

**Hearings Panel**  
**ATTACHMENTS UNDER SEPARATE COVER**

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**Date:** Monday 4 July 2022  
**Time:** 9.00am  
**Venue:** Duvauchelle Treated Wastewater Options,  
Committee Room 2, Level 2, Civic Offices, 53 Hereford  
Street

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Te Rūnanga o NGĀI TAHU

30 June 2022

Christchurch City Council  
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Email: [Simone.Gordon@ccc.govt.nz](mailto:Simone.Gordon@ccc.govt.nz)

Tēnā koe

**Re: Duvauchelle Treated Wastewater Options**

**1. Te Rūnanga o Ngāi Tahu and Papatipu Rūnanga**

- 1.1 This submission is made on behalf of Te Rūnanga o Ngāi Tahu (**Te Rūnanga**) and Ōnuku Rūnanga (collectively referred to as Ngāi Tahu).
- 1.2 Te Rūnanga is the statutorily recognised representative tribal body of Ngāi Tahu whānui (as provided by section 15 of the Te Rūnanga o Ngāi Tahu Act 1996 (**TRONT Act**)) and was established as a body corporate on 24 April 1996 under section 6 of the TRONT Act.
- 1.3 Te Rūnanga encompasses five hapū, Kati Kurī, Ngāti Irakehu, Kati Huirapa, Ngāi Te Ruahikihiki, Ngāi Tūāhuriri and 18 Papatipu Rūnanga, who uphold the mana whenua and mana moana of their rohe. Te Rūnanga is responsible for managing, advocating and protecting, the rights and interests inherent to Ngāi Tahu as mana whenua.
- 1.4 Notwithstanding its statutory status as the representative voice of Ngāi Tahu whānui “for all purposes”, Te Rūnanga accepts and respects the right of individuals and Papatipu Rūnanga to undertake their own feedback.
- 1.5 Te Rūnanga respectfully requests that Christchurch City Council accord this response with the status and weight of the tribal collective of Ngāi Tahu whānui comprising over 70,000 registered iwi members, in a takiwā comprising the majority of Te Waipounamu. A map of the takiwā of Te Rūnanga is included at **Appendix One**.

**2 Te Tiriti o Waitangi**

- 2.1 The contemporary relationship between the Crown and Ngāi Tahu is defined by three core documents: Te Tiriti o Waitangi (**the Treaty**), the Ngāi Tahu Deed of Settlement 1997 (**Deed of Settlement**) and the Ngāi Tahu Claims Settlement Act 1998 (**NTCSA**). These documents form an important legal relationship between Ngāi Tahu and the Crown.

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- 2.2 Of significance, the Deed of Settlement and NTCSA confirmed the rangatiratanga of Ngāi Tahu and its relationship with the natural environment and whenua within the takiwā.
- 2.3 As recorded in the Crown Apology to Ngāi Tahu (see **Appendix Two**), the Ngāi Tahu Settlement marked a turning point, and the beginning for a “new age of co-operation”. In doing so, the Crown acknowledged the ongoing partnership between the Crown and Ngāi Tahu and the expectation that any policy or management regime would be developed and implemented in partnership with Ngāi Tahu.

**3 Te Rūnanga and Poutini Ngāi Tahu Interests in the Duvauchelle Treated Wastewater Options.**

- 3.1 Ngāi Tahu note the following particular interests in the proposed options:

***Treaty Relationship***

- Ngāi Tahu have an expectation that the Crown (and their delegated authorities) will honour Te Tiriti o Waitangi and the principles upon which it was founded. All persons undertaking duties and responsibilities in accordance with the purpose this document shall recognise and respect the Crown's responsibility to give the principles of the Treaty.

***Kaitiakitanga***

- In keeping with the kaitiaki responsibilities of Ngāi Tahu whānui, Ngāi Tahu has an interest in ensuring sustainable management of natural resources, including protection of taonga and mahinga kai for future generations.
- Ngāi Tahu whānui are both users of natural resources, and stewards of those resources. At all times, Ngāi Tahu are guided by the tribal whakataukī: “mō tātou, ā, mō kā uri ā muri ake nei” (*for us and our descendants after us*).

***Whanaungatanga***

- Te Rūnanga has a responsibility to promote the wellbeing of Ngāi Tahu whānui and ensure that the management of Ngāi Tahu assets and the wider management of natural resources supports the development of iwi members.

