

BEFORE THE TARANAKI REGIONAL COUNCIL

under: the Resource Management Act 1991

in the matter of: Resource consent applications by Remediation New Zealand for resource consents to discharge waste material, treated stormwater & leachate, and to discharge emissions into the air from composting operations, at State Highway 3 1460 Mokau Road, Uruti (“Applications”)

Statement of evidence of **Jamie Grant Daniel Tuuta** for
Te Rūnanga o Ngāti Mutunga

(to be delivered at the Hearing commencing 24 March 2021)

Counsel for TE RŪNANGA O NGĀTI MUTUNGA:

Sarah Ongley
Barrister
PO Box 8213
NEW PLYMOUTH
Telephone: 0274 467 917
Email: sarah@ongley.co.nz
www.bankchambers.co.nz

STATEMENT OF EVIDENCE OF JAMIE GRANT DANIEL TUUTA

Nau mai rā e te motu
Nau mai rā e te ao
Kia kite koe i te puapua
Kia kite koe i te werewere
Kia kite koe i te manawanui
Kia kite koe i te manawaroa
Kia kite koe i te mana o te iwi e takoto nei
Ko te iwi o Mutunga e tū nei
E runga whai mai, e raro whai mai
E uta heke mai, e tai tapiki mai kia kotahi te tū
kotahi te rongo mō Mutunga e whakaaturia nei
E te iwi heke mai!

E tū e te iwi i runga i ngā kōrero o ngā whakatupuranga
Whiria te tangata, whiria te kaupapa, whiria ngā taonga tuku iho, whiria
kia ū, whiria kia mou, mou kia ita!

INTRODUCTION

- 1 My full name is **Jamie Grant Daniel Tuuta**.
- 2 I am Chair of Te Rūnanga o Ngāti Mutunga (“Ngāti Mutunga”).
- 3 I was born in Taranaki and grew up on whanau land in Urenui. I have been actively involved with Ngāti Mutunga all of my life and have a strong connection and relationship to our rohe and our iwi. I also hold kōrero relating to Ngāti Mutunga.
- 4 I specialise in governance and hold a number of directorships including as:
 - a. Chairperson of Tourism New Zealand;
 - b. Chairperson of Taranaki Mouna Project;
 - c. Chairperson of Māori Television;
 - d. Director of Taranaki Whanui Limited;
 - e. Chairperson of Ka Uruora Trust;
 - f. Director of Taranaki Iwi Claims Management Limited; and
 - g. Chairperson of Venture Taranaki Trust.
- 5 I was also the Chair of Te Ohu Kaimoana and Te Ohu Kaimoana Portfolio Management Services.
- 6 I have had extensive experience working with various iwi throughout the country and have deep experience across multiple sectors.

- 7 My evidence addresses:
 - a. Who we are (Ngāti Mutunga).
 - b. Our associations with the Mimitangiatua.
 - c. Our position on the applications.
- 8 Ngāti Mutunga's concerns with the applications are:
 - a. Effects on the awa – effects on the quality of water in the Haehanga stream and the Mimitangiatua.
 - b. Effects on the whenua – our concern as kaitiaki that a contaminated site is being created in our rohe.
- 9 The following uri will speak further to the cultural effects of these applications:
 - a. Carol Shenton;
 - b. Rawiri McClutchie.
- 10 Anne-Maree McKay will address in more detail the provisions of our Iwi Management Plan and the recent Mauri Compass Report, a Cultural Health Index Monitoring method for the Mimitangiatua awa.¹
- 11 This evidence is intended to provide a high level summary of Te Runanga's position on the Applications, and the reasons we hold that position.

