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# Background

## Purpose

This strategy sets out Ngāi Tahu aspirations and expectations for the environmental remediation of Tiwai Peninsula. Te Rūnaka o Awarua prepared this document as an expression of its mana whenua and mana moana, and on behalf of kā rūnaka o Murihiku. In broad terms, Awarua seeks to protect and enhance the peninsula's terrestrial and coastal environments, and the cultural practices based upon them, for current and future generations of all New Zealanders. This document outlines how we seek to implement this strategy, alongside key national, regional, and local stakeholders.



## Our context

Tiwai Point is situated at the entrance to Bluff Harbour on the southern coast of the South Island of New Zealand. A spit which extends from the western end of the Awarua Plains, the peninsula lies between Awarua Bay to the north and Foveaux Strait to the south. New Zealand's Aluminium Smelter (NZAS) is New Zealand's only aluminium smelter and is located on Tiwai Peninsula. NZAS is 79.36 per cent owned by Rio Tinto and 20.64 per cent owned by Japan's Sumitomo Chemical Company. NZAS primarily produces aluminium in the form of ingot, billet and rolling block. Most of the plant's alumina is supplied from the Yarwun and Queensland Alumina refineries at Gladstone in Queensland, Australia. Around 90 per cent of the aluminium produced at NZAS is exported. NZAS contributes \$406 million to the Southland economy (6.5 per cent of Southland's GDP) with export revenue of around \$1 billion each year.

In January 2021 Rio Tinto secured an electricity arrangement to enable NZAS to continue operating until December 2024. This extension provides some certainty to the approximately 1,000 employees. It also provides more time for stakeholders to plan for the future for this site, including environmental site remediation prior to Rio Tinto's exit, all of which is yet to be finalised.

Te Rūnaka o Awarua is leading a Tiwai Remediation Project on behalf of kā rūnaka o Murihiku, and Ngāi Tahu as a whole. The Tiwai site is complex and has multiple stakeholders, some with conflicting roles and responsibilities. To realise our vision and expectations for the site beyond Rio Tinto's operations, a successful strategy, well-crafted project plan, and action plan, are all required.

Tiwai Point is a site of high cultural significance and value to local hapū, rūnaka, and Ngāi Tahu as a whole. To date there has been limited or no

input from mana whenua in reports prepared by regulators or the commercial occupier. Consequently, iwi values are misunderstood or missing altogether. Unless that changes, our distinct cultural and ecological values – many of which are shared by other New Zealanders - will not be catered to.



For example, several reports completed to date are framed around standards established for commercial, industry and recreation land uses, which are, moreover, often imported from overseas. On their own, these standards are unlikely to reflect the cultural values and aspirations Ngāi Tahu have for Tiwai Peninsula and its impacted ecosystems.

Current assessments of the Tiwai Smelter site use two of five primary categories for land use in their analysis: “continued or alternative industrial use” and “recreational use”). We suggest this is a false dichotomous choice. The bigger point is that different land-use options have different measurement standards for contaminants: what may be acceptable for one land-use, may not be acceptable for another land-use. There is also currently little consideration of the role that ecological impacts of contaminants play in site remediation decision-making.

In short, the site is not being viewed through a holistic lens and thus as a complex ecological system. That needs to change. And Ngāi Tahu is committed to driving that change. Extant reports also fail to adequately consider future challenges such as climate change and sea level rise. Thus, without rūnaka intervention, and input into future land-use potential, there is a high risk that proposed remediation activities will involve minimal contaminant removal, with the medium- to long-term threat of coastal erosion, sea level rise and the movement of contaminants making a bad situation worse.

Consequently, all parties with an interest in the Tiwai Peninsula and contiguous lands, coasts, and sea, need to align their visions and strategies of, and work towards, environmental remediation.

# Our stakeholders and engagement partners

We acknowledge that Tiwai Point has multiple stakeholders, each with a range of interests or responsibilities for its management and remediation. The below stakeholder map (Figure 1) outlines the key parties.

There are multiple engagements occurring within and between stakeholder groups at present. This requires, and will hopefully lead to, greater clarity of roles and responsibilities. Our desire is that this strategy and its core objectives will further support and underpin these engagements and divisions of labour. This map below provides a visual overview of these roles and responsibilities, and further detail information now follows.

