

Cultural Impact Assessment

Kapuni Green Hydrogen Project

16 August 2021



Mihi Whakataau

Mō te hokinga mai e Koro

E te koro o Taranaki e,

Te maunga o Tītōhea

Kua riro atu rā I te ringa raupatu o te Kāwanatanga

Ko tō pūtake, ko tō tihi

Ko tō rekereke, ko tō katoa

He puna oranga mō te iwi

Ko ō rerenga wai, ko ō awa

He puna oranga mō Papatūānuku

Ka whanga mātou ki tō hokinga mai

Hoki mai e koro, hoki mai rā e!

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Whakarāpopoto Matua - Executive Summary

This Cultural Impact Assessment Report (CIA) is submitted by Te Korowai o Ngāruahine Trust (Te Korowai) in relation to an application from Hiringa Energy Limited (“Hiringa”) and Ballance Agri-Nutrients Limited (“Ballance”) to construct and operate a renewable hydrogen hub at Kapuni, Taranaki. The project involves the generation of renewable electricity from wind to provide baseload power to the existing Ballance Kapuni ammonia-urea manufacturing plant, and the production of ‘green’ hydrogen via electrolysis. The CIA is designed to inform the expert consenting panel of the issues and potential impacts of the project on Ngāruahine cultural values and interests.

Te Korowai is the post-settlement governance entity for Ngāruahine iwi and has a responsibility to ensure that the cultural, spiritual, environmental values and interests of Ngāruahine are safeguarded. This includes those areas under statutory acknowledgement or deed of recognition contained in the Ngāruahine Claims Settlement Act 2016. The intent of this CIA is to inform the Expert Consenting Panel and the applicant on how best to protect the cultural values and treaty rights of Ngāruahine.

The traditional, historical, cultural, and enduring relationship of Ngāruahine is articulated in relation to the Ngāruahine Kaitiaki Area which includes our most valued site of significance, Taranaki Maunga. Te Korowai recognises and supports a transition to renewable energy technologies as an important step in reducing human impacts on our Taiao. However, the permanent placement of wind turbines has the potential to have a considerable impact on the highly valued relationship of Ngāruahine Uri to Taranaki Maunga. Te Korowai conditionally supports the proposal if there is a clear commitment from the applicant to remove the wind turbines from the proposed site at the end of their useful life or after a maximum of 35 years of operation (whichever occurs earliest). This is based on our concerns regarding the protection of the unique Ngāruahine Cultural Landscape. The fast track consenting process also has serious consequences for both completed and ongoing Treaty of Waitangi settlement claims. Our recommendations and conditions identify what will be required for Te Korowai to support the proposal.

Kuputaka – Glossary

ERoEI: Energy Return on Energy Invested. This is the measure of the efficiency of an energy gathering system which has been adapted from ecological studies to analyse human industrial society. It is the ratio of energy gathered (Returned) to the amount of energy used to gather the energy (Invested). An ERoEI of >5 to 7 is required for a modern society to function. ERoEI is not a perfect energy efficiency measure and other methods such as Net Energy Ratio (NER), Net Energy Gain (NEG) or Net Energy Analysis are also used to assess renewable, immature energy systems (Lombardi, Guingato, Rana, & Tricase, 2020).

FTCA: COVID-19 Recovery (Fast-track Consenting) Act 2020.

GHG: Green House Gas(es). These are gases in Earth's atmosphere that trap heat. They let sunlight pass through the atmosphere, but they prevent the heat that the sunlight brings from leaving the atmosphere. Two main greenhouse gases are water vapor and carbon dioxide.

LCA: Life Cycle Analysis. A method used to evaluate the environmental impact of a product through its life cycle encompassing extraction and processing of the raw materials, manufacturing, distribution, use, recycling, and final disposal (Bergerson & Lester, 2004).

Mana Moana: Authority over the sea and lakes. According to custom, land rights extend to adjacent sea or lakes with fixed boundaries for inshore and deep-sea fishing and the gathering of seafood.

Mana Whenua: Territorial rights, power from the land, authority over land or territory. Hapū and iwi history are based in the lands they have occupied over generations and the land provides sustenance for the people and enables hospitality for guests.

Ngā Maunga: means Egmont National Park as defined by the National Parks Act 1980 and the Crown-owned land subsequently added to the Egmont National Park under that Act. This may also be known as Te Papakura o Taranaki and includes Mount Taranaki, Pouākai and Kaitake Ranges.

Mana Motuhake: Separate identity, autonomy, self-government, self-determination, independence, sovereignty, authority - *mana* through self-determination and control over one's own destiny.

Ngā Iwi o Taranaki/iwi of Taranaki: The post settlement governance entities of Ngaa Rauru Kiitahi, Ngāti Ruanui, Ngāruahine, Taranaki Iwi, Te Atiawa, Ngāti Mutunga, Ngāti Tama and Ngāti Maru.

- (a) Ngaa Rauru Kiitahi, as represented by Te Kaahui o Rauru Trust;
- (b) Ngāti Ruanui, as represented by Te Rūnanga o Ngāti Ruanui Trust;
- (c) Ngāruahine, as represented by Te Korowai o Ngāruahine Trust;
- (d) Ngāti Maru, as represented by Te Rūnanga o Ngāti Maru Trust (or now Te Kāhui o Maru);
- (e) Taranaki Iwi, as represented by Te Kāhui o Taranaki Trust;
- (f) Te Atiawa, as represented by Te Kotahitanga o Te Atiawa Trust;
- (g) Ngāti Mutunga, as represented by Te Rūnanga o Ngāti Mutunga Trust; and
- (h) Ngāti Tama, as represented by Te Rūnanga o Ngāti Tama Trust;

PKW: Parininihi ki Waitōtara Inc.

Raupatu: To take without any right, confiscate.

RMA: Resource Management Act 1991.

Sense of Place: “*the concept of dwelling assigns importance to the forms of consciousness with which individuals perceive and apprehend geographical space. More precisely, dwelling is said to consist in the multiple “lived relationships” that people maintain with places, for it is solely by virtue of these relationships that space acquires meaning*” (Basso, 1996).

Te Korowai: Te Korowai o Ngāruahine Trust.

Uri: offspring, descendant, relative, kin, progeny, blood connection or successor.

Useful life: The period of time that the wind turbines remain fit for purpose and structurally sound. For the avoidance of doubt, structurally sound means free from flaw, defect, or deterioration to the extent that the turbines remain capable of adequately and safely accommodating the wind turbine blades and motors. When the turbines are rendered obsolete and uneconomic to modify or repair, they will be decommissioned from the site. This principle recognises that once the turbines are established the most environmentally sustainable outcome is for the turbines to remain in service for their useful life.

Whāriki o Ngāruahine: Consists of coastal marginal strips and a marginal strip of the Waingongoro river declared under Schedule 2 of the Ngāruahine Claims Settlement Act 2016. The effect of this provision is that the New Zealand Conservation Authority or Conservation Boards must have particular regard to:

- The statement of values for the area; and
- The protection principles for the area, when considering conservation management strategies, plans or national park management plans.

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1 He Kupu Whakataki - Introduction

This Cultural Impact Assessment (CIA) has been developed by Te Korowai to identify potential cultural and environmental impacts in relation to the proposed Kapuni Green Hydrogen Project (the 'Project'). We provide a brief background to the assessment followed by a description of the methods used to complete this report. Ngāruahine cultural values and connections will then be discerned from the relevant treaty settlement legislation, Ngāruahine planning documents and Hapū perspectives before identifying the potential impacts of the proposal upon them. Recommended mitigation measures and conditions are outlined before we offer our conclusion.

2 Ngā Tuarongo - Background

The Minister for the Environment received an application to refer the Project to an expert consenting panel for consideration under the COVID-19 Recovery (Fast-track Consenting) Act 2020. The Project involves the development of a renewable hydrogen hub at Kapuni, Taranaki. Te Korowai was identified as a party which may have an interest in the project and was invited to provide written comments on the proposed project, which it has done pursuant to section 21(3) of the Act.

The Project involves:

- the construction of an electrolysis plant and hydrogen production infrastructure on the Ballance Kapuni site;
- the construction of four wind turbines on land owned and managed by PKW through which tributaries to the Kapuni and Waiokura Streams flow.

A useful life assessment will be undertaken prior to the end of the design life to determine whether to dismantle the overall facility or replace key components and/ or extend design life (due to actual fatigue exposure). The Minister has accepted the application for referral under section 24(2) of the Act and has subsequently referred all of the Project to an expert consenting panel. The information required in consent applications for listed and referred projects under the Act includes a CIA prepared by or on behalf of the relevant iwi authority (Section 9(5)(a)); or if a cultural impact assessment is not provided, a statement of any reasons given by the relevant iwi authority for not providing that assessment (Section 9(5)(b)).

Te Korowai is the post settlement governance entity (PSGE) and representative body for Ngāruahine Iwi. Following ratification of the 2014 Ngāruahine Deed of Settlement and later passing of the Ngāruahine Claims Settlement Act 2016, Te Korowai has the following objectives:

- To be the voice and representative body for Ngāruahine iwi;
- To foster and promote spiritual values, unity, support, and cooperation amongst members of Ngāruahine;
- Recognition of traditional customs and values;
- Advancement of the physical, social, and economic wellbeing of Ngāruahine Uri;
- To hold and apply the treaty settlement in accordance with the provisions of the Trust Deed;
- To perform the functions of a Mandated Iwi Organisation and Iwi Aquaculture Organisation in accordance with the Māori Fisheries Act and the Māori Aquaculture Act respectively; and
- To give effect to the Ngāruahine Settlement Legislation.