NGĀTI MUTUNGA IWI

- 12 Ngāti Mutunga descends from a number of ancestors who lived in the area occupied today by ngā uri o ngā tūpuna o Ngāti Mutunga. These ancestors include Tokauri, Tokatea, Mihirau, Heruika, Pūrakino, Rakaupounamu, Uenuku (son of Ruawahia), Hineweo, Hinenō, Te Hihiotū, Kahukura, and Mutunga. Ngāti Mutunga also descends from ancestors who arrived on the Tokomaru, Tahatuna and Ōkoki waka such as Taitaawaro, Manaia and Ngānganarūrū. Over generations, the descendants of these tūpuna intermarried and became generally known as Ngāti Mutunga.
- 13 Ngāti Mutunga was traditionally a confederation of hapū, exercising tino rangatiratangā over their rohe. This collective group included the following historical hapu,
 - (i) Kaitangata

¹ *Te Rūnanga o Ngāti Mutunga Mauri Compass Assessment of the Urenui River and the Mimitangiatua River*. Benson, M., McKay, A-M., Ruru, M., Ruru, R., Ruru, I. (2020). Prepared for Te Wai Māori Trust by Te Rūnanga o Ngāti Mutunga, Urenui, New Zealand.

- (ii) Ngati Aurutu
- (iii) Ngati Hinetuhi
- (iv) Ngati Kura
- (v) Ngati Okiokinga
- (vi) Ngati Tupawhenua
- (vii) Ngati Uenuku
- (viii) Te Kekerewai (also known as Ngāti Rangi, made up of the sub-groupings Ngāti Te Uruwhakawai, Ngāti Korokino, and Ngāti Tutewheuru).

- 14 These historical hapū no longer form distinct communities within Ngāti Mutunga i.e. in recent times, Ngāti Mutunga has interacted as a single tribal grouping (an iwi).
- 15 Ngāti Mutunga entered into a deed of settlement with the Crown on 31 July 2005, to settle the historical claims of Ngāti Mutunga. Breaches of te Tiriti o Waitangi are listed in the Ngāti Mutunga Claims Settlement Act 2006.² These breaches included land deprivation and disempowerment - words used by the Waitangi Tribunal in the Interim Taranaki Report.
- 16 Te Runanga o Ngati Mutunga is the 'post-settlement governance entity' of Ngāti Mutunga. It was established by trust deed dated 21 December 2005.
- 17 The iwi today has around 2362 members aged 18 and over.

NGĀTI MUTUNGA ROHE

- 18 The area of the Ngāti Mutunga rohe is approximately 63,200 hectares (156,000 acres). A map showing Ngāti Mutunga's rohe is attached to my evidence (Attachment 1).
- 19 The traditional rohe of Ngāti Mutunga is indelibly etched into both the physical and historical landscapes. The Tītoki ridge rising from the marine shelf in the northwest signals interface with Ngāti Tama.
- 20 From here, the Tītoki stream outlines the extremities of tupuna mana as far north as the Mangahia Stream from which an easterly direction is struck to Huanui, then northwest to Waitara-iti. The rohe then finds a natural eastern definition in the Waitara River as the river flows southward to the Poutiatoa precinct.
- 21 From here the border extends further south and then northwest along the Waitara River to a point where the river connects with the Makara Stream. The confines of Manawhenua are then traced in a

² Section 7(10) states: "*The Crown acknowledges that the cumulative effect of its breaches of the Treaty of Waitangi (te Tiriti o Waitangi) and its principles has significantly undermined the traditional systems of authority, economic capacity and the physical, cultural and spiritual wellbeing of Ngati Mutunga. The Crown acknowledges that it has failed to protect the rangatiratanga of Ngati Mutunga in breach of its obligations under Article Two of the Treaty of Waitangi (te Tiriti o Waitangi).*"

northerly direction skirting slightly west of the Poukekewa, Poutotara and Pukemai streams.

- 22 The Mangahewa Stream provides an outline for the duration of the course to the coast. The old settlement of Te Rau o te Huia was bounded by the Waiou River and its remains mark the area of Ngāti Mutunga's southern boundary.

MIMITANGIATUA AWA

- 23 The Statutory Acknowledgements in the 2006 settlement legislation, include four awa:

- a. Urenui;
- b. Onaero;
- c. the Waitara river flowing within Ngāti Mutunga's rohe; and
- d. the Mimitangiatua flowing within Ngāti Mutunga's rohe.

- 24 The correct name is the Mimitangiatua river (not the 'Mimi'). The river is also known as Te Wai o Mihirau. Mihirau was an ancestress of the Te Kekerewai hapū and was a prominent woman of her time. The name Te Wai o Mihirau is referred to in a Ngati Mutunga pepeha:

*Mai te Wai o Mihirau (Mimi River) ki Te Wai o Kuranui (Urenui),
koia tera ko te whakararunganui taniwha*

- 25 Attachment 2 shows whakapapa to Mimitangiatua and Mihirau.

