



12 September 2019

Otago Regional Council
Private Bag 1954
DUNEDIN 9054

Tēnā koe Sir/Madam

RE: Resource Consent Application RM15.364 – Clutha District Council

RM15.364:

Discharge to Water – To discharge treated wastewater to the outflow channel of Lake Waihola for the purpose of operating Waihola Sewage Treatment Plant.

This is a submission on a publicly notified resource consent application pursuant to Section 95A of the Resource Management Act 1991.

Te Rūnanga o Ōtākou (Kāi Tahu) **oppose** this application.

We **do wish** to be heard in support of this submission at a hearing.

1.0 INTRODUCTION

Manawhenua

1.1 The takiwā of Te Rūnanga o Ōtākou centres on Muaūpoko/Otago Peninsula and extends from Purehurehu Point (north of Heyward Point) to Te Mata Au (Clutha River). Te Rūnanga o Ōtākou share an area of interest in the inland lakes and mountains with Kāi Tahu Papatipu Rūnanga within Otago, and with those Papatipu Rūnanga located beyond the boundaries of the Otago region.

Kaitiakitaka

1.2 Te Rūnanga o Ōtākou has a responsibility as kaitiaki to assess how this activity in their takiwā will impact on cultural values.

1.3 Kaitiakitaka is defined as “the exercise of guardianship by the tangata whenua of an area in accordance with tikanga Māori in relation to natural and physical resources; and includes the ethic of stewardship”. This Resource Management Act definition of kaitiakitaka is, however, only a starting point, as kaitiakitaka is a much wider cultural concept than pure guardianship.

1.4 Kaitiakitaka is fundamental to the relationship between Kāi Tahu and the environment. The responsibility of kaitiakitaka is twofold: first, there is the ultimate aim of protecting life supporting capacity and, secondly, there is the duty to pass the environment to future generations in a state that is as good as, or better than, the current state. For Te Rūnanga o Otakou, kaitiakitaka is not passive custodianship, nor is it simply the exercise of traditional property rights, but it entails an active exercise of rights and responsibilities in a manner beneficial to the resource.

3.0 SCOPE OF THE SUBMISSION

This submission relates to the application by Clutha District Council to discharge contaminants to water for the purpose of operating the Waihola Sewage Treatment Plan.

4.0 SUBMISSION

- 4.1 Te Rūnanga o Ōtākou submits that the proposal is inconsistent with the Kāi Tahu ki Otago Natural Resource Management Plan 2005. (see appendix)
- 4.2 Te Rūnanga o Ōtākou submits that the proposal is inconsistent with the Regional Plan Water for Otago – particularly Policy 7.B.1 (g) “Promoting the discharge of contaminants to land in preference to water.”
- And
- Policy 7.B.2 “Avoid objectionable discharges of water or contaminants to maintain the natural and human use values, including Kāi Tahu values, of Otago lakes, rivers, wetlands, groundwater and open drains and water races that join them.”
- 4.3 The aspiration of Te Rūnanga o Ōtākou is for high water quality in Lake Waihola, its environs and the Taieri River that supports their values and cultural practices.
- 4.4 Te Rūnanga o Ōtākou believe that further disposal of treated wastewater to the outflow channel of Lake Waihola will result in continued adverse effects on the quality of water.
- 4.5 Te Rūnanga o Ōtākou strongly encourage the Clutha District Council to investigate options of land disposal of the treated wastewater from the Waihola Sewage Treatment Plant.
- 4.6 Lake Waihola is a statutory acknowledgement – part of the Waihola/Waipori wetlands – an area where the Crown acknowledges Ngāi Tahu’s cultural, spiritual, historic and traditional association to Waihola/Waipori.
- 4.7 Waihola/Waipori wetlands were once one of the most significant food baskets in the Otago region and features in the seasonal activity of the coastal settlements as far away as the Otago Peninsula and harbour area, Purakaunui and Puketeraki. The wetlands were once much larger in water area and deeper than at present, connected by a labyrinth of waterways and having a gravel bed which has now been overlaid by silt and mud.
- 4.8 Lake Waihola and Lake Waipori are shallow and drain through an extensive swamp into the Waipori River then the Taieri River. The swampland includes vegetated islands, lagoons, shallow pools, meandering channels and backswamps.

4.9 The area is recognised as a refuge for many threatened and endangered species of plant, fish and bird.

5.0 DECISIONS SOUGHT

5.1 That the application to discharge contaminants to water for the purpose of operating the Waihola Sewage Treatment Plant be declined.

5.2 That the Clutha District Council be encouraged to investigate land disposal options for the discharge of treated wastewater from the Waihola Sewage Treatment Plant.

5.3 That, if granted, the term of consent be no longer than 10 years to allow the Clutha District Council to investigate land disposal option for the discharge of treated wastewater from the Waihola Sewage Treatment Plant.

E noho ora mai

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Appendix

The following Issues/Objectives/Policies of the Kāi Tahu ki Otago Natural Resource Management Plan 2005 are seen as relevant to the above proposal. This relates to the holistic management of natural resources from the perspective of local iwi.

Kāi Tahu ki Otago Natural Resource Management Plan 2005

Otago Region / Te Rohe o Otago

Wai Māori

Wai Māori General Issues

Discharges

- Cumulative effects of discharges.
- Discharge of human waste and other contaminants from point and nonpoint source discharges to water
- View that due to dilution rates, discharges to water have little or no effects.

