



Rangitāne o Wairau Cultural Impact Assessment: Blenheim Sewage Treatment Plant

Version 1

Hakihea (December) 2023



Rangitāne

Te Rūnanga a Rangitāne o Wairau

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EXECUTIVE SUMMARY

Rangitāne o Wairau

E noho nei au i tōku taumata kōrero, i Te Tapuae o Uenuku,
Ka kai ōku mata ki waho, ki a Raukawakawa Moana, te ara tēnā i ū mai ai tōku tupuna ki
Anamāhanga, e ko Te Huataki e!

Whakawhiti atu, whakawhiti mai, auraki mai ana ko ngā mana whakatiketike i ahau, ko Te
Whakamana, ko Tūkauae, ko Te Rerewa, ko Te Heiwi, nā te moenga i a Ngāi Tara, i a Ngāti
Māmoe, ko noho ko te waikanaetanga, poua ana ko te mana o Rangitāne ki Te Tau Ihu o Te
Waka a Māui e!

Māreparepa mai ana ngā wai-rau o Ruatere, ngā rohe kōreporepo, te wai māhitihi o ngā mātua
tūpuna, ko Te Wairau e kāpikopiko ana i te hōkikitanga, te whaonga mai i te whenua ka rere ki
te pūruatanga, kō ōna pūhatanga kei Te Koko o Kupe, kei Te Pokohiwi o Kupe.

Kei runga rā ko Parinui-o-Whiti, Te Taumanu o Te Matahourua, ko Te Kopi o Kupe.

E hora rā ko Te Pokohiwi o Kupe, te taunahanahatanga o te iwi taketake nō raurangi e!
Ngā wai tuku kiri o Te Ara-o-pipi, o Mataora, hoki whakautu au ki te keokeonga ki Rahotia, te
mana, te ihi, te wehi i a rātau mā heke iho ki ahau e!

He uri nō te tini whetū ki te rangi, ko Rangitāne ki te whenua!

Kei puta Te Wairau! ¹

Our Position

Rangitāne o Wairau oppose any proposal for the Blenheim Sewage Treatment Plant to remain in its current site and to discharge to our wai and moana in any form.

CIA Development

The CIA has provided an opportunity for Rangitāne o Wairau to consider once again the way in which waste water is managed, and more broadly the environment within their rohe. This further analysis of the issues has highlighted the ongoing effects of this activity on Rangitāne o Wairau, the extent of the impact, and the many ways in which there has been a breach of the tikanga and kawa of the iwi. It is also apparent that the Council has fallen short of meeting the principles of the Treaty, the RMA, the LGA, the National Policy Statement for Freshwater Management (NPS-FW 2020), and Marlborough District Council's own policies and values.

The Cultural Impact Assessment sets out the impacts, effects and breaches and evidence of these in an unambiguous manner.

¹ <https://www.rangitane.org.nz/>

1. The principles of Partnership and Active protection have not been met
2. The principle of participation has been partially met, but not extended to participation in decision making processes.
3. The matters that are provided for in the RMA have not been, in the view of Rangitāne o Wairau; matters of national importance have not been 'recognised and provided for', there has not been 'particular regard' of kaitiakitanga or a 'taking into account' of the principles as outlined above. Cultural effects have been referenced by decision makers, however in the making of a decision no consideration has been given.
4. The LGA sets the context for opportunities for Māori participation in decision making and for the taking into account the relationship of Māori with their taonga. It is the strong view of Rangitāne o Wairau this has not occurred and the impacts on them are worsening as a result.
5. Policies set by the MDC in the Wairau-Awatere Resource Management Plan, if implemented as intended, may have meant an avoidance of the ongoing and deep impact and harm experienced by Rangitāne o Wairau. The matters and policies expressed in the Resource Management Plan, had the Council chosen to follow this in reaching their decisions, would likely have met the needs outlined by Rangitāne o Wairau that are expressed in this report.
6. Te Mana o te Wai is a hierarchy of obligations supported by principles. There is hope this will provide the frame for the discussions moving forward, and the detail will be as set out by Rangitāne o Wairau in the recommendations. This approach will see Te Mana o te Wai fulfil its intent for future generations.
7. The Uaratanga of Rangitāne o Wairau have outlined in detail their inherent and lived values has handed down by their tipuna. They have identified the cultural, environmental and economic impacts of BSTP on these values and on their cultural practices.

Rangitāne o Wairau in expressing these matters are clear that the focus must be on the future generation, and that this CIA presents a set of recommendations that offer a clear pathway for partnership and an enduring relationship with the Council to address these breaches over the long term.

Recommendations

- a) The BSTP proposal to continue the current operations in their current form are opposed in their entirety by Rangitāne o Wairau.
- b) That by 2028, the BSTP and its discharge point be relocated to an alternate site that enables culturally appropriate treatment and discharge to land, and the current BSTP site and receiving environment be remediated to improve its mauri.

To give effect to recommendation, a) and b):

- c) A 5-year workplan shall be developed and agreed to identify alternative sites and treatment options. The plan shall be immediately resourced and undertaken including cultural values as a key determiner in partnership with iwi and hapū.

There are a detailed set of recommendations outlined in the CIA that aim to improve expression of Rangitāne o Wairau Rangatiratanga, Mātauranga, practice of Tikanga, improve and restore Mauri and for the protection of Taōnga and Waahi Tapu.

These recommendations are considered an integrated approach to the avoidance, remedy, and mitigation of cultural impacts experienced by Rangitāne o Wairau and should not be read as a list of stand-alone solutions.

INTRODUCTION

Marlborough District Council (MDC) in partnership with iwi (including Rangitāne o Wairau, Ngāti Rārua and Ngāti Toa Rangatira) need to decide the future of the Blenheim Sewage Treatment Plant (BSTP) as the current resource consent expires in 2025. MDC have consulted tangata whenua iwi early in the consenting process before any council option has been proposed. This is considered by iwi to be a step towards a better iwi/council partnership.

In 2010 MDC was granted resource consents to upgrade the BSTP and continue operations. The BSTP serves Blenheim, Woodbourne, Marlborough Ridge, Renwick, Riverlands Industrial Estate, Cloudy Bay Business Park, Grovetown, and Spring Creek.

The 1.6km long wetland system conveys treated wastewater from the domestic and industrial ponds and provides some “polishing” treatment. In addition, approximately 160ha of MDC owned land around the treatment plant is available for wastewater irrigation from spring to autumn depending on the soil moisture conditions.

MDC made efforts to consult with iwi during the resource consent process. A Cultural Impact Assessment was carried out by Buddy Mikaere. Iwis’ preferred option from this CIA was to construct an ocean outfall. This was deemed to be too high a cost with potential consenting issues, thus MDC’s preferred option for an upgraded treatment plant and “long wetland” was put forward in the resource consent.

This CIA has been prepared in response to the current resource consent expiring in 2025. This CIA is only a response on the existing operation of BSTP and its current discharge site.

Any future upgrades, changes to discharge or potential relocation will need to be assessed by Rangitāne o Wairau with another assessment and/or CIA.

For the purpose of this CIA, **Rangitāne o Wairau oppose any proposal for the Blenheim Sewage Treatment Plant to remain in its current site and to discharge to our wai and moana in any form.**

Purpose of this Cultural Impact Assessment (CIA)

Cultural impact assessments provide opportunities for resource management practitioners and Māori to work together and assess potential impacts of a project on tangata whenua.

This CIA documents the tangata whenua values of Rangitāne o Wairau and subsequent environmental, social, economic, and cultural impacts which have been created or impacted by the current operations of the BSTP, its location and discharge on Rangitāne. This report provides recommendations to avoid, remedy and mitigate the identified effects.

The purpose of this CIA is to:

- Identify and document the cultural impacts (inclusive of environmental, social, and economic effects) associated with the BSTP;
- Identify and outline the potential effects on Rangitāne o Wairau as a result of potential upgrades and continued operations;

- Identify and provide recommendations to avoid, remedy or mitigate any adverse effects of the current wastewater plant and proposed changes to its operation on Rangitāne and their relationship with their taonga.

Poipoia Ltd has been engaged to prepare this CIA on behalf of Rangitāne o Wairau.

Methodology

The process for the development of the CIA included a literature review of relevant iwi planning documents, tribal histories, MDC reports and other relevant papers considered relevant by the parties to the CIA.

The hui held to collect the views of the parties were held as follows:

- Collective Engagement Hui (1) Blenheim: 6th April 2022
- Literature Review and Draft (1) CIA prepared
- Collective Engagement Hui (2) Rangitāne: 22nd September 2022
- Draft (2) CIA prepared
- Collective Engagement Hui (3) CIA workshop on resolutions 10th February 2023
- Council Preparation Hui 10th March 2023
- Hui with Council 15th March 2023
- Final CIA prepared

LEGISLATION

Te Tiriti o Waitangi / The Treaty of Waitangi

Te Tiriti o Waitangi (Te Tiriti) is the foundational constitutional document of Aotearoa (New Zealand).

The Resource Management Act 1991 (RMA) Part II section 8 - Te Tiriti o Waitangi, 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 take into account the principles of the Treaty of Waitangi”*.

In undertaking a decision on the appropriateness of the activity, the decision maker must consider if the activity will be consistent with the principles of the Treaty and if not, how these have been taken into account. The principles of the Treaty cover responsibilities on the Crown for the active protection of Māori interests, partnership between iwi and Crown entities, and participation in decision making. In addition, the proponent must not undertake to disregard these principles.

Resource Management Act 1991 (RMA)

The Resource Management Act 1991 (RMA) is the mechanism under which the natural and physical resources of New Zealand are to be managed. Part II of the RMA provides for tangata

whenua considerations. It recognises the relationship of Māori and their culture and traditions with their ancestral lands, water sites, wāhi tapu and other taonga as a matter of national importance (Part II).

The primary purpose of the RMA is described in Section 5 as “...to promote the sustainable management of natural and physical resources” in order to safe-guard the ‘life-supporting’ of ecosystems by avoiding, remedying, or mitigating any adverse effects of activities on the environment.

Decision makers exercising powers and functions under the RMA shall;

- **Section 6 (e):** As a ‘matter of national importance’, recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, areas, wāhi tapu, and other taonga.
- **Section 7 (a):** Have particular regard for kaitiakitanga.
- **Section 8:** Take into account the principles of the Treaty of Waitangi.
- **Schedule 4 Part 7, 1 (a) and (d):** also require cultural effects and values to be considered when assessing the environmental effects of an application.

These specific policy sections provide the basis for Māori consultation, collaboration, participation, and the development of iwi management plans, to inform local government decision-making. In general, the RMA has a variety of provisions that create and apply suitable planning tools, processes and systems for resource consent applications, planning and policy at the local level. As such, Māori participation in the sustainable management of the environment is an important notion in the RMA.

Local Government Act 2002 (LGA)

The Local Government Act 2002 (LGA) provides for local authorities to promote the social, economic, environmental, and cultural well-being of their communities, taking a sustainable development approach. Specific provisions relevant to this activity relating to Māori under the LGA are:

- **Section 4** Treaty of Waitangi.
- **Section 81** Contributions to decision-making processes by Māori.
- **Section 82 (2)** Principles of consultation - A local authority must ensure that it has in place processes for consulting with Māori.
- **Section 14 (1) (D)** a local authority should provide opportunities for Māori to contribute to its decision-making processes.
- **Section 77** requires that a local authority must, in the course of the decision-making process, take into account the relationship of Māori and their culture and traditions with their ancestral land, water, sites, waahi tapu, valued flora and fauna, and other taonga.

Local authorities recognise and respect the Crown's responsibility to take account of the Treaty of Waitangi; and to maintain and improve opportunities for Māori to contribute to local government decision-making processes.

Wairau Awatere Resource Management Plan 2009

The purpose of the Wairau/Awatere Resource Management Plan is to promote the sustainable management of the natural and physical resources of the Wairau/Awatere area including the coastal environment. The Plan is a combined plan containing the regional, regional coastal and district plans for the Wairau and Awatere Valleys. The Plan sets out the objectives, policies and methods, including rules, to resolve issues and to promote the sustainable management of the Wairau/Awatere area. Policies relevant to tangata whenua include:

- **Policy 1.1** Recognise and protect sites of significance to tangata whenua, including waahi tapu, mahinga maataitai, tauranga waka and areas of taonga raranga.
- **Policy 1.2** Recognise values important to tangata whenua, including the concepts of mauri, effects on the mana of iwi or hapū, and the ability of tangata whenua to provide manaakitanga.
- **Policy 1.3** Recognise the role of tangata whenua as kaitiaki in the coastal marine area.
- **Policy 1.4** Recognise and provide for continued tangata whenua access to, and use of, traditional coastal resources such as maataitai and taonga raranga.
- **Policy 1.5** Promote access for iwi to sites of cultural significance on land of the crown or other publicly owned land.
- **Policy 1.7** Maintain and facilitate communication with iwi representatives to ensure that where appropriate, issues of importance to iwi are drawn to the Council's attention.