The two streams (including their tributaries) related to the Project are both statutory acknowledgement areas as per the Ngāruahine Claims Settlement Act 2016¹. In late May 2020, Te Korowai provided advice to the JV partners that they should engage only with two Hapū (Ngāti Tū and Ngāti Manuhiakai) as the proposal would directly affect them as mana whenua. We also expressed a concern that there could be an increase in water abstractions from the Waingongoro River, should the Project be scaled up in the future. Ōkahu-Inuāwai Hapū have consistently emphasised the importance of the Waingongoro River and the need for their involvement in any future decisions. However, as more of the projects details have become known to Te Korowai we now consider that the impacts are likely to affect all 6 Hapū of Ngāruahine. This position is based on the potential impacts of the wind turbine component of the project.

3 Tukanga - Methodology

Varying terminology is used to describe a CIA. Tangata Whenua Effects Assessment or Tangata Whenua Impact Assessment describes the process of documenting the potential impacts of a proposed activity on the cultural values, interests, and associations between a tangata whenua group and a resource or area. CIA's should be regarded as specialist, technical advice such as any technical report from a hydrologist or ecologist. Renowned CIA authority, Dyanna Jolly, contends that indigenous cultural assessments should reflect the aspirations of the tāngata whenua side of treaty partnership (Jolly, n.d.). Such assessments have the potential to ensure resource management processes are treaty compliant and enable:

- the exercise of tino rangatiratanga by iwi/Hapū in their traditional territories;
- the prioritisation of kaitiaki interests; and
- the expression of effective tangata whenua influence in decision making.

¹ Office of Treaty Settlement maps for these are included in Appendix 1.

The applicant has provided fifteen reports to Te Korowai which were part of their Assessment of Environmental Effects (AEE). Not all reports were received at the same time. The first eight were received mid-March 2021 and summarised by Te Korowai for dissemination to Ngāruahine Marae Chairs, Hapū Chairs and Hapū Environmental representatives (Tūtohi 1).

Tūtohi 1 First 8 reports assessed by Te Korowai

Assessment	Number Of Pages	Prepared By	Content
Archaeological Assessment of Effects	34	Ivan Bruce – Archaeological Resource Management, New Plymouth	Effects on sites identified by Heritage New Zealand Pouhere Taonga (HNZPT)
Ecology Freshwater	7	BTW	Effects on ecological values of waterways and riparian habitats
Ecology Terrestrial	79	Boffa Miskell	Effects on plant communities and habitats i.e. birds and bats
Landscape and Visual Effects	57	Boffa Miskell	Effects on landscape character and landforms
Landscape and Visual Effects Graphic Supplement	58	Boffa Miskell	Visual simulations for private and public viewpoints. Shadow flicker analysis
Residential Amenity Assessment	9	Boffa Miskell	Desktop assessment of the visual effects on a selected number of dwellings
Independant review of Ecological Impact Assessment	6	John L Craig, Green Inc Ltd	Review of Boffa Miskell EIA by independant consultant
Noise Assessment	36	Hegley Acoustic Consultants	Predicted noise levels from project construction and operation

A review of these documents was undertaken by Te Korowai to provide each Hapū of Ngāruahine with a concise summary of the key points of each report. Te Korowai received a second tranche of seven reports in May (Tūtohi 2). Due to time and staffing constraints, these reports were assessed but no summary was provided to Hapū. The fifteen reports represent a total of 515 pages of largely technical and regulatory information.

Tūtohi 2 Final 7 reports assessed by Te Korowai

Assessment	Number of Pages	Prepared By	Content
Landscape and Visual Effects (additions)	15	Boffa Miskell	Effects on landscape character and landforms
Risk Management Process Summary	29	Hiringa Energy	Overview of risk management processes and summary of key risk assessment outcomes
Economic Impact Assessment	25	Insight Economics Ltd	Identifies predicted impacts of the project on jobs, wages and key regional and national policies/strategies
Erosion and Sediment Control Plan	64	BTW	Describes the control planning required to avoid or minimise potential adverse erosion or sedimentation effects during the projects construction
Contaminated Site Management Plan	26	BTW	Details responsibilities and practices for managing the disturbance and disposal of contaminated soils
Traffic Impact Assessment (Preliminary Transport Assessment)	40	BTW	Identification of proposed transport routes and mitigation.
Freshwater Ecological Assessment (Wind Turbine Site)	30	BTW	Summarises actual and potential adverse freshwater effects of construction activities and suggested management responses

The following sources have been utilised to provide the cultural values used to develop this CIA:

-  Te Anga Pūtakerongo mō Ngā Maunga o Taranaki, Pouākai me Kaitake – Record of understanding for Mount Taranaki, Pouākai and the Kaitake Ranges.
-  Te Korowai o Ngāruahine Draft Kaitiaki Plan.
-  Hapū statements and responses.
-  Te Korowai Five Year Strategy.
-  Ngāruahine Claims Settlement Act 2016.

3.1 Cultural Impact Assessment Framework

The mitigation offered by the applicant has been assessed against the draft kaitiaki plan values, interests and objectives. Te Korowai has indicated whether these are supported, insufficient or declined and our reasons provided. Our own recommended mitigation measures and conditions have been developed using the the Te Korowai five year strategy. The strategy sets out four key pou of Taiao, Kainga, Mahi and Ngāruahinetanga which Te Korowai will focus on to build the capacity and capability of Ngāruahine Uri, Whānau and Hapū. These pou are:

Tupua te Mauri - Taiao

- Our uri are highly skilled and experienced to lead our rejuvenation efforts.
- Our Maunga, tongi, wāhi tapu and taonga are protected.
- We work with our Hapū, Whānau and Uri to protect our Taiao.
- We support our Whānau and Hapū in leading targeted restoration initiatives.

Poua te Pātūtu - Kainga

- We promote partnerships to support housing accessibility, ownership, and improvements.
- Our Whānau are in safe, warm, and healthy homes. This ensures intergenerational wellbeing – pāhake mai, mokopuna mai.

Te Kawa Whanakeora - Mahi

- Uri are encouraged to be experts in their chosen fields. This contributes to the shared capability of Ngāruahine within our rohe and globally.
- We have a Ngāruahine procurement programme and identify job-creation opportunities in our rohe.

Ngāruahine Tikanga - Ngāruahinetanga

- We work in partnership to promote and excel the aspirations of our iwi.
- We leverage off external stakeholders to fund and support our initiatives.
- Hapu are enabled to govern, lead, and deliver.
- Our marae are our cultural heartbeat and flourishing.

Statements of reason provide the rationale for our recommendations and how they align with our four strategic pou and preferred outcomes for Ngāruahine.

4 Ngā Ngoikoretanga – Limitations, Constraints and Further Issues

After a review of all AEE reports and assessments, the following questions were raised by Te Korowai. Hiringa have provided further information to address these concerns.

- Will the project create new hazardous substances within the Ngāruahine Kaitiaki Area?
 - Hiringa have advised that the only substances produced as a result of hydrogen production processes will be pure hydrogen and oxygen via electrolysis of water. These products will be safely managed to industry best practice under the existing Ballance Kapuni Safety Case.

- What effect will the wind turbines have on radio, television and communications networks?
 - This issue is addressed by the consent condition Hiringa confirms it will volunteer which requires an assessment to be undertaken if any complaints regarding interference with communication services are made within 12 months of the date of the turbines becoming operational.

- Is the ERoEI in relation to the Project positive, neutral or negative?
 - Hiringa have confirmed that the EroRI for the project will be ~ 18. Modern wind farms have an ERoRI of ~ 20 noting that this location is a world class wind site with a very high capacity factor. The addition of hydrogen production will result in some energy loss reducing the EroRI to ~ 18, still well above the range of 5-7 required for a modern society.

- What are the potential targeted benefits of the proposed project for Ngāruahine?
 - Hiringa and Ngāruahine have engaged, collaborated and agreed on a number of measures which will result in benefits for Ngāruahine. Several of these are referred to below, others are independent of the consent application process and are the subject of an agreement between Hiringa and Ngaurahine.

The development of this CIA was discussed and agreed by the project applicant and Te Korowai. Also agreed was an offer from Hiringa to provide financial assistance to each Hapū for 10 hours of research and writing to assess the effects of the project on their cultural values and interests. This work could be submitted on its own or be incorporated into the Te Korowai CIA. Only Ngāti Hāua was able to complete an assessment, and then only under considerable pressure and urgency. This is a common occurrence characterised by three main factors:

- A lack of clear, graspable project and consent process information;
- Insufficient resources and skills to determine the effects of an activity; and
- Unsatisfactory time frames to complete a comprehensive assessment.

Ngāti Tū has completed its own CIA with the assistance of Hiringa. A summary of Hapū statements or responses is contained in Appendix 3. The Ngāruahine Environmental plan, Te Uru Taiao o Ngāruahine, is still in draft form and is scheduled to be lodged with local authorities in August 2021.

The focus of this CIA is the effects of both the proposed project and the FTCA on Ngāruahine values and interests including past and ongoing treaty settlements.

5 Ngāruahine Rohe - the Area of Ngāruahine Iwi

Ngāruahine is defined by the Ngāruahine Deed of Settlement 2014 as every whanau, Hapū, or group to the extent that it is composed of individuals who descend from one or more of Ngāruahine tupuna including the 6 Hapū of:

1. Kanihi-Umutahi Hapū;
2. Ōkahu-Inuāwai Hapū;
3. Ngāti Manuhiakai Hapū;
4. Ngāti Tū Hapū;
5. Ngāti Hāua Hapū; and
6. Ngāti Tamaahuroa meTitahi Hapū.

Mana whenua and mana moana are held and protected by these six respective Hapū of Ngāruahine. This CIA does not attempt to supplant or undermine that mana. Collectively, each Hapū rohe lies between the mouths of the Taungatara Stream in the west, the Waingongoro River in the east, and the respective sources of these rivers on Taranaki Maunga. Ngāruahine customary interests overlap with our neighbouring Iwi at the western (Taranaki Iwi) and eastern (Ngāti Ruanui) extremes.

