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Tuesday 5th November

Horizons Regional Council
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Attn: Michelle Hardy
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Tēnā koe Michelle

With reference to the New Zealand Energy Limited resource consent applications for a change or cancellation of conditions to existing resource consents 101987/1, 101990/1, 101991/1, 101992/2, 101993/1, 102264/1 and for new Land Use Consents 104088 and 104089, new Water Permits 104090 and 104091 and new Discharge Permits 106031, 106032 and 106033, all relating to the Raetihi Hydro Electric Power Scheme, Raetihi I make the following submission on behalf of the Ngāti Rangi Trust.

The Ngāti Rangi Trust opposes these applications for the following reasons:

1. There has been no tangata whenua consultation with Ngati Rangi by the applicant (NZ Energy Limited) regarding these current applications.
2. Ngati Rangi Waitangi Tribunal Claims over waterways within the Ngati Rangi tribal area and the impacts of further water allocation decisions pending outcomes of the Waitangi Tribunal process and Ngati Rangi water rights within our rohe.
3. Degradation of the Mouri of the Makotuku, Makara and Makaraiti Streams due to the continued abstraction of water from these streams. Sustained long term suffering of tangata whenua cultural, spiritual values and general well being as a result of continued over allocation
4. Long term adverse impact on aquatic ecosystems, fishery species and mahinga kai as a result of current abstraction and increased impact if proposed increases in water abstraction are permitted.
5. The need to retain future water allocation capacity for the future growth and needs of local communities (Raetihi community) as an essential priority over electricity generation.

6. Unacceptable diversion of Mouri from one river catchment to another

The Ngati Rangi submission regarding these proposed activity and is set out in the following format:

- General Description of Activity and Ngati Rangi waterway management issues and potential impacts.
- Discussion regarding your specific application following consideration of all current data available and general site inspection
- Conditions and assessments required for Ngati Rangi consent to these applications

My name is KEITH WILLIAM PAETAHA WOOD and I was the former RMA coordinator for the Ngati Rangi Trust and I am making this submission in conjunction with and on behalf of Ngati Rangi. I am of Ngati Rangi descent and an environmental and land management practitioner who has been involved with Ngati Rangi environmental issues for 20 years.

Regional Council Description of Proposed Activity:

New Zealand Energy Limited (NZEL) are seeking to replace resource consents 101477, 101968, 101988 and 101989. They also seek changes to specific conditions attached to resource consents 101987, 101990, 101991, 101992, 101993 and 102264. These are outlined in more detail below.

101987/1 & 101990/1

The existing land use consent 101987 relates to the use and maintenance of existing headwork structures, including a weir and intake structure, in the bed of the Makaraiti Stream for the purpose of damming surface water for abstraction via an intake structure.

The existing water permit 101990 relates to the abstraction of up to a maximum volume of 26,000 cubic metres of surface water per day from the Makaraiti Stream at a maximum abstraction rate of 300 litres per second for the purpose of generating hydro electricity.

The Applicant seeks to change condition 1 to increase the surface water take from the Makaraiti Stream from 12,960 cubic metres per day to 26,000 cubic metres per day.

The Applicant seeks to change condition 2 to increase the maximum rate of abstraction of surface water from the Makaraiti Stream from a rate not exceeding 150 litres per second to 300 litres per second.

The Applicant seeks to change condition 3 to maintain a minimum flow of not less than 10 litres per second from immediately below the weir on the Makaraiti Stream at all possible times.

101991/1

This existing water permit relates to the take and diversion of up to a maximum volume of 500 cubic metres of surface water per day from an unnamed tributary of the Mangaone Stream at a maximum abstraction rate of 5 litres per second for the purpose of generating hydro electricity.

The Applicant seeks to change condition 1 to delete reference to the volume of surface water that can be diverted from the unnamed tributary of the Mangaone Stream.

The Applicant seeks to delete condition 2 for the reason that there is no economical way of monitoring this take as it is a field drain.

The Applicant seeks to change condition 3 to maintain a minimum flow of not less than 5 litres per second from 1 May to 31 December immediately below the control weir at all possible times.

101992/1

This existing discharge permit is for the discharge to surface water from the settling pond of the Raetihi Hydro-Electric Power Station via a tailrace up to a maximum volume of 1,500 litres per second into the Orautoha Stream.

The Applicant seeks to delete conditions 4 and 5 of discharge permit 101992.

Condition 4 relates to the turbidity of the water being taken from the pond and Condition 5 relates to the monitoring of the turbidity of the water in the pond.

101993/1

This existing land use consent is for the excavation and disturbance of the bed of the 4.6 km open channel canal between the Makotuku River and Middle Road and the Scheme's head pond for the removal of sediment, weed debris and other material in, under, or adjacent to the beds of the watercourses and associated discharges of sediment to water in the artificial canal and pond. Such excavation and disturbance is undertaken as required to maintain the operating capacity and flow of water in the canal and pond.

The Applicant seeks to change condition 3 and delete conditions 6 and 7 of land use consent 101993.

The proposed change to condition 3 seeks to delete reference to 'at least 24 hours' within this condition.

The Applicant seeks to delete conditions 6 and 7 of land use consent 101993.

Condition 6 relates to the carrying out of a fish survey and Condition 7 requires that the findings of the fish survey be forwarded to the Regional Council. The fish survey has been completed and the results have been provided to the Regional Council.

102264/1

This existing water permit is for the discharge of silty sediment from the surge chamber at the Raetihi Hydro Electric Power Scheme into the Orautoha Stream.

The Applicant seeks to delete condition 4 of discharge permit 102264 which relates to identifying and implementing measures to mitigate sediment discharges to the Orautoha Stream.

104088 and 104089

These consents replace land use consents 101477 and 101986 to use and maintain existing headwork structures (weirs) on the Makotuku River and Makara Stream for the purpose of damming surface water for abstraction via an

intake structure for use in the Raetihi Hydro-Electric Power Scheme which expired on 20 December 2007.

A term of 30 years is sought.

104090 and 104091

These consents replace water permits 101988 and 101989 to divert and take water from the Makotuku River and Makara Stream, which expired on 20 December 2007. The Applicant seeks to increase the rate that water can be abstracted from the Makotuku River from 300 litres/second to 600 l/s and to increase the rate that water can be abstracted from the Makara Stream from 300 l/s to 600 l/s. This equates to an increase in the combined maximum daily abstraction of surface water from both the Makotuku River and Makara Stream from 38,800 cubic metres to 51,840 cubic metres.

