

Resource Consent submission

To: The Chief Executive
Environment Southland
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Online reference number RC240906179

Full name of submitter Te Waiparera Trust
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Applicant details

Name of applicant Te Runanga o Awarua, Department of Conservation,
Environment Southland
Activity location Waituna Lagoon as described in Appendix D of application
Application number APP-20242456

Submission details

My submission relates to the whole application Yes
Details of my submission Te Waiparera Trust

The Trust has been established to reconnect Ngai Tahu Whānui to the Waituna lagoon which has always been a source of Mahinga Kai and other important resources from land and sea.

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The Trusts' purpose is to create a resilient landscape, supporting a healthy ecosystem while maintaining cultural values and mahingakai opportunities. It wishes to create an economic model where these opportunities exist while maintaining great freshwater outcomes.

The Trust are owners of two properties adjacent to the Waituna Lagoon. These properties having been former sheep farms. One of the properties on Waghorn Road comes under the influence of lagoon levels including those above 2metres.

The trust maintains these levels are natural and are considered normal maramataka, or annual cycles providing the lagoon with its expected cyclic rotations supporting dynamic, healthy ecosystems and abundant mahingakai of high quality. Sometimes the lagoon would have opened naturally after a flood, but also would have stayed closed in years if the lagoon level was unable to cause a breakout.

Other intermittently opened and closed lagoons Ngai Tahu use for cultural harvest require closed lagoons when the tuna (eels) are harvested while crossing the gravel bars.

The transition of our land that caters for our values and the lagoon to maintain its normal hydrological levels is important and requires consideration of options using strategic thinking, innovation and strength.

Waiparera

Te Waiparera today is misnamed the Waituna Lagoon. The Waituna is the name of the mainstream that flows into the lagoon at its western end. Other tributaries are called the Waihao which is a delicious tuna(eel). The Waipaka tributary describes the water found there. These names acknowledge and identify a long and enduring relationship that Ngai Tahu ki Murihiku and Awarua Whanau have with the Waiparera and the surrounding area.

Accordingly, our Whakapapa and traditions have our ancestors arriving in Te Ara a Kewa (Foveaux Strait) around 1200AD. We can trace our whakapapa back to over 17 generations to Tamatea and further back to other explorers and settlers. Our People have used and continue to use the Waituna area as a Mahingakai. Traditional trails went through and around the lagoon and wetlands.

The Ngai Tahu Claims Settlement Act 1998 includes Statutory Acknowledgements which are a formal acknowledgement by the Crown that recognises the cultural, spiritual, historical and traditional association an iwi has with a site of significance or

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resource identified as a statutory area.

Considering the long and enduring connection to the Waituna Lagoon, its significant mahinga kai resource, wāhi tupuna, significant landscapes and cultural values it is considered a taonga. It therefore was identified as a place worthy of appropriate management and therefore reflecting its revered status amongst Iwi is now the Statutory acknowledgement for Waituna Wetland.

It is a place that still has the potential to be a thriving ecosystem and cultural landscape supporting the values Ngāi Tahu see as important. Remnant ecosystems like Waituna are taonga, they require management to protect and enhance values that include

- The management and strengthening of the mauri of fresh water ki uta ki tai.
 - The quality and quantity of taonga species, indigenous flora and fauna is enhanced and thrives, also considering fish passage.
 - Natural landscapes be restored over time (around the lagoon) through appropriate transition and land use opportunities.
 - A resilient lagoon that can respond to climate change.
 - A resilient lagoon that can respond to catchment pressures.
- Recreational and community use of the lagoon is important to our Trust. Our Trust is required to adapt to the more natural levels to operate on the property. We believe this will benefit us and our children who follow.
- mō tātou, ā, mō kā uri ā muri ake nei

Opening Consent

To achieve the outcomes that are important to our Trust and wider community we require a lagoon opening regime and water levels that reflects a future focused, environmental, health and wellbeing, hydrological, ecological, cultural and science-based outcome.

The consent application of Te Runanga o Awarua, Department of Conservation and Environment Southland to manage these important values and required outcomes is paramount to the ongoing health of the lagoon, ecology and culture.

The Te Wai Parera Trust Supports the consent application.

Schedule 73 Statutory acknowledgement for Waituna Wetland ss 205, 206

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Statutory area

The statutory area to which this statutory acknowledgement applies is the wetland known as Waituna, the location of which is shown on Allocation Plan MD 58 (SO 12260).

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 Waituna, as set out below.

Ngāi Tahu association with Waituna

Intermittently open to the sea, Waituna wetland (with the western end, where the lagoon breaks out to sea known as Kā-puna-wai) was a major food basket utilised by nohoanga and permanent settlements located in the immediate vicinity of the wetlands, and further away, for its wide variety of reliable mahinga kai. The great diversity of wildlife associated with the complex includes several breeds of ducks, white heron, gulls, spoonbill, kōtuku, oyster-catcher, dotterels, terns and fernbirds. The wetlands are important kōhanga (spawning) grounds for a number of indigenous fish species. Kaimoana available includes giant and banded kōkopu, varieties of flatfish, tuna (eels), kanakana (lamprey), inaka (whitebait), waikākahi (freshwater mussel) and waikōura (freshwater crayfish). Harakeke, raupō, mānuka, tōtara and tōtara bark, and pingao were also regularly harvested cultural materials. Paru or black mud was available, particularly sought after as a product for making dyes.

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 Waituna, the relationship of people with the lake 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.

As a result of this history of use and occupation of the area, there are wāhi tapu and wāhi taonga all along its shores. It is also possible that particular sections of the wetland were used for waiwhakaheketūpāpāku (water burial).

Urupā and wāhi tapu are the resting places of Ngāi Tahu tūpuna and, as such, are the focus for whānau traditions. These are places holding the memories, traditions, victories and defeats of Ngāi Tahu tūpuna, and are frequently protected by secret locations.

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

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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 area.

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 Waituna, 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 Waituna 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 Waituna 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 Waituna (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 Waituna.

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

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interest in, or any rights of any kind whatsoever relating to, Waituna.
Schedule 73: amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

Submission uploaded

No

I am a trade competitor of the applicant (for the purposes of section 308B of the Resource Management Act 1991)

No

Outcome sought

I wish Environment Southland to make the following decision To support the application.

Why I wish Environment Southland to make this decision As provided in the submission

Hearing details

I wish to be heard in support of my submission Yes

I would consider presenting a joint case if others make a similar submission No

I wish to be involved in any pre-hearing meeting that may be held for this application Yes

Confirmation

I will serve a copy of my submission on the applicant and I confirm all of the above information is correct

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