

22 March 2023

Consents Manager
Environment Southland
Private Bag 90116,
Invercargill 9810

Tēnā Koe,

RE: Submission on Resource consent application – APP-20222295

Please find attached a submission lodged on behalf of Waihōpai Rūnaka in respect of a suite of Resource Consent applications relating to expiring consents associated with the ongoing operation of the Blue Sky Meats Limited meat works processing plant.

This submission is lodged late pursuant to Section 37 of the Resource Management Act 1991 which addresses waivers and extensions of time. The reason for a late submission was, due to staff being on annual leave and mistakenly assuming the submissions were due on March 20 rather than February 20. We consider Section 37 of the RMA should be applied in this instance given our submission contains important points relevant to making a robust resource management decision; and the applicant has undertaken good engagement with Te Ao Marama during the development of the application. Our submission is not unexpected in our involvement with other applications of a similar nature.

We hope that the submission is accepted and 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 Taiao

To: Environment Southland
Private Bay 90116
Invercargill

1. This is a submission on the application (APP-20222295) for a suite of consents relating to expiring consents associated with the ongoing operation of the existing meat works processing plant at 729 Woodlands Morton Mains Road, Edendale.
2. Waihōpai Rūnaka submission relates to the applications in their entirety (Appendix A). Waihōpai Rūnaka is **OPPOSED** to the granting of the applications.
3. Waihopai Rūnaka does wish **TO BE HEARD** in support of its submission.
4. Waihōpai 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 Waihopai Rūnaka.



Stevie-Rae Blair
77 Don Street,
Invercargill
9810

Introduction

1. This submission has been prepared for Waihōpai Rūnaka.

Papatipu Rūnaka

2. The Te Rūnaka 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 Rūnaka as kaitiaki and mana whenua of the natural resources within their takiwā boundaries.
3. The consent application proposals relate to a suite of consents that are within the takiwā of Waihōpai Rūnaka

General Position and Reasons for the Submission

4. To Ngāi Tahu, the land and water confers dignity and rank, provides the means of manaakitanga, is the resting place for the dead, a spiritual base for traditional beliefs and a heritage for future generations.
5. 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.
6. All landscape is significant to Ngāi Tahu, because of historical and contemporary associations. These associations include (but are not limited to) whakapapa, the formation of landscape, wāhi ingoa (place names), mahinga kai, kaimoana, wāhi tapū, Māori land, Mātaitai, and archaeological sites.
9. While the Waihōpai River is not a Statutory Acknowledgement under the Ngāi Tahu Settlement Act, 1997, the wai within it runs downstream to the Kōreti/New River Estuary prior to entering Te Ara a Kiwa which is a Statutory Acknowledgement. The cultural, spiritual, historic, and traditional association is recognised by the crown and is a Statutory Acknowledgement (See attachment 1) under the Ngāi Tahu Claims Settlement Act, 1997.
10. Waihōpai Rūnaka, as kaitiaki, are responsible as kaitiaki for protecting the mana and mauri of the environment that the application is within.

11. We acknowledge that the applicant has engaged with Te Ao Marama during the process of developing the application. We have undertaken a site visit in April 2022, in which we were provided with opportunity to look around on farm. The applicant has also asked whether we would like to undertake a CVR or CIA, which we were of the mind that was not needed.
12. We acknowledge that the applicant has undertaken significant upgrades to the plant in recent years to improve the discharge quality as well as significant riparian planting along the streams surrounding the streams and drains.
13. Ngā Rūnaka **opposes** the application for the following reasons:
- The application is contrary to policies in Te Tangi a Tauira including, but not limited to consent term. Te Tangi a Tauira specifies that all consents should be less than 25 years if the effects are less than minor.
 - Papatipu Rūnanga concede that the applications are technical, and the technical review reports have not been cited by staff at Te Ao Marama to advise rūnanga representatives.
 - This information is critical to help mana whenua understand the implications of the activity due to the application being for 35 years and to intensify the plant by seeking year-round processing.
 - The current state of the takiwā (wai, whenua and moana) is now seriously eroding our cultural health, wellbeing and cultural practices. There is a serious risk from further intensification on the mauri of the water. The application directly mentions that the receiving waters and groundwater have been impacted by agricultural processes.
 - Ngāi tahu ki Murihiku 2020 Objectives and Te Tangi a Tauira seek to phase out direct discharges to water, including land drainage water and stormwater which is being discharged directly to a drain.
 - We are concerned that the application acknowledges that the proposed discharge of land drainage water and stormwater will contain elevated levels of nitrate-nitrogen levels. The elevated levels could potentially effect taonga species particularly juveniles.
 - The application does not provide a timeline for when the applicant will replace the RSB boiler.