- 3.2 Statutory Acknowledgements are an instrument included in the NTCSA. Statutory Acknowledgements are areas acknowledged by the Crown of particular significance to Ngāi Tahu that recognise the mana of tangata whenua in relation to specific areas. The acknowledgements relate to ‘statutory areas’, which include geographic features, lakes, wetlands, rivers, areas of land and coastal marine areas. Statutory Acknowledgments particularly relate to the cultural, spiritual, historical and traditional associations with the area.
- 3.3 The relevant Statutory Acknowledgement Area in respect of the proposal is the Statutory acknowledgement for Te Tai o Mahaanui (Selwyn — Banks Peninsula Coastal Marine Area). The NTCSA describes the Ngāi Tahu associations with Te Tai O Mahaanui (refer to **Appendix Three** for a full description).
- 3.4 A taiāpure provides statutory recognition of an area (being estuarine or littoral coastal waters) that has customarily been of special significance to an iwi or hapū as a source of food or for spiritual or cultural reasons. The object of a taiāpure is to make better provision for the recognition of rangatiratanga and the fisheries rights secured under Article II of the Treaty of Waitangi. The provisions for taiāpure are contained within Part IX of the Fisheries Act 1996. The taiāpure tool is a key component of the redress package for the Treaty of Waitangi fisheries settlements. Akaroa Harbour is a Taiāpure.

- 3.5 These associations are material to decision making under the Local Government Act.

### 3 Treated Wastewater Options

- 3.1 Ngāi Tahu wishes to acknowledge the commitment of the Christchurch City Council (CCC) to remove wastewater discharges from Akaroa Harbour. That the council recognises the rights and interests of Ngāi Tahu within the harbour and its importance for mahinga kai. This importance has been reflected in the reports and information available to the public during the consultation period.
- 3.2 Of the two options out for consideration by the public, option 1 – Spray and Drip Irrigation of Akaroa Golf Course is the option preferred by Ngāi Tahu.
- 3.3 The reasons for the support of this option are as follows:
- This option is supported by the Akaroa Golf Course
  - The potential reduction on the reliance on the Pawsons Stream for irrigation of the golf course
  - The tertiary level of treatment that meets international standards and public health requirements.
  - The recycling of resources and
  - As noted in the supporting documentation the options remove discharges from the harbour.
- 3.4 While Ngāi Tahu prefers option one, we do acknowledge that the golf course borders both the Duvauchelle Primary School and residential property. Our tamariki love adventure, exploring and don't always follow or understand restrictions. In addition, Pawsons Stream runs through the golf course and past the school.
- 3.5 Option 2 has only secondary level of treatment. Ngāi Tahu considers that the tertiary level of treatment is required, given the use of the golf course and surrendering properties.
- 3.6 Ngāi Tahu notes that the technical report by Beca – Duvauchelle Wastewater Summary of Disposal and Reuse Options 2022 on page 17 discusses the upgrade requirements for the wastewater treatment plant. The report states:
- “The selected option for a disposal scenario with no restrictions on public access was installation of ultrafiltration membranes and validated UV disinfection. A membrane-only option could be feasible if additional restrictions were placed on public access (i.e. no public access during irrigation, and withholding periods/no access until dry).”
- 3.7 Ngāi Tahu considers that the use of the surrounding land needs to be taken into consideration when considering the level of treatment that is applied to the wastewater. Based on the report this would include both the ultrafiltration membranes and validated UV disinfection.
- 3.8 As the council documents have noted any discharge of wastewater to water regardless of the level of treatment is culturally offensive to Ngāi Tahu, this includes freshwater. That cleansing through Papatūānuku is needed.
- 3.9 Given this, and the surrounding property uses, Ngāi Tahu also considers that some restrictions should also be considered. This would include but not limited to:

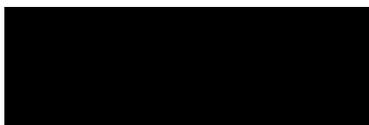
Te Rūnanga o Ngāi Tahu

- timing of irrigation e.g. night vs day,
- ensuring adequate separation from Pawsons Stream and property boundary.

3.10 We do not wish to be heard in support of this submission.

3.11 As stated above Ngāi Tahu appreciates the work the council has undertaken, including working alongside the Duvauchelle Working Group (which Ōnuku Rūnanga is a member) to narrow down the many options presented. We look forward to continuing to work with the council as progress is continued to be made remove the Duvavuchelle wastewater discharge from Akaroa Harbour.

