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5 March 2020

Otago Regional Council

P O Box 1954

**DUNEDIN 9054**

*Tēnā koutou, ko tēnei mihi atu ki a koutou, ngā mema o te komiti, ngā kaiwhakawa o ngā mea e pa ana tēnei kaupapa taumaha, me ki, o tātou nei rohe moana, he taoka o tātou nei whānau, hapū me te iwi. Ki a rātou kua whetu rangitia, te hunga wairua, haere, moe mai, oki oki mai, kati.*

**RE: Resource Consent Application – Hawkdun Pastoral Limited**

**Resource Consent Application – RM19.399**

Take and use surface water for the purpose of irrigation, domestic and stock water supply – 4.5 kilometres upstream of St Bathans Loop Road Bridge and 380 metres west of Hawkdun Road, Omarama

This is a submission on a publicly notified resource consent application pursuant to Section 95A of the Resource Management Act 1991.

Kāti Huirapa Rūnaka ki Puketeraki and Te Rūnanga o Ōtākou (Ngā Rūnanga) **oppose** this application.

We **do wish** to be heard in support of this submission at a hearing.

**1. INTRODUCTION**

- 1.1 The takiwā of Kāti Huirapa Rūnaka ki Puketeraki centres on Karitane and extends from the Waihemo River/Shag River to Purehurehu/north of Heywards Point. Kāti Huirapa Rūnaka ki Puketeraki share an area of interest in the inland roto and mauka with Kāi Tahu Papatipu Rūnanga within Otago, and with those Papatipu Rūnanga located beyond the boundaries of the Otago region.

1.2 The takiwā of Te Rūnanga o Ōtākou centres on Muaūpoko/Otago Peninsula and extends from Purehurehu Point/north of Heyward Point to the Clutha River/Mata-au River. Te Rūnanga o Ōtākou share an area of interest in the inland roto and mauka with Kāi Tahu Papatipu Rūnanga within Otago, and with those Papatipu Rūnanga located beyond the boundaries of the Otago region.

1.3 To acknowledge the association with the district and its resources, Māori words (underlined) are used within this document. See Appendix 1 for translation.

## 2. KAITIAKITAKA

2.1 The Kāi Tahu ki Otago Natural Resource Management Plans 1995 and 2005 are the principal resource management planning documents for Kāi Tahu ki Otago. The kaupapa of the plans is 'Ki Uta ki Tai' (Mountains to the Sea), which reflects the holistic Kāi Tahu ki Otago philosophy of resource management.

2.2 The plans express Kāi Tahu ki Otago values, knowledge and perspectives on natural resource and environmental management issues. The plans are an expression of kaitiakitaka. While the plans are first and foremost planning documents to assist Kāi Tahu ki Otago in carrying out their kaitiaki roles and responsibilities, they are also intended to assist others in understanding tākata whenua values and policy.

2.3 The 2005 Natural Resource Management Plan is divided into catchments, with specific provisions for the whole Otago area and each catchment. The current proposal is located within the Clutha/Mata-au Catchments.

2.4 The relevant objectives and policies of the 2005 Natural Resource Management Plan are attached to this submission as Appendix 2.

