

17 March 2014

Otago Regional Council
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Tēnā koe Sir/Madam

**Resource Consent Application – Lakes Marina Projects Limited
Construction of a marina on Lake Wakātipu/Whakātipu-wai-māori**

Resource Consent Applications RM14.026

Resource consents are sought in association with the construction of a marina on Lake Wakātipu/Whakātipu-wai-māori.

- To disturb, reclaim, remove and place structures and deposit material on, over or under the bed of Lake Wakātipu/Whakātipu-wai-māori and Marina Creek;
- To permanently divert the flow of Marina Creek into a pipe; and discharge sediment to water.

Marina to comprise of:

- 195 boat berths
- Wave attenuator – 320 metres long
- Retaining wall – 150 metres long
- 156 car parks
- 3 bus parks
- Public toilets
- 26 buildings on pontoons
- 6 'on-land' buildings
- Open space seating and landscaping

Kāti Huirapa Rūnanga ki Puketeraki and Te Rūnanga o Ōtākou oppose this application for resource consent. We do wish to be heard in support of this submission at a hearing and we request an opportunity to expand on our submission. If others make a similar submission, we will consider presenting a joint case with them.

1. INTRODUCTION

1.1 Kaitiaki Rūnanga

The Te Rūnanga o Ngāi Tahu Act 1996 describes the takiwā of Kāi Tahu Papatipu Rūnanga. The takiwā of Kāi Tahu Rūnanga ki Puketeraki centres on Karitane and extends from the Waihemo River (Shag River) to Purehurehu (north of Heywards Point). The strategic headlands for the Rūnanga are Matanaka (Cornish Head), Huriawa, Pā Hāwea, Brinns Point, Mapoutahi and Heywards Point.

The takiwā of Te Rūnanga o Ōtākou centres on Ōtākou and extends from Purehurehu to Te Matau. The takiwā extends inland, sharing an interest in the lakes and mountains to the western coast with Rūnanga to the north and south.

Kāi Tahu Rūnanga ki Puketeraki and 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.

2. STATUTORY FRAMEWORK

2.1 Ngāi Tahu Claims Settlement Act 1998

The Ngāi Tahu Claims Settlement Act included as cultural redress a number of mechanisms to recognise and give practical effect to Ngāi Tahu mana over taonga resources and areas of land. These include Statutory Acknowledgements, Topuni, Nohoanga and place name changes.

The aim of statutory acknowledgments is to improve the effectiveness of Ngāi Tahu participation under the Resource Management Act in decisions affecting acknowledged areas of customary importance. The Crown has acknowledged that Ngāi Tahu has a cultural, spiritual, historic, and traditional association to Lake Whakatipu-wai-māori. The statutory acknowledgement for **Lake Wakātipu/Whakātipu-wai-māori** is attached to this submission as Appendix 1.

2.2 The Kāi Tahu ki Otago Natural Resource Management Plans 1995 and 2005

The Kāi Tahu ki Otago Natural Resource Management Plans 1995 and 2005 are the principal resource management planning documents for Kāi Tahu ki Otago. The kaupapa of the plans is 'Ki Uta ki Tai' (Mountains to the Sea), which reflects the holistic Kāi Tahu ki Otago philosophy of resource management.

The Natural Resource Management Plans express Kāi Tahu ki Otago values, knowledge and perspectives on natural resource and environmental management issues. The plans are an expression of kaitiakitanga. While the plans are first and foremost planning documents to assist Kāi Tahu ki Otago in carrying out their kaitiaki roles and responsibilities, they are also intended to assist others in understanding tangata whenua values and policy.

The 2005 plan (the Natural Resource Management Plan) is divided into catchments, with specific provisions for the whole Otago area and each catchment. The current proposal is located within the Clutha/Mata Au catchment.

The 2005 Natural Resource Management Plan contains objectives and policies for cultural landscapes, wai Māori and biodiversity that are relevant to the current proposal (refer to Appendix 2).

2.3 Conclusion on the Statutory Framework

Kāi Tahu Whānui have a cultural, spiritual, historic, and traditional relationship with Lake Wakātipu/Whakātipu-wai-māori. Kāi Tahu discourages development that would adversely affect their cultural relationship with Whakatipu-wai-Māori.

3.0 SCOPE OF THE SUBMISSION

This submission relates to the construction and operation of the marina in its entirety.

4.0 REASONS FOR THE SUBMISSION

4.1 Cultural Landscape

Lake Wakātipu/Whakātipu-wai-māori is a significant cultural landscape, or whenua tupuna, for Kāi Tahu. The name Whakatipu-wai-maori originates from the earliest expedition of discovery made by the tupuna Rakaihautu.