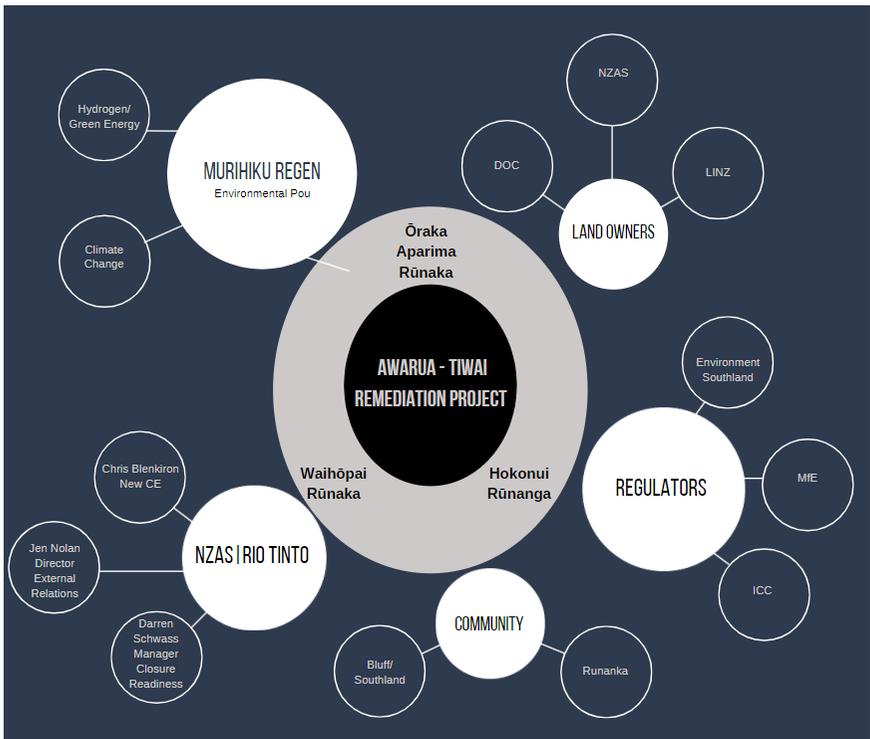


Figure 1: Connection between Awarua Tiwai Remediation Project and other stakeholders with interest and/or responsibilities.

# Murihiku Regeneration

Hokonui Rūnanga established Murihiku Regeneration to work closely and collaboratively with the Crown, giving voice and meaning to local Treaty obligations to Ngāi Tahu, and ensuring a clear, coherent plan for a prosperous and more sustainable Southland. Murihiku Regeneration's formation was triggered by uncertainty surrounding the future of Tiwai, and the deep impact its signalled closure would have on the community.

The key idea behind Murihiku Regeneration is that the four Papatipu Rūnanga of Murihiku will work together to build a regenerative economy that will support future generations. Its central focus is:

- Enhancing our mana whenua and partnership with the Crown
- Supporting community, education, upskilling, environment and industry
- Training, work force capability development and alignment to industry development
- Creating development opportunities through commercial and community partnerships
- Taking a long-term and intergenerational view of these matters

This is achieved through Murihiku Regeneration's aim to:

- Develop a long-term regeneration plan that meets aspirations underlying four key pou: social, cultural, economic and environmental
- Develop a whānau-centric model and plan.

As Te Rūnaka o Awarua is the lead rūnanga for the remediation programme at Tiwai Point, it has key input into, and is supported by, several of the pou overseen by Murihiku Regeneration.

## New Zealand Aluminium Smelter/ Rio Tinto

New Zealand Aluminium Smelter (NZAS) owns and operates the site where the smelter is located. NZAS is co-owned by:

- Rio Tinto Aluminium Limited (RT), an Anglo-Australian multinational and the world's second largest metals and mining corporation, with 79.36% of the share; and
- Sumitomo Chemical Company, Japan, which owns the remaining 20.64%.

NZAS is one of Southland's largest employees and New Zealand's largest electricity use (consuming the equivalent of 694,000 households). The smelter's power demand from the national grid is about 570 MW. Most of the energy for the smelter is supplied from the Manapouri hydroelectric power station, via two double circuit 220 kV transmission lines.

Significant amounts of hazardous waste are stored onsite, mainly Spent Cell Lining (SCL) (also known Spent Pot Lining), which contains fluoride and cyanide among other things. Estimates of waste stockpiled at the site range up to nearly 300,000 tonnes. This waste has been described as uncontrolled, unconsented and untreated and virtually without regulatory oversight. It is the largest stockpile of hazardous waste in Australasia and represents a liability of at least \$350m.