Wai Māori General Objectives

- There is no discharge of human waste directly to water.
- Contaminants being discharged directly or indirectly to water are reduced.

Wai Māori General Policies

Discharges

- To require land disposal for human effluent and contaminants.
- To require consideration of alternatives and use of new technology for discharge renewal consents.
- To require monitoring of all discharges be undertaken on a regular basis and all information, including an independent analysis of monitoring results be made available to Kāi Tahu ki Otago.
- To encourage Management Plans for all discharge activities that details the procedure for containing spills and including plans for extraordinary events.
- To require all discharge systems be well maintained and regularly serviced. Copies of all service and maintenance records should be available to Kāi Tahu ki Otago upon request.

Wāhi Tapu

Wāhi Tapu General Issues

- Contamination by discharges and other activities seriously erodes the cultural value and integrity of wāhi tapu.

Wāhi Tahu Objectives

- All wāhi tapu are protected from inappropriate activities
- Kāi Tahu ki Otago have access to wāhi tapu.
- Wāhi tapu throughout the Otago region are protected in a culturally appropriate manner.

Wāhi Tapu General Policies

- To require consultation with Kāi Tahu ki Otago for activities that have the potential to affect wāhi tapu.

Discharges

- To discourage all discharges near wāhi tapu.

Schedule 70 - Statutory acknowledgement for Waihola/Waipori Wetland

Statutory area

The statutory area to which this statutory acknowledgement applies is the wetland known as Waihola/Waipori, the location of which is shown on Allocation Plan MD 55 (SO 24721).

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 Waihola/Waipori, as set out below.

Ngāi Tahu association with Waihola/Waipori

The Waihola/Waipori wetlands were once one of the most significant food baskets in the Otago region, and featured in the seasonal activity of the coastal settlements as far away as the Otago Peninsula and harbour area, Pūrākaunui and Puketeraki. The wetlands were once much larger in water area and deeper than at present, connected by a labyrinth of waterways and having a gravel bed which has now been overlaid by silt and mud.

The names Waihola/Waipori are likely of Waitaha derivation, with "hola" being the Waitaha form of "hora" meaning flat, spread out or widespread. Waipori may in fact be a misrecording of Waipōuri, which is used in many older manuscripts, being a reference to the dark, tanin-stained water the wetland receives from Waipori River, a heavily wooded catchment.

The Waihola/Waipori 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. The wetland supported a number of pā within its environs and nearby. For example, Whakaraupuka, the pā of the Ngāti Mamoe chief Tukiauau was located in the area now known as Sinclair Wetlands, although Tukiauau eventually relocated further to the south as the southward movement of his Ngāi Tahu foes became uncomfortably close.

There were also many nohoanga (temporary campsites) located within the complex, used by food gathering parties which would travel to the lakes and camp on the fringes for two to three days to gather kai; to eel, hunt water fowl and gather flax. There were also permanent or semi-permanent settlements located in a number of locations around the lakes, some on islands in the wetlands system.

A number of other settlements further afield were also dependent on the mahinga kai resources of Waihola/Waipori for sustenance, including Tū Paritaniwha Pā near Mōmona, Ōmoua Pā above Henley, Maitapapa (Henley area), the kaik south of Henley and Takaaihitau near the old Taieri Ferry bridge, in addition to other settlements adjacent to the Taieri River up and downstream of the wetlands. Ōtākou and Puketeraki hapū would also make seasonal visits to gather resources and strengthen and maintain the kupenga (net) of whakapapa on which their rights to use those resources were based.

There is an account which tells of a sudden flood which required people trapped on the bank at a place called Whakaraupō, on the network of waterways that link Waihola with Waipori, to hastily construct a mōkihi out of raupō to reach safety. A meeting place was opened here in 1901 by the locals. The house was named Te Waipounamu.

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.

Waihola/Waipori was a key mahinga kai resource for Ngāi Tahu based along the Otago coastal region, where an abundance of tuna (eel), inaka (whitebait), pātiki (flounder) and other indigenous fish were available. Waterfowl and fibre resources such as harakeke and raupō were also easily accessible from the wetlands. Spearing, setting hīnaki and nets, and bobbing for eel were regular activities on the wetlands in the season. The gathering of young ducks in the moult, and the catching of herons, pūkeko and other birds supplemented the broad range of kai available from the wetlands.

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 Waihola/Waipori, 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.

The attractiveness of Waihola/Waipori as a mahinga kai was enhanced by their accessibility. With the direct link to the Taieri River, access via the Taieri to villages on the banks of the Taieri River, upstream and down, and access by waka to the coast and northward to Ōtākou, kai and other resources gathered from the wetlands could be transported back to these home bases with relative ease.

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 wetlands. 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 wetlands.

Because of the long history of use of Waihola/Waipori as a mahinga kai, supporting permanent and temporary settlements, there are numerous urupā, wāhi tapu and wāhi taonga associated with the wetlands. These are all places holding the memories, traditions, victories and defeats of Ngāi Tahu tūpuna, and are frequently protected by secret locations. Urupā are the resting places of Ngāi Tahu tūpuna and, as such, are a particular focus for whānau traditions.

The mauri of Waihola/Waipori 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 wetlands. The wetlands represent, in their resources and characteristics, a strong element of identity for those who had manawhenua (tribal authority over the area) whose tūpuna were nurtured on the food and resources of the wetlands for generations.