National Policy Statement for Freshwater Management 2020 (NPS-FW)

The National Policy Statement for Freshwater Management 2020 provides local authorities with updated direction on how they should manage freshwater under the Resource Management Act 1991. Discharges in and around water need to give effect to the objectives of the NPS.

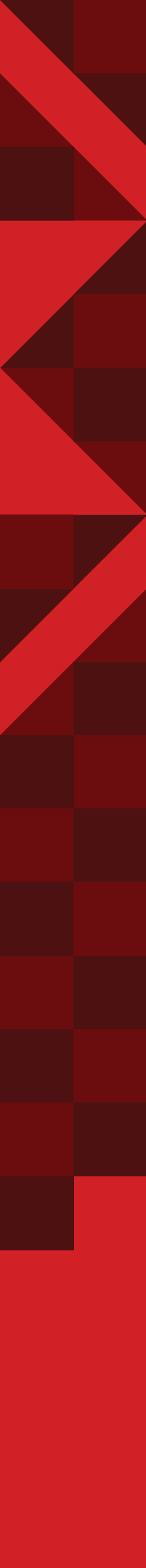
Fundamental Concept – Te Mana o te Wai

Te Mana o te Wai is a concept that refers to the fundamental importance of water and recognises that protecting the health of freshwater protects the health and well-being of the wider environment. It protects the mauri of the wai. Te Mana o te Wai is about restoring and preserving the balance between the water, the wider environment, and the community.

Te Mana o te Wai encompasses 6 principles relating to the roles of tangata whenua and other New Zealanders in the management of freshwater, and these principles inform the National Policy Statement and its implementation.

The 6 principles are:

1. **Mana whakahaere:** the power, authority, and obligations of tangata whenua to make decisions that maintain, protect, and sustain the health and well-being of, and their relationship with, freshwater.

- 
2. **Kaitiakitanga:** the obligation of tangata whenua to preserve, restore, enhance, and sustainably use freshwater for the benefit of present and future generations.
 3. **Manaakitanga:** the process by which tangata whenua show respect, generosity, and care for freshwater and for others.
 4. **Governance:** the responsibility of those with authority for making decisions about freshwater to do so in a way that prioritises the health and well-being of freshwater now and into the future.
 5. **Stewardship:** the obligation of all New Zealanders to manage freshwater in a way that ensures it sustains present and future generations.
 6. **Care and respect:** the responsibility of all New Zealanders to care for freshwater in providing for the health of the nation.

There is a hierarchy of obligations in Te Mana o te Wai that prioritises:

- **First:** the health and well-being of water bodies and freshwater ecosystems.
- **Second:** the health needs of people (such as drinking water).
- **Third:** the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

RANGITĀNE O WAIRAU

Rangitāne o Wairau (Rangitāne) have resided in the Te Tauihu since the migration from the Wairarapa in the sixteenth century under the Chiefs Te Huataki, Te Whakamana and Tukanae. Rangitāne o Wairau descend from Te Huataki, who in a storm was blown across Raukawaka Moana (Cook Strait) to Anamahanga (Port Gore) in the early sixteenth century. Te Huataki led his people in a series of migrations to settle across the top of the South Island. Rangitāne established themselves as tangata whenua (people of the land) through conquest, intermarriage and assimilation with the tribes they found residing in the district. The maunga (mountains) and awa (rivers) in the region are the source of stories and whakataukī (proverbs) and in some cases embody Rangitāne tupuna (ancestors).

Rangitāne has occupied and used resources within a territory stretching from the Waiau-Toa (Clarence River) in the south to the Wairau, including the Nelson Lakes, and north to Kaituna and the Marlborough Sounds and west into the Whakatū (Nelson) area. Rangitāne customary rights and interests often overlapped and intersected with other iwi, especially in the Waiau-Toa, Nelson Lakes, Marlborough Sounds and Whakatū districts. Non-exclusive and shared occupation and use rights in these areas were governed by whakapapa connections and customary protocols between the iwi.²

One of the central issues for the Waitangi Tribunal in relation to the WAI 785 hearings was the effect and operation of the Ngāi Tahu Takiwā. In its final report, the Tribunal concluded that Rangitāne o Wairau's area of interest extended through most of the Eastern South Island as far South as Waiau-Toa.

Communities were linked by well-used systems of ara tawhito (trails) spanning from coastal settlements, into the richly resourced South Island interior and over to Te Tai Poutini (the West Coast). Movements were often seasonal, following the lifecycles of animals and plants, and also enabled opportunities for trade and means of contact with other iwi. Trade included pounamu and pakohe (argillite). The significance of pakohe, and other natural mineral resources, are recognised through the Rangitāne Deed of Settlement which recognises the long-standing traditional, cultural and historical association of Rangitāne with pakohe³.

Between 1827 and the mid-1830s an alliance of musket armed North Island Iwi invaded Te Tau Ihu. Rangitāne were defeated in a series of battles and many of their pā were taken, but the Iwi continued to live on the land, retained their tribal structures and chiefly lines, and maintained their ancestral connections with the whenua. Rangitāne retained a broad range of customary rights and remained people of mana. This was confirmed and exemplified in 1840, when the Rangitāne Rangatira Ihaia Kaikōura was among those who signed the Treaty of Waitangi on Horahora Kākahu Island in Port Underwood.

The subsequent years saw the Crown signing deeds with Māori to purchase land in the northern South Island. The Crown and the Native Land Courts consistent failure to investigate the nature and extent of Rangitāne customary interests, and wrongly characterising the iwi as a defeated 'remnant' without rights meant Rangitāne were not consulted, compensated for their interests, or given suitable reserves to dwell on. The reserves Rangitāne were granted were inadequate and insufficient to either maintain their customary practices or be developed effectively in the new economy, resulting in alienation, impoverishment, and economic marginalisation. By the late

² [Te Runanga a Rangitāne o Wairau Settlement Booklet.](#)

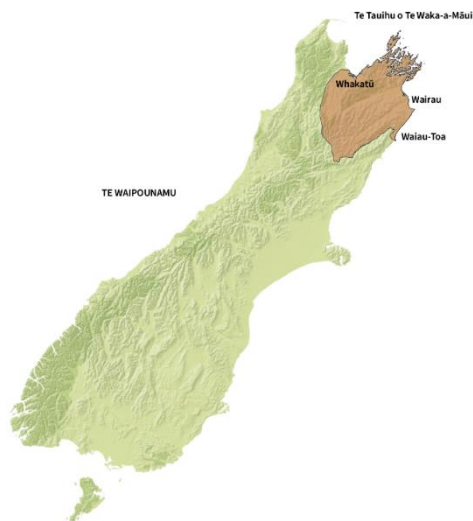
³ Rangitāne Deed of Settlement 2010

nineteenth century Rangitāne were landless. Crown attempts to alleviate their landless position failed.⁴

Te Rūnanga o Rangitāne o Wairau was first established in 1861 by Rangitāne leaders as a forum for representing early land issues caused by landlessness amongst the Māori of Marlborough. Since then, Te Rūnanga o Rangitāne o Wairau has continued to provide representation and advocacy for Rangitāne iwi members across a range of social and political issues affecting Rangitāne o Wairau.⁵

Rangitāne o Wairau Rohe

The Rangitāne rohe forms part of the northern region of Te Waipounamu known as Te Taihū o Te Waka-a-Māui (the prow of the waka of Māui). The map below is based on the Area of Interest agreed between Rangitāne and the Crown in the Deed of Settlement signed on 4 December 2010 and included in Rangitāne's settlement legislation.



The rohe of Rangitāne commences at the mouth of the Wairau River, extending northwards to Cape Lambert, northwest to D'Urville Island, encompassing Whakatū (Nelson) and Waimea. Following the Motupiko river to the Nelson Lakes (Rotorua and Rotoiti) the southernmost boundary follows the Waiau-toa (Clarence) River to its mouth, and then commences a northwards journey through Kekerengu, Cape Campbell, Lake Grassmere, White Bluffs and Wairau Lagoons.

Ngā hapū o Rangitāne o Wairau

The subtribes widely acknowledged as belonging to Rangitāne o Wairau are:

- Ngāti Huataki
- Ngāti Whakamana
- Ngāi Te Heiwī
- Ngāi Te Rerewa
- Ngāi Tūkauae

Ngā marae o Rangitāne o Wairau

The Rangitāne marae within the region are:

⁴ Rangitane o Wairau Cultural Values Report Molesworth

⁵ <https://www.rangitane.org.nz/>

- Tuamātene Marae
- Omaka Marae
- Wairau Pā Marae

Rangitāne has also developed Ūkaipō – the Rangitāne Cultural Centre in Grovetown. Ūkaipō, whilst not a traditional marae, provides a hub for Rangitāne cultural and customary practices.

Rangitāne o Wairau Deed of Settlement

Rangitāne has extant customary interests in Te Taihū (or the northern South Island region), as defined through its Area of Interest contained in the Rangitāne o Wairau Settlement with the Crown. The Waitangi Tribunal heard the Te Taihū claims of all iwi with interests in the northern South Island between August 2000 and March 2004, and released preliminary reports in 2007 and a final report in November 2008.

On 23 November 2005, the previous Minister in Charge of Treaty of Waitangi Negotiations and the Minister of Māori Affairs recognised the mandate of the Kurahaupō Ki Te Waipounamu Trust to represent Rangitāne and two other iwi in negotiating a comprehensive historical Treaty settlement. The Crown signed Terms of Negotiation with the Kurahaupō Trust in June 2006. On 11 February 2009, the Crown and the Kurahaupō Trust co-signed a Letter of Agreement.

On 27 August 2010, Rangitāne and the Crown initialed a detailed Deed of Settlement based on this agreement. The Deed was then ratified, and signed on 4 December 2010 at Omaka Marae.

Rangitāne o Wairau Statutory Acknowledgements

Rangitāne o Wairau Statutory Acknowledgements acknowledge areas or sites with which Rangitāne o Wairau have a special relationship. It is a legal recognition of the particular cultural, spiritual, historical and traditional association Rangitāne have with an identified statutory area. Statutory acknowledgements enhance the ability of iwi to participate in RMA processes. A statutory area can have more than one statutory acknowledgment from more than one iwi associated with it.

Rangitāne o Wairau Statutory Acknowledgements include:

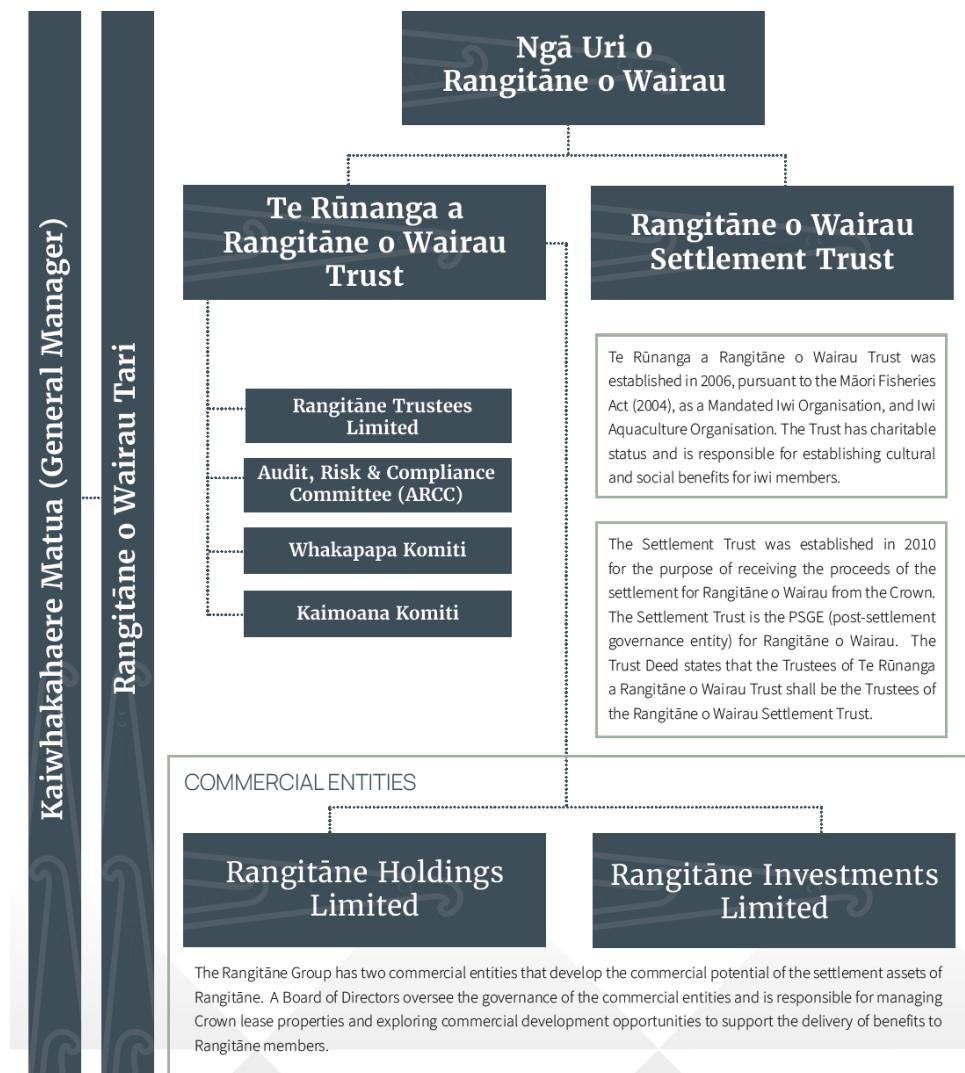
- Lakes Rotoiti and Rotorua, Nelson Lakes National Park
- Te Ope-a-Kupe (Te Anamāhanga / Port Gore)
- Paroroangi (Mt Stokes)
- Kohi Te Wai (Boulder Bank Scenic Reserve)
- Wairau Lagoons and Te Pokohiwi / Boulder Bank Historic Reserve
- The Brothers
- Kaituna River and its tributaries
- Maitai (Mahitahi) River and its tributaries
- Wairau, Omaka, and Ōpaoa Rivers and their tributaries
- Waimea, Wai-iti, and Wairoa Rivers and their tributaries

- Motupiko River and its tributaries
- Puhikereru (Mt Furneaux)
- Statement of Coastal Values
- Statement of Association with Pakohe

Rangitāne Structure

Te Rūnanga a Rangitāne o Wairau was first established in 1861 by Rangitāne leaders as a forum for representing early land issues caused by landlessness amongst the Māori of Marlborough. Since then Te Rūnanga a Rangitāne o Wairau has continued to provide representation and advocacy for Rangitāne iwi members across a range of social and political issues affecting Rangitāne.