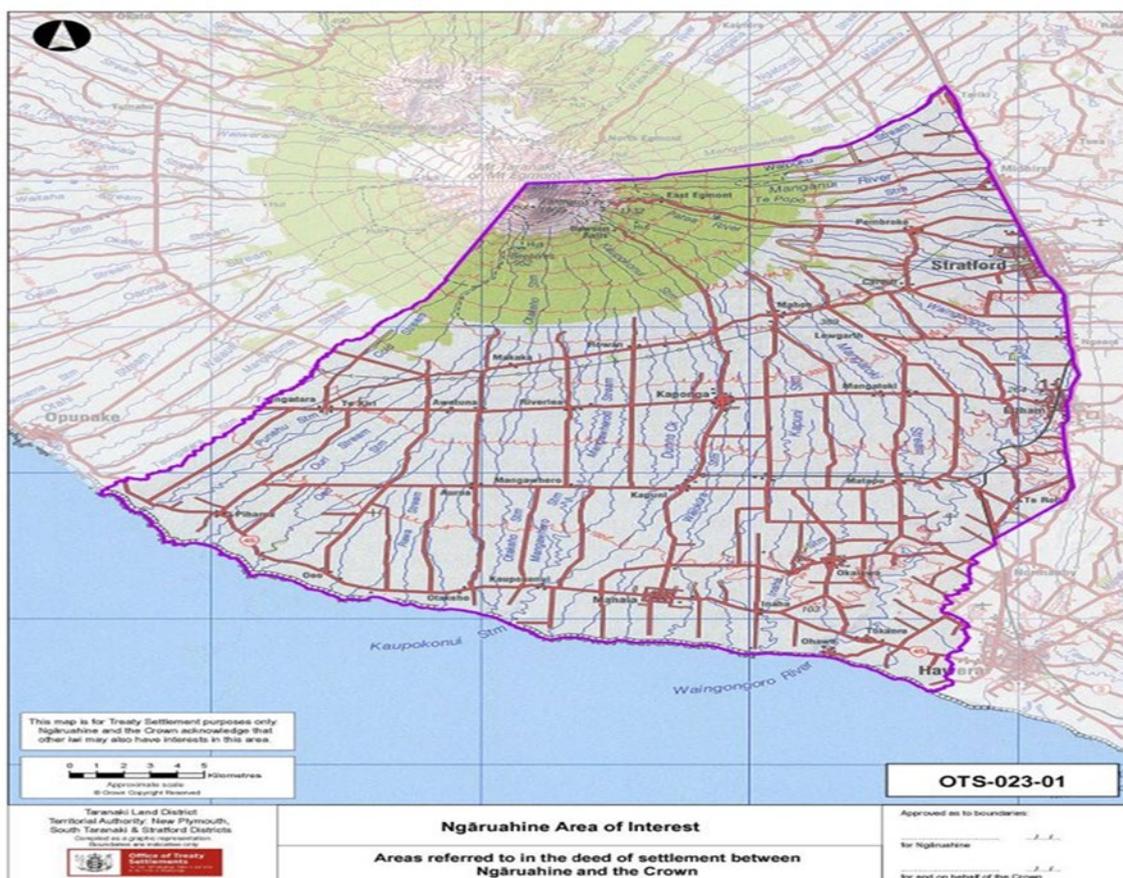


Figure 1 Ngāruahine Area of Interest

The extent of the Ngāruahine rohe is shown in figure 1. When combined with the 12 nautical mile Ngāruahine Coastal Marine Area, this forms the Ngāruahine Kaitiaki Area.

6 Huarahi Whakatau ā Waitangi - Ngāruahine Claims Settlement Act 2016

The Ngāruahine Deed of Settlement and Ngāruahine Claims Settlement Act presaged a hopeful era for Ngāruahine in which our input and values would become more prominent in the management of natural and physical resources within our rohe.

The purpose of the Ngāruahine Claims Settlement Act 2016 is to give effect to certain provisions of the deed of settlement and to record the Crown's acknowledgements and apology. Among the Crown's acknowledgements are:

- *The Crown acknowledges that its breaches of the Treaty of Waitangi and its principles during the 19th and 20th centuries have together significantly undermined the traditional system of authority and economic capacity of the Ngāruahine iwi, and the physical, cultural, and spiritual well-being of its people. The Crown acknowledges that it failed to protect the rangatiratanga of Ngāruahine, in breach of its obligations under Article Two of the Treaty of Waitangi.*
- *That the lands and other resources wrongfully confiscated from Ngāruahine have made a significant contribution to the wealth and development of New Zealand.*

The Crown's formal apology also contained the following statements which we consider particularly relevant to this CIA:

- *The Crown is sorry for the immense prejudice it caused by confiscating land that had sustained your tūpuna for centuries. The raupatu was indiscriminate, unjust, and unconscionable. The Crown deeply regrets the serious damage its actions have caused to Ngāruahine and its people.*
- *The Crown hopes that this settlement and this apology will relieve the burden of grievance that Ngāruahine has carried for so many years and will assist Ngāruahine to heal the wounds of the past. The Crown looks forward to building a relationship of mutual trust and co-operation with Ngāruahine founded on respect for the Treaty of Waitangi and its principles.*

Cultural Redress

Statutory Acknowledgements require relevant consent authorities, the Environment Court and Heritage New Zealand Pouhere Taonga (HNZPT) to have regard to statutory acknowledgement areas identified in Schedule 1 of the Settlement Act.

- **Relevant consent authorities:** Deciding whether Te Korowai trustees are affected persons in relation to a resource consent application for an activity within, adjacent to or directly affecting a statutory area (Section 95E, RMA).
- **Environment Court:** Deciding whether Te Korowai trustees are persons with an interest in court proceedings greater than that of the general public in relation to a resource consent application for an activity within, adjacent to or directly affecting a statutory area (Section 274, RMA).
- **Heritage New Zealand Pouhere Taonga:** Must have regard to statutory acknowledgements in relation to applications for an authority to undertake an activity which will or may modify or destroy an archaeological site within a statutory area.

Subpart 7 of the Act provides for further cultural redress via Taranaki Regional Council (TRC) representation. Similar provisions in the Taranaki Iwi and Te Atiawa claims settlement acts respectively, enables the eight iwi of Taranaki to contribute to the decision-making processes of TRC. The iwi of Taranaki may nominate 3 members for each of:

- the policy and planning committee; and
- the consents and regulatory committee.

These nominated members must then be appointed by the regional council, and they have the same status as members appointed by the council under clause 31 of Schedule 7 of the Local Government Act 2002. Tributaries to the Kapuni and Waiokura streams are statutory acknowledgement areas which are directly affected by the project proposal. The Trustees of Te Korowai are therefore an affected person in relation to any resource consent application.

7. Treaty of Waitangi Claims Settlement Maunga Negotiations

The 2014 Ngāruahine Deed of Settlement included an acknowledgement from Ngāruahine and the Crown of the great traditional, cultural, historical, and spiritual importance of Tupuna Koro o Taranaki to all Iwi of Taranaki. Also acknowledged was that any Crown apology or cultural redress related to Tupuna Koro o Taranaki would be developed by Ngāruahine and the other Iwi of Taranaki (Collectively known as Ngā Iwi o Taranaki).

Settlement negotiations have been ongoing regarding historical claims for Taranaki Maunga. Te Anga Pūtakerongo is the record of understanding (ROU) agreed between the Crown and Ngā Iwi o Taranaki in 2017. The Maunga values contained in the ROU focus on:

- the status of Ngā Maunga as an indivisible whole and as a Tupuna;
- preserving and protecting the natural environment and features of Ngā Maunga; and
- the relationship of Ngā Iwi o Taranaki with Ngā Maunga;

Two key guiding objectives for Ngā Iwi o Taranaki are also contained in the ROU:

Te Mana o Ngā Maunga: involves recognising, promoting, and protecting the health and wellbeing of Ngā Maunga and their status as Tupuna.

Te Mana o Te Kāhui: involves recognising and providing for the mana and relationship of Ngā Iwi o Taranaki to Ngā Maunga.

“The maunga are the essence of this region having shaped the physical landscape with volcanic activity, inclining slopes, expansive plains and rocky shores. They have shaped the very character of weather, wind, rainfall, and climate. They have been the source of unceasing artesian waters, mineral deposits and are a rich store of high-altitude biodiversity. These maunga are not simply a part of the Taranaki environment, they are its synthesis”².

² <https://www.govt.nz/assets/Documents/OTS/Taranaki-Maunga/Taranaki-Maunga-Te-Anga-Putakerongo-Record-of-Understanding-20-December-2017.pdf>

7.1 Legal Personality

The collective redress deed and legislation will provide for the declaration of a legal personality for Ngā Maunga and the vesting of all Crown-owned land in Ngā Maunga in that legal personality. Also provided for will be the establishment of a joint governance entity which will be the human face of the legal personality. A joint governance entity will be comprised of up to 8 members with one half of members appointed by Ngā Iwi o Taranaki and one-half appointed by the Crown. This joint governance entity will act in the name of the legal entity for Ngā Maunga and must act in the interests of Ngā Maunga and consistently with the Maunga values, collective redress deed, legislation, and any other lawful requirements.

8. Ngāruahine Kaitiaki Plan Draft

Te Korowai has been developing its initial environmental plan, Te Uru Taiao o Ngāruahine, over the last 3 years. Uru comes from our many Aotea waka karakia and speaks of the holistic nature of the Taiao. It encompasses everything between Ranginui and Papatūānuku. The plan identifies the values³, principles and resource management issues of significance for Ngāruahine in relation to the Kaitiaki Area. Hapū engagement was crucial to the development of the plan draft which was completed and distributed to stakeholders for review and feedback in January this year. A final plan is scheduled for publication and lodgement with local authorities in August after approval from the Te Korowai Board.

Plan Contents Summary

The plan defines the input levels, purpose and effects of engagement to inform applicants of Te Korowai priorities. The project proposal and FTCA are categorised as symbolic inclusion whereby our response to the application is a passive level of input. These types of engagement are a low priority for Te Korowai due to the absence of decision making power (rangatiratanga). Symbolic inclusion falls just short of the lowest category of tokenism which is common when we are informed of decisions that have already been made. Te Korowai has identified its expectations in order to enable long term kaitiakitanga outcomes contrasted with current practice.

