

Statutory Assessment - Te Waiū-o-Te-Ika (Whangaehu River) Framework.

Date:	30 April 2026
From:	Sukhi Singh, Technical Director Planning, Babbage Consultants Limited
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Re:	Resource Consent Application: APP-2006012018.02 (Winstone Pulp International Limited – Discharge to Water)

1.0 Introduction

In Hearings Panel Minute 2, dated 20 March 2026, the Hearings Panel directed that the applicant includes an assessment of the revised application against all relevant statutory instruments, including Te Waiū-o-Te-Ika (Whangaehu River), Te Mana Tupua and Ngā Toka Tupua.

The applicant recognises that it is for the Mana Whenua to identify the relevant cultural values of the Whangaehu River.

Section 2 of the Assessment of Environmental Effects Report (dated March 2025 and included in the notified resource consent application package) describes the existing environment (including cultural values) as it relates to the Winstone Pulp International Limited (“WPI”) site and the surrounding environment.

As requested by the Hearings Panel, this memorandum provides an assessment of the revised application against the legislative framework applying to Te Waiū-o-Te-Ika (Whangaehu River), per the Ngāti Rangi Claims Settlement Act 2019 (“**the Act**”).

2.0 Ngāti Rangi Claims Settlement Act 2019 (the Act) – Overview

- Part 3 of the Act relates to Te Waiū-o-Te-Ika (Whangaehu River). Subpart 1 sets out Te Waiū-o-Te-Ika (Whangaehu River) framework.
 - Section 107(1) sets out Te Mana Tupua o Te Waiū-o-Te-Ika (Whangaehu River) (“**Te Mana Tupua**”).
 - Section 107(2) states that Te Waiū-o-Te-Ika (Whangaehu River) is a living and indivisible whole from Te Wai ā-moe (Crater Lake, Mount Ruapehu) to the sea, comprising physical (including mineral) and metaphysical elements, giving life and healing to the surroundings and communities.



Section 108 of the Act sets out the Ngā Toka Tupua o Te Waiū-o-Te-Ika (“**Ngā Toka Tupua**”), being the intrinsic values that represent the essence of Te Waiū-o-Te-Ika (Whangaehu River).

- Section 109 of the Act sets out the **legal effect** of Te Mana Tupua and Ngā Toka Tupua:
 - Section 109(1) applies to persons exercising or performing a function, power or duty under an Act referred to in Schedule 5, if the exercise or performance of that function, power or duty relates to the Whangaehu River or an activity within the Whangaehu River catchment that affects the Whangaehu River.
 - Section 109(2) states that decision makers under the Acts listed in clause 1 of Schedule 5 must recognise and provide for Te Mana Tupua and Ngā Toka Tupua. The role of the decision maker is:

“in relation to preparing, varying, changing, or approving a regional policy statement, regional plan or district plan”.

(underlined for emphasis) (clause 1 of Schedule 5).
 - Section 109(3) states that decision makers under the Acts listed in clause 2 of Schedule 5 must have particular regard to Te Mana Tupua and Ngā Toka Tupua.
- Section 109(2) does not apply to WPI’s revised application as it is a resource consent application. WPI is not seeking to introduce a plan change in relation to a regional policy statement, regional plan or district plan.
- Section 109(3) applies to the WPI application as clause 2 of Schedule 5 includes the RMA (to the extent that they are not within clause 1 of Schedule 5). As such, in making a decision on WPI’s resource consent application, the decision maker must have particular regard to Te Mana Tupua and Ngā Toka Tupua.
- Subpart 3 of the Act establishes Ngā Wai Tōtā, a joint committee consisting of eight members, with one member each from Ngāti Rangī, Te Runanga o Ngāti Apa, Uenuku Charitable Trust (or the governance entity that succeeds that Trust), Whanganui Land Settlement Negotiation Trust (or the governance entity that succeeds that Trust), Manawatu-Wanganui Regional Council, Ruapehu District Council, Whanganui District Council, and Rangitikei District Council.
 - Section 115 states that the purpose of Ngā Wai Tōtā is to provide strategic leadership to:
 - promote Te Mana Tupua and Ngā Toka Tupua, to advance the health and well-being of the Te Waiū-o-Te-Ika catchment, and to advance the integrated management of the Te Waiū-o-Te-Ika catchment, including through the co-ordination of the agencies with responsibilities under this Act or any other enactment; and