The Rangitāne o Wairau Group has different entities each with a specific function. These entities have evolved over a number of years, and form Rangitāne’s post-settlement group:



BSTP BACKGROUND INFORMATION

MDC owns and operates the Blenheim Sewerage Treatment Plant (BSTP) site at Hardings Road, which treats wastewater from Blenheim residential and commercial premises (termed domestic flows), as well as industrial flows (mainly from wineries).

Early Sewage Treatment

The BSTP was constructed in the early 1930s to serve a population of about 6,000 persons. Ten pumping stations were installed to overcome difficulties with topography and high groundwater conditions. Collected sewage was treated in septic tanks and discharged to the Ōpaoa (Opawa) River until the 1960s. The system was extended to the Springlands town boundary in 1962. A total of about 14,000 persons were connected to the system, with the extension of the sewer to the Woodbourne Air Base in 1962-63.⁶

The BSTP in Hardings Road, Riverlands was first commissioned in 1970 and at the time, consisted of a single 16-hectare (ha) facultative oxidation pond with discharge to the Ōpaoa (Opawa) River.⁷ No record of iwi consultation has been found in relating documents. By 1980 sewage disposal from all areas of the Borough to the oxidation pond near the Vernon lagoons was achieved.⁸

The treatment pond was supplemented with an upstream aeration lagoon in 1992. In June of 1992 the then Nelson-Marlborough Regional Council were granted a permit for the discharge of treated sewage into the BSTP until December 1994. As part of the condition's Council was to conduct a monitoring programme to monitor the effluent and the impact of effluent on receiving waters. A second condition was to complete an evaluation of options and develop a programme for the implementation of the disposal of sewage from Blenheim within two years of the granting of the discharge permit. In 1994, following Council engagement with consultants, consent was granted for the installation of additional aerated lagoons and provision of bacterial reduction, with continuance of discharge to the Ōpaoa (Opawa) River. Consent was granted until 31 December 2005.⁹

Prior to 2002, the BSTP consisted of several treatment ponds which treated domestic wastewater from Blenheim and industrial flows from Canterbury Meat Packers and the Riverlands Industrial Estate. The industrial ponds were formerly owned by the PPCS Meat Processing Plant, but were purchased by MDC in 2002, after the PPCS operation closed. The former PPCS factory site was subdivided and is now known as Cloudy Bay Business Park. Various new industries, including two wineries, have moved onto this site and the number of wineries in the Riverlands Industrial Estate has also increased.¹⁰

Between 2006 and 2008, MDC made a series of upgrades and changes to the treatment pond system to accommodate significant peak trade waste loads received during the wine vintage, which occurs in the period March to May each year. The changes included diverting major industrial flows from the domestic to the industrial ponds and increasing the aeration capacity of

⁶ CH2M Beca Ltd, 2007

⁷ Marlborough District Council, 2010

⁸ Blenheim Borough Council, 1981

⁹ Blaschke *et al*, 1995

¹⁰ CH2M Beca Limited, 2018

the industrial ponds in order to treat the increased load. Small trade waste discharges in Blenheim continue to contribute about 15% of the domestic flow into the BSTP.¹¹

MDC was granted consents in late 2010 to upgrade the BSTP treated wastewater disposal system. This upgrading (completed in February 2014) included the construction of a series of wetland cells which convey the combined treated flows from both the domestic and industrial pond systems, before discharging to a new outfall in the Wairau Estuary. The 1.6km long wetland system provides some further “polishing” treatment of the combined flows. Approximately 160ha of MDC-owned land around the BSTP is also available for wastewater irrigation, on a soil moisture deficit basis, from spring to autumn.¹²

Current Treatment Systems

The current BSTP consists of two separate treatment systems. A fine screen, as well as facultative and maturation ponds, are used to treat the domestic flows while the industrial stream is treated using fine screening and mechanically aerated and facultative ponds. During the wine vintage, waste water from the industrial ponds is redirected through twin DAF units for solids separation and recycling to create an activated sludge process.

Prior to February 2014, treated wastewater from the domestic system was continuously discharged to the Ōpaoa (Opawa) River, and treated industrial flows were discharged to the Wairau Estuary on the ebb tide. Historically, some industrial effluent from the now-closed PPCS Meat Processing Plant was also applied to land during the summer months.

On 5th February 2014, discharge of treated wastewater from the domestic system to the Ōpaoa (Opawa) River was ceased. A consensus was reached during working group discussions that the Ōpaoa (Opawa) outfall should be removed prior to the consent application being lodged. The flow from Domestic Pond 5 is now conveyed to Pond 6 and combined with industrial wastewater before being discharged to the new wetland Pond 7. The combined treated wastewater is then conveyed through a further six ponds before being discharged from Pond 14 to the Wairau Estuary via a new larger capacity outfall. The completed upgrade also provides for land application of the combined treated wastewater, when soil and groundwater conditions allow, via K-line irrigation and drip lines.

A schematic of the current treatment systems and combined estuarine discharge is shown in Figure 1.

¹¹ CH2M Beca Limited, 2018

¹² CH2M Beca Limited, 2018

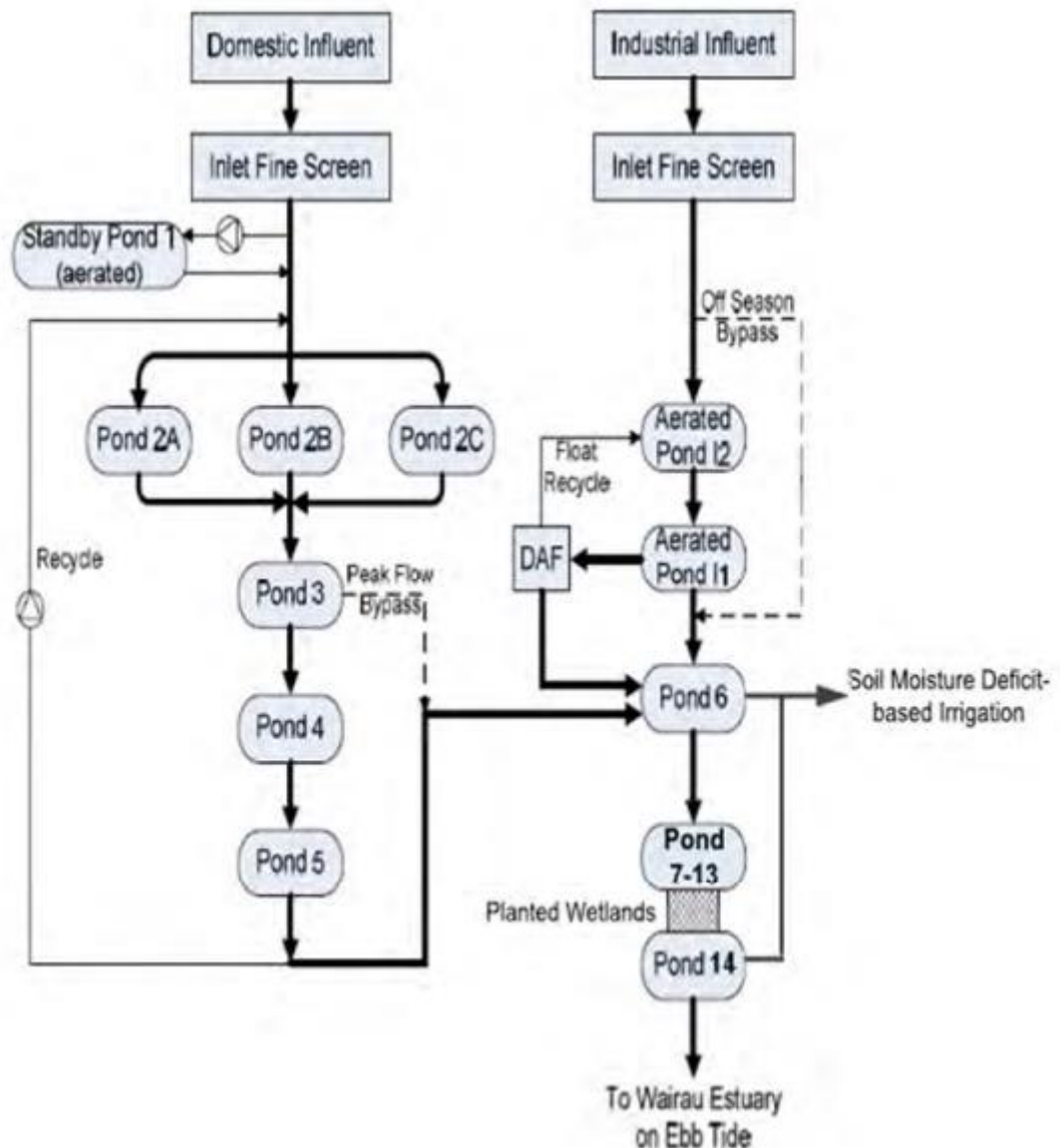


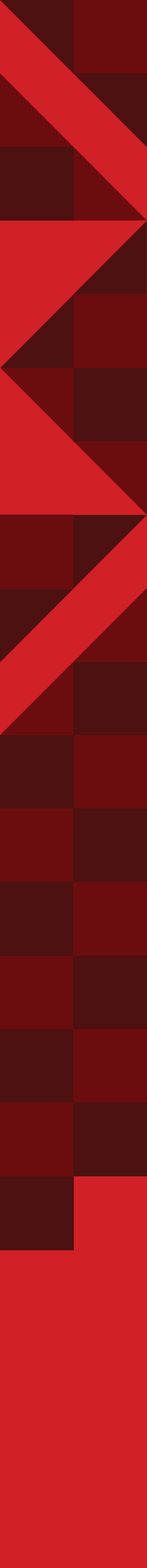
Figure 1 - BSTP Wastewater flow Schematic (post- February 2014)

Current Discharge

The total discharge of treated wastewater authorised by the current consent shall not exceed an average daily volume of 28,500 m³ /d, where the average volume is calculated on a continuous basis over a period of 365 consecutive days. The maximum discharge volume per day shall not exceed 103,680 m³ /d.

Current average flow is measured at 19,717 m³ /d, so approximately 10,000 m³ /d average flow capacity within the consent conditions. That is the additional flow from around 40,000 population. It is therefore considered that the resource consent flow conditions will be met over the remaining period of the consent.

There are two quality parameters identified in the resource consent. Ammonia, which has a moving concentration dependent on annual average flow, the equivalent of 428 kg/d average and a 90%ile of 570kg/d. The plant is compliant with this condition, seeing as from 2014-2018 an average of 98.6 kg/d and 90%ile of 335 kg/d was achieved.



Faecal coliforms are usually at low concentrations, but at times are elevated. The data analyses show compliance with these statistics at Median and Average and 90%ile. Faecal coliforms will be influenced by temperature, flow, sunlight, and suspended solids concentrations. There is insufficient information to correlate faecal coliform result to any one parameter. However, it is noted that the suspended solids are generally high and measures to reduce these will lower the faecal coliform concentrations.

Predictions of water quality as the Blenheim town grows show a gradual deterioration of most water quality parameters but no parameter is expected to exceed the consent conditions within the next 5 years. It is recommended that the long-term plan include a plant upgrade at the end of the resource consent as estimates show noncompliance with ammonia and faecal coliforms by this time may occur.

2010 CONSENTING PROCESS

The resource consent at the time was expiring in 2008. As part of the re-consenting process MDC carried out a consultation process and developed an upgrading strategy. This included the establishment of a Consultative Working Group (CWG).