A term of 30 years is sought.

Ngati Rangī Waterway Management Policy

Ngati Rangī has an ancestral relationship with all of the waterways within the Ngati Rangī tribal rohe (region). This relationship spans centuries and these waterways are part of the fabric of our existence and the whenua (land) that our people hold tangata whenua and mana whenua status over since ancient pre migration times. Our ancestral rivers, streams and springs are taonga tūpuna of strong spiritual and cultural significance to Ngāti Rangī. Ngati Rangī are kaitiaki over these taonga and we have an intergenerational responsibility to nurture and protect these resources for the benefit of our future generations. Today we find that our kaitiakitanga role is shared with other people both Maori and Pakeha and achieving a balance between differing environmental views becomes increasingly challenging as “world views” attempt to merge over resource allocation and use.

The modification and alteration of our waterways to facilitate the construction of weirs, dams, intake structures, associated canals and generation facilities for Hydro energy generation can adversely and severely diminish the mauri of our ancestral waterways. Consequently, our section 6(e) relationship with our taonga tūpuna and our section 7(a) kaitiakitanga can be fundamentally and profoundly affected by these activities. The cultural imperatives for this are steeped in the customary domain and founded in ancient conceptions of the inter-relatedness of space, time, and the circle of life.

The cultural imperatives for our whanaungatanga and kaitiakitanga are steeped in the customary domain and founded in ancient conceptions of the inter-relatedness of space, time, and the circle of life.

While there is extensive and useful background research and literature describing a generic ‘Māori’ way of relating with the natural world, as distinct from a ‘Western’ world view, we as Ngāti Rangī will explain our world for ourselves. No other community, Māori or Pākehā, share the same distinctive

physical, metaphysical and spiritual affinity that we do with our ancestral rivers, streams and springs.

The meaning of our world lies in our relationships. It emphasises that personal integrity and identity is derived from outside the individual. At a practical level it gives rise to an ethic of generosity and collective responsibility. Sharing and mutual enhancement means that no one individual becomes wealthy (with personal possessions) to the expense of kin, including our kin of the natural world. This is integral to our ethic of kaitiakitanga.

While this may challenge or defy modern Western thinking, it is very real to our people. When our capacity to maintain these relationships and practices is severed or adversely affected, this meaning is impaired to the extent that our intellectual, physical and spiritual well-being and vitality is also impaired.

Our way of relating with the natural world challenges the boundaries of scientific rationality and measurement in Western scientific terms. We do not reject Western science; we simply ask not to be dismissed by it and its distinctive and particular values and ethics. We seek instead to be considered alongside it and in collaboration with it.

Our values and practices provide a unique opportunity to add understandings and perspectives to resource management practice. We seek to enter into processes that capture the synergies of tikanga Pākehā and tikanga Māori to advance best practice in resource management. This has been the basis for our Waitangi Tribunal claims. In our aspiration for self-determination, we are seeking genuine and meaningful processes that facilitate true partnership in the management of our natural resources for the benefit of our grandchildren's generations.

The Value of Water(Protecting the Mouri of the Waterway)

Water is a vital element required to sustain life and as kaitiaki (guardians) of this resource within our tribal region we have a responsibility to protect, enhance and nurture this valuable resource for the future of our grandchildren. This is a responsibility which needs to be embraced by all people within our community not just Ngati Rangi. Ngati Rangi therefore requires all who wish to modify or alter the natural integrity of our waterways within our tribal region to do so in an environmentally sustainable manner that protects the integrity of this resource for the future of our whole community.

The Ngati Rangi Waterways Document 2002 provides the useful description of the value and importance of water to Ngati Rangi. We refer you to the following extracts from the Ngati Rangi Waterways Document 2002 (section 7.1, pages 12 - 14).

Extracts from “Ngati Rangi Waterways Management document 2002”

Pages 12 - 14

7.1 MOURI

Papatuanuku (Mother Earth) supports life including all people, flora and fauna. Waterways represent the blood vessels that supply nourishment to her and, through her, to all living things.

The primary management principle for Ngati Rangī is the maintenance and enhancement of the mouri or life-giving essence of a resource.

With respect to waterways, mouri can be tangibly represented in terms of elements of the physical health of a rivers' ecosystem. While there are also many intangible qualities associated with the spiritual presence of the river, elements of physical health which Ngati Rangī use to reflect the status of mouri and to identify the enhancements needed include:

- *Aesthetic qualities e.g. clarity, natural character and indigenous flora and fauna;*
- *Life-supporting capacity and ecosystem robustness;*
- *Depth and velocity of flow;*
- *Continuity of flow from the mountain source of a river to the sea;*
- *Fitness for cultural usage; and*
- *Productive capacity.*

The mouri should not be desecrated. Resource management agencies need to be aware that natural disasters cannot harm the mauri only those resulting from the actions of man. The mouri of a waterway is unable to protect itself against unnatural aspects of the environment. If the mouri of an entity is desecrated or defiled, the resource itself, resource users and others depending on that entity are at risk spiritually and physically.

Sadly, the mouri of many waterways have been seriously eroded by water use and development including:

- *The damming of the rivers;*
- *Removal of water from rivers, streams and lakes;*
- *The diverting of the waters;*
- *Mixing the waters of distinct ecosystems; and*
- *River protection works;*
- *Discharges.*

Ngati Rangī is concerned that human activities have altered the frequency and intensity of natural change. Kaitiaki over the years have come to realise that every time the processes and functioning of a river are altered the river system is weakened. If enough adverse changes occur the mouri of the river will die.

Resource management must recognise that each waterway has its own mouri; guarded by separate spiritual guardians, its own mana and its own set of associated values and uses.

Protecting the mouri of a waterway requires:

- *protecting the integrity and cultural uses of waterways by prohibiting unnatural mixing of waters from different waterways;*
- *prohibiting the direct discharge of contaminants to water, in particular the discharge of human effluent;*
- *requiring the discharge of water from agricultural and industrial effluent to pass through land before it enters a waterway; and*
- *encouraging the restoration of wetlands and riparian margins because of their pollution abatement function.*

Some activities have the potential to degrade or extinguish the Mouri of the waterway and as a result may offend the mana of Ngati Rangi who hold traditional rights and responsibilities with respect to that waterway. The Mouri of the river is degraded if it no longer has the capacity to support traditional uses and values. Across the rohe, one of the principal indicators by which Ngati Rangi assesses the Mouri of a waterway is its productivity of the food and other materials sourced from it. Each hapu within Ngati Rangi have specific examples of rivers, streams, lakes and wetlands where the Mouri is degraded. Further they can identify the activities that have adversely affected the Mouri and the actions that must be taken to restore the Mouri.