## 3. SCOPE OF THE SUBMISSION

3.1 This submission relates to the application in its entirety.

#### 4. REASONS FOR THE DECISION SOUGHT

- 4.1 Kāi Tahu has a cultural, spiritual, historic and traditional relationship with the Clutha/Mata-au Catchments / Te Riu o Mata-au
- 4.2 The Clutha/Mata-au Catchments and its headwaters were the traditional focus of seasonal migrations for many of the hapū and whānau living in the Araiteuru/Coastal Otago. Its vast length, many tributaries and three large roto at its headwaters, fed by the mauka in Kā Tiritiri o Te Moana/Southern Alps, had much to offer Kāi Tahu. The Clutha/Mata-au Catchments was therefore highly valued by all the different hapū and their whānau who used it. The use of these Catchments was a focus of our very distinctive seasonal lifestyle.
- 4.3 The Clutha/Mata-au River takes its name from a Kāi Tahu whānau whakapapa that traces the genealogy of water. On that basis, the Clutha/Mata-au River is seen as a descendant of the creation traditions.
- 4.4 The three roto at the headwaters of the Clutha/Mata-au River are an important source of freshwater. They are all fed by hukawai, these are waters with the highest level of purity and were accorded traditional classifications by Kāi Tahu ki Otago that recognised this value. Thus they are puna that sustains many ecosystems important to Kāi Tahu ki Otago.
- 4.5 The Clutha/Mata-au River was part of ara tawhito, mahika kai trail that led inland. Mahika kai sourced from the Clutha/Mata-au Catchment includes indigenous ika and manu such as:- tuna, kanakana, kōkōpu, moa, inaka, weka.
- 4.6 The Clutha/Mata-au River gave access to wide inland ngahere clad plains and to the roto and mauka beyond.
- 4.7 All water plays a significant role in our spiritual beliefs and cultural traditions, the condition of water is seen as a reflection of the health of Papatūānuku. The loss and degradation of this resource through drainage, pollution and damming is a significant issue for Kāi Tahu ki Otago and is considered to have resulted in material and cultural deprivation.
- 4.8 Kāi Tahu had a very distinctive and unique culture and lifestyle in the southern half of the South Island included permanent coastal settlements and seasonal migrations inland over often vast distances to harvest and collect food and resources. The seasonal inland migrations were determined by whakapapa as to who could exercise those rights. This practice is referred to as

'mahika kai' and became a corner stone of our culture. Mahika kai is the basis of culture and the unrelenting cultural imperative is to keep the mahika kai intact, to preserve its productivity and the diversity of species.

4.9 Mahika kai literally means “food works”. It encompasses the ability to access the resource, the site where gathering occurs, the act of gathering and using resources and ensuring the good health of the resource for future generations. This is enshrined in the Kāi Tahu proverbial saying and tribal motto “Mō tātou, a mō kā uri I muri ake nei – for us and for the generations that come after us.”

4.10 The primary management principle for Ngā Rūnanga is the maintenance and enhancement of the mauri or life-giving essence of a resource. Mauri can be tangibly represented in terms of elements of the physical health of the land, a river, or surrounding biodiversity. The forest, waters, the life supported by them, together with natural phenomena such as the mist, wind and rocks, possess a mauri or life-force. While there are also many intangible qualities associated with the spiritual presence of a resource, elements of physical health which Ngā Rūnanga use to reflect the status of mauri and to identify the enhancements needed include:

- Aesthetic qualities e.g. natural character and indigenous flora and fauna;
- Life supporting capacity and ecosystem robustness;
- Fitness for cultural usage

4.11 A resource's mauri is desecrated if it no longer supports the traditional uses and values. A water body or other natural resource can be desecrated by improper resource management activities. These may extinguish the mauri and in turn diminish the association upon which a range of values are based, including mahika kai, for Ngā Rūnanga who hold traditional rights and responsibilities in respect to the resource.

4.12 Across the rohe, one of the principle indicators by which Ngā Rūnanga assesses the mauri of a resource is its productivity and the food and other materials sourced from it. Hence Ngā Rūnanga use the nature and extent of mahika kai as an environmental indicator. If the mauri of an entity is desecrated or defiled, the health and well-being of the resource itself, resource users and others depending on the resource are at risk

4.13 Ngā Rūnanga are not confident in the current regional planning framework, and therefore request a short term consent that allows for a new regional planning framework to be established before a longer term consent is applied for by the applicant; one that is compliant with:

- the purpose and principles of the Resource Management Act 1991, including Section 6(e), Section 8 and Section 7(a);
- the *National Policy Statement for Freshwater Management 2014*, as amended in 2017 (the Freshwater NPS);
- the partially operative *Otago Regional Policy Statement 2019 (Otago RPS)* (including both the already operative parts, and those that still await sign-off from the Environment Court); and
- *Te Rūnanga o Ngāi Tahu Freshwater Policy Statement 1999* and the *Kāi Tahu ki Otago Natural Resource Management Plan 2005*, which have not yet been incorporated into the *Regional Plan: Water*.