The preferred MDC option as established by the CWG included:

- Upgrading the treatment plant through the construction and utilisation of additional settlement ponds – treating both domestic and industrial wastewater streams – and ceasing the current discharge of the domestic wastewater into the Ōpaoa (Opawa) River.
- That the combined wastewater streams be put through a constructed “long” wetland terminating in a large wetland area before eventual discharge into the estuary at the confluence of the Wairau and Ōpaoa (Opawa) rivers.
- Some of the treated wastewater to be used to irrigate land surrounding the BSTP. The rate of application determined by season.
- Potential expansion of the land area that can be used for irrigation.

Cultural Impact Assessment 2007

In 2007 a Cultural Impact Assessment was completed by Buddy Mikaere and Associates, as the current Resource Consent at that time was expiring in 2008.

The preparation of this CIA included:

- Initial briefings by local iwi representatives and MDC representatives
- Interviews with kaumātua and kuia
- Review of project documentation
- Review of briefs of evidence prepared by iwi for Waitangi Tribunal hearings
- Additional background reading

Mitigation measures sought in 2007 CIA

The following is an excerpt from the 2007 CIA:

“With the iwi emphasis being on restoration of the mauri of the project area and using that as a basis to effect medium to long-term incremental improvement the iwi position is that an ocean outfall solution is preferred.

The iwi position is based on an acceptance of the fact that the number one priority is the restoration of the Wairau mouth and estuary to its former role of being a fish passage and to entirely eliminate the wastewater component at that point. There needs to be further debate about the effect or the release plume or its content on local mahinga kai. It should also allow fish

species access to the river and estuary without the need to avoid the plume with the ammonia content.

The other perceived advantages seen by iwi are that an ocean outfall release can be continuous instead of only on the out-going tide. The volume of the release can therefore be reduced. An ocean outfall release allows a greater mixing zone and carries the perception of having less pollutant potential than release into the more restricted water space of the estuary. Such an outfall constitutes the first step in the estuary enhancement programme and gives MDC a much longer planning horizon. It also removes the need to apply for an interim consent period for the long wetland option prior to what is seen as the inevitable move to an ocean outfall discharge point.

Iwi appreciate that there are attendant difficulties in achieving this outcome and which will require some cultural compromise however it is a matter of deciding which of the possible options best meets the central iwi desire for an enhancement of the environment. The ocean outfall, while it will still result in a discharge to water and require interference to the waahi tapu of the Boulder Bank, is perceived as being a better contributor to a greater good that carries with it on-going cultural benefits. Iwi accept that in pursuit of the ocean outfall option it must take on the role of dealing with the culturally offensive issues mentioned earlier.

In return for the ocean outfall option, subject to confirmation by the wider Marlborough iwi constituency, the iwi are prepared to support a maximum length consent term with the following qualifications and mitigations possible:

- *Confirmation that the Grovetown and Spring Creek communities will be connected to the Blenheim WWTP system as a matter of urgency*
- *The establishment of a joint Council/Iwi WWTP kaitiaki group to receive monitoring reports and monitor consent conditions; to review plant performance and to consider new treatment technology. This group to meet six monthly as minimum.*
- *The WWTP kaitiaki group taken on a wider role. For example, in conjunction with other stakeholders such as DOC, Fish and Game and similar, have the task of co-ordinating a medium to long-term management plan for the entire lower river, Wairau bar, lagoons and wet beds area. Its deliberations would be set by agreement but should include such matters as the role of the Wairau diversion, flooding and flood protection, pest (including insects) and invasive weed control, restoration of shellfish beds, restorative planting of riverbanks e.g., the Opawa and erosion control, and similar. The model for this group might be based on that established for the Grovetown Lagoon Restoration project.*
- *The Council consider the establishment of a Council/Iwi standing committee to work together in considering community projects. The model for that committee might be the group established for the present project.*

Other mitigation or remedial possibilities might emerge as discussions continue but for the present, meeting these four main points forms the basis for a joint Iwi/MDC agreement.¹³

¹³ 2007 Cultural Impact Assessment.

Assessment of Environmental Effects 2007 (AEE)

In 2007 an *Assessment of Environmental Effects for Upgrading of the Blenheim Sewage Treatment Plant Report* (AEE) was conducted by CH2M Beca Ltd. In the report the CIA prepared by Buddy Mikaere was recognised, and the high cultural and spiritual importance that iwi placed on Te Pokohiwi o Kupe (the Boulder Bank), Te Wāhanga a Tangaroa (the Wairau Estuary complex) and the land bordering the lower reaches of the Wairau River and out to the mouth.

In section 4.1.9 *Discharge to Cloudy Bay Via New Marine Outfall* it was noted that iwi supported the concept of an ocean outfall, but because of the high costs and likely consenting implications of constructing a pipeline through the Boulder Bank, a marine outfall option was not preferred.

The AEE discussed the existing BSTP discharge to the Ōpaoa (Opawa) River was considered to be unsustainable and was decommissioned as part of the upgrading process. The AEE considered the best strategy to be done in two stages. Stage 1 included the application of combined domestic and industrial treated effluent to MDC land around the BSTP mainly in summer, and the decommissioning of the existing Ōpaoa (Opawa) River outfall with discharge of the balance of treated effluent through new constructed wetlands to an upgraded outfall in the Wairau Estuary on the ebb tide. Stage 2 involved investigation of opportunities for application of treated effluent to land on the lower slopes of Vernon Station and other land areas. This was considered consistent with the stated iwi belief that *“disposal to land is the first preference”*. This strategy was considered the most appropriate means of ensuring that discharges to water were minimised.

Memorandum of Understanding 2009

A Memorandum of Understanding (MOU) was signed in November 2009 between Te Runanga A Rangitāne o Wairau, Ngāti Rārua Iwi Trust, Ngāti Toa Rangatira Manawhenua Ki Te Tau Ihu Trust and the Marlborough District Council for the Blenheim Wastewater Treatment Plant Resource Consent, Designation and Upgrades.

The key principles to be incorporated from the 2009 agreement were:

- 15 year resource consent term for Council’s preferred option – discontinue Ōpaoa (Opawa) River discharge, construct wetland, discharge to Wairau Estuary alongside current discharge pipeline.
- 10 year review of performance and future upgrade options.
- Continued improvement in the quality of wastewater discharged.
- Future steps to remove the discharge from the river.
- Other river quality issues would be addressed and regularly reviewed.
- An accidental discovery protocol (ADP) would be developed and in the event artefacts were uncovered during construction.
- An Iwi monitor would be present for earthworks in identified sensitive areas.

The following agreement was therefore proposed:

1. Purpose of Agreement

The agreement seeks to improve the quality of wastewater discharged to the Wairau Lagoons and eventually remove the discharge from the river.

2. Terms of Agreement to be proposed in Conditions of Resource Consent:

- a. The discharge to water consent will have a term of 15 years with reviews after five and 10 years.
- b. An Iwi monitor will be engaged to identify areas of significant archaeological sensitivity and be present for earthworks in those areas. Council will fund the monitor's wages at an agreed commercial rate.
- c. A Performance Review would be carried out five years after the commencement of the consent. It would focus on:
 - i. Compliance with consents conditions.
 - ii. Completion of the Grovetown/spring Creek sewerage project (due in 2010)
 - iii. Analysis and conclusions from monitoring results.
 - iv. Discussion of any other treatment technologies available that may be options for the future.
- d. A Best Practice Review and further Performance Review would be carried out 10 years after the commencement of the consent. The Best practice Review would entail a major research of current technologies with a view to developing options for future upgrades that could remove wastewater discharge from the river and improve quality.
- e. Six monthly meetings with Iwi will be held to discuss monitoring results. Monitoring includes a range of discharge quality parameters.

3. Terms of Agreement committed to by Marlborough District Council outside Resource Consent process:

- a. Complete the Grovetown/Spring Creek Sewerage Upgrade to reticulate waste from the two townships through to the BWTP and cease discharge to the Wairau River at Spring Creek by 30 June 2010.
- b. Develop a management plan for the Lower Wairau area in conjunction with Iwi and other stakeholders. This plan will include:
 - i. Establishment of a walkway from the Hardings road carpark along the western side of Council's land then link with current Department of Conservation walkways.
 - ii. Erection of a monument to acknowledge and recognise the importance of the area to local Iwi and its place in Marlborough's heritage. Council would contribute \$10,000 towards this monument which would be designed by Iwi.
 - iii. Continued efforts to improve water quality in the river by investigating pollution sources and developing plans to mitigate or remove that pollution. Sources include stormwater run-off, poorly performing septic tanks and other land use contaminants.

4. Iwi agree to:

- a. Support Council in implementing this agreement.
- b. Complete and sign the NZ Historic Places Trust "Application for an Archaeological Authority" form section E "Consultation with Tangata Whenua and Assessment of Māori Values" (pursuant to the Historic Places Act 1993) in support of Council's upgrade option, subject to the terms of this Memorandum of Understanding.

2010 Consent for BSTP upgrade (U071181)

MDC was granted consents in late 2010 to upgrade the BSTP treated wastewater disposal system. This upgrading (completed in February 2014) included the construction of a series of wetland cells which convey the combined treated flows from both the domestic and industrial pond systems, before discharging to a new outfall in the Wairau Estuary. The 1.6km long wetland system provides some further “polishing” treatment of the combined flows. Approximately 160ha of MDC-owned land around the BSTP is also available for wastewater irrigation, on a soil moisture deficit basis, from spring to autumn.

As part of this work an Archaeological Authority was granted for the work and archaeological investigation/survey undertaken prior to the construction of the additional ponds.

Actions undertaken as a result of the 2007 CIA

The MDC came to iwi with a preferred option for the BSTP they had established with a CWG. This included:

- Application of combined domestic and industrial effluent to MDC land around the BSTP during summer.
- Decommissioning of the existing Ōpaoa (Opawa) River outfall with discharge of the balance of effluent, through new constructed wetlands, to an upgraded outfall in the Wairau Estuary on the ebb tide.
- A second stage was also included, to investigate opportunities for application of treated effluent to land on the lower slopes of Vernon Station and other land areas. Consent for this was not being sort at this time.

In response to this iwi provided a CIA outlining the Iwi’s preferred options and mitigation measures. These included:

- Restoration of Mauri
- An ocean outfall
- In return for an ocean outfall iwi would support a maximum length consent
- Grovetown and spring creek communities will be connected to Blenheim WWTP as a priority
- Establish a joint council/iwi kaitiaki group – to meet 6 monthly
- The kaitiaki group to take on wider role, alongside other stakeholders in regards to long term management
- Establish a council/iwi committee in regard to community projects

Following the preparation of the 2007 CIA, an AEE was prepared.

The response to iwi’s preferred option was:

“Based on recent experience with other ocean outfalls in the South Island, the capital cost of a new marine outfall is estimated to be about \$20 million. Because of the high costs and likely consenting implications of constructing a pipeline through the Boulder Bank, a marine outfall option is not preferred.”¹⁴

¹⁴ Assessment of Environmental Effects for Upgrading of the Blenheim Sewage Treatment Plant Report

Acknowledgement was made of cultural concerns, however, MDC continued with their preferred option.

Actions undertaken following the MOU and Resource Consent Application

The following table outlines the terms and agreements outlined in the Memorandum of Understanding (MOU) signed in November 2009 and MDC's actions and comments in regard to those terms.