Decision Sought

12. Waihōpai Rūnaka seek that:

- The technical review reports and any further information requests and responses are sent to mana whenua to enable the assessment of effects on our values, rights and interests.
- That any discharges should contribute to improving water quality.
- That a timeline for replacing the RSB boiler should be provided.
- That the consent term applied for is reduced.

Schedule 104

Statutory acknowledgement for Rakiura/Te Ara a Kiwa (Rakiura/Foveaux Strait Coastal Marine Area)

Statutory area

The statutory area to which this statutory acknowledgement applies is Rakiura/Te Ara a Kiwa (Rakiura/Foveaux Strait Coastal Marine Area), the Coastal Marine Area of the Hokonui and Awarua constituencies of the Southland region, as shown on SO 11505 and 11508, Southland Land District, as shown on Allocation Plan NT 505 (SO 19901).

Preamble

Under section 313, the Crown acknowledges Te Rūnanga o Ngāi Tahu's statement of Ngāi Tahu's cultural, spiritual, historic, and traditional association to Rakiura/Te Ara a Kiwa as set out below.

Ngāi Tahu association with Rakiura/Te Ara a Kiwa

Generally the formation of the coastline of Te Wai Pounamu relates to the tradition of Te Waka o Aoraki, which foundered on a submerged reef, leaving its occupants, Aoraki and his brother to turn to stone. They are manifested now in the highest peaks of the Kā Tītiri o Te Moana (the Southern Alps). The bays, inlets, estuaries and fiords which stud the coast are all the creations of Tū Te Rakiwhānoa, who took on the job of making the island suitable for human habitation.

The naming of various features along the coastline reflects the succession of explorers and iwi (tribes) who travelled around the coastline at various times. The first of these was Māui, who fished up the North Island, and is said to have circumnavigated Te Wai Pounamu. In some accounts the island is called Te Waka o Māui in recognition of his discovery of the new lands. A number of coastal place names are attributed to Māui, particularly on the southern coast. Māui is said to have sojourned at Ōmaui (at the mouth of the New River Estuary) for a year, during which time he claimed the South Island for himself. It is said that in order to keep his waka from drifting away he reached into the sea and pulled up a stone to be used as an anchor, which he named Te Puka o Te Waka o Māui (Rakiura or Stewart Island).

The great explorer Rakaihautu travelled overland along the coast, identifying the key places and resources. He also left many place names on prominent coastal features. When Rakaihautu's southward exploration

of the island reached Te Ara a Kiwa, he followed the coastline eastwards before heading for the east coast of Otago.

Particular stretches of the coastline also have their own traditions. Foveaux Strait is known as Te Ara a Kiwa (the pathway of Kiwa), the name relating to the time when Kiwa became tired of having to cross the land isthmus which then joined Murihiku (Southland) with Rakiura (Stewart Island). Kiwa requested the obedient Kewa (whale) to chew through the isthmus and create a waterway so Kiwa could cross to and fro by waka. This Kewa did, and the crumbs that fell from his mouth are the islands in Foveaux Strait, Solander Island being Te Niho a Kewa, a loose tooth that fell from the mouth of Kewa.

The waka Takitimu, captained by the northern rangatira (chief) Tamatea, travelled around much of Te Wai Pounamu coast, eventually breaking its back at the mouth of the Waiau River in Murihiku. Many place names on the coast can be traced back to this voyage, including Monkey Island near Ōrepuki which is known as Te-Punga (or Puka)-a-Takitimu. While sailing past the cliffs at Ōmaui it is said that Tamatea felt a desire to go ashore and inspect the inland, and so he turned to the helmsman and gave the order “Tārere ki whenua uta” (“swing towards the mainland”), but before they got to the shore he countermanded the order and sailed on. Subsequently the whole area from Ōmaui to Bluff was given the name of Te Takiwā o Tārere ki Whenua Uta. In olden days when people from the Bluff went visiting they were customarily welcomed on to the hosts’ marae with the call, “haere mai koutou te iwi tārere ki whenua uta”. One of the whare at Te Rau Aroha marae in Bluff is also named “Tārere ki Whenua uta” in memory of this event. The Takitimu’s voyage through the Strait came to an end and when the waka was overcome by three huge waves, named Ō-te-wao, Ō-roko and Ō-kaka, finally coming to rest on a reef near the mouth of the Waiau (Waimeha). According to this tradition, the three waves continued on across the low lying lands of Murihiku, ending up as permanent features of the landscape.

For Ngāi Tahu, traditions such as these 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.

