

30 August 2023

The Chief Executive
Environment Southland
Private Bag 90116
DX YX20175
Invercargill

Tēnā Koe,

RE: Submission on Resource consent application – APP-20232970

Please find attached a submission lodged, on behalf of Waihōpai Rūnaka on Resource Consent applications to discharge treated wastewater into the Mataura River at the Edendale-Wyndham bridge by Southland District Council.

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 Taiao

To: Environment Southland
Private Bay 90116
Invercargill

1. This is a submission on the application APP-20232970 to discharge treated wastewater into the Mataura River at the Edendale-Wyndham bridge by Southland District Council.
2. Rūnaka submission relates to the applications in their entirety (Appendix A). Rūnaka is **OPPOSED** to the granting of the applications.
3. Ngā Rūnaka does wish TO BE HEARD in support of its submission.
4. Ngā 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 Waihōpai Rūnaka.



Stevie-Rae Blair
77 Don Street,
Invercargill
9810

30/08/2023

Introduction

1. This submission is made on behalf of 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 discharge permit that is within the takiwā of Waihōpai Rūnaka.

General Position and Reasons for the Submission

4. Te Tangi a Taurira states that:

“Several major river catchments are located on the Southland Plains, including the Aparima, Ōreti, Matāura, and Waiau. These rivers flow from ki uta ki tai, from mountain to sea, and are connected to numerous tributaries, wetlands and waipuna, as well as the groundwater that nourishes the catchment from below. They are part of Ngāi Tahu ki Murihiku history and identity. While the last 165 years have resulted in significant changes to these rivers, their importance has not diminished.”

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. 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.
7. This cultural, spiritual, historic, and traditional association is recognised by the crown and is a Statutory Acknowledgement (See Appendix B) under the Ngāi Tahu Claims Settlement Act, 1997.
8. Waihōpai Rūnaka, as kaitiaki, are responsible as kaitiaki for protecting the mana and mauri of the environment that the application is within.

9. Ngā Rūnaka **opposes** the application for the following reasons:

- The discharge of wastewater to water is considered culturally offensive and inappropriate.
- There has been no engagement with Te Ao Marama prior to or after lodging of this application.
- A priority for mana whenua is the continued advocacy of protection and improvements to freshwater – the application does not provide outcomes for the awa during the consent timeframe applied for.
- The application is contrary to Te Tangi a Tauira, 2008 the Iwi Management Plan for the takiwā. Te Tangi a Tauira, 2008 identifies that use of the river as a point of discharge as one of the significant resource management issues.
- The continued discharge of wastewater to water has the potential to undermine the Ngāi Tahu Claim Settlement Act (1998) instruments such as Statutory Acknowledgements.

Decision Sought

10. Waihōpai Rūnaka seek that:

- The application is declined or if the council is of the mind to grant consent mana whenua are given the opportunity to develop consent conditions in conjunction with the applicant that adequately mitigate the effects on the values, rights and interests of mana whenua.

Schedule 42

Statutory acknowledgement for Mataura River

ss 205, 206

Statutory area

The statutory area to which this statutory acknowledgement applies is the river known as Mataura, the location of which is shown on Allocation Plan MD 125 (SO 12264).

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 Mataura River, as set out below.

Ngāi Tahu association with the Mataura River

The area of the Mataura River above the Mataura Falls was traditionally used by the descendants of the Ngāti Mamoe chief, Parapara Te Whenua. The descendants of Parapara Te Whenua incorporate the lines of Ngāti Kuri from which the Mamaru family of Moeraki descend. Another famous tupuna associated with the river was Kiritekateka, the daughter of Parapara Te Whenua. Kiritekateka was captured by Ngāi Tahu at Te Anau and her descendants make up the lines of many of the Ngāi Tahu families at Ōtākou.

For Ngāi Tahu, histories such as these 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 Mataura was an important mahinga kai, noted for its indigenous fishery. The Mataura Falls were particularly associated with the taking of kanakana (lamprey). 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 Mataura, 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.

The mauri of the Mataura 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 Maitara River, 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 Maitara River 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 Maitara River 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 Maitara River (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 Maitara River.

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 Maitara River.

Schedule 42: amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).