NZAS has power supply arrangements in place that enable it to operate until December 2024. However, RT has now publicly stated its desire to extend operations beyond that date, if it can agree to terms with Meridian Energy and the New Zealand Government, as required.

# Regulators

## Environment Southland (ES)

Regional councils and territorial authorities have functions under the Resource Management Act 1991 (sections 30 and 31 encompass the day-to-day management of contaminated land). As part of this, councils are required to give effect to the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NESCS).

The NESCS specifies planning controls and soil contaminant values. It ensures that land affected by contaminants in soil is identified and assessed before it is potentially developed - and if necessary, the land is remediated, or the contaminants safely contained to make the land safe for human use. The NESCS came into effect on 1 January 2012.

Environment Southland (ES) identifies and monitors contaminated land by researching historic records such as council files, trade directories and aerial photographs to identify land and record it in its database. ES also receives information from other sources, such as environmental site investigation reports submitted to it as a requirement of its Regional Plan, and in resource consent applications.

ES has responsibility for overseeing, monitoring, and enforcing resource consents (current and future) for Tiwai Point.

## Invercargill City Council (ICC)

The Invercargill City Council (ICC) identified the Tiwai Point Reserve as having high amenity value in its 2021 Environmental Reserves Management Plan. Natural landscape elements on Tiwai Peninsula are made up of extensive shingle beaches, gravel bars, dune-lands and associated native

vegetation. These environmental features, and historic values, should be protected as representative of other, now heavily modified local natural environments. Accordingly, the ICC intends to classify this reserve through the Reserves Act Process.

The objective of this new classification is to recognise the importance of the vegetation to the local community and to *protect, preserve and enhance the intrinsic values of Tiwai Point Reserve*<sup>1</sup>

## Ministry for the Environment (MfE)

MfE provides policy objectives through the Resource Management Regulations 2011 (referred to as NES). This gives guidance and frameworks for identifying and reporting on Hazardous Activities and Industries List (HAIL) sites<sup>2</sup>. The main policy objective of the NES is to ensure land affected by contaminants in soil is appropriately identified and assessed when soil disturbance and/or land development activities take place and, if necessary, remediated or the contaminants contained to make the land safe for future human use.

The NES enables the safe use of affected land by:

- establishing regulations for five activities that ensure district planning controls relevant to assessing and managing public health risks from contaminants in soil are appropriate and nationally consistent
- establishing soil contaminant standards protective of human health and requiring their use when decisions are made under the NES

<sup>1</sup> <https://icc.govt.nz/wp-content/uploads/2021/02/2021-Environmental-Reserves-Management-Plan-draft.pdf>

<sup>2</sup> <https://www.mfe.govt.nz/land/hazardous-activities-and-industries-list-hail>

- ensuring best practice and consistent reporting on land affected or potentially affected by contaminants is applied that enables efficient information gathering and consistent decision-making.

The New Zealand Aluminium Smelter (NZAS) site on Tiwai Peninsula has been identified by the Ministry for the Environment as a highly contaminated HAIL site.

## Land Owners

### Te Papa Atawhai | Department of Conservation

Te Papa Atawhai (Department of Conservation/DOC) is responsible for the majority of Crown-owned land at or contiguous to Tiwai Point. This equates to roughly 2000 hectares of land, which surrounds NZAS, and is part of the Conservation Estate. The Awarua and Waituna Wetlands on the northern and far eastern ends of Tiwai Peninsula are listed as wetlands of international importance under the Ramsar Convention and are home to species of rare and endangered plants, birds, and other animals.

NZAS leases Tiwai Peninsula from DOC, which restricts but does not prevent public access.



Source: Central Record of State Land

## Toitū te Whenua | Land Information New Zealand

Toitū te Whenua (LINZ) owns the outer point of the Tiwai Peninsula, on the Crown's behalf. The sum total of this site is approximately 15 hectares, which is fully enclosed by DOC estate on all its land boundaries.

LINZ does not actively manage this land at this point in time.