Because of its attractiveness as a place to establish permanent settlements, including pā (fortified settlements), the coastal area was visited and occupied by Waitaha, Ngāti Mamoe and Ngāi Tahu in succession, who through conflict and alliance, have merged in the whakapapa (genealogy) of Ngāi Tahu Whānui. Battle sites, urupā and landscape features bearing the names of tūpuna (ancestors) record this

history. Prominent headlands, in particular, were favoured for their defensive qualities and became the headquarters for a succession of rangatira and their followers.

The results of the struggles, alliances and marriages arising out of these migrations were the eventual emergence of a stable, organised and united series of hapū located at permanent or semi-permanent settlements along the coast, with an intricate network of mahinga kai (food gathering) rights and networks that relied to a large extent on coastal resources.

Mokamoka (Mokomoko or Mokemoke) was one such settlement, in a shallow inlet off the Invercargill estuary. It was here that Waitai was killed, the first Ngāi Tahu to venture this far south, well out of the range of his own people, then resident at Taumutu. This settlement was sustained by mahinga kai taken from the estuary and adjoining coastline, including shellfish and pātiki (flounder).

Ōue, at the mouth of the Ōreti River (New River Estuary), opposite Ōmaui, was one of the principal settlements in Murihiku. Honekai who was a principal chief of Murihiku in his time was resident at this settlement in the early 1820s, at the time of the sealers. In 1850 there were said to still be 40 people living at the kaik at Ōmaui under the chief Mauhe. Honekai's brother, Pukarehu, was a man who led a very quiet life, and so was little known. He is remembered, however, in the small knob in the hills above Ōmaui which bears his name. When he passed away he was interred in the sandhills at the south end of the Ōreti Beach opposite Ōmaui. Ōue is said to have got its name from a man Māui left to look after his interests there until his return. It was also here that the coastal track to Riverton began. From Ōue to the beach the track was called Te Ara Pakipaki, then, when it reached the beach, it was called Mā Te Aweawe, finally, at the Riverton end, it was known as Mate a Waewae.

After the death of Honekai, and as a consequence of inter-hapū and inter-tribal hostilities in the Canterbury region, many inhabitants of Ōue and other coastal villages on Foveaux Strait relocated to Ruapuke Island, which became the Ngāi Tahu stronghold in the south. The rangatira Pahi and Tupai were among the first to settle on the island. Pahi had previously had one of the larger and oldest pā in Murihiku at Pahi (Pahia), where 40 to 50 whare (houses) were reported in 1828. The Treaty of Waitangi was signed at Ruapuke Island by Tuhawaiki and others. No battles however occurred here, the pā Pā-raki-ao was never fully completed, due to the realisation that Te Rauparaha could not reach this far south.

Other important villages along the coast included: Te Wae Wae (Waiau), Taunoa (Ōrepuki), Kawakaputaputa (Wakaputa), Ōraka (Colac Bay), Aparima (Riverton—named Aparima after the daughter

of the noted southern rangatira Hekeia, to whom he bequeathed all of the land which his eye could see as he stood on a spot at Ōtaitai, just north of Riverton), Turangiteuaru, Awarua (Bluff), Te Whera, Toe Toe (mouth of the Maitara River) and Waikawa.

Rarotoka (Centre Island) was a safe haven at times of strife for the villages on the mainland opposite (Pahi, Ōraka and Aparima). Numerous artefacts and historical accounts attest to Rarotoka as having a significant place in the Ngāi Tahu history associated with Murihiku.

Rakiura also plays a prominent part in southern history, the “Neck” being a particularly favoured spot. Names associated with the area include: Kōrako-wahine (on the western side of the peninsula), Whare-tātara (a rock), Hupokeka (Bullers Point) and Pukuheke (the point on which the lighthouse stands). Te Wera had two pā built in the area called Kaiarohaki, the one on the mainland was called Tounoa, and across the tidal strip was Kā-Turi-o-Whako.

A permanent settlement was located at Port Pegasus, at the south-eastern end of Rakiura, where numerous middens and cave dwellings remain. Permanent settlement also occurred on the eastern side of Rakiura, from the Kaik near the Neck, south to Tikotaitahi (or Tikotatahi) Bay. A pā was also established at Port Adventure.

Mahinga kai was available through access from the coastal settlements to Te Whaka-a-te-Wera (Paterson Inlet), Lords River and, particularly for waterfowl, to Toi Toi wetland. In addition, the tītī islands off the northeastern coast of the island, and at the mouth of Kōpeka River and the sea fishery ensured a sound base for permanent and semi-permanent settlement, from which nohoanga operated.