MOU (2009)	MDC Actions and Comments
2. Terms of Agreement to be proposed in Conditions of Resource Consent:	
a) The discharge to water consent will have a term of 15 years with reviews after five and 10 years.	New consent was granted for 15 years. The upgrade was completed as described. A review was completed in 2020. Refer to WSP report "Blenheim Sewage Treatment Plant Options Review – Treatment Options"
b) An Iwi monitor will be engaged to identify areas of significant archaeological sensitivity and be present for earthworks in those areas. Council will fund the monitor's wages at an agreed commercial rate.	An Iwi monitor was on site for earthworks
c) A Performance Review would be carried out five years after the commencement of the consent. It would focus on: <ul style="list-style-type: none"> i. Compliance with consents conditions. ii. Completion of the Grovetown/spring Creek sewerage project (due in 2010) iii. Analysis and conclusions from monitoring results. iv. Discussion of any other treatment technologies available that may be options for the future. 	The GHD report (2017) considered improvements to existing processes, however MDC have noted this didn't consider new discharge points. Annual compliance reports provide analysis and conclusions from monitoring reports as well as compliance with consent conditions.
d) A Best Practice Review and further Performance Review would be carried out 10 years after the commencement of the consent. The Best practice Review would entail a major research of current technologies with a view to developing options for future upgrades that could remove wastewater discharge from the river and improve quality.	A review was completed in 2020. Refer to WSP report "Blenheim Sewage Treatment Plant Options Review – Treatment Options". The WSP report identified options to remove the discharge from the estuary.
e) Six monthly meetings with Iwi will be held to discuss monitoring results. Monitoring includes a range of discharge quality parameters.	Regular meetings occurred during the construction phase of the upgrade; however meetings were only held occasionally once construction was completed.
3. Terms of Agreement committed to by Marlborough District Council outside Resource Consent process:	
a) Complete the Grovetown/Spring Creek Sewerage Upgrade to reticulate waste from the two townships through to the BWTP and cease discharge to the Wairau River at Spring Creek by 30 June 2010.	This was completed
b) Develop a management plan for the Lower Wairau area in conjunction with Iwi and other stakeholders. This plan will include: <ul style="list-style-type: none"> i. Establishment of a walkway from the Hardings road carpark along the western side of Council's land then link with current Department of Conservation walkways. 	<ul style="list-style-type: none"> i. Completed. Kotuku walkway established and connected to Wairau Lagoon walkway. ii. Completed. Two large interpretive/welcome boards on the trail. Note: Original funding for this is still available. iii. When pollution is detected in the river, Council's compliance and environmental teams investigate to locate the source and mitigate any

<ul style="list-style-type: none"> ii. Erection of a monument to acknowledge and recognise the importance of the area to local iwi and its place in Marlborough’s heritage. Council would contribute \$10,000 towards this monument which would be designed by iwi. iii. Continued efforts to improve water quality in the river by investigating pollution sources and developing plans to mitigate or remove that pollution. Sources include stormwater run-off, poorly performing septic tanks and other land use contaminants. 	<p>future discharges. Stormwater treatment is a requirement for any new large subdivision applications that come to Council. The treatment plant itself has had several upgrades to improve treatment and provide capacity for growth. Pond 6 was subdivided into two ponds to improve effluent quality.</p>
<p>4. Iwi agree to</p>	
<p>a) Support Council in implementing this agreement.</p>	
<p>b) Complete and sign the NZ Historic Places Trust “Application for an Archaeological Authority’ form section E “Consultation with Tangata Whenua and Assessment of Māori Values” (pursuant to the Historic Places Act 1993) in support of Council’s upgrade option, subject to the terms of this Memorandum of Understanding.</p>	<p>An accidental discover protocol (ADP) was used throughout construction of the upgrade.</p>

A key focus from iwi in this CIA is to recognise that the preferred iwi options from the 2007 CIA were not given sufficient consideration or follow through by MDC. It is accepted an ocean outfall had significant costs, however key points such as “taking a co-operative approach between iwi and MDC” could have been given more consideration. The 2007 CIA further suggests monitoring reports to be made available for discussion to a joint MDC/iwi working group (Kaitiaki group) that might meet six-monthly to consider the monitoring results and to review the plant operation. Key iwi values such as kaitiakitanga, rangatiratanga and the iwi desire for holistic management for the entire area affected could have been addressed if these values were also given more priority.

BLENHEIM SEWAGE TREATMENT PLANT OPTIONS REVIEW 2020

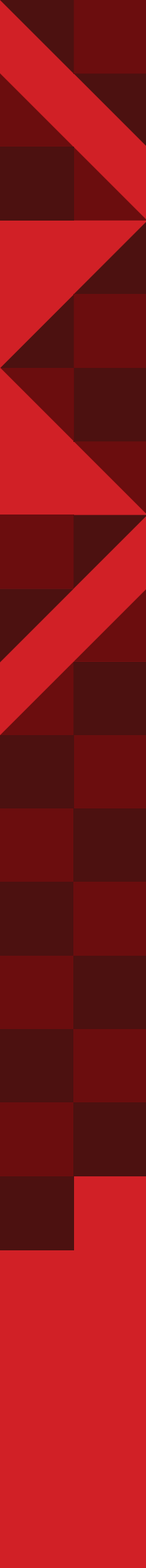
The BSTP resource consent conditions require a performance review 10 years after commencement of the consent (Condition 12 of Consent U071181) and is a key principle of the Memorandum of Understanding (MOU) signed November 2009 between MDC, Rangitāne, Ngāti Toa and Ngāti Rārua.

The Blenheim Sewage Treatment Plant Options Review – Treatment Options (2020) Report was prepared by WSP. Its intent was to outline the different technologies available to meet higher water quality parameters and cultural expectations and provide an indicative budget for each.

The report includes *section 8.2 Cultural Consideration*; however, Iwi has not been involved in these considerations.

Key cultural consideration findings from this report are:

- *Complete land disposal will require over 1000ha of land.*
- *An extension of land under irrigation in the region of an additional 100ha will not substantially increase the total discharge to land, so no significant improvement in water quality in the estuary will result.*
- *Any additional land in areas suitable for irrigation may require compulsory purchase. It is considered that compulsory purchase will not be supported by the court's tests of reasonableness.*
- *Owing to unknown seabed conditions, a long sea outfall would require a lot more investigation. It is expected that as the location is at the mouth of the estuary, the seabed in this area will be unstable sands and gravels, so causing considerable construction risks.*
- *A possible impact of the sea outfall is that the shellfishery in Cloudy Bay will be impacted and a higher standard of discharge for bacteria and viruses is also required.*
- *A land contact bed as proposed at Rotorua WWTP may be considered suitable by the community to meet the cultural requirements. This option could also improve the bacterial quality in the effluent, using filtration and disinfection, as well as removing algal solids. This disinfected effluent with contact to the land may be considered acceptable to the community to maintain a discharge at the current point.*
- *Wastewater reuse may be to Class A or Class C standards, suitable for irrigation of crops that undergo further treatment such as in vineyards. This may be developed in phases to suit demand for irrigation water, however the proportion of flow discharged to land by this route will be variable depending on irrigation demand.*

- 
- *It is recognised that by treating all effluent to a higher standard to enable disinfection, water reuse can be provided with only storage and transfer infrastructure in addition to improving water quality discharge to the environment¹⁵.*

Iwi has not been involved in these options, nor does the report take into account any cultural parameters. The current consenting engagement process with MDC is underway at the time of this CIA being developed. In particular, it has allowed for a review of the options that are culturally appropriate and includes a cultural parameter on options absent when the 2020 report was completed.

¹⁵ The Blenheim Sewage Treatment Plant Options Review – Treatment Options (2020)

NGĀ UARATANGA – RANGITĀNE VALUES

“Our behaviour will be shaped by Māori values.”

Rangitāne uphold a set of complex and interconnected roles and responsibilities across their tribal rohe. The natural environment and particularly the site of the discharge and processing of waste at the BSTP is integral to the identity and cultural wellbeing of Rangitāne.

These cultural values provide a framework that assists in considering and assessing the proposed wastewater treatment plant proposal against Ngā Uaratanga parameters. When considering these impacts this document groups them across the core values of the Rangitāne Strategic Plan.

The Rangitāne cultural values provide an important and unique perspective on the environmental, social, and economic impacts of the BSTP. Rangitāne are recognised through Crown legislation, and are regarded as kaitiaki, within their rohe. In Te Ao Māori (the Māori world view) the health of a waterway is directly connected to the land. Land and water are interconnected, and Māori look at the environment holistically. It is believed that the environment should be maintained in a fit state for generations to come.¹⁶

The following table outlines the values Rangitāne have developed through their Strategic Plan. Each component has been impacted by the operation of the BSTP and its continued operation in its discharging of treated wastewater. The following sections describe how each of these fundamental principles for Rangitāne are impacted, and provides recommendations to avoid, remedy or mitigate the impacts on these values.

Ngā Uaratanga - Our Values <i>Our behaviour will be shaped by Māori values.</i>		
Rangatiratanga	Kia pono, kia ngākau māhaki, kia mana-ā-kī. <i>Leading with honour, humility & integrity.</i>	Acting with honesty, integrity and transparency to enhance the mana of Rangitāne o Wairau. Leading with honour, courage and humility to secure a better future for our people.
Kotahitanga	Kia mahi tahi, kia kauuanu tētahi ki tētahi. <i>Working together, respectfully, as one.</i>	Working with and for each other to ensure a collaborative, centralised approach. Tolerant, patient and aspire to keep a balance of strong, enduring relationships
Kaitiakitanga	Tiakina ā tātau taonga kei ngaro.	Acting responsibly to maintain, protect and enhance that, which has been left for us.

¹⁶ Andrew, 2016

	<i>Embracing our responsibility to protect, preserve and enhance our taonga.</i>	Realise our unique identity and be steadfast in our duty to protect our taonga for future generations.
Manaakitanga	Kia tangata marae, kia manaaki tētahi i tētahi. <i>Upholding mana with hospitality, generosity and service.</i>	Caring for and respecting each other's mana and treating everyone with respect and humility. Being generous and offering unconditional hospitality to all those who cross our paths.
Whanaungatanga	Kia renarena te taukaea tangata, tātau, tātau! <i>Valuing our relationships and ensuring a shared sense of belonging.</i>	Valuing our relationships and connections in pursuit of the advancement of Rangitāne o Wairau. Working with a collective focus on inclusion to ensure we all share a sense of belonging.

Rangatiratanga

Kia pono, kia ngākau māhaki, kia mana-ā-kī.

Leading with honour, humility & integrity.

Rangitāne o Wairau seek to exercise effective control, partnership, participation and influence in environmental management as kaitiaki within their rohe, which encompasses Te Taihū, and specifically the area in which the BSTP is located. In doing so, Rangitāne reaffirm their mana over their rohe. The imposition of the BSTP in a manner which excludes decision making for Rangitāne over a proposal which directly impacts on the ability of Rangitāne to protect their taonga requires a broader discussion over the long-term management of the BSTP and in anticipation of the Crown's Water Reform programme that shifts management to an integrated wastewater, stormwater and drinking water supply system and gives effect to Te Mana o te Wai. The long-term cultural impact of being unable to exercise rangatiratanga over the site through actions of the Crown (and then through MDC operations) compounds the cultural mamae (hurt) felt by the Iwi. At hui held on these matters, whānau expressed their grief and frustration that, even when they make their concerns known they feel they are being ignored, their Rangatiratanga trampled on, and the intergenerational impact of misaligned decisions being made for their taonga on their mokopuna to come.

Kotahitanga

Kia mahi tahi, kia kauuanu tētahi ki tētahi.

Working together, respectfully, as one.

Kotahitanga is a Māori term which means togetherness. Rangitāne has interpreted kotahitanga to the simple whakataukī of "kia mahi tahi, kia kauuanu tētahi ki tētahi" or "working together,

respectfully, as one". It emphasises the concept of unity and working together to achieve common goals. As one whānau, we must extend *awhina* (support) to others and unite to protect our environment and uplift each other.

Rangitāne o Wairau seek to exercise their right as kaitiaki within the Rangitāne rohe, work with other parties and reaffirm their mana over their rohe. As kaitiaki, Rangitāne o Wairau have responsibilities to take care of places, natural resources and other taonga within their rohe. Kotahitanga with MDC and other iwi needs to be effective and deliver meaningful results. The long-term cultural impact of being unable to exercise their rangatiratanga over the site through actions of the Crown and then through MDC operations compounds the cultural mamae (hurt) felt by the Iwi. Again, at hui held on these matters, whanau expressed their grief and frustration that, even when they make their concerns known they feel they are being ignored, the kotahitanga isn't there.

Kaitiakitanga

Tiakina ā tātau taonga kei ngaro.

Embracing our responsibility to protect, preserve and enhance our taonga.

"As Kaitiaki of the Wairau River Rangitāne tikanga requires that we maintain and protect this valuable taonga for future generations. Rangitāne's ability to maintain their kaitiakitanga over the river has been drastically affected over the years."¹⁷

Rangitāne o Wairau are kaitiaki over the surrounding lands and waters of the BSTP. These areas are determined by whakapapa and are recognised through Crown legislation.

Kaitiaki is the Māori term used for the concept of guardianship, for the sky, the sea, and the land. A kaitiaki is a guardian, and the process and practices of protecting and looking after the environment are referred to as kaitiakitanga. For tangata whenua, the role of kaitiakitanga in the management of natural resources and the integration of human wastewater into natural resources is a matter of the utmost importance. In developing community wastewater solutions, consenting decisions need to provide for the traditional relationship that tangata whenua have with their ancestral lands, waters, sacred places and other "taonga" (treasures).

Rangitāne are kaitiaki with responsibilities to take care of places, natural resources and other taonga within their rohe. It is an obligation of Rangitāne o Wairau to make decisions about how to look after and protect the physical and spiritual well-being of the whenua, of taonga, of wāhi tapu and all places and sites of significance.

While the source of kaitiakitanga is from spiritual values, the kaitiaki responsibilities of Rangitāne are expressed as practical solutions for the regulation and control of human activities on the natural environment. Central to those responsibilities is the maintenance of customary practices and the sustainable use of natural resources. This kaitiaki role is an all-encompassing one, providing for the protection of biodiversity, the utilisation of resources, the maintenance and sustenance of resources for present and future generations and the restoration and enhancement of damaged ecosystems. Decisions about how to look after taonga species and places within the rohe are based on mātauranga Māori and implemented through tikanga, traditions practised by Rangitāne o Wairau for many generations.