Example	Current Practice	Te Korowai Expectations
Resource Consent Applications	Comments and responses as an interested person or affected party.	Shared decision making with the consent authority.
District Council Plans	Pre-notification to iwi authority consulted under RMA schedule 1.	Co-development as a treaty partner.

³ Ngāruahine Taiao values and relevant provisions are contained in Appendix 2.

An example of the Ngāruahine worldview is contained in the following excerpts from the plan.

Ngāruahine culture and identity is created by the natural environment of which we are a part. The Ngāruahine worldview is shaped by religious beliefs, cultural values, and kinship ties to the environment. It has also been shaped by personal and collective experiences of dispossession, marginalisation, and cultural oppression. Ngāruahine were an economically successful and prosperous people prior to 1860, in full possession of our lands and resources. Land was not a commodity, but it was the means of sustenance, heritage, and continuity.

This also meant that settlements could be temporary or semi-permanent depending on what was being harvested and the season. This adaptable but systematic land use did not fully exploit available abundance but maintained the integrity of land and other resources to regenerate and provide food continuously. However, European settler demand for Māori land resulted in the creation of unsubstantiated allegations to justify the wholesale confiscation of 1.2 million acres in Taranaki under the New Zealand Settlements Act 1863. Acts such as this and the Suppression of Rebellion Act 1863 facilitated the legal theft of collective land rights exercised for over a millennium.

Te Korowai is well aware of the risks that climate change presents. We are also aware of the damage government policy and legislation has historically inflicted upon us by removing our ability to exercise Article 2 Treaty rights of rangatiratanga over our taonga katoa. As a general principle, the plan states that where the effects of activities are not fully understood or quantifiable, a precautionary approach is used as default. The Ngāruahine Cultural Landscape describes both a physical area and the relationship and interaction between Ngāruahine and the environment. The values within this landscape are more than just visual aesthetics or concern for the natural environment. It includes the sense of place that underpins Ngāruahine identity. This cultural relationship is with the land, coastal and freshwaters, indigenous biodiversity, and Taranaki Maunga.

9 Ngā Mautohe - Issues

- Hapū responses to the project proposal have varied widely, ranging from total support for the project to a neutral stance to total opposition. These responses as known to Te Korowai are included in Appendix 3.
- It is Te Korowai's opinion that the wind turbine component of the project has the potential to have a considerable impact on the highly valued relationship of Ngāruahineall Ngāruahine Uri, Whānau and Hapū.
- The section 17 report prepared by MfE officers for the Minister has been poorly developed and has failed to identify the importance of the relationship of Ngāruahine Uri, Whānau and Hapū to Taranaki Maunga.

- The continuing appropriation of te reo by local and international business is an ongoing concern for all Māori. Hiringa will need to substantiate their ongoing commitment to Te Tiriti o Waitangi principles by demonstrating how kaupapa Māori is articulated throughout the project.

An important element of environmental sustainability is avoiding irreversibility (Parliamentary Commissioner for the Environment, 2006). National and regional climate change policy and strategy such as Just Transition has not been developed with any purposeful input from Ngāruahine. The climate change crisis is a difficult and complex milieu of political strategies and personal fears. This requires addressing the problem/opportunity paradox to identify holistic and sustainable outcomes without creating new issues or maintaining old ones (Kieft & Bendell, 2021). The generation of electricity using wind turbines is not a new technology in New Zealand. There is now a great deal of understanding around costs and the social and environmental impacts of wind farms in general. The cultural impacts of this technology is less well known especially in relation to the occupation of cultural landscapes. The history of renewable wind generation in Taranaki is very recent with the Waipipi wind farm between Pātea and Waverley being completed only this year.

9.1 Treaty rights and interests

Settlement negotiations for Taranaki Maunga have yet to be concluded. The ROU clearly identifies that any settlement will provide for the relationship of Te Mana o Ngā Maunga and Te Mana o Te Kāhui in legislation. Despite the provisions for representation on two of TRC's standing committees contained in the Ngāruahine Claims Settlement Act, the relationship between TRC and Te Korowai has remained challenging and ineffective.

Interestingly, our relationship with the South Taranaki District Council has been one which continues to grow and has seen many positive developments. These include the establishment of an Iwi Liaison Committee to ensure early and informed Iwi engagement on the districts environmental matters and the more recently the unanimous decision by the Council to institute a Māori constituency. As identified in our Treaty Settlement, Ngāruahine has already contributed disproportionately to the prosperity and development of New Zealand via the unjust confiscation of our lands. Are we now being asked to forgo more of our rights and interests for the greater good?

9.2 Standard Resource Management

Although this consent application is being processed through the FTCA process, it is important to identify how RMA processes have adapted to Māori values and interests over the past thirty years.

9.2.1 Regional Policy Statement for Taranaki – Taranaki Regional Council

Part C of the policy statement provides for resource management issues of significance to iwi. This states that all those exercising functions, duties and powers under the RMA are required to take into account the principles of the Treaty of Waitangi. A number of principles have been defined through the findings of the Waitangi Tribunal and decisions of the Court of Appeal including the principles of:

- Kāwanatanga – the Crown's right to govern and delegate resource management decision-making powers to local authorities.
- Rangatiratanga – the right of iwi to control, manage and use tribal resources according to their cultural preferences.
- Partnership – a relationship between iwi and central and local government based on the concepts of good faith, mutual respect, reasonable co-operation, and compromise.
- Resource development – the facilitation of iwi resource development.
- Spiritual principle – recognition of the spiritual relationship that tangata whenua have with the environment.

Policies

REL Policy 5 identifies TRC's approach to Natural features and landscapes.

“The cultural perspectives of iwi in relation to the identification and protection of outstanding natural features and landscapes will be recognised and provided for.

CSV Policy 1 identifies TRC's approach to Cultural and spiritual values

“The special relationship that Taranaki tangata whenua have with te taiao (the environment), as reflected in their respect for the spiritual integrity of te Taiao as a living system infused with qualities of wairua (spirituality), mauri (life principle), wehi (reverence), mana (authority), tapu (sacredness), and noa (non-tapu), will be given particular consideration in the promotion of the sustainable management of the regions resources.

The environmental results anticipated from this policy are that environmental outcomes accommodate the cultural and spiritual values of tangata whenua.

9.2.2 South Taranaki District Plan – South Taranaki District Council (STDC)

The wind turbine site is zoned as rural in the South Taranaki District Plan 2015. The construction of the wind turbines is a discretionary activity under the STDC plan. The Kapuni Stream is listed as a significant water body in Schedule 5 of the STDC District Plan with the following values:

- Natural/Conservation
- Recreational/Access
- Heritage/Cultural
- Water Quality

Section 2. 7 Tāngata Whenua

Issue 2.7.3

The lack of recognition of and provision for the relationship of Tāngata Whenua and their culture and traditions (including mauri) with their ancestral lands, waters, sites, and areas of cultural and spiritual significance, wāhi tapu and other taonga.

Issue 2.7.4

Loss, damage and degradation to sites and areas of cultural and spiritual significance resulting from inappropriate subdivision, use and development of land resources.

The section goes on to identify that STDC must take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) under Section 8 of the RMA in carrying out functions and powers in relation to the use, development, and protection of natural and physical resources. The three principles particularly relevant to the District Plan are partnership, participation, and protection.

9.2.3 Resource Management Case Law

In a recent decision by the High Court, Justice Palmer quashed an Environment Court decision to grant Transpower a consent to realign transmission lines in Tauranga⁴. Initial support from the local Hapū, Ngāti Hē, was based on the removal of existing lines. However, when they realised that a large pole would be erected right next to their marae, they opposed the realignment. The Environment Court navigated around the issue of Māori values by finding the potential long term visual effects were de minimis and refused to find that the proposal would have cumulative adverse cultural effects. Contrary to this was the position of Ngāti Hē that the new pole would have a significant and adverse impact on their use and enjoyment of their Marae and on their cultural relationship with their harbour.

The decision was appealed by the Tauranga Environmental Society, supported by the Maungatapu Marae Trustees from Ngāti Hē. The Hapū considered the realignment would have an overall adverse effect compared with the status quo. Ms Matemoana McDonald, of Ngāti Hē, wanted to see alternative options considered and discussed to find a better solution to the proposal. The evidence focussed on the visual dominance of the poles but kaumātua and kuia also raised wider issues of the connectedness of the Marae and the reserve with Rangataua Bay.

The appeal was rejected by the Environment Court but then taken to the High Court. Subsequently, the main issue Justice Palmer found was that **it is not open to the Court to decide whether or not a proposal has adverse impacts on areas of cultural significance or Māori values.** “*Any decision otherwise is inconsistent with Ngāti Hē’s rangatiratanga, guaranteed to them by art 2 of the Treaty of Waitangi, which the Court was bound to take into account under s 8 of the RMA*”.

The High Court was also instrumental in the approach taken on mana whenua status in SKP Incorporated v Auckland Council⁵. The High Court held that, as a decision maker under the RMA, the Environment Court is required to recognise and provide for the relationship of Māori to their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga: “. . . persons who hold mana whenua are best placed to identify impacts of any proposal on the physical and cultural environment valued by them and making submissions about provisions of the Act and findings in relevant case law on these matters”.

