

17 April 2024

Environment Southland
Consents Manager
Email: service@es.govt.nz

Tēnā Koe,

RE: Submission on Resource consent application – APP-20233670

Please find attached a submission lodged, on behalf of Oraka Aparima Rūnaka on Resource Consent applications to the construction of a new channel to enable a permanent diversion of part of the flow of the Waiau Arm and the associated removal of bed material and gravels, together with any maintenance and ancillary activities by Meridian Energy.

We trust the information contained within the submission is sufficient; however, should you wish to discuss any aspect further, please do not hesitate to contact me.

Nāhaku noa nā,



Stevie-Rae Blair
Te Ao Marama Inc.
Kaitohutohu Kaupapa Taiao

To: Environment Southland
Private Bay 90116
Invercargill

1. This is a submission on the application (APP-20233670) to the construction of a new channel to enable a permanent diversion of part of the flow of the Waiau Arm and the associated removal of bed material and gravels, together with any maintenance and ancillary activities at and around the Manapōuri Lake Control Structure, including the Waiau Arm at the confluence of the Waiau Arm and Mararoa River.
2. Oraka Aparima Rūnaka submission relates to the applications in their entirety (Appendix A). Oraka Aparima Rūnaka is **NEUTRAL** to the granting of the applications.
3. Oraka Aparima Rūnaka does wish TO BE HEARD in support of its submission.
4. Oraka Aparima Rūnaka is not a trade competitor for the purposes of section 308B of the Resource Management Act 1991.
5. A copy of this submission has been sent to the applicant.

Signed for and on behalf of Oraka Aparima Rūnaka.



Stevie-Rae Blair
Te Ao Marama Inc.
Email: stevie@tami.maori.nz

17/04/2024

Introduction

1. This submission is made on behalf of Oraka Aparima Rūnaka.

Papatipu Rūnaka

2. The Te Rūnanga o Ngāi Tahu Act 1996 (the TRoNT Act) and the Ngāi Tahu Claims Settlement Act 1998 (the Settlement Act) give recognition to the status of Papatipu Rūnanga as kaitiaki and mana whenua of the natural resources within their takiwā boundaries.
3. The consent application proposals relate to a water permit and discharge permit that is within the takiwā of Oraka Aparima Rūnaka.

General Position and Reasons for the Submission

4. Ngāi Tahu has a long association with the Murihiku Region. Ngāi Tahu led a nomadic lifestyle, following resources throughout the region. Generally, the use of the areas was extensive rather than intensive; however, this area is thick with Iwi stories, traditions, and cultural practices.
5. Te Tangi a Tauira states that:
Named during the southern voyages of Tamatea Ure Haea, and his waka Takitimu. Takitimu was wrecked near the mouth of the river (Te Waewae Bay) and the survivors who landed named the river Waiau due to the swirling nature of its waters. The river was a major travel route connected Murihiku and Te Ara a Kiwa (Foveaux Strait) to Te Tai Poutini. The river was a major source of mahinga kai for Ngāi Tahu, with some 200 species of plants and animals harvested in and near the river.
6. Ngāi Tahu is supportive of development within its takiwā, provided activities are undertaken in a way that respects the environment where the activity is to be undertaken and do not adversely affect Ngāi Tahu cultural values, customs and their traditional relationship with land and water.
7. The rohe (area) that the application is within is a significant cultural landscape to Ngāi Tahu because of historical and contemporary associations. These associations include (but are not limited to) the formation of landscape, wāhi ingoa (place names), mahinga kai, kaimoana, wāhi tapū, Māori land, Mātaitai, and archaeological sites.