¹⁷ Brief of Evidence of Jeffrey Hynes (Wai 785 #M12)

The continued recognition of Rangitāne o Wairau cultural identity, their customs, traditions, and status as kaitiaki is therefore intertwined with the Lagoon and associated resources; and is paramount to the cultural wellbeing of Rangitāne o Wairau.¹⁸

Traditional Māori waste management processes ensured a high level of compliance around what was disposed of and when, thus creating confidence and commitment. Overall, there was a strong sense of ownership of the problem and a view that good waste management was an integral part of exercising kaitiakitanga or stewardship of the environment. Keeping human waste and run off away from sacred places such as the urupā has continued importance.¹⁹

Manaakitanga

Kia tangata marae, kia manaaki tētahi i tētahi.

Upholding mana with hospitality, generosity and service.

The environment is intrinsically connected to Māori as a people. If the environment is cared for and is in a healthy state, then so too is the wellbeing of people.

Manaakitanga is a powerful way of expressing how Māori communities care about each other's wellbeing, nurture relationships, and engage with one another. Manaakitanga also extends to the whenua that needs care in order to ensure sustainability for future generations.

A significant manaakitanga practice is the provision of kai for manuhiri (visitors) and a healthy environment is intrinsically connected to the ability of Māori to provide manaaki to their manuhiri. When the environment is cared for and is in a healthy state, then mahinga kai can be practiced, and so too manaakitanga. In this way manaakitanga is also linked to Rangatiratanga, the impact of the ongoing decision-making processes and the management of the BSTP undermines and effects the ability of Rangitāne o Wairau to self-determine their practice of manaakitanga. In turn this effects the wellbeing of people.

Whanaungatanga

Kia renarena te taukaea tangata, tātau, tātau!

Valuing our relationships and ensuring a shared sense of belonging.

Whanaungatanga is about relationships. It is about whānau working together to make decisions and act in ways that support the betterment of everyone in the whānau. Rangitāne o Wairau have whakapapa and inter-generational connection with the Wairau and the area associated with the BSTP, through historical and contemporary use, events, and associations. This connection is still maintained by Rangitāne o Wairau today. Through Whanaungatanga, significant importance is placed on safeguarding the environment, ensuring sustainability, growth and support for future generations.

¹⁸ Te Tau Ihu Statutory Acknowledgements 2014

¹⁹ Ataria, J., Baker, V., Langer, E.R., Goven, J., Leckie, A., & Ross, M.: From Tapu to Noa – Māori cultural views on human biowaste management

“The whakapapa is not merely an account of ones lineage but should always be viewed within the context of the landscape that the old people occupied. Once placed on the landscape, our whakapapa reveals battles fought and won (or lost), marriages to cement peace and prosperity, and control of those things often referred to as the physical and metaphysical dimensions. Our whakapapa is an extension of our mana, which is comprised of Mana Atua (control of the ecosystem), Mana Whenua (identity on the land), Mana Tangata (leadership and social organization), and the physical expression of chiefly behaviour, mana-a-ki-tanga (excessive generosity). All of these elements may exist separately but when combined form the basis of Maori social infrastructure across the land.”²⁰

Whanaungatanga enables the practice of kaitiakitanga, the influence of these values on each other is the established tikanga of Rangitāne o Wairau, and has been for generations, the impact of the BSTP on the Iwi is the disturbance and disruption of the way these values are able to be expressed and an act of harm, not only to the environment but to Rangitāne o Wairau and future generations.

Interconnected Values

Mauri

“The Wairau Lagoons and an associated extensive complex of pa, kainga, cultivations and urupa formed the cultural, spiritual and economic heart of the Rangitāne iwi in the Wairau. The area remains central to the identity and mauri of the iwi.”²¹

Traditionally water (sea, lakes, and rivers) has been a key source of food (kai moana) for Māori, regarded as their pātaka (pantry). As a result, maintaining its mauri (special nature / life force) is of utmost importance. Disposal of human effluent to this pātaka is considered objectionable to Māori²².

Mauri is the life force that exists in all things in the natural world, including people. Mauri comprises both physical and spiritual qualities and can be harmed by any activity or development that diminishes the life-supporting capacity of Papatūānuku. Rangitāne o Wairau as tangata whenua and kaitiaki have a customary responsibility to sustain mauri.

Rangitāne o Wairau seek to strengthen and grow their traditional relationships with the environment – enhancing mauri is at the heart of all our mahi.

Mauri is the basis of the relationship Rangitāne o Wairau has maintained with coastal marine resources for generations. It is mauri that binds the physical and spiritual elements together, generating and upholding all life. Therefore, upholding the mauri of the coastal environment is paramount for Rangitāne o Wairau²³.

The spiritual harm that is considered to result from consuming shellfish collected from water that may have been subject to effluent and other pollution is unacceptable to many Māori. Rangitāne o Wairau have noted the decline in quality and quantity of kai from their traditional mahinga kai area in Wairau. In keeping with tribal principles of manaakitanga, it becomes difficult to maintain

²⁰ Brief of Evidence of Richard Bradley (Wai 785 #M2)

²¹ Deed of Settlement Schedule: Documents p8

²² Austin, D., Madison, M., & Simmonds, K. : Cultural Drivers Toward Land Based Disposal and Applications Enabling This

²³ Te Tau Ihu Statutory Acknowledgements 2014

kai on their tables and for their manuhiri from their mahinga kai when there is a contamination that occurs through the discharge of human waste. Irrespective of dilution or treatment, the contamination remains and becomes a significant contributor to degraded mauri.

From an iwi Māori perspective, polluted water needs to pass through the earth to be purified and to have its mauri, or essence, restored. This is considered necessary, irrespective of whether treatment to remove or dilute pathogens, chemicals and metals has occurred.²⁴ The experience of Rangitāne o Wairau is no different and so must be seen as a significant cultural and environmental impact that cannot be addressed merely through new treatment methods.

Mahinga Kai

“The lagoons were rich eeling and birding grounds of inestimable importance. According to Rangitāne tradition, Te Huataki, leader of the Rangitāne people who settled the Wairau in the seventeenth century, was drawn to the area because of the rich resources of the lagoons. The lagoons were known as Wahanga-a-Tangaroa and Mataora (the ‘Long Lagoon’ and the ‘Big Lagoon’ respectively).”²⁵

Mahinga kai refers to species and materials that have traditionally been used as food, tools, or other resources that are culturally significant to Rangitāne o Wairau. It can include fish, shellfish, birds, and plants used for kai; stones used for tools, cooking and fire making; natural materials used for dyes; and rongoā (medical plants and materials). It also refers to the places those species and resources are found and to the act of harvesting them.

Mahinga kai is central to the wellbeing and identity of Rangitāne o Wairau whānau. The necessity of gathering kai for “sheer survival helps to explain its determined transmission from generation to generation in Te Tauihu”. But customary resources are more than a means of meeting physical needs. They are central to the core values of kaitiakitanga, whanaungatanga and manaakitanga – and so to the identity of Rangitāne o Wairau. The application of tikanga and kawa so that mahinga kai can be sustainably used by present and future generations of Rangitāne o Wairau whānau is of utmost importance.

Rangitāne o Wairau seek to have a living relationship with the natural environment and believe that being engaged with the environment sustains the people and their identity. Tribal identity is bound up in mahinga kai, the practice of collecting, preparing, and eating food. Therefore, a river that is sustainably managed may be considered as being one that can provide an abundant and healthy food source, thus allowing for a cultural relationship to be fulfilled.

Mahinga kai (food gathering/fishing sites) were critical to the survival of iwi and are therefore identified in Statutory Acknowledgments. Iwi depended upon the shared knowledge of mahinga kai, and participation in gathering from mahinga kai was important for maintaining traditional practices and a healthy diet. It was also important that water quantity and quality was maintained as they impacted on these cultural values and traditional knowledge and practices.²⁶

²⁴ Dakers, A., Gunn, I., & Ferguson, G., 2003, Ministry for the Environment: Sustainable Wastewater Management, A handbook for smaller communities (Note: Dakers and Gunn only part 3 and 4)

²⁵ Deed of Settlement Schedule: Documents p8

²⁶ Andrew, A. Sustaining the Native Freshwater Fishery of Te Tau Ihu: An Iwi Perspective

Wai

Wai is the essential life force and is itself a living taonga under Article II of Te Tiriti and the Treaty of Waitangi. In recognition of the mauri and wairua that exist in all taonga, wai is considered tapu. Because it sustains the survival and wellbeing of all things, wai is considered to transcend life itself.

A sacred treasure, wai expresses all dimensions of life: Taha wairua / the spiritual; Taha hinengaro / the intellectual; Taha tinana / the physical; and Taha whānau / the social.

Wai is a living expression of the first atua who are inextricably and continually present in the natural environment – wai is forever the tears of Ranginui, falling as rain and mist, and it is the life blood of Papatūānuku, running through the land and nurturing and connecting all living things. Wai and all the life it sustains are precious taonga, generous gifts from ngā atua kaitiaki – Tangaroa, the spiritual guardian of wai, and Tāne Mahuta, guardian of the forests, trees, plants, and birds. These guardians were central in the lives of ngā tūpuna and remain important in the present day, as they ensure the ongoing ability of the natural environment to maintain the spiritual, cultural, communal, and economic wellbeing of ngā whānau, hapū and iwi.

Water in all its forms are a taonga to Rangitāne o Wairau, those waters which flow from the mountains to the sea; they are inseparable from the whenua and emerge as the many puna, streams, lagoons and pools that have sustained the iwi for generations.

Rangitāne o Wairau reaffirm as tangata whenua their role as kaitiaki over all the waterbodies within their rohe and as such have held long term opposition to the management of the sewage discharges into the Wairau Lagoons by MDC. The discharge of even treated wastewater into the wai is culturally abhorrent and negatively impacts the relationship of the Iwi with their taonga. The current discharge continues to be a deep mamae for Rangitāne as it has significantly affected their ability to continue customary practices, and to provide for their responsibilities to manaaki their visitors primarily through the gathering and preparation of kai procured from their traditional mahinga kai.

The archaeological record of the Wairau Lagoons and Te Pokohiwi o Kupe narrates that after the first migration which saw the settlement of Te Pokohiwi o Kupe, in subsequent generations a shift was made to the interior of the lagoons, presumably as the resources of moa reduced. This meant other areas (adjacent to and surrounding) Te Pokohiwi o Kupe became an area of occupation and a change in customary practises led to a more settled existence with the construction of canals and fish weirs alongside areas of habitation to sustain the growing population. Radiocarbon dating has identified evidence of occupation that dates to a later period than the area of occupation at Te Pokohiwi o Kupe suggesting the inhabitants moved further inland as the resources (such as moa) declined.

The Orua and Ohine-anau-mate Canals illustrate the extent of the engineering work undertaken by the tupuna to provide a more permanent existence within the Wairau Lagoon complex. These excavations and constructions were undertakings that took hundreds of years to complete and signal that the investment in time to construct them merited the output in sustaining and supporting the ever-growing Māori population that inhabited the lagoon area.

The 2010 Archaeological Authority report prepared by Dr Richard Walter of SPAR on behalf of the MDC confirms that there was habitation on the banks of the Orua Canal, associated with the

construction and then reliant on the canal as a mahinga kai and no doubt as a transport link further inland via small canoes/waka.²⁷

The Wairau River has great spiritual significance to Rangitāne o Wairau. The water resource sustains everything living around it, including the iwi. It is the mauri or life force that has sustained and nurtured Rangitāne o Wairau for generations-

Rangitāne o Wairau highlighted this section from the Wairau Lagoon State of the Environment report;

Overall, Wairau Lagoon retains ecologically significant areas of salt marsh, and extensive macrophyte beds in Big Lagoon that are rare in a regional and national context. It remains a nationally significant ecological area for birds and fish, however its natural, cultural, and social values are compromised by its current ecological condition. There is clear evidence of eutrophication from excessive nutrient supply through the presence of extensive beds of nuisance macroalgal growth in Te Aropipi Channel, and most particularly widespread filamentous algal growth in the lagoon areas that is currently smothering high value macrophyte beds and causing sediment degradation. Poor water quality in Upper Lagoon and Chandlers Lagoon, excessive muddiness, elevated sediment nutrients in Big Lagoon, and impoverished macrofaunal communities in poorly oxygenated, muddy sediments all indicate a need for more active management of nutrient and sediment loads if the high value habitats present are to be retained.²⁸

For the Rangitāne o Wairau, as tangata whenua and kaitiaki, wai (water) is the source of all life. Life cannot survive without wai. Gravity brings forth the flow of wai from mountains and springs, through a network of tributaries to where freshwater meets the saltwater estuaries along the coastline.

Wai (water) is a living taonga, classified under Article II of the Treaty of Waitangi. A sacred treasure, wai symbolises the wairua (spiritual) link between past and present. The lifeblood of Papatūānuku and the tears of Ranginui, wai flows through the land via channels and waterways, creating wetlands, streams, and swamps on its path. Waterways connect the mountains with the sea. For Rangitāne o Wairau, as tangata whenua and kaitiaki, the spiritual and physical relationship with wai is intertwined – both elements are essential to life.