- give expression to the relationship of Ngā Iwi o Te Waiū-o-Te-Ika and their kawa, tikanga, and ritenga with the Te Waiū-o-Te-Ika catchment.
- Section 116 states the functions of Ngā Wai Tōtā to achieve its purpose. Among other functions, Ngā Wai Tōtā is to prepare and approve Te Tāhoratanga, and to enter into discussions with, and advise local authorities on any decisions or matters that affect the Te Waiū-o-Te-Ika catchment, Crown agencies that perform functions in relation to the Te Waiū-o-Te-Ika catchment, and any other entities or persons with an interest in the Whangaehu River.
- We note that no submission was received from Ngā Wai Tōtā on WPI's application. WPI has, however, consulted with various members of the organisation; specifically, Ngāti Rangī, Uenuku Charitable Trust, and Whanganui Iwi (in part via consultation with Ngāti Rangī and Uenuku Charitable Trust).
- Subpart 4 of the Act establishes Te Tāhoratanga o Te Waiū, where section 123(2) directs that Te Tāhoratanga must:
 - identify the vision, values, issues, and desired outcomes relating to the Te Waiū-o-Te-Ika catchment;
 - provide guidance for decision makers in relation to the Te Waiū-o-Te-Ika catchment; and
 - provide a strategy for, and recommended actions, objectives, and policies to achieve, the desired outcomes relating to the Te Waiū-o-Te-Ika catchment.
- Section 124(3) states the legal effect of Te Tāhoratanga, where in an application for a resource consent relating to the Whangaehu River, the consent authority must have particular regard to Te Tāhoratanga.
- Schedule 7 directs that Te Tāhoratanga must be approved by Ngā Wai Tōtā no later than 12 months after the date on which the draft was notified, and publicly notified, where it takes effect no later than one month after the date of its approval.
- Presently, the applicant is unaware of Te Tāhoratanga being developed or approved,¹ and accordingly, the decision makers cannot have particular regard to Te Tāhoratanga.

3.0 Te Waiū-o-Te-Ika (Whangaehu River) Framework

- Under Te Waiū-o-Te-Ika (Whangaehu River) framework, Te Waiū-o-Te-Ika (Whangaehu River) is a living and indivisible whole from Te Wai ā-moe (Crater Lake, Mount Ruapehu) to the sea, comprising

1 Noting that there is no document available on Ngai Wai Tota's website, and Horizons Regional Council has stated that "the first Te Tāhoratanga is still to be approved by Ngā Wai Tōtā", Horizons Regional Council, "Strategy and Policy Committee Agenda", 9 September 2025, at 22.

physical (including mineral) and metaphysical elements, giving life and healing to the surroundings and communities.

- Section 108 of the Act sets out Ngā Toka Tupua, being the intrinsic values that represent the essence of Te Waiū-o-Te-Ika (Whangaehu River):

“(a) *Ko te Kūhui Maunga te mā tāpuna o te ora*: The sacred mountain clan, the source of Te Waiū-o-Te-Ika, the source of life:

Hapū, iwi and all communities draw sustenance and inspiration from the river’s source on Ruapehu and extending to all reaches of the catchment.

(b) *He wai-ariki-rangi, he wai-ariki-nuku, tuku iho, tuku iho*: An interconnected whole; a river revered and valued from generation down to generation:

Hapū, iwi and all communities are united in the best interests of the indivisible river as a gift to the future prosperity of our mokopuna.

(c) *Ko ngā wai tiehu ki ngā wai riki, tuku iho ki tai hei waiū, hei wai tō ta e*: Living, nurturing waters, providing potency to the land and its people from source to tributary to the ocean:

Hapū, iwi and all communities benefit physically, spiritually, culturally, and economically where water and its inherent life-supporting capacity is valued and enhanced.

(d) *kai hua mai ngā kōrero o ngā wai, kia hua mai te wai ora e*: The latent potential of Te Waiū-o-Te-Ika, the latent potential of its hupū and iwi:

Uplifting the mana of Te Waiū-o-Te-Ika in turn uplifts the mana of its hupū and iwi, leading to prosperity and growth for hupū and iwi.

4.0 Submissions received from Mana Whenua

- While it is acknowledged that the revised application consists of a wastewater stream from a torrefaction process, as opposed to a pulp process, the submissions received from the mana whenua groups are helpful in identifying their key concerns and acceptable mitigations. A brief summary is provided in **Table 1**.

Table 1: Overview of submissions received from mana whenua.

Ngā Waihua o Paerangi Trust (for Ngāti Rangi) – submission 47
<i>Cultural, social and ecological significance</i> The proposal falls significantly short of the preferred land-based solution that Ngāti Rangi has sought and WPI had committed to for many years.