8. This cultural, spiritual, historic, and traditional association is recognised by the crown and are Statutory Acknowledgements (See Attachment B) under the Ngāi Tahu Claims Settlement Act, 1997.
9. Ngā Rūnanga, as kaitiaki, are responsible as kaitiaki for protecting the mana and mauri of the environment that the application is within.
10. Oraka Aparima Rūnaka are submitting a neutral submission to the application for the following reasons:
 - That the project is intended to support environmental flushing flows.
 - The applicant met with Te Ao Marama initially for a project overview where staff provided advice for the lodgement of consent.
 - The application was lodged prior to Christmas and requested public notification. Te Ao Marama received the documentation at the same time.
 - Te Ao Marama has drafted a Terms of Engagement to assess the application for Papatipu Rūnanga and to provide the applicant with a comprehensive understanding of an assessment against rūnanga values, rights and interests and to identify any outstanding issues with the application. This piece of mahi has yet to be undertaken.
 - The kaiwhakahaere (chairs) of the four Papatipu Rūnanga have met with Meridian executives who agreed that Te Ao Marama would provide a neutral submission to ensure that continued engagement could occur.
 - Because of timeframes, it has severely impacted the ability for Te Ao Marama to undertake an appropriate engagement and assessment process, informed by tikanga and kawa and therefore places significant limitations on our ability to assess the effects on our values, rights and interests.
 - The application has the potential to significantly affect mana whenua values, rights and interests associated with cultural landscapes, mauri, mahinga kai, species habitat, wāhi tapu, and water quality.
 - It is possible that through proper planning and management some impacts may be reduced or eliminated. However, this will require significant kōrero with Oraka Aparima Rūnaka. Please note that Oraka Aparima Rūnaka are uncertain as to the magnitude of the

effects that are to be avoided and therefore have a level of uncertainty and discomfort regarding the mitigations that are to address the effects of the proposal.

Decision Sought

11. We provide a neutral submission knowing Meridian have committed to continued engagement in good faith to understand and mitigate mana whenua concerns.

Schedule 69

Statutory acknowledgement for Waiau River

ss 205, 206

Statutory area

The statutory area to which this statutory acknowledgement applies is the river known as Waiau, the location of which is shown on Allocation Plan MD 124 (SO 12263).

Preamble

Under section 206, the Crown acknowledges Te Rūnanga o Ngāi Tahu's statement of Ngāi Tahu's cultural, spiritual, historic, and traditional association to the Waiau, as set out below.

Ngāi Tahu association with the Waiau

The Waiau River features in the earliest of traditional accounts, and was a place and resource well known to the earliest tūpuna (ancestors) to visit the area. Rakaihautu and his followers traced the Waiau from its source in Te Ana-au (Lake Te Anau) and Motu-ua or Moturau (Lake Manapōuri), to its meeting with the sea at Te Wae Wae Bay.

The waka Takitimu, under the command of the rangatira (chief) Tamatea, was wrecked near the mouth of the Waiau River and the survivors who landed at the mouth named the river "Waiau" due to the swirling nature of its waters. Tamatea and his party made their way up the river to Lake Manapōuri where they established a camp site. The journey of Tamatea was bedevilled by the disappearance of Kaheraki who was betrothed to Kahungunu, a son of Tamatea. Kaheraki strayed away from the party, and was captured by the Maeroero (spirits of the mountain).

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

The Waiau has strong links with Waitaha who, following their arrival in the waka Uruao, populated and spread their influence over vast tracts of the South Island. They were the moa hunters, the original artisans of the land. There are remnants of Waitaha rock art associated with the river. Surviving rock art remnants are a particular taonga of the area, providing a unique record of the lives and beliefs of the people who travelled the river.

There is also a strong Ngāti Mamoe influence in this area of the country. Ngāti Mamoe absorbed and intermarried with the Waitaha and settled along the eastern coast of Te Wai Pounamu. The arrival of Ngāi Tahu in Te Wai Pounamu caused Ngāti Mamoe to become concentrated in the southern part of the island, with intermarriage between the two iwi occurring later than was the case further north. The result is that there is a greater degree of Ngāti Mamoe influence retained in this area than in other parts of the island. These are the three iwi who, through conflict and alliance, have merged in the whakapapa (genealogy) of Ngāi Tahu Whānui.

Numerous archaeological sites and wāhi taonga attest to the history of occupation and use of the river. These are places holding the memories, traditions, victories and defeats of Ngāi Tahu tūpuna. The main nohoanga (occupation site) on the Waiau was at the mouth and was called Te Tua a Hatu. The rangatira (chief) Te Wae Wae had his kāinga nohoanga on the left bank of the Waiau River mouth.

The Waiau, which once had the second largest flow of any river in New Zealand, had a huge influence on the lives and seasonal patterns of the people of Murihiku, over many generations. The river was a major mahinga kai: aruhe (fernroot), tī root, fish, tuna (eels), shellfish and tutu were gathered in the summer, a range of fish were caught in the autumn, kanakana (lamprey) were caught in the spring, while the people were largely reliant during winter on foods gathered and preserved earlier in the year. Rauri (reserves) were applied to the mahinga kai resources, so that people from one hapū or whānau never gathered kai from areas of another hapū or whānau. Some 200 species of plants and animals were utilised by Ngāi Tahu as a food resource in and near the Waiau.