- 26 Ngāti Mutunga's Statement of Association with the Mimitangiatua Awa, as recognised by the Crown,³ includes recognition that:

- a. All elements of the natural environment possess a life force and all forms of life are related. Mauri is a critical element of the spiritual relationship of Ngati Mutunga whanui to the Mimitangiatua River.
- b. The traditions of Ngati Mutunga illustrate the cultural, historical and spiritual association of Ngati Mutunga to the Mimi River. For Ngati Mutunga, traditions such as these represent the links between the world of the gods and present generations. These histories reinforce tribal identity, connection and continuity between generations and confirm the importance of the Mimitangiatua River to Ngati Mutunga.

- 27 The Onaero, Urenui and Mimitangiatua have been occupied by the tūpuna of Ngāti Mutunga since before the arrival of the Tokomaru and Tahatuna waka.

³ From Deed of Recognition between the Crown and Ngāti Mutunga dated 13 December 2006. Also set out in the Officer's Report.

- 28 Ngāti Mutunga utilised the entire length of the Mimitangiatua for food gathering. Inanga (whitebait) were caught along the banks of the river. Tuna (eel) and piharau (lamprey) were caught in the upper reaches of the river. Piharau were caught using whakaparu, which was a technique developed by placing rarauhe (bracken fern) in the rapids of the river in times of flood. The river mouths provided a plentiful supply of pipi, pūpū (cat's eye), pātiki (flounder), kahawai and other fish.
- 29 There are many pā and kāinga located along the banks of the Mimitangiatua. These include Mimi-Papahutiwai, Omihi, Arapawanui, Oropapa, Pukekohe, Toki-kinikini and Tupari. There were also a number of taupā (cultivations) along the banks of the river.
- 30 The Mimitangiatua River and associated hūhi (swampy valleys), ngahere (large swamps) and repo (muddy swamps) were used by Ngāti Mutunga to preserve taonga. The practice of keeping wooden taonga in swamps was a general practice of the Ngāti Mutunga people for safekeeping in times of war.
- 31 Special areas of the river were used for bathing sick people. The river was used for baptising babies.
- 32 Changes to the Mimitangiatua have degraded its mauri and wairua, such that this awa can no longer sustain Ngāti Mutunga (similarly with the Urenui and the Onaero rivers). Many kai species have disappeared, or their physical appearance of the rivers has changed beyond recognition. However, prior to the current Rāhui, kai was still taken from the awa.
- 33 We have developed an Iwi Management Plan that Anne-Maree McKay discusses in her evidence. This includes as policy:
- “To prioritise the restoration of rivers in the Ngāti Mutunga rohe”.*
- 34 Our Mauri Compass Report also encompasses the goal that the mauri of the Mimitangiatua be nurtured and restored.
- 35 This means that we are interested in all the activities that may affect the awa, including (but not only) the composting facility at Uruti.

MIMITANGIATUA - TE MANA O TE WAI and KI UTA KI TAI

- 36 As stated in our Mauri Compass Report:

“Ngāti Mutunga recognises that everything has a mauri or life force, and all elements of our environment are interconnected. In order for our people to be healthy and happy, everything around them needs to be healthy too.”

- 37 This is the concept of 'Te Mana o Te Wai' – also stated in the Government's National Policy Statement for Freshwater.

- 38 Te Mana o Te Wai means that the community and the wider environment cannot be healthy unless the water is healthy.
- 39 For Ngāti Mutunga (and for Maori generally) water is not a commodity to benefit land-based production and economic development. Water does not exist to absorb nutrients from land based activities.
- 40 The mana of water, its health and status, is the paramount priority. Without taking care of the water, the community and the rest of the environment will not be cared for.
- 41 As is stated in our Iwi Management Plan:

“Natural and physical resources are managed in an holistic and integrated way.”