Source: Central Record of State Land

# Ngāi Tahu Vision 2025

Tino Rangatiratanga – “Mō tātou, ā, mō kā uri ā muri ake nei”

*Tino Rangatiratanga – “For us and our children after us”*

Nine core components give effect to the above whakatauki and aspiration. These components drive, underpin and deliver on the vision. The remediation of Tiwai Point encompasses each of these nine elements, whether directly or indirectly:

1. Te Ao Tūroa - *natural environment*
2. Ko Ngā Whakapāpātanga - *tribal communications and participation*
3. Tō Tātou Ngāi Tahutanga - *culture and identity*
4. Te Whakaariki - *influence*
5. Te Whakatipu - *Papatipu Rūnanga development*
6. Whānau - *social development*
7. Mātauranga - *education*
8. Te Kaitiakitanga me te Tāhuhu - *governance and organisational development*
9. Te Pūtea - *investment planning*

Te Rūnaka o Awarua will ensure that a social and cultural lens is applied to any environmental remediation of Tiwai Point, with current and future generations in mind. This is not just an industrial site, but also a heritage site and a key centre of mahinga kai activities, on land, coast and sea. Moreover, Tiwai is located close to an urban township, with a large Ngāi Tahu population. As such, the ability for whānau to safely live and perpetuate cultural traditions at Tiwai and Awarua, is our highest priority.

# Te Rūnaka o Awarua Tiwai Point Remediation Strategy

We aim to realise our vision by pursuing the following strategic goals and associated objectives.

## Goal 1: Preserve the *past*

The need to preserve wāhi taonga at Tiwai Point is understood, documented and proactively managed. The aspects of our culture and identity connected with this site are preserved and nurtured for us and future generations.

All people need to better understand the site's Māori history, including Ngāi Tahu recollections (through private images and memories, for example).

## Objectives

- 1 We will gather stories, imagery, and any other relevant information to better understand the pre-smelter nature and usage of the Tiwai site
- 2 We will enrich our understanding of this site through detailed accounts by individuals and/or groups, including the perspectives and views of our working group rōpū and wider whānau
- 3 We will develop a record of this history in a format that will best inform our future position on Tiwai and aspirations for it
- 4 We will participate in, and if need be, activate, archaeological assessments

## Goal 2: Safely continue *present* activities

Whānau undertake a range of mahinga kai activities at or near Tiwai and have done so mai rā anō. This takes place on the *assumption* that those activities are still safe to do. We seek to test that assumption and take any necessary actions if that assumption proves wrong.

### Objectives

- 1 We will gather information and data to understand the safety of our mahinga kai and other cultural traditions at or near Tiwai
- 2 We will seek to better understand the current location of sites of contamination and plan for relocation, where appropriate
- 3 We will shape and oversee remediation activities that enable us to continue current traditions and make them available for future generations

## Goal 3: Preparation and readiness for *future* use

Contaminated sites at Tiwai need to be remediated to enable alternative future land-uses. At a minimum, remediation needs to actively address whānau and hapū interests and activities, whilst being mindful of iwi and national level considerations, and looking beyond the current site use to future commercial opportunities that benefit the region and nation.

## Objectives

- 1 We will pursue meaningful and enduring partnership with all key stakeholders to ensure that remediation of Tiwai Point accommodates Ngāi Tahu values and is therefore fit for present and future use
- 2 We will oversee the implementation of a remediation plan that meets our needs and those of future generations
- 3 We will continue to advocate for, and communicate with, our whānau and iwi on how best to remediate the Tiwai Point industrial site, and contiguous lands, coasts, and sea.

## Goal 4: Enduring *partnerships*

Te Rūnaka o Awarua, as the representative voice of mana whenua, will ensure Ngāi Tahu interests are incorporated into all work, present and future, conducted at or near the Tiwai site. Partnering with other stakeholders - both private and public – to achieve this is critical to delivering effective remediation at Tiwai Point.

## Objectives

- 1 We will meaningfully engage with stakeholders and ensure long-standing relationships and long-term opportunities for collaboration.
- 2 We will share our knowledge with fellow stakeholders, as appropriate, to build their capacity and capability so that they can best support our goals and objectives as kaitiaki.

# Our Strategy implementation

Te Rūnaka o Awarua has developed this strategy, but it expresses the collective hopes and aspirations of all four papatipu rūnanga based in southern Murihiku for Tiwai Point and its environmental remediation. This is long-term strategy; however, we recognise that our Strategy and resultant projects will evolve as we monitor our progress, new information becomes available and Te Rūnanga o Ngāi Tahu also refines its positions on related matters. This Strategy therefore ultimately rests on the Purpose, Vision and Goals outlined in this document. All of these are actualised by the Awarua Tiwai Working Group (ATWG), which is supported by the other three Murihiku rūnaka. This will lead to governance and operational working arrangements that will translate our strategic goals into a series of material actions and thus improved environmental and social outcomes.