Ngā mihi mahana,



**Aaron Leith**  
Acting General Manager,  
Te Ao Tūroa  
Te Rūnanga o Ngāi Tahu



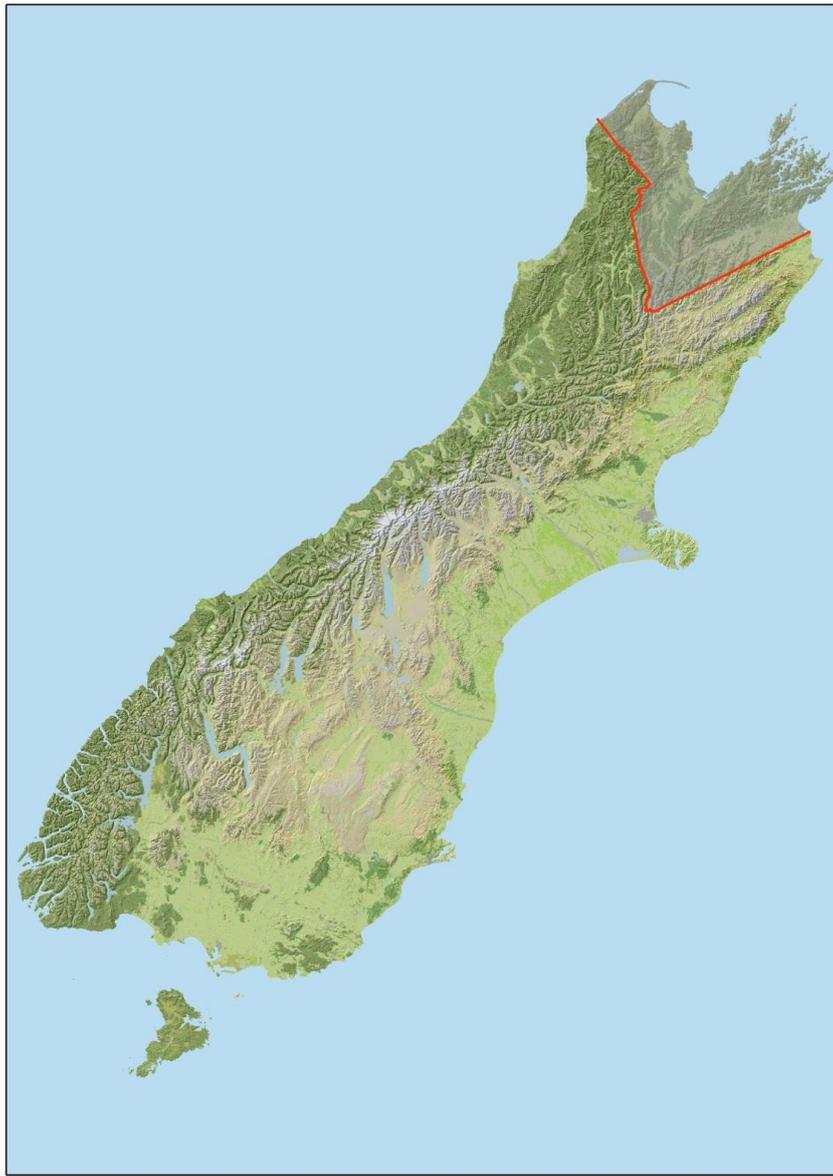
**Rik Tanui**  
Chair  
Ōnuku Rūnanga

**Addresses for service:**

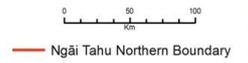
  
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APPENDIX ONE: NGĀI TAHU TAKIWĀ



Ngāi Tahu Takiwā



Ngāi Tahu Northern Boundary

## APPENDIX TWO: TEXT OF CROWN APOLOGY

The following is text of the Crown apology contained in the Ngāi Tahu Claims Settlement Act 1998.

### *Part One – Apology by the Crown to Ngāi Tahu*

#### *Section 6 Text in English*

The text of the apology in English is as follows:

1. The Crown recognises the protracted labours of the Ngāi Tahu ancestors in pursuit of their claims for redress and compensation against the Crown for nearly 150 years, as alluded to in the Ngāi Tahu proverb “He mahi kai takata, he mahi kai hoaka” (“It is work that consumes people, as greenstone consumes sandstone”). The Ngāi Tahu understanding of the Crown's responsibilities conveyed to Queen Victoria by Matiaha Tiramorehu in a petition in 1857, guided the Ngāi Tahu ancestors. Tiramorehu wrote:

*This was the command thy love laid upon these Governors ... that the law be made one, that the commandments be made one, that the nation be made one, that the white skin be made just equal with the dark skin, and to lay down the love of thy graciousness to the Māori that they dwell happily ... and remember the power of thy name.*