- 42 Ki Uta ki Tai reflects the mātauranga that all environmental elements are connected and must be managed in that way. Water, land and people are interconnected. The Mimitangiatua is its headwaters down to the Mimitangiatua estuary.
- 43 Ki uta ki tai is more than a linear framework. It includes what occurs on land within the catchment.
- 44 The headwaters and tributaries of the Mimitangiatua cannot be ‘separated-off’.
- 45 The Haehanga stream flows to the Mimitangiatua, which flows to the river mouth. Activities occurring on the surrounding land, can leach contaminants to the awa.
- 46 Ngāti Mutunga has involved its own scientific experts at this hearing. Their evidence, is that the RNZ activities are having significant adverse effects on aquatic life in the Haehanga stream. I understand that, under Western science methods, there is evidence that physical effects in the Haehanga are likely having flow-on effects in the Mimitangiatua. Ngāti Mutunga members have been saying this for some time, when discussing the mauri and the wairua of the Mimitangiatua.

THE WHENUA

- 47 When obtaining the existing consents, RNZ said that the drilling waste received onto the site would be remediated through the vermiculture beds. Other waste streams would be composted. The Officer’s Report states that no compostable material has left the site in the last 10 years and that the only material that has left the site is the ‘vermicast’.
- 48 RNZ has compiled large volumes of drilling waste mix compost on-site. This has been called a ‘legacy’ issue. The stockpiling of more than 20,000 tonnes of mixed drilling waste/compost material has not been able to be remediated.

49 Mr David Gibson’s evidence is that most effects are “*internalised to the site*” does not address our cultural concerns.

50 Ngāti Mutunga oppose the proposal to use 10,000 tonnes of this material for ‘cold air bunds’. Our soils expert (K Beecroft) says:⁴

“...I consider that the presence of these bunds has implications for the site that are likely to extend beyond the operational site life. No proposal has been put forward by the Applicant for how the monofill will be managed to avoid a legacy issue.”

51 We oppose the spreading of the remainder of the material around the site for ‘soil conditioning’.

52 It is distressing to Ngāti Mutunga that this plan would occur over a timeframe that will affect Ngāti Mutunga future generations.

53 If the mix cannot meet the standards for soil conditioning, we oppose the ‘worst-case scenario’ stated by RNZ as revegetating and stabilising the stockpile within the site and then applying it as a soil treatment at the end of the site’s life.

54 As part of the Site Remediation Plan, Ngāti Mutunga request that this contaminated stockpile of material should be moved off the site. We understand this would be expensive. This is not a problem that has been created by Ngāti Mutunga.

THE APPLICATIONS

55 We have read the evidence that RNZ has a vision for the site to convert it to a composting facility receiving only organic materials and “*operating within a wider catchment that is managed for future generations*”.⁵ We understand this intention to include food scraps from the New Plymouth District Council collection.

56 We are aware that the site provides economic benefits to the Taranaki Region.

57 We have considered the recommendations made by Taranaki Regional Council Officers to grant resource consents for discharges to land and water, for a period of 10 years, with strict surveillance and monitoring conditions.

58 We have considered whether the conditions could be supplemented by cultural monitoring conditions, or whether Ngāti Mutunga could agree to the site being consented for a short period of time.

59 Ngāti Mutunga does not support any consent that would allow RNZ to continue to take of materials onto the site. Managers of Remediation NZ have not shown respect for the awa, or the

⁴ Evidence of K Beecroft at [53].

⁵ Evidence of Kathryn Louise Hooper, 9 March 2021 at [21].

whenua. Given the current situation that includes large stockpiles of material that has not been able to be 'remediated', no more waste material should be accepted onto the site.

CONCLUSION

- 60 For Ngāti Mutunga, the effects of the operation have put out of balance the needs of the community, the wider environment and the health and wellbeing of the Mimitangiatua.
- 61 Ngāti Mutunga seeks that the consents be granted for a limited term to allow a comprehensive Site Exit Plan to be implemented. That is, that the site be cleaned up and the operation cease.

Jamie Grant Daniel Tuuta

Attachment 1: Ngāti Mutunga rohe

Attachment 2: Whakapapa to Mimitangiatua and Mihirau





Attachment 2:

Ko te ara o Mihirau me Mimitangiatua