The lake once supported nohoaka and villages which were the seasonal destinations of Otago and Murihiku (Southland) whanau and hapu for many generations, exercising ahi ka, accessing mahika kai, and providing a route to access the treasured pounamu located beyond the head of the lake. It is because of these patterns of activity that the lake continues to be important to Kāi Tahu Papatipu Rūnanga located in Murihiku (Southland), Otago and beyond. These Rūnanga carry the responsibilities of kaitiaki in relation to the area.

It is submitted that the scale of the proposed marina development would have a significant effect on the cultural relationship of Kāi Tahu Whānui with Lake Wakātipu/Whakātipu-wai-māori.

4.2 Water Quality

Water plays a significant role in Kāi Tahu's spiritual beliefs and cultural traditions, the condition of the water being seen as a reflection of the health of Papatūānuku. The degradation of this resource is a significant issue for Kāi Tahu ki Otago.

The key issues of concern are the effects on the lake bed under and in the vicinity of the marina, the release of contaminants from the paint on hulls of boats, and any chemical treatments that the hulls may receive to reduce algae build up. The Rūnanga would not like to see the lake bed become a highly polluted site.

4.3 Management of Pest Species

The proposal poses a risk of increasing pest species within the Lake, due to both the construction and operation of the marina, with its associated potential increase in boat movements.

4.4 Bilge Water

Given the amount of boat berths proposed, it is suggested a pro-active approach should be taken in order to ensure that water quality is not degraded.

5.0 Conclusion

Lake Whakātipu-wai-māori is a valued landscape and is of cultural significance to Kāi Tahu ki Otago. It is submitted that the location of a privately owned structure of this scale on the lake and its foreshore would have adverse effects on the cultural relationship that Kāi Tahu Whānui have with Lake Whakātipu-wai-māori.

6.0 Outcome Sought

The outcome sought is for the application to be **declined** in its present form.

E noho ora mai



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Manager

For: Kāti Huirapa Rūnanga ki Puketeraki and Te Rūnanga o Ōtākou

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Appendix 1: Statutory Acknowledgement Lake Wakātipu/Whakātipu-wai-māori

The name Whakatipu-wai-maori originates from the earliest expedition of discovery made many generations ago by the tupuna Rakaihautu and his party from the Uruao waka. Rakaihautu is traditionally credited with creating the great water ways of the interior of the island.

There are many traditions relating to the lake. One of the most famous tells that the hollow which forms the bed of the lake was created when the people known as Te Rapuwai came upon the giant tipua (ogre) Matau as he lay there in a deep sleep. Matau had been responsible for the disappearance of many small hunting parties and had entrapped a beautiful maiden, Manata. The father of Manata offered her in marriage to the man who could bring her safely home. Matakauri, who was in love with Manata ventured forth, discovering that Matau slept when the northwest wind blew. Matakauri selected a day when the wind was blowing the right way and set forth. He found Manata and, using his mere, he attempted to sever the bonds which held her, but try as he would he failed. Manata began to sob bitterly, and as her tears fell on the cords, they melted away. Matakauri carried Manata back to the village where they became man and wife. However, Matakauri knew that while Matau lived no maiden was safe, so he set forth when again the northwest wind blew, and set fire to the large growth of bracken that acted as a bed for the giant. Matau was smothered in flames, the fat from his body augmenting the fire, until the blaze was so fierce that it burned a hole more than 1,000 feet deep. The snow on the surrounding hills melted and filled the hole, which is known today as Lake Wakatipu.

Whakatipu-wai-maori once supported nohoanga and villages which were the seasonal destinations of Otago and Murihiku (Southland) whanau and hapu for many generations, exercising ahi ka and accessing mahinga kai and providing a route to access the treasured pounamu located beyond the head of the lake. Strategic marriages between hapu strengthened the kupenga (net) of whakapapa and thus rights to use the resources of the lake. It is because of these patterns of activity that the lake continues to be important to runanga located in Murihiku, Otago and beyond. These runanga carry the responsibilities of kaitiaki in relation to the area, and are represented by the tribal structure Te Rūnanga o Ngāi Tahu.

The lake also supported permanent settlements, such as the kaika (village) Tahuna near present-day Queenstown, Te Kirikiri Pa, located where the Queenstown gardens are found today, a Ngati Mamoe kaika near the Kawarau Falls called O Te Roto, and another called Takerehaka near Kingston. The Ngati Mamoe chief Tu Wiri Roa had a daughter, Haki Te Kura, who is remembered for her feat of swimming across the lake from Tahuna, a distance of some three kilometres.

The tupuna 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 the lake, 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.