4.14 Kāi Tahu aspirations for freshwater management are recorded in the *Te Rūnanga o Ngāi Tahu Freshwater Policy Statement 1999*, and the *Kāi Tahu ki Otago National Resource Management Plan 2005*. These documents both allude to water ownership as an outstanding matter for resolution, which is relevant to the manner in which water continues to be allocated. Kāi Tahu iwi management plan objectives and policies provide guidance to decision-makers working within the context of the *Resource Management Act 1991 (RMA)*. Notable priorities include protection and restoration of mahika kai habitats, and ensuring that environmental flows are sufficient to sustain the range of Kāi Tahu rights, interests and values associated with waterbodies.

4.15 The Freshwater NPS requires consideration and recognition of Te Mana o te Wai, through identification of values and management of those values. The Freshwater NPS specifically provides for the involvement of iwi and hapū to ensure that tākata whenua values and interests are identified and reflected in the management of freshwater. Included within freshwater objectives is intent to phase out over-allocation.

- 4.16 Under the National Policy Statement for Freshwater Management (NPS-FM), it is a matter of national significance that fresh water is managed through a framework that considers and recognises Te Mana o Te Wai as an integral part freshwater management. When speaking about Te Mana o te Wai we are referring to the integrated and holistic wellbeing of a freshwater body. Upholding Te Mana o te Wai acknowledges and protects the mauri of water.
- 4.17 The Regional Plan: Water for Otago and the Regional policy Statement were both written prior to the 2017 amendment of the NPS-FM and therefore Ngā Rūnanga believe kaupapa as significant as Te Mana o te Wai and Ki Uta Ki Tai should be considered above the issues, objectives and policies of the Regional Plan: Water for Otago and the Regional Policy Statement.
- 4.18 Otago Regional Councils' (the Council) permissive rules have allowed most of the catchments to become 'over-allocated' meaning that the volume of water abstracted through resource consents exceeds the volume of water available in the catchment. The current rules of the Regional Plan: Water for Otago are permissive and set default minimum flow levels well below the national average.<sup>1</sup>
- 4.19 The Minister for the Environment, Hon David Parker (the Minister), in the letter to the Councilors of the Otago Regional Council, has set direction for the Council to "... develop a fit for purpose freshwater management planning regime that gives effect to the relevant national instruments and sets a coherent framework for assessing all water consent applications..."<sup>2</sup>. The Minister identifies that granting long term resource consents for water abstractions would be unwise. This is because this would "... lock in unsustainable water use, inhibiting the council from effectively implementing the outcomes of its intended new RPS (*Regional Policy Statement*) and LWRP (*Land and Water Regional Plan*)"<sup>3</sup>. Direction from the Minister requires Council to prepare a plan change to provide for interim planning and consenting framework to manage freshwater, which includes processing of recourse consents. These consents should be issued with a short consent term, for example, a maximum term of 5 years.

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<sup>1</sup> *Investigation of Freshwater management and Allocation Functions at Otago Regional Council: Report to the Minister for the Environment*. Professor Peter Skelton. Page 9.

<sup>2</sup> Communication: Letter from Officer of Hon David Parker, Minister for the Environment, to Chair and Councilors of Otago Regional Council.

<sup>3</sup> Communication: Letter from Officer of Hon David Parker, Minister for the Environment, to Chair and Councilors of Otago Regional Council.