2. The Crown hereby acknowledges the work of the Ngāi Tahu ancestors and makes this apology to them and to their descendants.
3. The Crown acknowledges that it acted unconscionably and in repeated breach of the principles of the Treaty of Waitangi in its dealings with Ngāi Tahu in the purchases of Ngāi Tahu land. The Crown further acknowledges that in relation to the deeds of purchase it has failed in most material respects to honour its obligations to Ngāi Tahu as its Treaty partner, while it also failed to set aside adequate lands for Ngāi Tahu's use, and to provide adequate economic and social resources for Ngāi Tahu.
4. The Crown acknowledges that, in breach of Article Two of the Treaty, it failed to preserve and protect Ngāi Tahu's use and ownership of such of their land and valued possessions as they wished to retain.
5. The Crown recognises that it has failed to act towards Ngāi Tahu reasonably and with the utmost good faith in a manner consistent with the honour of the Crown. That failure is referred to in the Ngāi Tahu saying “Te Hapa o Niu Tireni!” (“The unfulfilled promise of New Zealand”). The Crown further recognises that its failure always to act in good faith deprived Ngāi Tahu of the opportunity to develop and kept the tribe for several generations in a state of poverty, a state referred to in the proverb “Te mate o te iwi” (“The malaise of the tribe”).
6. The Crown recognises that Ngāi Tahu has been consistently loyal to the Crown, and that the tribe has honoured its obligations and responsibilities under the Treaty of Waitangi and duties as citizens of the nation, especially, but not exclusively, in their active service in all of the major conflicts up to the present time to which New Zealand has sent troops. The Crown pays tribute to Ngāi Tahu's loyalty and to the contribution made by the tribe to the nation.

7. The Crown expresses its profound regret and apologises unreservedly to all members of Ngāi Tahu Whānui for the suffering and hardship caused to Ngāi Tahu, and for the harmful effects which resulted to the welfare, economy and development of Ngāi Tahu as a tribe. The Crown acknowledges that such suffering, hardship and harmful effects resulted from its failures to honour its obligations to Ngāi Tahu under the deeds of purchase whereby it acquired Ngāi Tahu lands, to set aside adequate lands for the tribe's use, to allow reasonable access to traditional sources of food, to protect Ngāi Tahu's rights to pounamu and such other valued possessions as the tribe wished to retain, or to remedy effectually Ngāi Tahu's grievances.
8. The Crown apologises to Ngāi Tahu for its past failures to acknowledge Ngāi Tahu rangatiratanga and mana over the South Island lands within its boundaries, and, in fulfillment of its Treaty obligations, the Crown recognises Ngāi Tahu as the tangata whenua of, and as holding rangatiratanga within, the Takiwā of Ngāi Tahu Whānui.
9. Accordingly, the Crown seeks on behalf of all New Zealanders to atone for these acknowledged injustices, so far as that is now possible, and, with the historical grievances finally settled as to matters set out in the Deed of Settlement signed on 21 November 1997, to begin the process of healing and to enter a new age of co-operation with Ngāi Tahu."

### **Appendix Three: Text of Statutory Acknowledgement Areas from the Ngāi Tahu Claims Settlement Act 1998**

#### **Schedule 101 Statutory acknowledgement for Te Tai o Mahaanui (Selwyn — Banks Peninsula Coastal Marine Area)**

“The formation of the coastline of Te Wai Pounamu relates to the tradition of Te Waka o Aoraki, which foundered on a submerged reef, leaving its occupants, Aoraki and his brothers, to turn to stone. They are manifested now in the highest peaks in the Ka Tiritiri o Te Moana (the Southern Alps). The bays, inlets, estuaries and fiords which stud the coast are all the creations of Tu Te Rakiwhanoa, who took on the job of making the island suitable for human habitation.

The naming of various features along the coastline reflects the succession of explorers and iwi (tribes) who travelled around the coastline at various times. The first of these was Maui, who fished up the North Island, and is said to have circumnavigated Te Wai Pounamu. In some accounts the island is called Te Waka a Maui in recognition of his discovery of the new lands, with Rakiura (Stewart Island) being Te Puka a Maui (Maui's anchor stone). A number of coastal place names are attributed to Maui, particularly on the southern coast.

There are a number of traditions relating to Te Tai o Mahaanui. One of the most famous bays on the Peninsula is Akaroa, the name being a southern variation of the word “Whangaroa”. The name refers to the size of the harbour. As with all other places in the South Island, Akaroa placenames recall the histories and traditions of the three tribes which now make up Ngai Tahu Whanui: Waitaha, Ngati Mamoe and Ngai Tahu.

Waitaha traditions tell that after Rakaihautu had dug the southern lakes with his ko (a tool similar to a spade)—Tuwhakaroria—he and his son, Rokohouia, returned to Canterbury with their people. On the return, Rakaihautu buried his ko (a tool similar to a spade) on a hill overlooking the Akaroa harbour. That hill was called Tuhiraki (Bossu). Rakaihautu remained in this region for the rest of his life.

