



Hokonui Rūnanga Taiao
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Environment Southland
CC: Landpro Ltd

13 May 2022

Attention: Jade McRae

Tēnā koe,

Environment Southland – Cashmere Dairy Ltd APP-20211381 Letter to be tabled

Hokonui Rūnanga no longer wish to be heard at the hearing to the above application, but request that this letter is tabled at the hearing for consideration. A copy of this letter has been sent to the applicant.

Background

Hokonui Rūnanga submitted in opposition to the suite of Environment Southland consents relating to APP-20211381 for Cashmere Dairy Ltd. Hokonui Rūnanga requested that the consents be declined in the first instance, unless the matters raised within the Hokonui Rūnanga submission were addressed in a meaningful way that satisfied our concerns.

Ngāi Tahu whānui are mana whenua within the area APP-20211381 applies to. As mana whenua, Ngāi Tahu whānui have a responsibility to uphold their kaitiaki responsibilities to protect and enhance the natural environment mō tatou, ā, mō kā uri a muri ake nei (for us and our children after us). Hokonui Rūnanga is mandated to represent Ngāi Tahu whānui individuals who whakapapa to the takiwā of Hokonui Rūnanga, as set out in the Te Rūnanga o Ngāi Tahu Act 1996. This takiwā centres on the Māruawai region, which includes the entirety of the area covered by APP-20211381.

The Mataura River has Statutory Acknowledgement under the Ngāi Tahu Claims Settlement Act 1998. A Statutory Acknowledgement is an acknowledgement by the Crown of a statement of particular cultural, spiritual, historical, and traditional association with specified areas for Ngāi Tahu, in this case, the Mataura River. Tributaries to the Mataura river run through the site APP-20211381 applies to.

Discussions with the applicant

In October 2021 Landpro Ltd reached out to Hokonui Rūnanga Kaupapa Taiao to seek technical cultural expertise in the preparation of this consent application. After being provided with further information on how to engage our services on multiple occasions, Landpro Ltd did not progress this. Therefore, Hokonui Rūnanga was not in a position to undertake any robust assessments of the potential cultural effects of this application, or provide recommendations to the applicant on how these could be mitigated.

Once APP-20211381 was publicly notified & the Hokonui Rūnanga submission in opposition was lodged, the landowner invited representatives of Hokonui Rūnanga to visit their site. This site visit was informative, and preliminary discussions were had regarding the environmental mitigation measures the applicant intended to employ on-site. No assessment of cultural effects was undertaken, as the services of Hokonui Rūnanga Kaupapa Taiao had still not been engaged.

The Section 42A Report

Dated: 13/5/22

Ms Jade McRae, the section 42A report author, recommends that the application is granted with conditions due to, from their professional perspective, the application being generally consistent with the objectives & policies in relevant policy statements and plans, and actual or potential adverse environmental effects being expected to be no more than minor if mitigation measures, and proposed consent conditions are adhered to within set timeframes. She does, however, highlight in multiple sections of the report that she is unable to fully comment on the cultural effects of the activity, or the ability of the applicants proposed mitigation measures and Council's proposed consent conditions to mitigate any adverse cultural effects. This implies that they may not be appropriately mitigated to being no more than minor.

Applicant's evidence

The applicant's expert planning evidence, prepared by Ms Matilda Ballinger of Landpro Ltd, does not discuss the impacts of this proposed activity of the cultural values present on-site. Similar to Environment Southland's S42a report, Ms Ballinger states that they are not sufficiently qualified to comment on the cultural effects of the proposed activities. They do, however, state the following: *"The applicant acknowledges and respects the long history and relationship Tangata Whenua have with the area. I note that the applicant has been working with Hokonui Rūnanga to ensure that the proposal will not adversely affect Tangata Whenua values, traditions or taonga."* (para 45)

Aside from a voluntary site visit where Hokonui Rūnanga representatives were hosted on-site by the landowner the day that their evidence was lodged, there has been no formal engagement of mana whenua technical experts to support the applicant to *"ensure that the proposal will not adversely affect Tangata Whenua values, traditions or taonga"*. This means that Hokonui Rūnanga has not been provided the opportunity to fully assess the potential impacts of the proposal on mana whenua values, traditions or taonga. This means that at no point in this resource consent application process have the cultural impacts of this application been considered by an appropriately qualified or informed party. This is unacceptable, deviates from what has been implied in the applicants evidence, and brings into question whether legal requirements under section 6(e) and 7(a) of the Resource Management Act 1991 have been met during this process.

Proposed conditions

Hokonui Rūnanga has had further discussions with the applicant, and they have agreed to the following conditions being included and/or in their consent:

Condition 24: The Riparian Planting Plan required by Condition 23 shall include, but not be limited to the areas below. The consent holder, in partnership with Hokonui Rūnanga may identify further areas for inclusion within the Riparian Planting Plan and to be added to the map in Appendix C:

- (a) the planting of both sides of the waterway that runs from Jaffray Road at paddocks 52/53 to paddocks 12/13, as detailed in the application, beginning at or about NZTM 1280338E 4900292N and finishing at or about 1279251E 4899364N;
- (b) the planting of the wetland/pond area north of the milking shed and adjacent to the main dairy lane, as detailed in the application, at or about NZTM 1279764E 4900156N;
- (c) the planting of both sides of the waterway that runs from McBain Road at Run off paddock 26 to paddocks 62/South West Block, beginning at or about NZTM 1278550E 4901978N and finishing at or about 1279298E 4900057N, as identified in Appendix C.

Condition X: The Critical Source Area identified in Appendix C, at or about NZTM2000 1279668E 4901781N, shall be fenced to exclude stock. This area must be fenced no later than 1 June 2023.

Condition Y: The culvert under the laneway identified in Appendix C, at or about NZTM2000 1279776E 4900197N, must have an abutment (or similar structure) added to it to divert any laneway runoff from the waterway. This work must be completed no later than 1 Jun 2023.

Dated: 13/5/2022

Condition 33: The FEMP shall be reviewed at least once a year and can be modified at any time by the Consent Holder; and either:

- (a) an updated version shall be provided to the Consent Authority and Hokonui Rūnanga by 30 September each year; or
- (b) the Consent Holder must notify the Consent Authority and Hokonui Rūnanga in writing that no changes have been made by 30 September each year.

Position of Hokonui Rūnanga

Having regard to the above, and given the agreed conditions that respond to some issues raised in their Rūnanga submission, Hokonui Rūnanga adopts a neutral position on this application. However, Hokonui Rūnanga have a strong expectation that adherence to all consent conditions will be closely monitored by Environment Southland, and swift enforcement be applied if they are not met. We also record our concern in the way cultural values have been assessed (or in this case, not assessed) throughout this process.

Nāhaku noa, nā



Riki Parata

Kaiarihi Taiao (Environmental Lead)
Hokonui Rūnanga Kaupapa Taiao

Dated: 13/5/2022