Restorative action will need to be determined with Ngati Rangi on a case by case basis but will include;

- *establishing minimum flow levels that afford protection to in stream values;*
- *prohibiting the direct discharge of contaminants to water;*
- *prohibiting the unnatural mixing of water sourced from different waterways*
- *developing comprehensive strategies including regulatory measures, to address pollution; and*
- *developing with Ngati Rangi a programme for habitat restoration particularly in*
- *riparian margins*

Restorative action is a priority particularly for waterways of high original ecological or cultural value. A complex system of cultural and spiritual practices, customs, and rules were developed to protect the Mouri by managing and controlling the interactions of people and the natural world. This system was the means by which Ngati Rangi sought the sustainable management of the resource. The specific outcome sought was the continued use of resources to meet the needs of the present generation while protecting the overall health and availability of the resource to meet the needs of future generations.

In conjunction with the Ngāti Rangi Waterway Management Policy, the Draft Ngati Rangi Natural Resource Management Plan 2013 is a Draft Iwi (environmental) management plan which provides an overview on the main existing issues impacting on Ngāti Rangi and our relationship with the natural environment. It also provides a useful description of the importance of the

natural world to Ngāti Rangī, and in this case, the impacts resulting from the use, diversion and allocation of water within the Ngāti Rangī rohe.

We refer you to the following extracts from the Draft Ngāti Rangī Natural Resource Management Plan 2013 (Tangaroa-i-te-wai-Māori, pages 33 - 39).

Extracts from the Draft Ngāti Rangī “Natural Resource Management Plan 2013”

Pages 33 - 39

Tangaroa-i-te-wai-māori

Tangaroa-i-te-wai-māori is the embodiment of freshwater within our region. He is represented in the numerous waterways that run along the back of Papatūānuku, he is the lifeblood of Ngāti Rangī. Water is a fundamental element of all facets of life and is essential to our health and wellbeing. Our waterways provide us with a constant supply of mouri to replenish and revitalise our iwi. However, there are huge concerns over the state of our freshwater and its reflection on the state of the mouri and how this impacts on Ngāti Rangī as an iwi.

There are a number of concerns identified in this section, including the following: issues with storm water and water takes, all discharges into waterways in our region, culverts, weirs and dams, the quality of water and the management of the riparian margin, and lastly diversions and water mixing. These however are not the sole issues we view as affecting Ngāti Rangī and our waterways, other issues may include:

- *Impacts on aquifers*

1. Ngā Take - Issues

Water takes

Water takes are an increasing issue for Ngāti Rangī. Rivers in our region are a primary source of irrigation for the differing land use activities. Ngāti Rangī are concerned with the impact water takes have on the river system, its ecology, water quality and the cultural implications resulting from the loss of mouri. There is also concern over our regions aquifers and the impacts resulting from extraction.

Water quality

Maintaining high water quality is difficult with the many different impacts on our waterways from abstractions to discharges, leaching to urban run-off. These issues impact on the quality of water, which hereby impacts on the quality of the mouri that is contained within our rivers and streams. In conjunction with this, identifying acceptable low flow limits for our waterways is essential to maintaining their ecological and cultural health.

Culverts, weirs and dams

Badly designed weirs and culverts pose a problem for native fish species and their migration through blocking of upstream and downstream passage. The digging out of drains (or small streams) on farmland and in urban settings destroys eel, fish and kōura habitats which is an issue for Ngāti Rangī. Often these species are dug out with the sediment and die on the banks. Any kākahi present are also at risk of being dewatered. The lack of planting along the banks of these areas is also an issue.

Diversions and water mixing

The continued diversion of Ngāti Rangī waterways for the purpose of power generation is an issue Ngāti Rangī have been dealing with for over three decades. The mixing of waters from differing catchments is a cause for concern relating to the mouri of individual waterways.

2. **Ngā Whaingā - Objectives**

- *Water takes be managed in a way that will allow our rivers and streams to flourish.*
- *Water that runs through our region is of the highest quality to ensure the obligation to our downstream whānau is met.*
- *Culverts and weirs will allow for native fish migration but will block trout access to uninvaded areas.*
- *The waters that run through the Ngāti Rangī rohe will remain within their respective catchments and not be artificially diverted elsewhere.*

3. **Kaupapa Tohu – Policies**

Point and non-point source discharges/Water quality

- There will be no impact on the mauri and ecology, and no stress to native fish species during low flow periods through periphyton, temperature increases or dewatering.*
- Ngāti Rangī will be involved in all water quality monitoring in our region.*

Water Takes

- Large scale abstractions (eg. for irrigation) within the region will be avoided.*
- Ngāti Rangī, in conjunction with the Regional Council, should conduct an audit to identify takes that occur within our rohe within the next 5 years.*
- Once this audit is conducted the consenting authorities in conjunction with Ngāti Rangī Trust, need to establish:*
 - Low flow take percentage and/or Ngāti Rangī bottom line for low flow*
 - High flow take percentage.*

Diversions

- No new unnatural mixing of waters from different catchments will take place within the Ngāti Rangī region.*

Culverts, weirs and dams

- Culverts are improved to ensure that no disruption to the migratory path of native fish species occurs. The build up of debris and sedimentation is minimized also. Regular monitoring should be undertaken to ensure standards are maintained.*
- No new dams for hydroelectricity generation will occur in our region and with our waterways. Any new schemes will be required to be instream using natural flow rates*

4. **Ngā Ture – Rules**

Tangaroa-i-te-wai-māori	<u>Water</u>	<ol style="list-style-type: none"><i>No water shall be diverted out of its catchment or mixed with water from other catchments</i><i>No consent applications shall be granted for water takes and discharges in waterways or catchments over which allocations and limits for water quality and quantity have not been agreed to by Ngāti Rangī.</i>
	<u>Fish Passes</u>	<ol style="list-style-type: none"><i>Rock ramps in riverbeds shall be constructed from materials found in the immediate vicinity in combination with the use of concrete if it is required.</i>

Good environmental stewardship is expected from an applicant wishing to carry out activities that could adversely affect the water resources within the Ngāti Rangī tribal region. Any activity that has the potential to create an adverse impact on the waterways within the Ngāti Rangī region is considered very carefully to ensure that appropriate measures are put in place to not only maintain the condition of that waterway but to work towards improving the life

supporting capacity (Mouri) of that waterway for the future. Hence a process of continued improvement is advocated and encouraged.

