties, food storage, other uses.

² Surface-water pollution, groundwater pollution, pollution of land, pollution to air, any pollution

³ Defined by Winiata (1994) as the 'home' of that grouping of people between Papatuanuku (earth mother) and Ranginui (sky father)

- Exist in a clean and healthy environment which is perceived as being aesthetically attractive, healthy, and spiritually safe.

I must remind the commissioners that, the purpose of the RMA, and the judgement you must make here is not merely the measurability of effects, but the underlying requirement to provide for the social and cultural well being of the community. The communities are the experts to voice whether their wellbeing is being met. What is their message?

With any hearing we must also consider effects in relation to the purpose of the RMA and the activity. The RMA has defined the meaning of effect as the following;

- (a) any positive or adverse effect; and
- (b) any temporary or permanent effect; and
- (c) any past, present, or future effect; and
- (d) any cumulative effect which arises over time or in combination with other effects—
regardless of the scale, intensity, duration, or frequency of the effect, and also includes—
- (e) any potential effect of high probability; and
- (f) any potential effect of low probability which has a high potential impact.

Ngāti Pareraukawa have stated that the landfill has an adverse effect on their relationship with their environment. Within the RMA, the definition of the environment includes people. The question for Ngāti Pareraukawa is; are the effects from the Hōkio Landfill minor in nature or significant? And why?

The adverse effects on the environment from the leachate entering the Tatana Drain and the Hōkio Stream are complex. However, within a cultural framework the effects are simple to recognise. Like the RMA, Māori consider themselves as part of the environment. Therefore an adverse effect on Ngāti Pareraukawa is an adverse effect on the environment. The discharge of leachate into the Hōkio Stream is having a temporary, cumulative and permanent effect.

A temporary effect is the acknowledgement that the kai from the stream is no longer fit for consumption, and that there has been a failure by the tangata whenua to behave as kaitiaki and to protect the mana of their taonga. The effects are also permanent because even after the discharge ceases, there is a cultural memory of when the Hōkio Stream was polluted and the mana of the hapū was undermined. It is permanent because other hapū and iwi remember the Hōkio as a place that is polluted, where the mauri of the stream has been compromised. It is a legacy that invades and effects the cultural wellbeing of the people and the stream. I believe this legacy will be a reflection on the mana of Ngāti Pareraukawa forever.

The past effects are very real as the discharge invokes the cultural memory of the history of the applicant, where they (the applicant) have discharged treated and raw sewage into Lake Horowhenua and the Hōkio Stream for decades. Ngāti Pareraukawa are forced to relive the past effects of cultural abuse.

The present effects on Ngāti Pareraukawa cannot be understated. They are forced to defend their taonga, that are guaranteed protection under Te Tiriti o Waitangi. They are busy reading volumes of evidence that suggest the activity of discharging leachate into their taonga is somehow 'acceptable'. The effects of this discharge continue to oppress Ngāti Pareraukawa and their values and traditions. It keeps tangata whenua in a state of conflict and grievance and defence.

The future effects from this will reverberate through the dining hall, Pareunuora⁴. This hearing will determine what story will be told through successive generations. The reason why taonga kai is served or not on the tables are part of the future effects on cultural wellbeing.

Cumulative effects of the discharge need to be considered with respect to current and historic effects the applicant (the Horowhenua District Council) have had on the Hōkio Stream. The applicant continues to discharge contaminants into Lake Horowhenua through their storm-water network. The applicant is also responsible for the decades of sewage discharged into Lake Horowhenua and the subsequent poor baseline water quality in the Hōkio Stream. The applicant is also responsible for the unconsented works on the lower Hōkio Stream which saw the removal of significant wetland habitat. The applicant is also responsible for the lowering of the lake level and the effects this has had on the cultural wellbeing of the Hōkio Stream.

The potential effects from the leachate (and the landfill) may be considered low by the applicant, but the potential impact could be severe. Leachate is known to contain carcinogens and to be toxic to the receiving environment, including people. The quantity and quality of the leachate, where it is coming from, where it is going and determining the effects on the environment (as defined in the RMA), is beyond the ability of the applicant to control, both now and into the future. The potential effects on Ngāti Pareraukawa who continue to practice their culture and traditions in the Hōkio Stream, could equate to genocide.

As an expert witness I am confused about why I need to be here. In my mind it is clear that the effects of the Hōkio Landfill and the discharge into the Hōkio Stream is having a significant effect on the cultural wellbeing of Ngāti Pareraukawa. I am convinced that the evidence presented clearly demonstrates that the activity is not consistent with the purpose of the RMA and the review of the Hōkio Landfill requires the NLG involvement. As stated earlier, the effects on Ngāti Pareraukawa are significant in my professional view.

End.

⁴ Pareunuora is the wife of Ngātokowaru and so this name is aptly given to the dining hall at Ngāti Pareraukawa's home at Hōkio.