Te Ara a Kiwa, the estuaries, beaches and reefs off the mainland and islands all offered a bounty of mahinga kai, with Rakiura and the tītī islands being renowned for their rich resources of bird life, shellfish and wet fish. The area offered a wide range of kaimoana (sea food), including tuaki (cockles), paua, mussels, toheroa, tio (oysters), pūpū (mudsnails), cod, groper, barracuda, octopus, pātiki (flounders), seaweed, kina, kōura (crayfish) and conger eel. Estuarine areas provided freshwater fisheries, including tuna (eels), inaka (whitebait), waikōura (freshwater crayfish), kōkopu and kanakana (lamprey). Marine mammals were harvested for whale meat and seal pups. Many reefs along the coast are known by name and are customary fishing grounds, many sand banks, channels, currents and depths are also known for their kaimoana.

A range of bird life in the coastal area also contributed to the diversity of mahinga kai resources available, including tītī, seabirds such as shags and gulls, sea bird eggs, waterfowl, and forest birds such as kiwi, kākā, kākāpō, weka, kukupa and tieke. A variety of plant resources were also taken in the coastal area, including raupō, fern root, tī kōūka (cabbage tree), tutu juice and kōrari juice. Harakeke (flax) was an important resource, required for the everyday tasks of carrying and cooking kai. Black mud (paru) was gathered at Ocean Beach for use as dye. Tōtara bark was important for wrapping pōhā in, to allow safe transport of the tītī harvest. Pōhā were made from bull kelp gathered around the rocky coast.

The numerous tītī islands are an important part of the Ngāi Tahu southern economy, with Taukihepa (Te Kanawera) being the largest. Tītī were and are traded as far north as the North Island. The “Hakuai” is a bird with a fearsome reputation associated with the islands. No one has ever seen this bird, which appears at night, but it once regularly signalled the end to a birding season by its appearance at night. Known for its distinctive spine-chilling call, the hakuai was a kaitiaki that could not be ignored. At the far western edge of Foveaux Strait is Solander Island (Hau-tere), an impressive rock pinnacle rising hundreds of feet out of the sea, on which fishing and tītī gathering occurred.

The coast was also a major highway and trade route, particularly in areas where travel by land was difficult. Foveaux Strait was a principal thoroughfare, with travel to and from Rakiura a regular activity. There was also regular travel between the islands Ruapuke, Rarotoka and other points.

The tītī season still involves a large movement across the Strait to the islands, in addition large flotillas of Ngāi Tahu once came south from as far afield as Kaikōura to exercise their mutton-birding rights. Whenua Hou (Codfish Island) and the Ruggedy Islands were important staging posts for the movement of birders to the tītī islands off the south-west coast of Rakiura. Whenua Hou had everything that the birders required: shelter, proximity to the tītī islands, kai moana, manu (birds) and ngahere (bush). From Whenua Hou, the birders would camp at Minitī (Ernest Island), at the end of Mason Bay, where the waka-hunua (double-hulled canoes, or canoes with outriggers) were able to moor safely, ready for the final movement to the various tītī islands. Waka-hunua were an important means of transport on the dangerous and treacherous waters of Foveaux Strait and the Rakiura coast. After dropping birders and stores on the tītī islands the waka hunua generally returned immediately to Aparima and other tauranga waka along the mainland of Foveaux Strait, due to the paucity of safe anchorages among the tītī islands.

Travel by sea between settlements and hapū was common, with a variety of different forms of waka, including the southern waka hunua (double-hulled canoe) and, post-contact, whale boats plying the

waters continuously. Hence tauranga waka occur up and down the coast, including spots at Pahi, Ōraka and Aparima, and wherever a tauranga waka is located there is also likely to be a nohoanga (settlement), fishing ground, kaimoana resource, rimurapa (bull kelp - used to make the pōhā, in which tītī were and still are preserved) and the sea trail linked to a land trail or mahinga kai resource. Knowledge of these areas 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 coast.

The New River Estuary contains wāhi tapu, as do many of the coastal dunes and estuarine complexes for the length of the Foveaux Strait. Many urupā are located on islands and prominent headlands overlooking the Strait and the surrounding lands and mountains. The rangatira Te Wera, of Huriawa fame, is buried at Taramea (Howells Point), near Riverton. There are two particularly important urupā in Colac Bay, as well as an old quarry site (Tihaka). From Colac Bay to Wakapatu, the coastal sandhills are full of middens and ovens, considered to be linked to the significant mahinga kai gathering undertaken in Lake George (Uruwera). Urupā 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 in secret locations.

The mauri of the coastal area represent 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 coastal 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 Rakiura/Te Ara a Kiwa, as provided in sections 208 to 210 (clause 12.2.4 of the deed of settlement); and

(c)

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 Rakiura/Te Ara a Kiwa as provided in section 208 (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 bylaws; 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 Rakiura/Te Ara a Kiwa (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 Rakiura/Te Ara a Kiwa.

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, Rakiura/Te Ara a Kiwa.

Schedule 104: amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).