Water is a vital resource for our communities and the natural aquatic ecosystems rely on natural river and stream systems being maintained and enhanced in a sustainable manner.

The construction of weirs or dams in any waterway has a significant impact on the waterway and the surrounding environment. Often fish passage can be impeded by the construction of a weir across a waterway and migratory fish are impacted severely. Damming of a waterway also results in flooding above the dam structure which in turn impacts of the terrestrial ecology of the area submerged. Hence there are critical issues that need to be considered with an application to modify a waterway and place an artificial structure of any kind in the waterway channel.

Ngati Rangi has a preference that channel modification and total obstruction is generally avoided. Where this is impractical then the construction needs to provide for a near natural facility for fish passage past the structures placed in the waterway. Therefore a good understanding of the aquatic species likely to be impacted by the activity needs to be available to ensure appropriate construction design.

Where intakes structures are used or proposed for water abstraction-diversion out of their originating watercourse minimum flow regimes must be incorporated into the design and operation of the activity to ensure there is always sufficient water in the waterway to sustain all aquatic life. The accumulative affects of multiple water permits on a waterway need to be carefully considered to ensure water resources are not over allocated to the detriment of the Mouri or life supporting capacity of the waterway.

There are a number of key considerations for Ngati Rangi when an application for a new or existing Hydro energy generation is being considered:

- Maintaining the mouri of the waterway. Maintaining the life supporting capacity of the waterway which can be expressed in terms of water quality, quantity and aquatic life carrying capacity (fishery potential) of the waterway effected. What is an appropriate minimum flow regime and what percentage level of abstraction is proposed? Is there enough science to support the proposal?
- Cultural significance of waterway to Ngati Rangi and or the river reach proposed for application/ weir or dam operation and maintenance.
- Known waahi tapu or significant sites adjacent to any application/ construction activity on the banks, in the bed or in the waterway
- Importance of waterway to Ngati Rangi with regards to Mahinga kai (food resources) and how these values are impacted by the activity.

- Design of specified works and the potential impact on instream aquatic life and the ultimate impact on Mahinga Kai species.
- Provision for suitable fish passage for both native and exotic fish past any works constructed in the waterway. (Project work specification shall be designed to ensure fish species are not compromised in terms of the fish passage.)
- Potential downstream adverse effects of application activity on river systems
- Landscape Values, aesthetic significance and natural integrity of river and the effects proposed application/ construction activity may have on these issues.
- Project design and how well this supports and enhances natural river system dynamics and rehabilitation
- Previous human modification of the application site
- Impacts of water allocation decisions on Ngati Rangi mana motuhake and ability for Ngati Rangi interests to access water for tangata whenua use.

Ngati Rangi Environmental and Cultural Issues and the potential impacts of this application.

The Ngati Rangi Trust opposes this application for the following reasons:

1. There has been no tangata whenua consultation with Ngati Rang by the applicant (NZ Energy Limited) regarding these current applications.
2. Ngati Rangi Waitangi Tribunal Claims over waterways within the Ngati Rangi tribal area and the impacts of further water allocation decisions pending outcomes of the Waitangi Tribunal process and Ngati Rangi water rights within our rohe.
3. Degradation of the Mouri of the Makotuku, Makara and Makaraiti Streams due to the continued abstraction of water from these streams. Sustained long term suffering of tangata whenua cultural, spiritual values and general well being as a result of continued over allocation
4. Long term adverse impact on aquatic ecosystems, fishery species and mahinga kai as a result of current abstraction and increased impact if proposed increases in water abstraction are permitted.

5. The need to retain future water allocation capacity for the future growth and needs of local communities (Raetihi community) as an essential priority over electricity generation.
6. Unacceptable diversion of Mouri from one river catchment to another

This hydro scheme has been in operation for approximately 90 years without much consideration of sustainable environmental management until the last 8 years following the need to acquire resource consent.

At the time of the original consent hearings Ngati Rangi made significant submissions regarding;

1. *Lack of proper and adequate consultation with Tangata Whenua.*
2. *Ngati Rangi Waitangi Tribunal Claims over waterways within the Ngati Rangi tribal area*
3. *Degradation of the Mouri of associated rivers and streams being diverted*
4. *Adverse impact on in stream river flows and degradation of the Mouri of associated waterways*
5. *Unacceptable diversion of Mouri from one river catchment to another*
6. *Adverse impact on Aquatic ecosystems, Fishery species and Mahinga kai*
7. *Adverse effects on downstream amenity and recreational values.*

While a number of these issues were addressed through the consent process Ngati Rangi was not confident that many of these issues were not adequately understood nor that decisions fully took into account our cultural and spiritual values inherent in our principles of waterway management.

It is our view that the Mouri of the Makotuku, Makara and Makaraiti streams are under stress and are suffering from a continuous lack of water as a result of over extraction of water predominantly for Hydro energy generation and Raetihi municipal water supply requirements. This is further exasperated by negative impacts from poor market gardening practice, increasing dairy farm use and finally in the lower reaches increased municipal sewage discharge into the Makotuku. The overall effect is a very unhealthy river system which is in need of more water rather than less.

This in itself has an intangible negative effect on the Marae and people who live beside these waterways and derive their spiritual substance from the wairua elements of the Makotuku on her journey from the Mountain to the sea. The greater her flow is reduced the greater the negative impact on her Mouri, her life supporting capacity and the people.

Proposed changes to current consent conditions 101987 and 101990 Makaraiti increased surface water daily abstraction 150l/s to 300l/s, 12,960 cubic metres to 26,000 cubic metres per day.

Water permits 104090 and 104091 replacing water permits 101988 and 101989 for the Makotuku and Makara stream proposing to increase surface water abstraction from 300l/s to 600l/s for each waterway with a combined maximum daily abstraction increasing from 38,800 cubic metres to 51,840 cubic metres.