⁴ TAURANGA ENVIRONMENTAL PROTECTION SOCIETY INCORPORATED v TAURANGA CITY COUNCIL [2021] NZHC 1201 [27 May 2021]

⁵ SKP INCORPORATED v AUCKLAND COUNCIL [2021] NZSC 37 [5 May 2021]

10 Ngā Whakaaweawe - Impacts

10.1 Treaty Rights

While we understand the need for employment, addressing GHG emissions and developing new technologies, we are cognisant of how crisis and urgency are used to bypass the normal course of law – in this case the RMA. The FTCA does this in three ways:

- It removes the ability for Ngāruahine to participate in RMA decision making processes as provided for in the Ngāruahine Claims Settlement Act;
- Fails to account for the ongoing Taranaki Maunga Treaty Settlement and subsequently the relationship between all Iwi of the region and Taranaki Maunga;
- It undermines the positive relationship Te Korowai has built with STDC which would otherwise have been crucial to decision making under standard resource consent processes.

The relationship of Ngāruahine to Taranaki Maunga is ancestral, spiritual, and physical. It is our most significant wāhi tapu and has a direct effect on their wellbeing, sense of place and identity as Ngāruahine. The wind turbines will obstruct and/or modify a space which is crucial to that identity. The applicants landscape and visual assessment compares the proposed wind turbines against other existing structures at the Balance and Kapuni Gas plants and concludes the effects of the turbines will be attenuated by the existing structures and other landscapes features. However, Ngāruahine input into those developments was even less than the current situation, let alone the fact we have been excluded from the benefits of ongoing hydrocarbon and petroleum extraction.

We are very concerned at the immediate impacts and potential cumulative adverse cultural effects the turbines will have on the relationship Ngāruahine uri have with their ancestor, Taranaki Maunga. It is acknowledged that Hiringa have proposed to locate and arrange the turbines on the PKW Site in a way that best ensures views from all Marae and Kura Kaupapa to Tupuna Maunga within the rohe of Ngāruahine are maintained, in accordance with the respective preferences expressed by Hapū and Policy 6.4 of the Draft Ngāruahine Kaitiaki Plan.

10.2 Potential for Precedent

There has been no discussion on what might occur if the project and technology is scaled up and extended. Te Korowai is very concerned that if the wind turbine component is consented as proposed, it will create a precedent which other operators will seek to exploit. There are already further developers mounting campaigns to expand

the technology and utilise government incentives. We do not speak for our whanaunga iwi in the Taranaki region but believe they must have the opportunity to determine what is best for them given similar circumstances of ‘progress’ in their rohe. It is the preference of Te Korowai that over height structures such as wind turbines are located coastward of SH45. In response to this concern, Hiringa has agreed to volunteer a consent condition limiting the maximum number of turbines on the PKW Farm Site to 4 and a time bound commitment to the proposed turbines being in place for a maximum duration of 35 years or the end of their useful life – whichever comes first.

If the electrolysis process becomes attractive to investors, we are also concerned that freshwater resources will be put under even more pressure. This ‘new’ value of water should not be at the expense of the cultural and spiritual needs of Ngāruahine. This is particularly so for the current Ballance water take from the Waingongoro River which is part of the Whāriki o Ngāruahine.

11 Ngā Rongoā – Mitigation Measures

The applicant has suggested the following mitigation measures during consultation. These have been assessed according to Te Korowai’s strategic goals, draft environmental plan, and Deed of Settlement obligations.

Proposed mitigation measure	Te Korowai Assessment	Relevant Values or Plan Provisions
Support for Ngāti Tū and Ngāti Manuhiakai to ensure cultural elements of the project have been identified and adequately mitigated	Support	Mana Whenua
Hiringa/Ballance project contribution to an environmental restoration project of importance to Hapū.	Support	Mana Whenua, Kaitiakitanga
Remunerated cultural monitoring for Hapū during the earthworks phase.	Support	Kaitiakitanga, Whanaungatanga
Explore opportunities for Hapū employment with contractors during construction.	Support	Policy 7.4
Support for long term employment through an intern programme to develop capability amongst Ngāruahine Uri in renewable energy generation.	Support	Te Kawa Whanankeora (Mahi)

Proposed mitigation measure	Te Korowai Assessment	Relevant Values or Plan Provisions
Installation of a new solar energy system at Te Aroha and Waiokura Marae designed to fully cover the Marae electricity cost with potential to provide income.	Support	Policy 2.6
Development and implementation of a Landscape Plan/Native Planning scheme for the immediate Marae.	Support	Policy 4.4
Provision of material support for STEM education pathways for Māori children such as a possible education van resource.	Conditional Support	Policy 7.3
Identification of work experience opportunities for secondary and tertiary Ngāruahine Uri with Hiringa and Ballance (associated with STEM pathways).	Support	Objective 26
Engage with Project Rangatahi to assist rangatahi connection to opportunities.	Support	Policy 7.1, Ngāruahinetanga
Hiringa offered an opportunity for Te Kīwai o Maui Limited to invest in the hydrogen project.	Declined at this time	Kotahitanga, Whanaungatanga
Work with Hapū to assess the wind and renewable energy potential of Hapū land and future development partnership opportunities.	Support	Policy 7.2, Mana Motuhake
Assessment of wind potential siting and development of monitoring with Hapū.	Conditional support	Kaitiakitanga, Mana Motuhake
Assist Iwi and Hapū to investigate funding of feasibility studies for aquaculture projects.	Support	Objective 26, Policy 7.4
Establish agreements to enable Iwi and Hapū to leverage excess oxygen supply from the Kapuni project (Potential to support aquaculture and healthcare).	Support	Objective 27, Objective 28

Reasoning

- Te Korowai cannot support investment in the project without the united support of all six Hapū of Ngāruahine. This does not preclude future collaboration with Hiringa as a relationship is developed.
- Many projects have occurred over the years especially in the oil and gas sector. Short term employment during construction has been a standard offer of mitigation which has been welcomed and supported. Te Korowai will still advocate and support any employment opportunities for our whānau. However, we run the risk of normalising casual and precarious working environments for them. Long term employment with good wages, conditions and opportunities is the priority for Ngāruahine.
- Hiringa and Te Korowai have agreed on an internship programme for students from the 6 Hapū of Ngāruahine.
- Balance also has an active internship programme and welcomes students from Ngāti Tū and/or Ngāti Manuhiakai to apply.
- Similarly, any support for education will need to be targeted specifically to benefit Ngāruahine tamariki. Hiringa and Te Korowai have agreed on working together to develop a STEM focused scholarship and education support programme targeted specifically to benefit Ngāruahine tamariki. Te Korowai are open to such support being shared with Kura Kaupapa of Ngāti Ruanui and Taranaki Iwi if this is agreed by Te Kura o Ngāruahinerangi.

11.1 Recommendations and Suggested Conditions

Our expectations around the protection of the Ngāruahine Cultural Landscape and significant relationship of Ngāruahine uri to Taranaki Maunga have been made clear to the applicant. Te Korowai supports any positions taken by Ngāti Manuhiakai and Ngāti Tū in regard to the land and waterways concerned. Our position regarding the wind turbines and occupation of the Ngāruahine Cultural Landscape is based on protecting the rights and interests of all uri, whānau and Hapū of Ngāruahine.

- a) Te Korowai recommends that a Turbine Decommissioning Plan is developed with Ngāti Manuhiakai and Ngāti Tū. The plan should:
- Describe how the four wind turbines will be removed from the Kōkiri Road site at the end of their useful life or after a maximum of 35 years of operation (whichever occurs earliest).
 - Hiringa has indicated it accepts this condition and it proposes to secure it by volunteering a consent condition requiring the final Decommissioning Plan reflects best practice at the time of decommissioning.

The Ngāruahinetanga Pou is our foundation pou and is about growing the creative and cultural wealth of Ngāruahine by strengthening and celebrating the unique identity of Ngāruahine. Ngāruahine creative and cultural expression is visible, heard, felt, and valued everywhere. Our Ngāruahine tikanga, reo and taonga tuku iho is protected and preserved.

b) Te Korowai recommends that an Alternative Site Plan for new replacement turbines is also developed in consultation with Ngāti Manuhiakai and Ngāti Tū in the event that hydrogen production is to continue at the Ballance site after 35 years of operation. This plan should contain:

- a process to identify an alternative site, or sites, to locate any replacement wind turbines on i.e. coastward of SH45; and
- a commitment from the applicant to establishing development partnerships with Ngāti Manuhiakai and Ngāti Tū, for their involvement in identifying replacement or additional wind turbine sites including the joint purchase of lands

The Taiao Pou provides for our natural environment to be protected for generations to come. Our Maunga, tongi, wāhi tapu, and taonga are protected. Our awa are healthy, our mokopuna can swim, and there is an abundance of kai. Our uri are highly skilled and experienced to lead our rejuvenation efforts.

c) Te Korowai would prefer that all Ngāruahine marae have solar energy installed. This would contribute to our strategic priority for all 6 Hapū of Ngāruahine.

- In response, Hiringa has offered to provide in-kind support for the design and installation of solar systems or alternate electricity supply at the remaining marae with Hapū that are agreeable to the same and to working with Hiringa. The in-kind support would also include assisting to help source funding for the systems, i.e., helping each Marae to make funding applications from any available funding sources. Once the project is operational and receiving revenue, Hiringa has indicated it will consider providing direct financial support to the remaining marae.

Within the Ngāruahinetanga Pou, Hapū are enabled to govern, lead, and deliver. Our marae are the cultural heartbeat and flourishing under Hapūtanga.

d) Te Korowai would like specific conditions on the consent relating to:

- There is no increase to the water take under the existing Ballance consent for the Waingongoro River or Kapuni Stream - preferably there is a voluntary reduction in the amount of water taken under these consents.
- Communications Services – If any complaints are received within 12 months of wind turbine operation, the applicant provides an independent assessment of radio, television, and cell phone reception.
- The turbines are removed after the expiry of their useful life or after a maximum of 35 years of operation (whichever occurs earliest).
- Where possible, all tributaries, including upstream, of the Kapuni and Waiokura Streams are daylighted according to international best practice standards. Te Hiringa has committed to exploring this opportunity with PKW and facilitating a discussion between them and Te Korowai – recognising that Hiringa does not own the land.
- The applicant facilitates access to the Kapuni and Waiokura Streams at the Kokiri Rd site for the purposes of stream monitoring by Ngāti Manuhiakai and Ngāti Tū.
- A maximum of four wind turbines will be erected at the PKW site.