## 5. DECISION SOUGHT

- 5.1 Kāi Tahu submits that the application, as applied for, should **be declined**.
- 5.2 Kāi Tahu would support an amended application or, any consent that would be subject to the following conditions:-
- That the term of consent be no longer than 6 years.
  - That at least 50% of the flow in the waterway is left in the waterway.
  - That a fish screen is installed over the intake structure.
  - That the water take is metered and results recorded

**E noho ora mai**

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## Appendix: 1

### Glossary

<b>Ara tawhito</b>	Ancient trails
<b>Hapū</b>	Sub-tribe
<b>Hukuwai</b>	Type of water
<b>Ika</b>	Fish
<b>Inaka/Inganga</b>	Whitebait
<b>Kaitiaki/Kaitiakitaka</b>	Guardian / to exercise guardianship
<b>Kāi Tahu</b>	Descendants of Tahu, the tribe
<b>Kanakana</b>	Lamprey
<b>Kaupapa</b>	Topic, plan
<b>Kōkōpu</b>	Cockabully
<b>Mahika kai</b>	Places where food is produced or procured.
<b>Mana Whenua</b>	Customary authority or rakātirataka exercised by an iwi or hapū in an identified area.
<b>Manawhenua</b>	Those who exercise customary authority or rakātirataka
<b>Manu</b>	Bird
<b>Mauka</b>	Mountain
<b>Mauri</b>	Essential life force or principle, a metaphysical quality inherent in all things both animate and inanimate
<b>Moa</b>	large extinct flightless bird of nine subspecies
<b>Ngahere</b>	Forest/Bush
<b>Ngā Rūnanga/Rūnaka</b>	Local representative group of Otago
<b>Papatipu Rūnanga</b>	Traditional Kāi Tahu Rūnanga
<b>Papatūānuku</b>	Earth Mother
<b>Puna</b>	spring (of water)
<b>Rakātirataka</b>	Chieftianship, decision-making rights
<b>Rohe</b>	Boundary
<b>Roto</b>	Lake
<b>Takiwā</b>	Area, region, district
<b>Tākata whenua</b>	Iwi or hapu that holds mana whenua (customary authority) in a particular area
<b>Te Mana o te Wai</b>	Concept for fresh water that encompasses the mauri of a water body
<b>Tuna</b>	Eel
<b>Urupā</b>	Burial place
<b>Wāhi Tapu</b>	Places sacred to takata Whenua
<b>Weka</b>	Bird-woodhen
<b>Whakapapa</b>	Genealogy
<b>Whānau</b>	Family



## **Appendix: 2**

The following Issues/Objectives/Policies of the Kāi Tahu ki Otago Natural Resource Management Plan 2005 are seen as relevant to the above proposal. This relates to the holistic management of natural resources from the perspective of local iwi.

### **Kāi Tahu ki Otago Natural Resource Management Plan 2005**

#### **Otago Region / Te Rohe o Otago**

##### **Wai Māori**

##### **Wai Māori General Issues**

###### **Water Extractions**

- Inefficient irrigation methods and reluctance to consider alternatives.
- Volume of some extractions being more than is required.
- Cumulative effects of water extractions.
- Lack of water harvesting.
- Long duration of water take consents.

##### **Wai Māori General Policies**

- To protect and restore the mauri of all water.

###### **Water Extractions**

- To require that resource consent applicants seek only the amount of water actually required for the purpose specified in the application.
- To require that all water takes are metered and reported on, and information be made available upon request to Kāi Tahu ki Otago.
- To oppose the granting of water take consents for 35yrs. Consistent with a precautionary approach, either a review clause or a reduced term may be sought.

###### **Irrigation**

- To encourage those that extract water for irrigation to use the most efficient method of application. Flood irrigation, border dyke and contour techniques are less likely to be supported than spray irrigation techniques.
- To require that a consent term for water extractions for irrigation be of 5-10 years where Kā Papatipu Rūnanga considers the method of irrigation to be inefficient to allow for an upgrade to a more efficient method.
- To discourage over-watering
- To encourage irrigation to occur at times when winds are light and evaporation low.
- To encourage dry land farming practices where appropriate.