Ngati Rangi is unilaterally opposed to the increased water extraction volumes proposed by the applicant for the Makotuku, Makara and Makaraiti streams. We do not believe that any extra volume of water should be extracted for electricity generation.

While the overall health of the river system is currently under pressure we believe it is expedient to retain whatever remaining water allocation for the immediate and future needs of our local community. Particularly the water supply needs of the Raetihi community given that the source of its municipal water supply is upstream of the NZ Energy intake on the Makotuku. It is critical to retain future water resources to support the growth and expansion of this community in terms of municipal water supply requirements. To grant a 30 year increase in water extraction for the sole benefit of electricity generation would be irresponsible.

On page 19 of the resource consent application the applicant states:

“The Raetihi scheme is a source of a reliable supply of electricity (renewable energy) to the local community and considered to be an essential part of the local economy.....

The Raetihi power scheme has significant benefits for the community, it currently provides in excess of 1.75Gwh of electricity per annum, enough electricity to power 225 homes. It saves the transmission of the same amount of energy from further south, which in turn saves up to 12% line losses (thereby saving power equivalent to a further 30 homes) It provides a higher level of supply to the community of Raetihi”

These so called benefits to the Raetihi community are not well known or understood within the community as there does not appear to be any specific measurable price discounts evident on peoples power bills each year as prices across the board for both domestic and industrial power use continue to increase. Basically the RHPS does not supply any measurable benefits to the local community, in fact quite the opposite by removing a significant allocation of water out of the Makotuku-Mangawhero catchment adding further degradation to these waterway's

Ngati Rangi believes the RHPS currently have enough water to operate and should not have access to any increased water allocation. If anything Ngati Rangi would like to see the minimum flow regimes reviewed and increased to ensure higher water volumes downstream to better sustain the Mouri of the streams affected by this application.

Other proposed changes to current consent conditions:

Land use consent 101993

This existing land use consent is for the excavation and disturbance of the bed of the 4.6 km open channel canal between the Makotuku River and Middle Road and the Scheme's head pond for the removal of sediment, weed debris and other material in, under, or adjacent to the beds of the watercourses and associated discharges of sediment to water in the artificial canal and pond. Such excavation and disturbance is undertaken as required to maintain the operating capacity and flow of water in the canal and pond.

The Applicant seeks to change condition 3 and delete conditions 6 and 7 of land use consent 101993.

The proposed change to condition 3 seeks to delete reference to 'at least 24 hours' within this condition.

The Applicant seeks to delete conditions 6 and 7 of land use consent 101993.

Condition 6 relates to the carrying out of a fish survey and Condition 7 requires that the findings of the fish survey be forwarded to the Regional Council. The fish survey has been completed and the results have been provided to the Regional Council.

Ngati Rangī does not have any issues with the proposed change to condition 3 delete reference to "at least 24 hours"

While Ngati Rangī recognises that conditions 6 and 7 are no longer applicable. Ngati Rangī believes that continued periodic fish surveys for trend monitoring purposes would be an appropriate addition in reviewing this consent. Ngati Rangī believe that it is important for the future health of our waterways that both western scientific waterway and fishery monitoring and cultural monitoring systems should be both deployed together to provide an comprehensive monitoring regime for waterway use in our rohe. Ngati Rangī is currently developing a Ngati Rangī Cultural Health Index (NRCHI) monitoring programme for other waterways within our region and believe it would be important to have such a system in place for the waterways effected by these consents if they were to be granted. This would provide the perfect cross over between Matauranga Maori and western science and provide important data for the ongoing health of the waterways concerned.

Water permit consent 101990.

The Applicant seeks to change condition 3 to maintain a minimum flow of not less than 10 litres per second from immediately below the weir on the Makaraiti Stream at all **possible** times.

Ngati Rangi is currently opposed to this change as it is not definitive enough. There is insufficient information presented in the application to substantiate the change.

101991/1

This existing water permit relates to the take and diversion of up to a maximum volume of 500 cubic metres of surface water per day from an unnamed tributary of the Mangaone Stream at a maximum abstraction rate of 5 litres per second for the purpose of generating hydro electricity.

The Applicant seeks to change condition 1 to delete reference to the volume of surface water that can be diverted from the unnamed tributary of the Mangaone Stream.

The Applicant seeks to delete condition 2 for the reason that there is no economical way of monitoring this take as it is a field drain.

The Applicant seeks to change condition 3 to maintain a minimum flow of not less than 5 litres per second from 1 May to 31 December immediately below the control weir at all possible times.

Ngati Rangi is opposed to these changes as there is no data to substantiate the applicants claims.

101992/1

This existing discharge permit is for the discharge to surface water from the settling pond of the Raetihi Hydro-Electric Power Station via a tailrace up to a maximum volume of 1,500 litres per second into the Orautoha Stream.

The Applicant seeks to delete conditions 4 and 5 of discharge permit 101992.

Condition 4 relates to the turbidity of the water being taken from the pond and Condition 5 relates to the monitoring of the turbidity of the water in the pond.

Ngati Rangi is opposed to these changes

102264/1

This existing water permit is for the discharge of silty sediment from the surge chamber at the Raetihi Hydro Electric Power Scheme into the Orautoha Stream.

The Applicant seeks to delete condition 4 of discharge permit 102264 which relates to identifying and implementing measures to mitigate sediment discharges to the Orautoha Stream.

Ngati Rangi is opposed to this condition change as we believe it is important to develop and implement mitigation measures to reduce sedimentation discharges to the Orautoha Stream which is an important Ngati Rangi and district fishery. Again there is insufficient data presented to support such a change. I recall during a previous site visit that there was considerable

discolouration in the Orautoha stream when the surge chamber activated which indicated to me that mitigation measures were insufficient to reduce sedimentation.

Consent Term

The applicant has requested a term of 30 years presumably to align the Makotuku and Makara water permits with already consented permits for the Makaraiti and Un-named tributary of the Mangaone which have a 35year consent period already approved.

Ngati Rangi is opposed to such a long term consent period. While we understand the applicants desire to have long term security for their hydro generation infrastructure we take issue with water allocation continuing to favour the first come first serve decisions of the past and continuing to commit significant water resources to individual water users.

We will continue to hold the position that a 10 year consent term is adequate for an application such as this. The current and proposed monitoring regimes of river flows, hydrology, river ecology, cultural impacts, downstream impacts and assessment of the hydro scheme will provide more comprehensive data at the end of the 10 year consent term. Therefore, more robust data will be readily available to then reassess the application against the running and compliance of the power scheme for a further term.