Our Maunga, tongi, wāhi tapu, and taonga are protected under the [Taiao Pou](#).

e) Te Korowai would like to see the South Taranaki District Council acknowledge and actively protect the Ngāruahine Cultural Landscape. Te Korowai encourages the South Taranaki District Council to categorise the erection of wind turbines or similar over height structures between Taranaki Maunga and SH45 as a prohibited activity in the South Taranaki District Plan.

Reasoning

Te Korowai acknowledges the quality of the reports and assessments contained in the AEE. There is however a lack of cultural input and visibility throughout. Monitoring of stream tributaries enables Uri to actively connect to the Taiao and determine how cultural values are affected. It is also important that should the wind turbine component proceed, it is limited and does not create a means for more obstructions in the Ngāruahine Cultural Landscape or a precedent which adversely affects our whanaunga Iwi in Taranaki.

Te Korowai understands the applicants need for financially viable hydrogen production in order to compete with the fossil fuels currently used in the heavy transport industry. This aligns with our approach to climate change and a move away from fossil fuels. That transition however, should not be based upon the destruction of the Ngāruahine sense of identity and unique relationship to our ancestor Taranaki Maunga .

Te Korowai must ensure that the values, interests, and wellbeing of Ngāruahine are protected and, where possible, enhanced. Restricting the turbine timeframe of operation in their current location provides the applicant with ample time to ascertain the feasibility and sustainability of the project. It also provides for a precautionary approach and avoids irreversibility which is a major barrier to achieving environmental sustainability. The time based option of an Alternative Site Plan balances the current proposal which has not provided a range of alternatives or anticipated future technological or resource management development options.

The mauri of the Waingongoro River will remain a priority for Te Korowai until it is restored to its customary condition. Establishing long term education programmes for renewable energy and hydrogen capability through internships will confirm the applicants commitment to the sustainability of the project. These recommendations meet Te Korowai's objectives of building the shared capability of Ngāruahine and enabling Hapū to govern, lead and deliver Ngāruahinetanga.

Note:

Te Korowai acknowledges the relationship agreement developed by the applicant as showing their commitment to voluntary conditions as part of any consent. Unfortunately, due to the time constraints of the fast track process Te Korowai or the appropriate delegated authority is unable to sign the agreement. It is envisaged that the agreement will be reviewed and signed by the authorised person(s) on behalf of Te Korowai once proper due diligence has been undertaken.

12 Otinga - Conclusion

The intention of this assessment is to provide the expert consenting panel with appropriate information to assist their understanding of the historical and traditional associations Ngāruahine have with the location chosen for the proposed Kapuni Green Hydrogen Project. The most significant potential adverse impacts have been identified in the FTCA process and the occupation of the Ngāruahine Cultural Landscape by the projects wind turbines. The impact of the turbines is not de minimis. The impact will be high and potentially lead to cumulative adverse cultural effects. We have provided our recommendations to mitigate these issues while maintaining an unashamed priority on the wellbeing of Ngāruahine. Te Korowai looks forward to a positive and ongoing relationship with Hiringa and balance which is based on mutual respect and the enhancement of our Taiao.

Although the lands concerned with the proposal may be in private ownership, this is still the rohe of mana whenua Ngāti Manuhiakai and Ngāti Tū. The surrounding air space and cultural landscape remains an important part of spiritual, cultural and kaitiaki connections with Taranaki Maunga for all Uri of Ngāruahine. There is a lack of alternatives offered by the applicant particularly regarding the location of the wind turbines. Our recommendation for an Alternative Site Plan provides a time based alternative which allows for the projects initial economic viability to be developed while ensuring the vital connection of Ngāruahine to Taranaki Maunga is protected into the future.

Technology is not a measure of progress. It is an indicator of technical, scientific, and financial advancement. Te Korowai believes that a society which values the wellbeing, security and growth of its people is truly progressive and will be self-sustaining over the long term. We have not forgotten the Crowns commitment to building a relationship of mutual trust and co-operation with Ngāruahine founded on respect for the Treaty of Waitangi and its principles. The FTCA process does not support that commitment. In order for a Just Transition to occur, justice must be at its centre. The decision made by this expert consenting panel will indicate the status of the Crowns honour and integrity.

Ko tēnei te whakaaro o Ngāruahine, ka tū motuhake Te Uru Taiao o Ngāruahine

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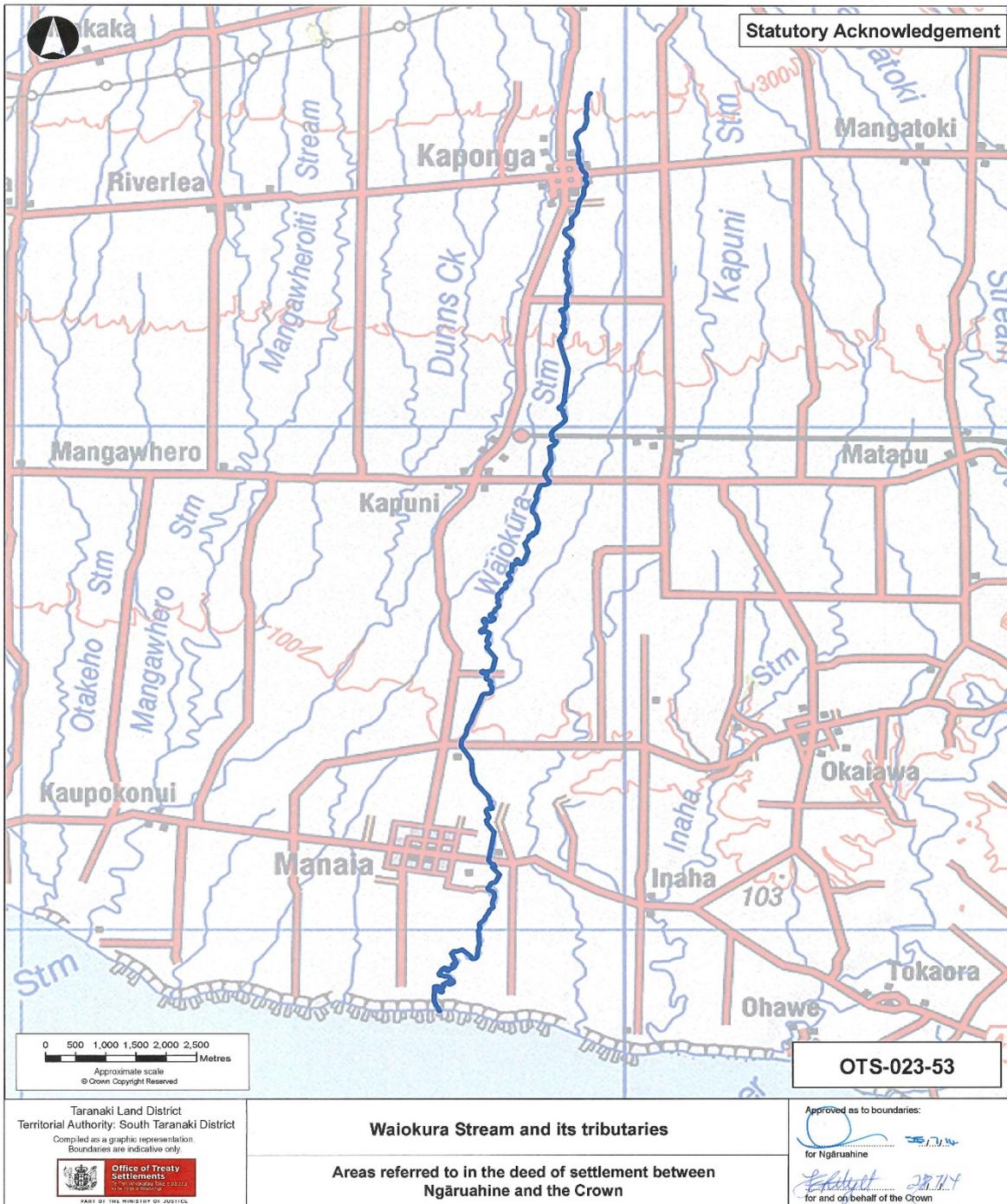


Figure 3 Waiokura Stream and Tributaries

Appendix 2 Draft Ngāruahine Kaitiaki Plan – Taiao Values and Relevant Sections

Ngāruahine Taiao Values	
Value	Definition
Hau	For a person, Hau can be a quality comprised of their personality and aura. This could be interpreted also as reputation, virtue, or fame. For the Taiao, Hau is the vital essence which is gifted by our Atua and is present in a forest or river and will remain for as long as the Mauri is maintained. Both these aspects of Hau are protected and maintained by reciprocity and integrity.
Kaitiakitanga	Kaitiakitanga is an expression of rangatiratanga based on whakapapa and mana. Stewardship is often conflated with Kaitiakitanga, but the term lacks the cultural context of a Te Ao Māori view and is based on assumptions of tending to a landlord's assets prevalent in Western culture.
Kotahitanga	The existence of solidarity, togetherness, and collective action. Kotahitanga is important to ensure an integrated and unified approach to enhancing the Taiao and the persistence of Ngāruahine language, traditions, and Mana Motuhake. Kotahitanga is not about total agreement on everything but agreeing on a way to move forward collectively on common goals.
Mana Motuhake	For Ngāruahine, Mana Motuhake is the unique qualities that make us who we are. It includes the ability to assert mana via self-determination, self-government, and our inalienable status as tangata whenua.
Mana Whakahaere	Jurisdiction, mandate, authority, or management. Used to describe situations where decision making power is active and meaningful.
Mauri	Mauri is often described as an essential quality or the vitality of an object, a person, or a system. Mauri is the life-giving ability of an ecosystem, the essence that binds the physical and spiritual elements of all things together, regenerating and upholding all life. Assessment of mauri is underpinned by baselines consisting of oral traditions detailing the types and abundance of mahinga kai within the rohe. Without knowledge based on an intimate understanding of mauri, the survival of our Whānau, Hapū and Iwi would always have been in doubt. Ngāruahine Whānau and Hapū are the kaitiaki of this knowledge. As cultural property it remains their inalienable right to use it as they deem fit.
Rangatiratanga	The right to exercise chiefly authority or leadership of a group. Includes resource ownership and the rights guaranteed under Article 2 of Te Tiriti o Waitangi and the ability to make decisions based on outcomes defined and maintained by Ngāruahine.
Tūrangawaewae	The place where one belongs through kinship and whakapapa. This includes the right to stand and rights of residence.
Whakapapa	A central principle of all Māori institutions, whakapapa can be the basis of leadership, fishing rights and land tenure. The main use of whakapapa is to define kinship and status amongst individuals and groups.
Ūkaipōtanga	A sense of ownership or belonging. The security and awareness that comes from knowing that sustenance and wellbeing can always be found in your Tūrangawaewae and kinship ties.