On a spiritual level, wai (water) and the life wai sustains are treasures within the realms of ngā atua kaitiaki (spiritual guardians). Tangaroa is the spiritual guardian of wai and Tane Mahuta of the forests, trees and birds living along riverbanks and in the surrounding catchments. The origin of all things is reflected in the belief that everything has a mauri (life force) and a wairua (spirit). In recognition of the mauri and wairua that exists in all taonga (treasures), wai is considered sacred (tapu).

²⁷ Southern Pacific Archaeological Research

²⁸ Wairau Lagoon State of the Environment Monitoring 2021

Māori values associated to a particular water body, place, or community, are most commonly generated through the occupation of an area, and the cultural requirement to behave in a manner consistent with kaupapa Māori (foundation of cultural normalities). These values include:

- Wairua (spiritual) - Tohi rites, removal of tapu associated with war/death, baptisms and blessings of people and items.
- Tinana (physical body) – washing after childbirth or menstruation, water for cleaning and cooking, collection of food and weaving resources, preserving/storing food.
- Hinengaro (mental wellbeing) – collection of rongoa (healing plants), drinking water (mental clarity), teaching and learning (education), meditation.
- Whānau – transportation (waka), recreation, gathering of building resources, positioning of Pā, manaaki (sharing) the bountiful resources.
- Mahinga kai – The customary gathering of food and natural materials, the food, and resources themselves and the places where those resources are gathered. Mahinga kai species and places are fundamental to this relationship and observation of their health is the primary way that Māori assess the health and well-being of their aquatic environment.

From a Māori perspective water is regarded have its own intelligence, comprised of its nature and the multitude of life forms within it that respond to various stimuli. Water communicates its needs to humans and our comprehension depends entirely upon the intimacy of our relationship with it (Ngata 2018).

Through their whakapapa (ancestral ties) and spiritual relationship with ngā atua kaitiaki, Rangitāne o Wairau, as tangata whenua and kaitiaki, believe they have a duty to their ancestors (those living and those to come) to take care and protect wai (water) and other taonga (treasures). Rangitāne o Wairau are the ahi ka kaitiaki and have a duty demonstrated in the practice of kaitiakitanga. For Rangitāne o Wairau, their spiritual and physical survival is dependent on their ability to safeguard resources as kaitiaki (guardians) of an area.

The kaitiaki role is focused on making decisions about how to manage wai, using mātauranga (knowledge), according to Tikanga (customary practices) and tikanga (rules). Examples of customary practices kaitiaki use include acknowledging ngā atua kaitiaki before utilising resources connected with wai; working to enhance the health of waterways; using wai for cleansing purposes; maintaining mahinga mātaimai (food baskets); and looking after others using resources from wai catchments.²⁹

Te Mana o te Wai

Hapū and Iwi hold an inherited responsibility through whakapapa to manage their ancestral taonga in a way that balances Rangatiratanga (rights and interests) alongside Kaitiakitanga (obligations) for the benefit of current and future generations. Only Hapū and Iwi can speak with authority about their relationships with freshwater. Hapū and Iwi definitions of Te Mana o Te Wai

²⁹ Tiakina te Taiao, A cultural impact assessment: Managing waterways in the Tasman District, April 2011.

can provide a powerful tool for strengthening freshwater management and improved environmental outcomes for our waters.

Te Mana o te Wai is a concept developed by Iwi as a way of describing the importance of freshwater within a Te Ao Māori framework. It was derived in part from the principles and values expressed in the Ngā Mātāpono ki te Wai developed through the Freshwater Iwi Leaders Group in 2017 and was included in the National Policy Statement of Freshwater (NPSFW). Te Mana o te Wai requires people to think about the water as a living breathing taonga in its own right that needs to be looked after rather than a commodity to be taken until it is gone or pushed to its limits until it can no longer survive. It is about operating from a place of abundance, not abstraction. Throughout the motu, Hapū and Iwi are designing their own expressions of Te Mana o Te Wai that include their associations and expectations as to how freshwater is to be managed both now and in the future.

In particular for the context of the BSTP, the “Hierarchy of Obligations” within the National Policy Statement is relevant here.



Mātauranga

Mātauranga Māori is an indigenous knowledge system that uses kawa (cultural practices) and tikanga (cultural principles) to critique, examine, analyse, and understand the world. It embodies our inherent and holistic connections to Te Ao Tūroa; to the spiritual realm; to the past, present, and future.

Rangitāne o Wairau is intimately connected to the environment and the experiences our tupuna cultivated through the land. Our mātauranga constantly evolves as we strive to respond to environmental challenges of the present day.

The ability of tangata whenua to fulfil their role as kaitiaki restoring a language of water interactions — te reo o te wai (the voice of the water). Therefore, the ability of tangata whenua to care for and protect te taiao, whenua and wai is based on our ability to hear what they are saying to us — and that’s determined by the quality of our interactions with water (Ngata, 2018).

The Māori language is a language that was derived from environmental observation. The tikanga and kawa associated with the environment are derived from the significance of which they are given within the Māori language. As a result, is it imperative that Te Reo Māori and the narratives that connected tangata whenua to this area, land and water bodies be protected and enhanced.

Wahi Tapu

“The Wairau Lagoons area was a bit like the Rangitāne Vatican City I guess, as it's the site of a significant number of ancestral urupa and Wahi tapu specific to Rangitāne. Our claim of Ahi Kaa is strongest here and is derived from the strip of land known to our people as Te Pokohiwi a Kupe (or Boulder Bank), and the adjoining lands collectively referred to as Te Aropipi, Morepo, Mataora, or the Wairau Lagoons.”³⁰

³⁰ Brief of Evidence of Richard Bradley (Wai 785 #M2)

IMPACTS ON CULTURAL VALUES

In assessing the potential effects of BSTP, Rangitāne o Wairau have identified several impacts of concern with respect to adverse effects on cultural values, including:

- Loss of Mana
- Loss of Mahinga kai
- Degrading of Mauri
- Abhorrence to water discharge
- Inadequate treatment
- Breach of hierarchy of obligations

Loss of Mana

The presence and discharge of paru into the adjacent awa, leads to the degradation/erosion of the mana of an area of very early settlement, and of huge historical and cultural significance.

“Our traditions record that the sole purpose for the migration of our Tupuna to these lands was due to the apparent cornucopia of kai made possible by the range of ecosystems. The generous range of Kai available to residents and visitors alike measured the wealth of the hapu or Iwi. The availability of both freshwater and seawater species was managed carefully as any imbalance would have serious consequences for an Iwi's mana.”³¹

Mana signifies more than just power or influence; it embodies the spiritual and cultural essence of Rangitāne o Wairau and the land they call home. The significance of this area of early settlement lies not only in its historical context but also in the narrative it weaves about the Rangitāne o Wairau people's deep-rooted connection to the land. This place is a tapestry of stories, rituals, and memories. It served as a gathering point for community members, a hub for cultural events, and a sanctuary for their ancestors. Here, the Rangitāne o Wairau people developed their traditions and values, shaping their unique identity over generations.

The intrusion of paru into the adjacent awa is eroding the mana of this sacred land. It is not just a physical intrusion but a profound spiritual and cultural disruption. The contamination not only affects the natural environment but also threatens the cultural values and spiritual connections of the Rangitāne o Wairau community. The mana of the land is directly tied to its purity and sustainability, and its degradation jeopardizes the cultural foundation of the Rangitāne o Wairau people.

Loss of Mahinga kai

For centuries the lagoon complex has provided for Rangitāne with a life supporting food source, the presence of the BSTP has rendered the surrounding area unsafe to gather shellfish and kai, waterfowl that live on the treatment ponds and surrounds are no longer safe to consume. “You don't put a wharepaku in the kīhini” is a common retoric from whānau.

³¹ Brief of Evidence of Richard Bradley (Wai 785 #M2)

The practice of Mahinga kai, involves the sustainable gathering of food and resources from the land and waterways and is deeply rooted in the Rangitāne o Wairau culture. It is a tradition that goes beyond mere sustenance; it is a sacred connection to ancestral lands and a means of passing down cultural values and knowledge from one generation to the next. The lagoon complex, with its rich and diverse ecosystems, has been a primary source of Mahinga kai for Rangitāne o Wairau communities. It has not only sustained them physically but also spiritually, fostering a sense of belonging and continuity with their cultural heritage.

The loss of Mahinga kai goes beyond the practical implications of food sourcing. It cuts deep into the core of Rangitāne o Wairau culture, affecting their spiritual and communal connections to the land and waterways. This disruption has not only harmed their physical health but has also challenged their identity as a people deeply connected to their environment. It's essential to recognize the broader cultural context of this loss and understand that it is not just a matter of environmental impact; it is a matter of cultural survival.

Degrading of Mauri

The Mauri of the site where the BSTP is located, and its surrounding receiving environments is severely degraded. Rangitāne o Wairau spoke of their memories of Wairau and the abundance of kai gathered from that area. Their connection to the lagoons and its special places. Their ability to spiritually sustain themselves from the waters.

The discharge into their sacred area has seen the mauri of the ecosystem, both seen and unseen decline. This is evidenced by the deep grief felt and expressed by the people of Rangitāne o Wairau. The impact of the treated wastewater on their very identity is etched into the waters and lands, the life force of their sacred taonga has declined. It is culturally abhorrent to discharge human waste into waterways. Irrespective of the dilution aspect of the consent application and treatment, the mauri of the waterways is spiritually and physically damaged by the waste.

The Rangitāne o Wairau people share vivid kōrero of a time when the Wairau and its surroundings were abundant, thriving, and a wellspring of sustenance. The land, the lagoons, and the waters held a special place in their cultural tapestry. The waters sustained them spiritually, providing a connection to their ancestors and a source of spiritual nourishment. Their ability to gather kai from this area is interwoven with their cultural identity and serve as a testament to their enduring relationship with the land and waters.

The discharge of treated wastewater into this sacred area has inflicted a severe blow to the Mauri of the ecosystem, both the visible and the unseen elements. The decline in Mauri is not only a matter of ecological impact; it is a matter of profound cultural significance. The deep grief expressed by the Rangitāne o Wairau people stands as a powerful testament to the extent of this loss. This loss goes beyond words; it is etched into the very waters and lands that have long been the life force of their sacred taonga.

The Mauri of the waterways is intertwined with the spiritual and cultural essence of the Rangitāne o Wairau community. The decline in Mauri represents a significant breach of their cultural values and practices. Discharging human waste into these waterways is culturally abhorrent, and the concept of dilution, as presented in consent applications, does not alleviate the spiritual and physical damage caused by this act. The connection between Mauri and the spiritual identity of the Rangitāne o Wairau people is profound, and the erosion of Mauri has shaken the very foundation of their cultural existence.

Abhorrence to Water Discharge

The continued discharge has long been the source of concern for Rangitāne o Wairau, firstly due to its previous lack of adequate treatment before being put into the Wairau and any potential cumulative impacts of that discharge. The continued discharge of human and other waste into these most sacred waterways is culturally abhorrent. For Rangitāne o Wairau, water is life, and their cultural identity is interwoven with the waters themselves. Therefore, when the water is unwell, so too are the people.

The historical context of wastewater discharge is marked by a lack of adequate treatment and the potential harm it may have caused to the Wairau and its sacred waters. This history casts a shadow over the present-day concerns and strengthens the resolve of the Rangitāne o Wairau people to protect their cultural heritage and the environment.

For the Rangitāne o Wairau, water is life. Their cultural identity is inextricably linked to the waters themselves. It is not merely a source of sustenance, but the embodiment of their spiritual and communal values. Water, in its purity, represents the very essence of their existence, their cultural continuity, and the sustenance of their well-being.

The interconnectedness between the well-being of the waterways and the well-being of the Rangitāne o Wairau people is profound. When the waterways are unwell, so too are the people. This bond goes beyond the physical; it encompasses their shared history, their cultural practices, and their spiritual connection to the land and waters.

The continued discharge of human and other waste into these sacred waterways is not just a matter of environmental concern; it is a direct challenge to the core values and beliefs of the Rangitāne o Wairau people. The practice is culturally abhorrent, as it contradicts their deeply held principles of respecting and preserving the purity of the waters.

Inadequate treatment

Human parū, even when treated, has a negative impact on the mauri of the receiving environment. The only way to avoid this impact is to properly treat the parū in a land-based treatment unit.

While the treatment of human parū is an essential step in mitigating environmental impact, the Rangitāne o Wairau community has experienced that even treated wastewater can have a negative impact on the mauri of the receiving environment. This observation raises a critical concern about the efficacy of existing treatment processes and their compatibility with cultural and environmental preservation.

The observed negative impact on the mauri of the receiving environment, despite wastewater treatment, is a significant concern. This issue is not exclusive to the Rangitāne o Wairau community but has broader implications for the environmental stewardship and cultural values that are integral to indigenous communities worldwide. It underscores the importance of adopting treatment processes that align with both cultural and environmental preservation goals. The Rangitāne o Wairau community emphasizes that the only way to avoid the impact on the mauri of the receiving environment is to employ proper land-based treatment units. This approach aligns with their deeply rooted cultural principles of respecting and preserving the land and waters. Land-based treatment units not only address the practical concerns of wastewater

treatment but also offer a solution that respects the cultural and spiritual values of the community.

