

Form 16 – Submission to the Otago Regional Council on Consent Applications

This is a Submission on (a) limited notified/publicly notified resource consent application/s pursuant to the Resource Management Act 1991.

Submitter Details:

(please print clearly)

Full Name/s:	Te Rūnanga o Ōtākou, Kāti Huirapa Rūnaka ki Puketeraki,		
	Te Rūnanga o Moeraki, and Hokonui Rūnanga (Kāi Tahu ki Otago)		
Postal Address:	PO Box 446		
	Dunedin	Post Code:	9054
Phone number:	03 477 0071 (Aukaha office)		
Email address:	consents@aukaha.co.nz		

We wish to **OPPOSE** the applications of:

Applicant's Name:	Queenstown Lakes District Council
Location:	Shotover River/Kimiākau delta
Application Number:	RM25.177
Purpose:	To construct and operate a diversion channel within the bed of the Shotover River/Kimiākau to ensure the discharge of treated wastewater sought to be authorised under RM25.206 is always to flowing water.
Application Number:	RM25.206
Purpose:	Disposal of treated wastewater to water from a wastewater treatment plant and to construct a riprap outfall structure in the bed of the Shotover River/Kimiākau

Select one of the following options that applies:

☒ I am submitting on **both** consent applications.

The specific parts of the applications that my submission relates to are: *(Give details)*

The entirety of the applications

Our submission is *(include: whether you support or oppose the application or specific parts of it, whether you are neutral regarding the application or specific parts of it and the reasons for your views).*

The applications are opposed as outlined in the attached document.

We seek the following decision from the consent authority *(give precise details, including the general nature of any conditions sought)*

The applications are declined.

If the Environment Court is of a mind to grant the applications:

- a. mana whenua are given the opportunity to develop conditions of consent in conjunction with the applicant.
- b. there must be commitment from the applicant (including milestones) to transition to land based disposal of wastewater. This transition needs to be integrated with the strategic planning process.

We:

☒ Wish to be heard in support of our submission

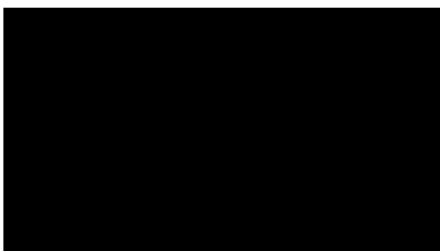
We are **not** a trade competitor* of the applicant (for the purposes of Section 308B of the Resource Management Act 1991).

We **do** wish to be involved in any pre-hearing meeting that may be held for this application.

We **have** served a copy of my submission on the applicant.

I, Chris Rosenbrock, Interim Chief Executive, have the authority to sign on behalf of Kā Rūnaka.

Nāku noa, nā



3 November 2025

Signature/s of submitter/s

(or person authorised to sign on behalf of submitter/s)

(Date)

Please be advised that this application will be directly referred to the Environment Court for a decision.

Notes to the submitter

If you are making a submission to the Environmental Protection Authority, you should use [form 16B](#).

The closing date for serving submissions on the consent authority is 3 November 2025.

You must serve a copy of your submission on the applicant as soon as is reasonably practicable after you have served your submission on the consent authority.

Privacy: Please note that submissions are public. Your name and submission will be included in papers that are available to the media and the public, including publication on the Council website. Your submission will only be used for the purpose of the notified resource consent process.

If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in [Part 11A](#) of the Resource Management Act 1991.

If you make a request under [section 100A](#) of the Resource Management Act 1991, you must do so in writing no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.

You may not make a request under section 100A of the Resource Management Act 1991 in relation to an application for a coastal permit to carry out an activity that a regional coastal plan describes as a restricted coastal activity.

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):

- it is frivolous or vexatious:
- it discloses no reasonable or relevant case:
- it would be an abuse of the hearing process to allow the submission (or the part) to be taken further:
- it contains offensive language:
- it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

The address for service for the Consent Authority is:

Otago Regional Council, Private Bag 1954, Dunedin, 9054
or by email to submissions@orc.govt.nz



Tēnā koutou, ko tēnei mihi atu ki a koutou, ngā mema o te komiti, ngā kaiwhakawa o ngā mea e pa ana tēnei kaupapa taumaha, me ki, o tātou nei rohe moana, he taoka o tātou nei whānau, hapū me te iwi. Ki a rātou kua whetu rangitia, te hunga wairua, haere, moe mai, oki oki mai, kati.