General provisions applicable to the proposed Project

Ngāruahine Environmental Bottom lines

Environmental bottom lines are used to express Ngāruahine expectations of the resource management process, including decision making. These include:

- A precautionary approach is the default where information on the environmental effects of an activity is inadequate or uncertain.
- Kāwanatanga and rangatiratanga are respected and acknowledged as mutually valid and legitimate institutions underpinning the use, development, and protection of natural and physical resources.

General Taiao Issues

- The combination of forced land appropriation, deforestation and introduced land use practices have resulted in the destruction of a uniquely Ngāruahine landscape. This has been accompanied by the loss of knowledge and familiarity with important species that Ngāruahine once relied on for survival. Remaining pockets of native inland and coastal forests represent only a glimpse of what our tupuna knew of our indigenous flora and fauna.
- Residential and commercial development continue to modify our rohe severely affecting the ability of Ngāruahine Uri to exercise kaitiakitanga, particularly where our rights and interests are not adequately recognised or provided for in environmental decision-making processes. Remaining sites of significance may be compromised or destroyed, and each new development places more pressure on our freshwater resources.

General Taiao Principles

- We will work with central and local government agencies to ensure that the partnership principle of the Treaty of Waitangi is at the heart of environmental decision making.
- Where the effects of activities are not fully understood or quantifiable, a precautionary approach is used as a default.
- The mana moana and mana whenua status of Hapū is acknowledged, protected and enhanced for future generations.

General Taiao Objectives

- A whole of eco system approach to managing land, freshwater and the coastal marine environment is adopted and promoted in regional council and territorial authority strategies, policies, planning documents, rules, and regulations.
- Mahinga kai, including access, are enhanced throughout the rohe of Ngāruahine.
- Te Korowai will work collaboratively with industry, central and local government, community groups and whanaunga Iwi to restore and protect the mauri of Papatūānuku.
- Ngāruahine Uri are enabled to fulfil their role as kaitiaki within the rohe of Ngāruahine with active, continuous participation in the development and implementation of all Taiao strategies, policies, and actions within the Ngāruahine Kaitiaki Area.
- While we welcome the progression of government policy and strategy to recognise and build Māori knowledge into growth opportunities, it is the aspiration of Ngāruahine to restore our role as a major player within the regional economy.

General Taiao Policies

- Land uses which result in a reduction of mahinga kai, mātaītai, native vegetation, native species, or natural soil fertility will not be supported.
- Continuous cultural health monitoring of waterways mahinga kai, soils and coastal areas is established and sustained by Ngāruahine Uri as Kaitiaki.
- Te Korowai will advocate for Ngāruahine rights and interests by developing and presenting submissions on environmental issues to central and local government.

Specific Taiao Issues, Objectives and Policies

The following are from the Taiao Chapter of the plan.

Papatūānuku - Land

The Papatūānuku section identifies that the ability of Ngāruahine to exercise kaitiakitanga is severely impacted by a lack of recognition and provision for our rights and interests in environmental decision making processes.

Objective 1

Resource consent decisions, plans and management related to land use prioritise:

- b. a reduction in the use of hazardous substances;
- f. Ngāruahine cultural values and interests, including Papakāinga development and mahinga kai.

Objective 3

Support alternative energy technologies and initiatives where these:

- a. Can be shown to reduce negative impacts on the environment and our communities.
- b. Do not reduce the ability of Ngāruahine to maintain its Cultural Landscape and associated mātauranga.

Policy 1.1

Land users and consent authorities are encouraged to engage with Te Korowai to understand the impacts on the mauri of Papatūānuku for the following:

- a. Waste management, contaminants, and contaminated land;
- b. Pest management;
- c. The use of hazardous substances.

Policy 1.3

Te Korowai will advocate for:

- b. The enhancement of access to mahinga kai;
- c. Recognition of the cumulative and incremental effects of activities within Rural Industrial zones.

Policy 1.10

New landfills, cemeteries or crematoriums, SNA's, Freedom camping zones, and alternative energy initiatives should be located within areas which:

- a. Do not reduce or obstruct Ngāruahine access or relationship to wāhi tapu, mahinga kai, mātaītai or coastal waters;
- b. Reduce the potential for culturally offensive behaviour such as littering;
- c. Do not negatively alter the Ngāruahine Cultural Landscape;
- d. Provide manuhiri with facilities which enhance the manaakitanga experienced by visitors;
- e. Are determined appropriate by mana whenua.

Ranginui - Air

The Ranginui section of the plan identifies that collective effort is needed to address the complex risks associated with climate change. The risks posed by climate change are well known. One of the biggest concerns of Ngāruahine Uri is the need for sustainable practices which become a normal part of our daily lives. Our tūpuna travelled the expanse of the Pacific Ocean to establish a home for themselves and their descendants. Today, our whanaunga in the Pacific are abandoning their home islands due to the threat of rising sea levels. As Ngāruahine we have continuously adapted to the disastrous effects that have accompanied colonisation.

While we are well aware of the risks that climate change presents, we are also aware of the damage government policy and legislation has historically inflicted upon us. Current climate change research and solutions do not adequately address the unique impacts which continue to affect indigenous peoples. This needs to be addressed at an international and domestic level with indigenous people leading the policy and strategy process to accurately define the problems and solutions required.

Objective 4

The mauri of Ranginui is protected and enhanced by:

- a. Avoiding an increase in noise and visual pollution;
- b. Maintaining or improving the visual clarity of the Ngāruahine Cultural Landscape and the night sky;
- c. The sanctity and sanctuary offered by significant Ngāruahine sites is preserved for current and future generations;
- f. Advocating for the inclusion of Ngā Iwi o Taranaki in all aspects of regional climate change strategy, policy, and planning.

Policy 2.1

Te Korowai encourages the following conditions when assessing resource consent applications for activities which have adverse effects on the visual clarity of Ngāruahine Cultural Landscapes and the night sky:

- a. The use of CIA's;
- b. The planting of native tree species;
- c. Requiring artificial lighting to minimise glare and light trespass.

Policy 2.3

The following are supported by Te Korowai:

- a. The use of best practice farming methods and emissions reducing technologies in the dairy industry;
- b. The recognition of air and hau as taonga in the Taranaki Regional Policy Statement and Taranaki Air Quality Plan (or Natural Resources Plan);
- c. The early adoption and development of clean air technologies is incentivised and encouraged to reduce adverse effects on air quality.

Wai Māori – Freshwater

Iwi and Hapū throughout Aotearoa have not ceded freshwater rights. Te Tiriti o Waitangi continues to be the launching point for debate on this issue. We are concerned by the overallocation and extraction of our freshwater and its commodification and privatisation in favour of the commercial user.

Objective 16

Te Korowai acknowledges the challenges that changing freshwater policy for regional councils. We are committed to working constructively alongside our whanaunga Iwi to ensure that Te Mana o Te Wai is clearly defined according to our collective understanding and agreement.

Policy 5.1

Allocation of freshwater shall:

- a. Be determined on a case-by-case basis, guided by catchment or RMU specific limits and not diverted outside of natural catchments;
- b. Be consistent with the hierarchy of Te Mana o Te Wai – the health and wellbeing of the wai comes first.;
- c. Consider cultural values, issues and impacts equally alongside environmental concerns;
- d. Priorities efficiency measures when applications increased water takes are received;
- e. Be responsive to seasonal fluctuation and demands;
- f. Be granted for a period not exceeding 5 years to allow for the review and revision of minimum flows and allocation limits;
- g. Enhance mahinga kai resources.

Policy 5.10

Te Korowai objects to:

- a. The piping of waterways or alterations to a stream or river course;
- b. The loss of riparian vegetation;
- c. New structures (including culverts, weirs, dams, floodgates) in beds and margins of waterways which restrict indigenous fish passage, minimum flows, or habitat quality (including spawning habitat).

Te Horanuku Ahurea o Ngāruahine – The Ngāruahine Cultural Landscape

Much of the Ngāruahine Cultural Landscape has been destroyed or modified by colonisation. This destruction has been maintained by contemporary land use practices and resource management processes.

Objective 20

Due to the level of reverence Ngāruahine have for Taranaki Maunga, management and use requires a higher level of respect and mindfulness by all.

Objective 21

To ensure that the special relationship and kōrero of Ngāruahine regarding Taranaki Maunga is recognised and strengthened by the Department of Conservation and preserved for future generations.

Objective 25

Ngāruahine Uri, Hapū and Whānau are empowered as Kaitiaki of their cultural heritage within the Ngāruahine Kaitiaki Area.

Policy 6.2

Unobstructed views from all Marae and Kura Kaupapa to our Tupuna Maunga within the rohe of Ngāruahine are protected and maintained according to the preferences of the respective Hapū.

Policy 6.4

Te Korowai will identify and promote opportunities to increase the awareness and understanding the wider community has concerning the relationship of Ngāruahine to Taranaki Maunga.