Treaty of Waitangi Claims (Waterways)

An issue for Ngati Rangi are Treaty of Waitangi land claims lodged with the Waitangi Tribunal regarding lands and waterways within the Ngati Rangi tribal region. This continues to be an issue of contention between Ngati Rangi and local consent authorities and has procrastinated over the years with no real resolution over the validity of resource ownership and tangata whenua relationships with the Crown with regards to Treaty of Waitangi issues. It is a political issue that in Ngati Rangi's opinion impacts on all resource consents granted by local government agencies while the tenure of land and waterways has not been resolved between the Crown and tangata whenua. The Ngati Rangi tribal region has been heard by the Waitangi Tribunal (as part of the Tongariro National Park and Whanganui Hearing District) and Ngati Rangi is awaiting the release of the Waitangi Tribunal reports on these proceedings. Ngati Rangi awaits these decisions and seeks assurances that consent conditions do not jeopardise or prejudice our position as we enter the post settlement negotiation process with the crown.

Ngati Rangi has raised a number of issues/ grievances with the Waitangi Tribunal over the operation and management of the Resource Management Act and consenting activities during the hearings in 2009. The key issue relevant to these particular consents are:

Waterway ownership, management and control of the water resources within our tribal region. Extracts of our arguments relevant to this consent application

as presented to the Crown and the Waitangi Tribunal are included as appendix two.

Ngati Rangi interests under the Treaty of Waitangi and as Tangata Whenua are continually marginalised by decisions concerning water management and water allocation within our region, while our water rights have not been determined.

Un-natural diversion of Makotuku catchment into the Manganuiateao catchment

Ngati Rangi continues to be opposed to waterways being diverted outside of their natural catchments. In this case water is being diverted from the Makotuku Catchment into the Manganuiateao River catchment. This practice is unacceptable from a Māori perspective as the Mouri from another waterway is unnaturally mixed with the other. The primary problem with this being the amelioration of the Mouri in the Makotuku and the negative impacts that are experienced downstream throughout the course of the river as a result of these diversions.

Issue of the Lack of Consultation

Ngāti Rangi still hold concerns that inadequate consultation between the applicant and Ngāti Rangi has taken place since the inception of these discussions and applications in 2001. We are of the belief that due to the lack of adequate consultation, the Ngāti Rangi cultural values and concerns relating to the activity were not sufficiently addressed, nor were they avoided, remedied or mitigated. As a result of this, we remain unsatisfied with the methods (or lack of) used to ‘mitigate’ our cultural concerns regarding this application.

Ngāti Rangi also wish to refer to the Evidence of David Graeme Inch with specific regard to paragraphs 31 & 32, in particular *‘I understand about the cultural value of the water to the local iwi and hapu. We have engaged experts in their respective fields to collect data and to determine what is acceptable culturally’*. Ngati Rangi would like clarification on whom these experts were and what data was collected to thus determine what is culturally acceptable. We also ask the applicant to provide the evidence of the cultural expert and thus the information provided to NZ Energy.

The iwi and hapū of these lands and waterways should be the only cultural experts sought to identify what we as Ngāti Rangi iwi and hapū, consider to be culturally appropriate as the application has a direct impact on us as a people, our relationship to our waterways, and the mouri of the rivers. We have no record of this happening and we challenge NZ Energy to provide evidence to support the claim that David Inch makes in his evidence.

Also we make reference to the following sentence, *'We know from our consultation with the local iwi that the canals and head pond are a source of mahinga kai ...'*. Again there is mention that consultation and discussions between the applicant and the local iwi took place. We are at a loss to when this took place, and with whom.

We would also like to mention that due to the lack of adequate consultation with the applicant over the years leading up to this hearing, the Ngāti Rangi Trust and its employees in the Environmental Management unit has resulted in a large proportion of time and resources to speak to our concerns we have with this application due to the fact that they were not addressed or mitigated throughout a consultation process in the first instance. We do not believe that meeting with the applicant (October 15th 2013) in the last two months of a 10 year process will suffice as adequate consultation. It was only to inform the iwi of their requests and for us to understand how the scheme works. It was not designed to be a conversation where the applicant sought to understand the concerns of iwi, nor attempt to avoid, remedy or mitigate them.

NZ Energy was sent a letter dated 8th May 2009 asking David Inch to engage with Ngati Rangi in a consultative process. There was no reply to this communication nor was there any attempt to enter into a proactive process of consultation to identify issues and avoid, remedy or mitigate our issues save for the information meeting described above.

Over the period of the RHPS consent applications Ngati Rangi has dealt with a number of significant Hydro Power generators, including Genesis Energy, Mighty River Power and Meridian Energy who have all attempted to engage and resource Ngati Rangi to undertaken meaningful consultation for their various projects. Much to my absolute disappointment this has not been the case with NZ Energy who in my opinion demonstrate one of the worst examples of how not to consult with tangata whenua.

There is insufficient evidence to verify that a consultation process has occurred (which we know has not) and therefore I cannot see how the consent authority can grant these consents without this legal requirement under the act being undertaken.

Ngati Rangi related decisions required by the consent authority.

The Ngati Rangi Trust is opposed to the granting of increased water allocations for both the Makotuku and Makara stream. We believe that any additional water allocation should be reserved for the potential domestic use of Raetihi residents.

We remain unconvinced that the current water allocation provided under existing water permit consents 101988 and 101989 respectively are sustainable. Key requirements which need to be considered by the consenting authority are:

Are proposed consent conditions consistent with the waterway management principles outlined in the **“Ngati Rangi Waterways Management Policy Document 2002”** and the **Draft Ngāti Rangi “Natural Resource Management Plan 2013”**

- Do consent conditions provide for the sustainable management of Mouri within waterways? We refer you to the enclosed pages from Ngati Rangi Waterways Document 2002 (section 7.1, pages 12 - 14) and section 19.3.3 in stream Flows, page 39 item 14). This relates more specifically to ensuring that minimum flows are capable of sustaining waterway life at a level consistent with the health of the waterway prior to an activity impacting on its surrounding environment.
- Will consent conditions be a barrier to Crown settlement of Waitangi Claims by any Iwi in respect of any land, rivers and streams affected by the scope of this Resource Consent. This is particularly relevant to grievances over water allocation models and access to water allocation by tangata whenua.
- Ngati Rangi policy only supports consent terms up to 15 years for water abstraction. In this case Ngati Rangi will only support a further ten (10)year term.
- How will best practice be implemented for sediment maintenance of the Head pond and canals during the life of the consent? A formalised maintenance plan and procedures would provide a better basis for ongoing compliance.
- If any fish species are seen to be stranded out of water due to this activity every reasonable effort shall be made to return them to the waterway.
- Regular periodic trend monitoring of Mahinga Kai species should be incorporated into the review of these consents. This trend monitoring should incorporate both current best practice scientific techniques and

a Ngati Rangi cultural health monitoring programme to establish the ongoing health and wellbeing of the waterways affected by these consents. These monitoring programmes shall include Ngati Rangi in their planning, development and ongoing monitoring. The applicant shall meet the costs of this monitoring work.