- The Whangaehu River at the proposed discharge point, and all the way downstream, makes up the main artery of Te-Waiū-o-Te-Ika. This is of special significance not only to Ngāti Rangi but to all iwi in its catchment. Allowing damage to this catchment would be a dangerous precedent for relaxing the protections of other legally protected environmental features.
- The Tangiwai memorial site is a popular public resting place on SH49. The Whangaehu River provides a backdrop for this culturally significant memorial of New Zealand's largest rail disaster, where 151 people lost their lives. This is seen by Ngāti Rangi as a wāhi tapu, a sacred place of remembrance.
- The river also has present day cultural importance, which cannot be dismissed as simply 'aesthetic'.
- The integrity of the awa, including its range of colours, is of ecological and historical importance.

Effects of the discharge – water discolouring

- The discharge from WPI has been discolouring the water.
- The RMA acknowledges that permanent degradation of the river colour is a serious matter for any river. This is especially so when the river in question has statutory protection under a Deed of Settlement.
- Strongly support the Removal of antifoam use.

Effects of the discharge – ecology

- Acid rivers are unique ecosystems with their own special characteristics.
- Historically, there are accounts of the Whangaehu River teeming with fish during periods when Ruapehu was less active. Horizons Regional Council staff also mentioned the probability that migratory fish would be able to use the Whangaehu River as a passage to upper tributaries during periods of low acidity, in response to the application.

Effects of the discharge – E.coli levels

- The Assessment of Environmental Effects has confirmed that these indicators of pathogenic microorganisms are over the allowed limit for recreational water downstream of the discharge. This is justified by stating that the Whangaehu River is not used recreationally.
- The Whangaehu River has been used recreationally by our iwi partners downstream for decades and has been used as a food source for those living next to the river. This has not been the case recently because of the discharge into the river.

Economic effects

- The economic and social contribution of WPI before they closed is not in dispute.

Mitigations supported by Ngāti Rangi

- Ngāti Rangi is open to an alternative solution of filtering wastewater through a wetland, before allowing it to seep into the river. Our Taiao Management Plan states that "passing wastewater through Papa-tū-ā-nuku can be a culturally acceptable means to cleanse discharges".

Ngā Wairiki ki Uta Charitable Trust – submission 39

Te Rūnanga o Ngā Wairiki Ngāti Apa – submission 54

- The Whangaehu awa is a special and significant part of who we are as a people, continuously flowing through our whenua - bringing life, connection and wellbeing to our marae, our community and our environment.
- Within just a few generations there has been a noticeable decline in numbers of fish that are seen and caught within the Whangaehu awa, a decline that also includes a decline in volume of water flowing when not in flood, a decline in water quality seen and felt through observations and experiences of long-term use of the wai in the Whangaehu awa, whether it be setting hinaki when fishing, swimming at the local tahuna, or gathering stones or other taonga that have settled on the banks of the awa where we spend time.
- As we are situated downstream from the WPI plant, we are susceptible to changes in the awa and are affected. From the source at Te Wai ā-moe to our lands to the moana, any discharges that are fed into the awa upstream from us will reach us and will have an impact on the water that we swim in, the kai that we gather, and the health and wellbeing of the life within and alongside the awa.

Te Rūnanga o Ngā Wairiki Ngāti Apa – submission 54

- This submission is in the spirit of collaboration and support for Ngāti Rangī in the protection of Te Waiū o te Ika, the Whangaehu River catchment.
- Employment is vitally important in this particular area. However, surely resumption of commercial activities at this site does not necessarily require the continuation of point discharge into the awa?
- The Whangaehu River is of special significance to the Ngā Wairiki and Ngāti Apa people who occupy its banks. Our people speak of the special qualities of this awa, including healing properties, linked to the unique mineral composition of the Whangaehu River. Our people swam in this awa and gathered kai, we have kōrero of patiki/flounder, kahawai, tuna/eels, and inanga/whitebait from various parts of the River. We emphasise that the stem of the Whangaehu River is a pathway for freshwater species to access a range of tributaries, including the Mangawhero River and the Mangamahu Stream, and up into the headwaters.
- Object to the application to discharge to the River, because our people experience the cumulative downstream effects of these factors, and we now want to protect and enhance the Awa.

Whangaehu Marae – submission 40

- The Whangaehu has begun to heal since the mill closed in 2024. In the upper reaches, its natural glacial-blue colour has returned, the water is clearer, and whānau are swimming again at traditional sites.
- Renewed industrial discharge does not align with the legal and cultural protections under the Ngāti Rangī Claims Settlement Act 2019, which recognises the river as a living whole with physical and spiritual qualities.