Appendix 2: Kāi Tahu ki Otago Natural Resource Management Plan 2005:

Otago Region / Te Rohe o Otago

5.3 Wai Māori

Wai Māori General Objectives
<ul style="list-style-type: none">• The spiritual and cultural significance of water to Kāi Tahu ki Otago is recognised in all water management.• The waters of the Otago catchment are healthy and support Kāi Tahu customs.• Contaminants being discharged directly or indirectly to water are reduced.
Wai Māori General Policies
<ul style="list-style-type: none">• To protect and restore the mauri of all water. <p><u>Discharges</u></p> <ul style="list-style-type: none">• To encourage all stormwater be treated before being discharged.• To encourage identification of non-point pollution and to mitigate, avoid or remedy adverse effects on Kāi Tahu values.• To require monitoring of all discharges be undertaken on a regular basis and all information including an independent analysis of results be made available to Kāi Tahu.• To encourage management plans for all discharge activities that detail the procedure for containing spills and including plans for extraordinary events. <p><u>River and In-stream Works</u></p> <ul style="list-style-type: none">• To require that any visual impacts at the site of the activity are minimal• To require that all practical measures are taken to minimise sedimentation or the discharge of sedimentation• To require that all practical measures are undertaken to minimise the risk of contamination to the waterway.• To discourage machinery operating in flowing water.• To require that all machinery is clean and well maintained before entering the work site; refueling is to be done away from the waterway.

5.5 Indigenous Biodiversity

Biodiversity General Issues
<ul style="list-style-type: none"> • The impact of pests and weed species on indigenous biodiversity.
Biodiversity General Objectives
<ul style="list-style-type: none"> • Habitats and the wider needs of mahika kai, taoka species and other species of importance to Kāi Tahu ki Otago are protected.
Biodiversity General Policies
<ul style="list-style-type: none"> • To promote best-practice methodologies for drain maintenance or diversions to ensure minimal damage to ecosystems with no further adverse effects on cultural values. • To promote the containment and eradication of pests and weed species..
Pest Control and Management
<ul style="list-style-type: none"> • To require that monitoring of all pest management activity is undertaken, including effects on indigenous species. This monitoring is to be included in all pest management strategies.

5.6 Cultural Landscapes

Cultural Landscapes General Issues
<ul style="list-style-type: none"> • Lack of recognition and implementation of the Cultural Redress components of the Ngai Tahu Claims Settlement Act 1998 including Statutory Acknowledgements. • Extension and maintenance of infrastructure can affect cultural landscapes. • The building of structures and activities in significant landscapes.
Cultural Landscapes Objectives
<ul style="list-style-type: none"> • The protection of significant of cultural landscapes from inappropriate use and development. • The cultural landscape that reflects the long association ig Kai Tahu ki Otago resource use within the Otago region is maintained and enhanced.
Cultural Landscapes Policies
<ul style="list-style-type: none"> • To identify and protect the full range of landscape features of significance to Kāi Tahu ki Otago. • To promote the control of visitor and recreational activities that impact on significant landscapes.
<u>Earth Disturbance</u>
<ul style="list-style-type: none"> • To require all earthworks, excavation, filling or the disposal of excavated material to: <ul style="list-style-type: none"> - Avoid adverse impacts on significant natural landforms and areas of indigenous vegetation - Avoid, remedy, or mitigate soil instability; and accelerated erosion; - Mitigate all adverse effects.

Structures

- To discourage the erection of structures, both temporary and permanent in culturally significant landscapes, lakes, rivers or the coastal environment.

Tourist operations

- To require all liquid waste products (wastewater, effluent and bilge water) to be disposed of to an appropriate sewer reticulation system.
- To require refuelling of any vessels to be carried out at an approved refuelling station only.

Clutha / Mata-au Catchment

10.2 Wai Maori

Wai Maori issues in the Clutha/Mata-au Catchment

- Sedimentation of waterways from urban development.

Wai Maori Policies

Sediment and siltation

- To discourage activities that increase the silt loading in waterways or reaches of waterways.

10.4 Biodiversity

Biodiversity Issues

- Spread of pest and weed species such as
 - Lagarosiphon

Biodiversity Policies

Pest Control and Management

- To encourage environmental and educational efforts to halt the spread of lagarosiphon and other pest species.

10.5 Cultural Landscapes

Cultural Landscapes Issues

- Lack of recognition and implementation of the cultural redress policies of the Ngai Tahu Claims Settlement Act 1998 including Statutory Acknowledgements.
- Modifications throughout the catchment have resulted in a disassociation between the landscape, the stories and place names.
- Extensive spread of jetties and moorings in particular on Lake Wakātipu/Whakātipu-wai-māori, Lake Wānaka and Lake Hāwea and adjacent to nohoaka sites.
- Limited recognition of cultural landscapes and Ka Papatipu Rūnaka interests and values in the landscape.

Cultural Landscapes Policies

Jetties and Moorings

- To require the development of a strategy in conjunction with the Queenstown Lakes District Council to investigate the viability of public moorings in the Queenstown Lakes District.
- To require jetties to be at a fixed location and any effects of earthworks or from the ongoing operation of jetties and be remedied or mitigated.
- To require jetties and moorings to be located where they will not impede or restrict access to lakes, rivers and wetlands.