- The Ngati Rangi Trust shall be advised two weeks prior to any maintenance activity taking place which involves instream disturbance either to existing natural water courses or canals. To provide an opportunity to monitor activity compliance to ensure best management practice is being achieved.
- Ngati Rangi requires provision for an archaeological accidental discovery protocol for any earthworks involved with infrastructure maintenance. The following wording is currently recommended.
 - In the event of any archaeological site being uncovered or discovered during any physical works associated with this resource consent activity then the following accidental discovery protocol shall be followed. Evidence of archaeological sites can include oven stones, charcoal, shell middens, ditches, banks, pits, old building foundations, artefacts of Maori or European origin or human burials:
The Consent holder:
 - Shall immediately cease further work in that area shut down all machinery and secure the site to prevent further damage or unauthorised access. Ngati Rangi requests that there be no media coverage of any find without the written permission of Ngati Rangi.
 - Immediate contact shall be made with the Ngati Rangi Trust and Uenuku Tribal Authority and the Consenting Authority who will work through and advise an appropriate course of action regarding the discovery. (Current contact Hannah Rainforth at the Ngāti Rangi Trust)
 - Further work on the immediate site will be suspended until Ngati Rangi and Uenuku Tribal Authority are satisfied that the discovery has been appropriately dealt with under Ngati Rangi tikanga and provided written permission to the Consent Authority that operations may recommence.
- The consent authority must give appropriate weight to the needs of future community requirements for water from the Makotuku and Makara ahead of potential increased energy generation.
- There must be robust long term data to support many of the changes proposed by the applicant. If there is any doubt about the long term validity of the data to be used as the basis of these decisions then the changes must be declined.

Hannah Rainforth (Environmental Manager) for the Ngati Rangi Trust shall provide further information on decisions required by the Ngati Rangi Trust

If you require any clarification of matters outlined in this submission need to discuss the conditions above please contact Keith Wood (063858928 or 021778341).

Keith W P Wood
Former Resource Management Coordinator
Ngati Rangi Resource Management
For Ngati Rangi Trust

Appendix 1.

Copy of water allocation evidence presented to Waitangi Tribunal claims on behalf of Ngati Rangi Wai 151, 277, 467, 554, and 1250 within the Whanganui Inquiry District in March 2009 at Maungarongo Marae.

BRIEF OF EVIDENCE OF KEITH WILLIAM PAETAHA WOOD

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Ngati Rangi Kaitiakitanga and Waterway Management, maintaining our whanaungatanga (relationships) with our taonga tūpuna

Ngāti Rangi Iwi shares a strong spiritual, cultural and historical relationship with our awa, manga and puna and, just as importantly, we believe that these taonga tūpuna (treasured ancestral waters) share a strong spiritual, cultural and historical relationship with us. Our taonga tūpuna, the associated matauranga (philosophies, values and knowledge base), tikanga and ritenga (practises and uses) are precious to us.

This relationship is firmly based in our Ngāti Rangi values and philosophies of mouri, tapu, mana, mana kaitiaki, wairua, whakapapa and ahi kā. The exercise of our tikanga and ritenga ensure the maintenance of our values, philosophies and knowledge base. It regulates and strengthens our relationship with our awa, manga and puna, the relationship of our awa, manga and puna with us, and relationships between ourselves as uri of Ngāti Rangi.

I have outlined above the importance of water to Ngati Rangi and tried to describe its significance. For our people our waterways, the water that they contain and the life forms that live within them are an inherent part of us and have never been relinquished by our people. All I understand as an uri of Ngati Rangi is that our waterways remain our taonga, a resource that needs to be nurtured, sustained and enhanced.

Over time working with our paheke and learning about our waterways raised a number of serious questions:

How and when did the Crown take ownership and control of our waterways from Ngati Rangi? Our people are resolute that we have never given up control of these resources yet the Crown has assumed control and has now delegated that role to Regional Councils.

Why have our values and cultural interests in our waterways not been embraced in legislation to protect our historic and contemporary interests? It would appear that any references to Maori cultural values or interests do not appear in legislation until the Resource Management Act came into law. The progress of introducing these elements into actual planning processes has been a long a drawn out process which is still a long way from complete some 17 years later. Without leadership and direction from central government each Consenting Authorities have done their own thing and made progress slow and complicated.

What happened to our traditional customary fishing rights? Why are we penalised for fishing in our waterways for exotic sport fish (Trout). These exotic fish were liberated in our waterways without consultation with Ngati Rangi, they have displaced our native fishery and yet we have to get a licence (pay) to catch them. If it were not for our water they would have perished, they have eaten the native kai provided from our waters to get fat therefore in essence their survival and existence depends on our natural resources. Hence we should have a customary right to harvest them.

Do past and present water allocation models make provision for tangata whenua water allocation? My understanding of water allocation models that have been used have suffered from a “first come’ first serve” methodology that totally excludes Ngati Rangi interests. The problem I have with this allocation system is that water allocations are

captured by commercial business ahead of Ngati Rangi interests and Ngati Rangi domestic or commercial interests are disadvantaged.

An RMA Savvy commercial operation with a need to use water to improve the commercial profitability of their operation can proactively apply for resource consent to capture baseline volumes of water and effectively exclude other operations. This has a distinct disadvantage for emerging Ngati Rangi commercial interests with a need for water as all the water is allocated or we are continually competing for water resources that should be ours of right in the first place.

So where is the provision for tangata whenua water allocation and why is there no percentage allocation of water resources for tangata whenua use? Why are our commercial needs for water subservient to other first come first serve commercial interests?