The tūpuna had considerable knowledge of whakapapa, traditional trails and tauranga waka, places for gathering kai and other taonga, ways in which to use the resources of the Waiau, the relationship of people with the river and their dependence on it, and tikanga for the proper and sustainable utilisation of resources. All of these values remain important to Ngāi Tahu today.

Place names provide many indicators of the values associated with different areas, including Waiharakeke (flax), Papatōtara (tōtara logs or bark), Kirirua (a type of eel found in the lagoon), Te Rua o te Kaiamio (a rock shelter that was a “designated meeting place” for the local Māori, similar to a marae) and Kā Kerehu o Tamatea – (“charcoal from the fire of Tamatea” – black rocks near old Tuatapere ferry site).

The Waiau River was a major travelling route connecting Murihiku and Te Ara a Kiwa (Foveaux Strait) to Te Tai Poutini (the West Coast) and, as such, was an important link between hapū and iwi. Pounamu on the West Coast, and summer expeditions to Manapōuri (Motu-ua or Moturau) for mahinga kai were the main motivations for movement up and down the Waiau. Mōkihi (vessels made from raupō) were utilised for travel down the river and were a very effective and common mode of travel, making transportation of substantial loads of resources possible.

The tūpuna had an intimate knowledge of navigation, river routes, safe harbours and landing places, and the locations of food and other resources on the Waiau. The river was an integral part of a network of trails which were used in order to ensure the safest journey and incorporated locations along the way that were identified for activities including camping overnight and gathering kai. Knowledge of these trails continues to be held by whānau and hapū and is regarded as a taonga. The traditional mobile lifestyle of the people led to their dependence on the resources of the river.

The Waiau was once a large and powerful river, up to 500m across at the mouth, narrowing to 200m further upstream. The water flow from the Waiau River was an important factor in the ecological health and bio-diversity of the coastal resources.

The mauri of the Waiau represents the essence that binds the physical and spiritual elements of all things together, generating and upholding all life. All elements of the natural environment possess a life force, and all forms of life are related. Mauri is a critical element of the spiritual relationship of Ngāi Tahu Whānui with the river.

Purposes of statutory acknowledgement

Pursuant to section 215, and without limiting the rest of this schedule, the only purposes of this statutory acknowledgement are—

(a)

to require that consent authorities forward summaries of resource consent applications to Te Rūnanga o Ngāi Tahu as required by regulations made pursuant to section 207 (clause 12.2.3 of the deed of settlement); and

(b)

to require that consent authorities, Heritage New Zealand Pouhere Taonga, or the Environment Court, as the case may be, have regard to this statutory acknowledgement in relation to the Waiau, as provided in sections 208 to 210 (clause 12.2.4 of the deed of settlement); and

(c)

to empower the Minister responsible for management of the Waiau or the Commissioner of Crown Lands, as the case may be, to enter into a Deed of Recognition as provided in section 212 (clause 12.2.6 of the deed of settlement); and

(d)

to enable Te Rūnanga o Ngāi Tahu and any member of Ngāi Tahu Whānui to cite this statutory acknowledgement as evidence of the association of Ngāi Tahu to the Waiau as provided in section 211 (clause 12.2.5 of the deed of settlement).

Limitations on effect of statutory acknowledgement

Except as expressly provided in sections 208 to 211, 213, and 215,—

(a)

this statutory acknowledgement does not affect, and is not to be taken into account in, the exercise of any power, duty, or function by any person or entity under any statute, regulation, or bylaw; and

(b)

without limiting paragraph (a), no person or entity, in considering any matter or making any decision or recommendation under any statute, regulation, or bylaw, may give any greater or lesser weight to Ngāi Tahu's association to the Waiau (as described in this statutory acknowledgement) than that person or entity would give under the relevant statute, regulation, or bylaw, if this statutory acknowledgement did not exist in respect of the Waiau.

Except as expressly provided in this Act, this statutory acknowledgement does not affect the lawful rights or interests of any person who is not a party to the deed of settlement.

Except as expressly provided in this Act, this statutory acknowledgement does not, of itself, have the effect of granting, creating, or providing evidence of any estate or interest in, or any rights of any kind whatsoever relating to, the Waiau.

Schedule 69: amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).