Proper land-based treatment units can be designed to address not only the physical contamination but also the spiritual and cultural dimensions of wastewater treatment. These units provide an opportunity for the Rangitāne o Wairau community to align their cultural values with the environmental sustainability they seek to achieve. This compatibility is critical for ensuring that the treatment process respects both cultural and environmental concerns.

The adoption of land-based treatment units reflects the balancing act required in preserving cultural values and environmental sustainability. It acknowledges that cultural abhorrence to water discharge can be mitigated without compromising the environmental well-being of the region. This approach seeks to ensure that cultural and environmental priorities can coexist harmoniously.

Breach of hierarchy of obligations

Rangitāne o Wairau believe that the hierarchy of obligations, is also being breached. The inherent right of the first right to water going to the well-being of the water itself is not being applied with the proposed and current BSTP.

The hierarchy emphasizes that the first and most inherent right to water should be directed toward the well-being of the water itself. Water, as a sacred and life-sustaining element, is accorded the utmost respect in this cultural framework.

The proposed and current BSTP fails to apply this fundamental cultural principle. The discharge of treated wastewater into the waterways, despite attempts at environmental mitigation, is perceived as a breach of their cultural and environmental values. It not only represents a breach of obligations but also disregards the spiritual and cultural significance of the waterways.

The breach of the hierarchy of obligations raises a critical question of how to balance environmental sustainability with cultural preservation. The Rangitāne o Wairau community advocates for the importance of integrating both perspectives. They emphasize that cultural and environmental priorities can coexist harmoniously by respecting the hierarchy of obligations.

NGĀ WHĀINGA (OBJECTIVES)

Ngā Whāinga – Our Objectives		
<p>Mana Motuhake (Our Rights)</p>	<p>“Mana mau, mana tū” <i>Rights upheld, rights entrenched</i></p>	<p>Our Mana Motuhake objective focuses on:</p> <ul style="list-style-type: none"> • Develop and maintain a strong partnership with the Crown via key Government Agencies, local Government within the tribal rohe, and our relationships with Otago and Victoria Universities. • Develop and maintain kotahitanga with Te Tau Ihu iwi, Te Waipounamu iwi, and the Iwi Chair’s Forum. • Provide opportunities to learn about our rights and obligations.
<p>Mana Tangata (Our People)</p>	<p>“Tangata ora, mana tangata.” <i>The health and wellbeing of our people is paramount.</i></p>	<p>Our Mana Tangata objective focuses on:</p> <ul style="list-style-type: none"> • Provide opportunities for our people to meet, learn, teach and provide support and advice. • Support whānau hauora and wellbeing with access to information, advocacy and events. • Support whanau with access to educational pathways and opportunities. • Support whanau to participate in hākinakina. • Provide support for members to advance their educational, sporting and cultural aspirations.
<p>Mana Taiao (Our Environment)</p>	<p>“Toitū te Taiao ki tua o ake tonu atu!” <i>Ensuring the integrity and sustainability of our environment.</i></p>	<p>Our Mana Taiao objective focuses on:</p> <ul style="list-style-type: none"> • Protect Te Pokohiwi-o-Kupe from natural and man-made effects. • Protect and maintain the Wairau Bar and Grovetown Lagoons. • Advocate for the sustainable use, management and practices of land and our fisheries within our takiwā. • Being aware of and preparing for Climate Change and its effects. • The protection, recognition and sustainable exercising of our Customary Fisheries Rights to fishing and other activities in our takiwā. • The revival our Maara Kai as a place to meet, learn, teach our traditional planting

		<p>practices and support the hauora of whānau.</p> <ul style="list-style-type: none"> • Providing opportunities to learn our traditional hunting and gathering practices.
Mana Ahurea (Our Culture)	<p>“Taku Rangitānetanga, taku mana, taku orange!” <i>Our Rangitāne identity is our pride and livelihood.</i></p>	<p>Our Mana Ahurea objective focuses on:</p> <ul style="list-style-type: none"> • Provide opportunities to learn for ahi kaa, ahi teretere and ahi mātao. • Record our hītori, whakapapa, pūrākau and korero tuku iho. • Promote, teach, normalise, foster the usage of Te Reo Māori in the home, marae and all other domains. • Build cultural confidence, competency and excellence. • Revive all our toi whakaari (arts) eg. whakairo, raranga, tukutuku. • Reinvigorate Kapa Haka opportunities to participate. • Provide a Marae for cultural revitalisation. • Establish a place of learning about the Wairau.
Mana Tahua (Our Economy)	<p>“Whakatupu tahua, whakatupu mana.” <i>Growing sustainable wealth, status and influence.</i></p>	<p>Our Mana Tahua objective focuses on:</p> <ul style="list-style-type: none"> • Provide opportunities for our people to improve personal wealth. • Improve opportunities for the employment of our people. • Support the entry of our people into business. • Diversify our asset portfolio to enable progression. • Manage a sustainable fisheries portfolio. • Create Iwi prosperity through the pursuit of relationships, partnerships and joint ventures.

Mana Motuhake (Our Rights)

“Mana mau, mana tū”
Rights upheld, rights entrenched

Mana, Mana Whakaera and Mana Motuhake encompasses the authority and rights to manage land, soil, and resources, to exercise mana and kaitiakitanga over resources, and giving the authority for decision making by utilising the generational knowledge of land management that Māori retain.

Mana Taiao (Our Environment)

“Toitū te Taiao ki tua o ake tonu atu!”

Ensuring the integrity and sustainability of our environment.

Mauri can be described as the life force that exists within every living element. Mauri captures both physical and metaphysical elements and denotes a health and spirit that permeates through the elements of the taiao. The mauri of the environment requires the support of tangata whenua decision-making to enhance, protect and maintain the mauri of Wairau. The failure of Rangitāne to protect mauri affects their mana.

The Wairau Lagoons are part of a nationally significant ecosystem and environment containing many examples of rare and significant elements. The surrounding water and land use has impacted on the mauri of Te Pokohiwi, Boulder Bank and the wider Wairau area to an extent that Rangitāne o Wairau are no longer able to freely access mahinga kai. The diversity of native vegetation and taonga species is diminishing.

Te Pokohiwi-o-Kupe and the Boulder Bank sit within a wider landscape, being the Wairau Terrestrial Coastal Area. This area is nationally significant as representing unique and extensive native vegetation and taonga species. The Wairau Terrestrial Coastal area encompasses undulating to rolling marine gravel beach ridges and associated inter-ridge wetlands, a large river mouth lagoon-estuary, a prograding bird's foot delta, fringing wetlands and islands, and minor sand dune remnants.

The Wairau Lagoon is a 2,300ha system of interlinked channels, broad shallow lagoons, small islands, and expansive intertidal flats separated from the outer coast by Boulder bank. The Ōpaoa (Opawa) and Wairau Rivers drain into the Wairau Lagoons. The Wairau Bar is recognised as nationally important in the New Zealand Landform Inventory and the Wairau / Ōpaoa Delta is regionally important as an example of a birds foot delta.

RECOMMENDATIONS

When considering the recommendations, these are focused on the primary view – **there can be no continuation of the wastewater treatment plant at its current location**. MDC have involved Rangitāne o Wairau and the other iwi in a pre-application process. This has provided Rangitāne o Wairau and the other iwi the opportunity to work with the council and investigate options.

- I. The BSTP proposal to continue the current operations in their current form are opposed in their entirety by Rangitāne o Wairau.
- II. That by 2028, the BSTP and its discharge point be relocated to an alternate site that enables culturally appropriate treatment and discharge to land, and the current BSTP site and receiving environment be remediated to improve its mauri.

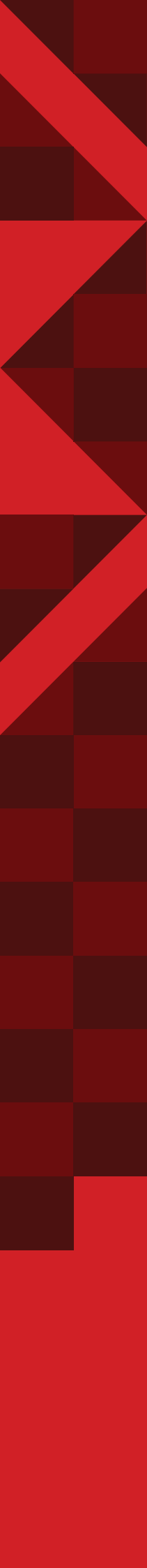
To give effect to recommendation, I and II:

- III. A 5-year workplan shall be developed and agreed to identify alternative sites and treatment options and shall be immediately resourced and undertaken, including cultural values as a key determiner in partnership with iwi and hapū.

To improve Rangatiratanga:

- IV. That a formal relationship agreement be developed between the Marlborough District Council and Rangitāne o Wairau that enables the process and enables the recommendations of this CIA to be delivered. This agreement should be drafted in a manner that enables its application if there is a transition to Entity C of the proposed Three Waters reform.
- V. The term of the current consent should be reduced to 10 years due to the environmentally sensitive area and the scale of the cultural impacts on Rangitāne o Wairau and their whenua including a 5 yearly review process until the relocation of the BSTP is agreed by all relevant parties.
- VI. That the management of these recommendations be attached to a formal agreement, outlining resourcing, the management of the relationship and regular meetings for the term of any consent to ensure the cultural effects are avoided, remedied, or mitigated.
- VII. Consent conditions should be written that reflect all agreements made in the formal agreement and lodged appropriately.
- VIII. Rangitāne o Wairau seek a co-governance approach for the management and operations of the current and future BSTP with the Council or any future Water Services Entity.

To improve Mātauranga

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- IX. That a cultural mitigation fund be established by the applicant for the tangata whenua roopu to retain our history by resourcing wananga, the publication of cultural narratives and the use of technology to disseminate cultural knowledge to our tamariki.
 - X. Rangitāne o Wairau seek the ability to appoint their own independent, suitably qualified, culturally experienced commissioners for any hearing process relating to the BSTP in the future.

To improve Tikanga:

- XI. That wānanga be resourced for the term of any consent by the applicant for the tangata whenua to encourage the restoration of Tikanga and kawa through Taiao kaupapa directly related to the site of the BSTP, Wairau and the surrounding ecosystems. This addresses in part the cultural impacts that cannot be avoided or remedied and the cumulative impact of losing mātauranga Māori from having mahinga kai restricted due to the discharges.

To improve and restore Mauri:

- XII. That a mauri-based framework be adopted to provide baseline measures and to monitor change over time be developed and applied by Rangitāne o Wairau when considering the process to relocate the BSTP. This framework should be used to consider all alternative options.
- XIII. Rangitāne o Wairau will apply the mauri-based framework as part of the the acceptability criteria of engineering and management options. This assessment will then be included as part of the decision-making process on the desired treatment options or location. It is expected that Rangitāne o Wairau will participate in these processes for decision making.
- XIV. That an environmental and cultural mitigation fund be established for the period up until 2028 to enable restoration, monitoring and cultural projects relating to the current BSTP specifically for Rangitāne o Wairau uri to assist in the mitigation of cultural impacts that cannot be avoided until 2028.
- XV. The mauri scale should be applied to the long list for acceptance of engineering and management options by Rangitāne o Wairau before any decisions should be made on the desired treatment options or location.
- XVI. Cultural Health monitoring programmes should be set up for all consents and resourced by the applicant and delivered by the tangata whenua roopu. These should be used in association with the mauri-based framework to assess improvements to the mauri of the receiving environments. These must be continued regularly for the length of the

consent and the results must be addressed as part of the long-term relationship between the Marlborough District Council and Rangitāne o Wairau.

For the protection of Taonga:

- XVII. A biodiversity audit should be undertaken of the entire area resourced by the Marlborough District Council. This audit should review historical accounts of the area and compare them to current biodiversity numbers of species both flora and fauna. This will form the underlying benchmarks for mauri measurement and ongoing monitoring for the first 10-year consent period. Where there is a decline identified, the applicant shall provide an environmental mitigation fund to restore those species to the satisfaction of Rangitāne o Wairau. This fund will be managed by Rangitāne o Wairau and focus on agreed projects by all parties.
- XVIII. Mahinga Kai are being significantly degraded due to the location and operation of the BSTP. The only option is to relocate the plant as described in these recommendations.
- XIX. That an environmental and cultural mitigation fund be established for the period up until 2028 to enable restoration, monitoring and cultural projects relating to the current BSTP specifically for Rangitāne o Wairau to assist in the mitigation of cultural impacts that cannot be avoided until 2028.

For the protection of Waahi Tapu:

- XX. The whole area is considered waahi tapu and as such it cannot be utilised to receive, process or discharge human and industrial waste.
- XXI. The only option is to relocate the BSTP.

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