There are some classic examples of this problem occurring in our region already. Typically power generator Genesis Energy have existing water rights or consents that allow them to take water for power generation as a priority to other users. These are state built facilities that have been commercialised into corporate entities that use our fuel (water) for commercial profit. They are fighting to retain that water right for 35 years which means for a Ngati Rangi land owner downstream of their water intakes there is nil potential for commercial profitability from the waterways involved because there is no water as Genesis have a 100% water take.

Local farmers also have priority access to Ngati Rangi water for their livestock as of right without need for resource consent up to certain limits per property, yet most farms are also commercial enterprises again benefiting from inequitable water allocation systems that disadvantage Ngati Rangi interests. On the other hand a Ngati Rangi vegetable grower is restricted by RMA law from using Ngati Rangi water in their business because they must have a resource consent by comparison.

The Ngati Rangi vegetable grower is then further disadvantaged by a large nationwide vegetable growing operation from Pukekohe who has already recognised the yield increases possible from water irrigation of their crops (increased profitability) and under the current draft of the Horizons One Plan is able to obtain a non notified consent and secured the bulk of the core water allocation available from five of the key local streams for the next 12 years.

The “One Plan” being developed by Horizons Regional Council, has a “core water allocation” used as part of its water allocation methodology. Under the One Plan, 20% of the low flow level of the waterway can be allocated without notification nor having to apply too much research and information regarding water takes. In essence it is deemed by Horizons to be freely available in a stream. I do not know whether or not that this method has a good scientific basis, but this is the approach being used. This means that if someone knows the consent process, they can apply for consents for that water and easily capture and monopolise the consent for that initial 20%. If someone else wants water rights they will either have to seek the permission of the first applicant to use that 20% or go through a more rigorous research process to see what the waterway can handle.

The above scenario is a real life example of the problems we face as Ngati Rangi descendants. AS Wilcox and Sons Ltd from Pukekohe were granted a non notified consent on the 21st February 2008 to abstract various volumes of water for crop irrigation from the Tokiahuru Stream, Waitaiki Stream, Waiharuru Stream, Mangaehuehu Stream and the Mangateitei stream for a period of 12 years. Copy of AS Wilcox and Sons Resource consent decision attached as appendix Four (4)

Local vegetable growers “Sprout Central Ltd” owned and operated by Murray and Marcia Taylor (Marcia being a Ngati Rangi descendant) were issued with an Abatement notice and an Infringement Notice for unauthorised abstraction of water from an unnamed tributary of the

Waitaiki Stream on the 25th July 2008 (for an offence that happened on the 24th March 2008) resulting in a \$500.00 fine. This offence related to vegetable crop irrigation in one of the driest years for our region during a period where there was wholesale abuse of water extraction without consent across the region in general by a large number of individual growers all operating without consent. Sprout Central Limited continued to use water after Horizons had instructed growers to cease irrigation operations and was prosecuted. Copy of “Sprout Central Limited” abatement and infringement notice etc included as appendix five (5):

While I do not condone breaking the law there is a principle of tangata whenua being able to use our own water without penalty under environmentally sustainable conditions. I would argue that from our Ngati Rangī perspective Sprout Central Ltd were within their rights to use our water for their operation. However I am well aware that the prevailing law dictates otherwise.

My point is that as Ngati Rangī uri they are disadvantaged by not having unfettered or conditional access to water resources comparable with say electricity generation or farming and their position is further disadvantaged by a large national vegetable grower already securing the bulk of the core water allocation in the majority of the streams locally under the “first come first serve” provisions of the water allocation process. Therefore it will be more difficult for them to obtain legitimate resource consent for ongoing irrigation during dry periods in the future.

The other problem with the AS Wilcox irrigation consent is that it was non notified, so there was no notification to Ngati Rangī that water resources are being allocated and we had no knowledge of the potential impacts on our waterways. Again decisions are made about our waterways without our knowledge or input. The only reason I was made aware of the consent being issued was through discussion with

a consultant working on another resource consent matter and he provided me with a copy.

The previous questions have been brought about as a result of all the years of dealing with RMA matters on behalf of Ngati Rangi and trying to understand why there is such a huge resistance to our ideologies and values being built into RMA planning and practice and then again how did we end up in such a disadvantaged position.

Recent reading of the report prepared for the Whanganui Hearing Enquiry by David Alexander "Some Aspects of Crown involvement with Waterways in the Whanganui Inquiry District, August 2008" has helped me understand the processes that the crown have used through legislation to steal our water rights, and ignore our relationships, values and cultural heritage leaving Ngati Rangi and Māori in general hugely disadvantaged in terms of our waterway protection and control. I draw the tribunal's attention to this report and particularly chapter 2 which deals with groundwater specifically from which I understand the principals of the legislation are equally applicable to surface water.

Therefore my claim is that the Crown has through premeditated legislation stolen our water, our water rights and our ability to exercise our tinorangatiratanga over these resources. The Crown has not protected our interests under the principles of the Treaty of Waitangi and that legislation continues to rule in favour of individuals and commercial interests for individual benefit at the expense of our Ngati Rangi community and sustainability regionally. Many of these grievances are intertwined and interlinked but in summary the issues are:

- Confiscation of our water ownership and rights

- Failure to protect our taonga (waterways) and their intrinsic cultural and spiritual values (pollution of waterways through sewage, vegetable washing and industrial discharge, eradication of native fish species by introduction of exotic sport fish and reduction in customary fishing rights)
- Failure to protect our wahi tapu and wahi taonga value of our waterways
- Failure to engage tangata whenua in the decision making processes that disempowered our ownership and rights to our waterways as taonga as guaranteed under the Treaty of Waitangi.
- Applying and maintaining an often unregulated and unsustainable “first come, first serve” water right process that failed to provide for Ngati Rangi input and failed to ensure water resources continued to be equally available for Ngati Rangi use.
- Failure to provide for a specific Ngati Rangi water allocation right in line with the spirit of partnership embodied in the Treaty of Waitangi to ensure Ngati Rangi have a specific water allocation that is available for commercial use.

Ngati Rangi has not conceded ownership and the right to control our waterways. These rights in our view have never been relinquished, nor sold or traded. Rather they have been stolen, devalued and systematically eroded by the Crown and their agents without any consideration of our indigenous rights.