Ōhangatanga o Ngāruahine – Development

Issues

Ngāruahine governance, management and leadership will face multiple challenges in attempting to build the capacity and capability of our Uri. From a commercial perspective these include:

- Incorporating Ngāruahine tikanga within modern business objectives and concepts;
- Balancing the demands of current generations with the need to sustain and improve capability and meet the requirements of future generations;
- Achieving dual legitimacy between the New Zealand legal system and Ngāruahine tikanga;
- Meeting the requirements of Crown accountability and Iwi membership aspirations.

Objective 26

The individual and collective capability of Ngāruahine to fully participate in developing natural resources according to Ngāruahine tikanga is restored and protected for future generations.

Objective 28

Positive social, cultural, and economic outcomes are coupled to the health and enhanced mauri of the Taiao.

Policy 7.1

Economic development which supports the ability of Ngāruahine Whānau, Uri and Hapū to exercise kotahitanga, wairuatanga and kaitiakitanga will be identified, encouraged, and supported by Te Korowai.

Policy 7.4

Economic development which has broad collective benefits for Ngāruahine Uri and can be sustained over generations will be prioritised.

Appendix 3 Ngāruahine Mana Whenua

The responses of each of the 6 Hapū of Ngāruahine are included here. Te Korowai acknowledges the offer of support provided by the applicant to all 6 Hapū.

Ngāti Tū

The applicant has supported the development of a CIA by Ngāti Tū. Te Korowai has sighted this document and supports its contents and the Ngāti Tū expression of rangatiratanga. This has been included with the applicants AEE documents.

Kānihi-Umutahi Hapū

No official feedback has been received from this Hapū. It is often the case that Kānihi-Umutahi works with Ōkahu-Inuāwai in a mutually respectful and beneficial relationship based on common whakapapa and objectives.

Ngāti Hāua Assessment of Cultural Impacts

Ngati Haua Hapu claim tuturu rohe extends seaward from the mouth of the Otakeho Stream following it inland to the Maunga, thence turning and following the eastern side of the Raoa Stream back to seaward, Tawhiti-nui, Hawaiki-nui, Tawhitiroa, Hawaiki-roa, Tawhiti-pamamao, Hawaiki-pamamao. Our whanaungatanga rohe extends from the western side of the Kaupokonui River of the Ngati Tu Hapu, to the eastern side of the Wahamoko Stream⁶. The short timeframe given by the project applicant has given us no time to come together in a productive way to consider and discuss the impacts that this application has on us as a Hapū. We had a presentation from representatives of the project and were then provided with documentation.

The information in these documents is complex and it takes time for us and whānau to fully understand the purpose and findings of each document. We request that in future engagement, we have more time and opportunity to have the mahi explained so that we can give meaningful feedback. Consequently, this response is not a thorough representation as to the depth of how we as a Hapū are feeling or will be affected culturally. However, there is a feeling of disempowerment and loss, as tangata whenua we again are asked to find a work around of our cultural beliefs and connections to the environment/taiao (Tupuna Maunga), as we make way for the Crowns Green Hydrogen Strategy 2020 and the Kapuni Hydrogen Project.

⁶ Kōrero from the Ngaruahine Deed of Settlement 2014 <https://ngaruahine.iwi.nz/wp-content/uploads/2014/06/Ngaruahine-content-of-DOS.pdf>

The Te Korowai summary asks how we can add kōrero to help mitigate the effects, but it feels like we are too late and the decisions have been made. The Hapū feel like a minority voice who are just part of the consultation tick box process. The Te Korowai document refers to measures taken to manage or reduce the harmful effects and hazards of the project. Wairua has high esteem and can only be interpreted by a Māori reality. How then do you mitigate against harm that disturbs the essence of wairua – the spiritual pathway from a person to Tupuna Maunga and the Taiao? Hokia ki ōu maunga tupuna kia purea koe ki ngā hau o Te Tai Hauauru. The Hapū would like to see a focus on Maunga Tupuna as a legal person in the CIA as an important feature.

In 2014, New Zealand became the first country in the world to grant legal personality to a natural feature, **Te Urewera** – the mountainous region bordering Hawkes Bay and the Bay of Plenty. This means Te Urewera has the same legal status as an individual person. In 2017, legal personality was also granted to **Whanganui Awa**, the Whanganui River. Later in 2017, the government (“the Crown”) and Taranaki iwi signed a Record of Understanding to state their shared intention that legal personality will be granted to **Taranaki Maunga** (Mount Taranaki) as well. Te Urewera, Whanganui Awa, and Taranaki Maunga are considered to be ancestors and taonga, as well as sources of food, shelter, and spiritual connection for their people.

Therefore, it is imperative that we as a Hapū, insist that the application look at the cultural impact from a holistic, whole of Maunga approach when looking at the impacts on Hapū and Iwi. We collectively want to uphold the mana/status of Taranaki Maunga as our tupuna and recognise this mana for what it symbolises. Yes, some Hapū may be impacted more, but although each Hapū has mana whenua for the location each Marae resides in, many uri belong to many of the Marae in the South Taranaki location and wider, and not just one Marae. Thus we as a people are not restricted by Marae, rohe, area to carry out cultural practices. Rituals can be practiced anywhere in Taranaki, for example whether it be fishing, eeling, whitebaiting, picking puha in the south, east, north, or west of Taranaki, regardless which Pā you are from, **Tupuna Maunga will be your kaitiaki** as you carry out cultural practices in your day to day activity.

During tangihanga every Marae can see out to Tupuna Maunga and reference is made through the Karanga as we call to seek solace and protection from our Tupuna Maunga during a time of mourning. It is the one constant for whānau during this time. Tupuna Maunga is home for us all. It is worth noting that in Te Ao Māori, where there is a physical quality, there is an accompanying spiritual quality.

Therefore, our Hapū spiritual values are under threat from this offensive use of our maunga, waterways and whenua and the encompassing separation of people and the Taiao in order for pakeha private enterprise which utilise the resources of our rohe to fulfil their profitable objectives. Benefits that Hapū see very little of in the end.

Looking out towards our Tupuna Maunga, all we will see is a reminder that we continue to be colonised to the point that we may now have a physical obstruction between us and our Tupuna Maunga.

Critical to our psychological being is consistently maintaining our identity without seeing the man-made physical obstructions intruding across our path when carry out karakia, waiata and so on. Karakia is one of the most important principles to any connection to wairua. The time constraints involved do not allow our Hapū to express fully the cultural depth of karakia. The Hapū would like to see Te Korowai utilise TE ANGA PŪTAKERONGO record of understanding between Ngā Maunga o Taranaki (the mandated entity for negotiation of Tupuna Maunga) and the Crown. This document sets out good guiding information and the Maunga values of which some are identified below:

- the status of Ngā Maunga as an indivisible whole and as Tupuna;
- preserving and protecting the natural environment and features of Nga Maunga and the relationship of Nga Iwi o Taranaki and all people with Nga Maunga;
- upholding the ancestral, historical, spiritual, and cultural relationships of Nga Iwi o Taranaki with our Tupuna.

The Hapū would like to see Te Korowai collaborate with the mandated rūpu Nga Iwi o Taranaki, to advocate and utilise their knowledge of mātauranga Māori, negotiating skills and expertise to work with Hapū and inform the applicants. Te Mana o Te Kahui is a key guiding objective for Nga Iwi o Taranaki: this objective relates to recognising and providing for the mana and relationship of Nga Iwi o Taranaki to Nga Maunga. We, as a Hapū, assert Tino rangatiratanga over this project and declare our aspiration for a holistic whole of Maunga approach to this application.

Ōkahu-Inuāwai

A Hapū hui was held on the 28th of February. The Hapū resolved by general consensus that they:

1. Do not support Wind Turbines as part of the Hiringa Project, Kōkiri Road, Okaiawa;
2. Do not support any Fast Tracking of the project which will leave Hapū behind; and
3. Have now formally withdrawn from future discussions with the Hiringa Project at this juncture.

This resolution was shared to their Facebook page on the 11th of March.

Tamaahuroa Titahi Hapū

Correspondence was sent on the 3rd of June 2021 to Hiringa by Oeo Pā Secretary-Treasurer, Caroline Scott following a Tamaahuroa Titahi Hapu Hapū hui on the May 15th, 2021. This acknowledged their support for Hiringa Energy's work to reduce emissions and that they support any decisions made by Ngāti Manuhiakai and Ngāti Tū regarding the project.

Ngāti Manuhiakai

Members of the Ngāti Manuhiakai Hapū have met and assessed the proposal and provided the following response to the Minister.

Ferinica Hawe-Foreman,
Ngati Manuhiakai Hapu,
Inaha Road,
Okaiawa, 4671.
ngatimanuhiakai@gmail.com

15 February 2021

Kei te Rangatira, e Parker, tena koe,

Hiringa Energy Limited and Ballance Agri-nutrients Limited - Kapuni Green Hydrogen Project

We write with respect to the above project.

We confirm we have an ongoing and constructive relationship with Hiringa Energy Limited and Ballance Agri-nutrients Limited (the applicants) and we are satisfied with the applicants' consultation with Ngati Manuhiakai Hapu to date in respect of the project.

We confirm that the applicants have worked proactively with us to ensure we understand what the project will entail and to identify any potential adverse cultural effects that may arise out of the project.

The applicants have offered to resource Ngati Manuhiakai Hapu to prepare a cultural impact assessment (CIA) in relation to the project, however in the circumstances we do not consider it necessary to prepare a CIA and we do not intend to do so. We are satisfied that the potential impacts that have been identified can and will be appropriately mitigated by the applicants and that the applicants have taken our interests into account.

We confirm that we support the project in principle and look forward to working with the Applicants in the delivery and operation of this exciting project.

'Me mahi tahi tatou mo te oranga o te katoa'

Naku, na

Ferinica Hawe-Foreman
Tiamana o te Ngati Manuhiakai Hapu