For Ngai Tahu, traditions such as these represent the links between the cosmological world of the gods and present generations. These histories reinforce tribal identity and solidarity, and continuity between generations, and document the events which shaped the environment of Te Wai Pounamu and Ngai Tahu as an iwi.

Because of its attractiveness as a place to establish permanent settlements including pa (fortified settlements), the coastal area was visited and occupied by Waitaha, Ngati Mamoe and Ngai Tahu in succession, who through conflict and alliance, have merged in the whakapapa (geneology) of Ngai Tahu Whanui. Battle sites, urupa and landscape features bearing the names of tupuna (ancestors) record this history. Prominent headlands, in particular, were favoured for their defensive qualities and became the headquarters for a succession of rangatira and their followers.

Ngai Tahu connections to Akaroa came after the settling of Kaiapoi Pa in North Canterbury. Akaroa harbour was soon allocated to a number of chiefs by Turakautahi of Kaiapoi. One chief, Te Ruahikihiki, settled at Whakamoia near the Akaroa Heads at the south east end of the harbour. Te Ruahikihiki fell in love with the elder sister of his wife, Hikaiti. As it was customary

at that time for chiefs to have several wives, Te Ruahikihiki took the elder sister, Te Ao Taurewa, as his wife.

Hikaiti fell into a deep depression and resolved to kill herself. She arose early in the morning, combed her hair and wrapped her cloak tightly around herself. She went to the edge of the cliff where she wept, greeted the land and the people of her tribe. With her acknowledgements made, she cast herself over the cliff where she was killed on the rocks. The body remained inside the cloak she had wrapped around herself. This place became known as Te Tarere a Hikaiti (the place where Hikaiti leapt). After a long period of lamentation, Te Ruahikihiki and his people moved to the south end of Banks Peninsula to Te Waihora (Lake Ellesmere).

Another one of the senior chiefs within the Akaroa harbour was Te Ake whose hapu was Ngai Tuhaitara. Otokotoko was claimed by Te Ake when he staked his tokotoko (staff) at that end of the bay. Te Ake's daughter, Hine Ao, is now represented as a taniwha that dwells with another taniwha, Te Rangiorahina, in a rua (hole) off Opukutahi Reserve in the Akaroa Harbour. Hine Ao now carries the name Te Wahine Marukore. These taniwha act as (kaitiaki) guardians for local fisherman.

The results of the struggles, alliances and marriages arising out of these migrations were the eventual emergence of a stable, organised and united series of hapu located at permanent or semi-permanent settlements along the coast, with a intricate network of mahinga kai (food gathering) rights and networks that relied to a large extent on coastal resources.

The whole of the coastal area offered a bounty of mahinga kai, including a range of kaimoana (sea food); sea fishing; eeling and harvest of other freshwater fish in lagoons and rivers; marine mammals providing whale meat and seal pups; waterfowl, sea bird egg gathering and forest birds; and a variety of plant resources, including harakeke (flax), fern and ti root.

The coast was also a major highway and trade route, particularly in areas where travel by land was difficult. Travel by sea between settlements and hapu was common, with a variety of different forms of waka, including the southern wake hunua (double-hulled canoe) and, post-contact, whale boats plying the waters continuously. Hence tauranga waka occur up and down the coast in their hundreds and wherever a tauranga waka is located there is also likely to be a nohoanga (settlement), fishing ground, kaimoana resource, rimurapa (bull kelp) with the sea trail linked to a land trail or mahinga kai resource. The tupuna had a huge knowledge of the coastal environment and weather patterns, passed from generation to generation. This knowledge continues to be held by whanau and hapu and is regarded as taonga. The traditional mobile lifestyle of the people led to their dependence on the resources of the coast.

Numerous urupa are being exposed or eroded at various times along much of the coast. Water burial sites on the coast, known as waiwhakaheketupapaku, are also spiritually important and linked with important sites on the land. Places where kaitangata (the eating of those defeated in battle) occurred are also wahi tapu. Urupa are the resting places of Ngai Tahu tupuna and, as such, are the focus for whanau traditions. These are places holding the memories, traditions, victories and defeats of Ngai Tahu tupuna, and are frequently protected in secret locations.

The mauri of the coastal area represents the essence that binds the physical and spiritual elements of all things together, generating and upholding all life. All elements of the natural

Te Rūnanga o Ngāi Tahu

environment possess a life force, and all forms of life are related. Mauri is a critical element of the spiritual relationship of Ngai Tahu Whanui with the coastal area.”