- Our people have always recognised the acidity of the Whangaehu River as a sign of the river's healing nature.
- The Whangaehu is a place where whales come to feed their young and where the water itself restores and cleanses. Industrial discharge threatens this unique character.

5.0 Assessment against the Te Waiū-o-Te-Ika (Whangaehu River) framework

The applicant acknowledges the cultural significance of Whangaehu River under the Te Waiū-o-Te-Ika (Whangaehu River) framework, including the identified intrinsic values that represent the essence of the Whangaehu River.

Having considered the submissions from Mana Whenua and Te Waiū-o-Te-Ika (Whangaehu River) framework, WPI has undertaken comprehensive assessments to inform the Revised Proposal to ensure that any potential cultural effects on the Whangaehu River are avoided, given the cultural significance of the Whangaehu River and its statutory acknowledgement.

In particular, the Revised Proposal has resulted in:

- A significant reduction in the volume of wastewater produced and sought to be discharged to the Whangaehu River, being 750m³/day (compared to the approved consented discharge limit of 5,200m³/day).
- The wastewater produced is classified as a “condensate” and is of a significantly cleaner quality than the wastewater stream approved under the existing consent.
- The construction of a wetland system, per Ngāti Rangī's request, to ensure that the wastewater is discharged into the wetland system prior to the discharge to the Whangaehu River.

The Revised Proposal aligns with the Te Waiū-o-Te-Ika (Whangaehu River) framework, Te Mana Tupua, and Ngā Toka Tupua for the following reasons:

- From a catchment management perspective (as an interconnected whole), the proposed reduced discharge volume will not adversely affect Whangaehu River flows downstream or cause any erosion or scouring. The physical attributes of the Whangaehu River will remain unchanged, thereby ensuring that the river is revered and valued from generation down to generation.
- From a water quality perspective, the assessments confirm that:
 - The low discharge flow rate is not expected to materially alter the existing pH and suspended solid concentrations in the Whangaehu River. The discharge rate will ensure that the flows of water will continue to sustain aquatic life in the Whangaehu River.

- The potential increases in nitrogen-related compounds are small relative to the natural variability observed in the Whangaehu River. The modelling does not account for wetland polishing, which is expected to further reduce nitrogen concentrations prior to discharge to the water. With respect to metals, the effects are expected to be limited, given the naturally elevated upstream baseline conditions driven by Crater Lake inputs. For most parameters, the modelled percentage changes are small relative to the natural variability observed in the river.
- As requested by Ngāti Rangi, the Revised Proposal does not include the need to apply antifoam. WPI has removed the antifoam application infrastructure.
- Taking into account the high dilution, the comparatively low contaminant load in the condensate discharge, the reduced discharge volume, and additional polishing provided by the wetland, the Revised Proposal will not measurably worsen water quality or any adverse ecological effects. It represents a significant improvement over the current approved wastewater discharge consent.
- Overall, the significantly improved quality of the discharge ensures that the water and its inherent life-supporting capacity continue to be valued and enhanced, thereby ensuring prosperity and growth for hapū and iwi.
- With respect to the water clarity (living and nurturing waters; and the river's source on Ruapehu), it is noted that:
 - The Whangaehu River exhibits unique water quality conditions influenced by volcanic inputs from Mt Ruapehu, resulting in naturally low pH, high phosphorus concentration, variable clarity and colour.
 - Based on monitoring results, clarity and colour of the Whangaehu River varied markedly, with visibility between 0-0.76m and water colour ranging from glacial blue to murky yellow brown.
 - The colour of the condensate (wastewater discharge) from the Revised Proposal is visibly clear. Therefore, it will not adversely affect the water clarity of the Whangaehu River and the associated recreational values.
- From an ecological perspective (for drawing sustenance), the assessments completed confirm that the magnitude of ecological effects will be negligible.
- With respect to contact recreation, including swimming and rafting, the assessments show that E. coli concentrations are low and often below detection limits, indicating a low risk to human health. These conditions occur upstream of the discharge location and are not materially altered by the proposed activity. The low pH is already well below the environmental guidelines (ANZG2018) and also outside levels considered suitable for recreational use, which will be unchanged from the discharge. The

discharge does not introduce contaminants that would change the existing suitability of the river for contact recreation, thereby benefiting all communities physically, spiritually, and culturally.

Overall, the discharge will not adversely impact Te Mana Tupua and Ngā Toka Tupua, being the physical and metaphysical elements, and the intrinsic values that represent the essence of Te Waiū-o-Te-Ika.