Submission on RM25.177 and RM25.206 - QLDC Short Term Discharge Consent to Shotover River and associated river channel diversion

Submitter Details:

(please print clearly)

Full Name/s:	Te Rūnanga o Ōtākou, Kāti Huirapa Rūnaka ki Puketeraki,		
	Te Rūnanga o Moeraki, and Hokonui Rūnanga (Kāi Tahu ki Otago)		
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Select one of the following options that applies:

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The specific parts of the applications that my submission relates to are: *(Give details)*

The entirety of the applications

1. TOITŪ TE MANA, TOITŪ TE WHENUA

- 1.1 This submission is on behalf of Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga (Kāi Tahu ki Otago), which are four of the papatipu rūnaka with shared authority for the Mata-au catchment and the landscape in which it is situated. Kāi Tahu ki Otago represent hapū who uphold the mana of the whenua and wai in this district.
- 1.2 The takiwā of Te Rūnanga o Moeraki centres on Moeraki and extends from Waitaki to Waihemo and inland to the Main Divide.
- 1.3 The takiwā of Kāti Huirapa Rūnaka ki Puketeraki centres on Karitāne and extends from the Waihemo River/Shag River to Purehurehu/north of Heyward Point.
- 1.4 The takiwā of Te Rūnanga o Ōtākou centres on Muaūpoko/Otago Peninsula and extends from Purehurehu Point/north of Heyward Point to the Clutha River/Mata-au and inland to the Southern Alps.
- 1.5 The takiwā of Hokonui Rūnanga centres on the Hokonui region and includes a shared interest in the lakes and mountains between Whakatipu-Waitai and Tawhitarere and other Murihiku Rūnanga and those located from Waihemo southwards.

2. MANA WHENUA STATUS

- 2.1 The Te Rūnanga 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.
- 2.2 The Kimiākau/ Shotover River and the Kawarau River feed into the Mata-au/ Clutha River, and the Kawarau River is fed from Whakatipu-wai-māori (Lake Wakatipu). The cultural importance of Whakatipu-wai-māori and Mata-au is recognised in the Settlement Act by way of Statutory Acknowledgement (Schedules 40 and 75 of the Settlement Act). In addition to the connection to Whakatipu-wai-māori and Mata-au, both the Kimiākau and the Kawarau hold significant values for mana whenua. They form important links in an extensive network of kāika mahika kai and ara tawhito, connecting the Otago coastal areas with Lake Wakatipu/Whakatipu-wai-māori and the pounamu fields.
- 2.3 The Resource Management Act 1991 recognises and provides for the Kāi Tahu values and interests in the Whakatipu-wai-māori and Mata-au catchment. The relationship of Kāi Tahu ki Otago with this area is a matter of national importance that must be recognised and provided for in managing natural and physical resources¹. In achieving the purpose of the Act particular regard is required to kaitiakitaka². Kāi Tahu whānau exercise kaitiakitaka in this area.

¹ Resource Management Act 1991, section 6(e)

² Resource Management Act 1991, section 7(a)

- 2.4 The Proposed Otago Regional Policy Statement (PORPS)³ recognises and provides for the relationship of Kai Tahu with whenua and wai māori, including through the following policies:

MW-P3 – Supporting Kāi Tahu hauora

The natural environment is managed to support Kāi Tahu hauora by:

- (1) recognising that Kāi Tahu hold an ancestral and enduring relationship with all whenua, wai māori and coastal waters within their takiwā,*
- (2) protecting customary uses, Kāi Tahu values and relationships as identified by Kāi Tahu to resources and areas of significance, and restoring these uses and values where they have been degraded by human activities,*
- (3) safeguarding the mauri and life-supporting capacity of natural resources, recognising the whakapapa connections of Kāi Tahu with these resources as taoka, and the connections to practices such as mahika kai, and*
- (4) working with Kāi Tahu to incorporate mātauraka into resource management processes and decision-making.*

LF-WAI-P2 – Mana whakahaere

Recognise and give practical effect to Kāi Tahu rakatirataka in respect of fresh water by:

- (1) facilitating partnership with, and the active involvement of, mana whenua in freshwater management and decision-making processes,*
- (2) sustaining the environmental, social, cultural and economic relationships of Kāi Tahu with water bodies,*
- (3) providing for a range of customary uses, including mahika kai, specific to each water body,*
- (4) incorporating mātauraka into decision making, management and monitoring processes, and*
- (5) managing wai and its connections with whenua in a holistic and interconnected way – ki uta ki tai.*

3. KĀI TAHU ASSOCIATIONS

- 3.1 The Kawarau and Kimiākau/ Shotover rivers are of great cultural significance to coastal Otago hapū as important parts of the network of ara tawhito (trails) that connected them with Lake Wakatipu/Whakatipu-wai-Māori and the greater Wakātipu/Whakātipu pounamu fields. The Kawarau River connected many ara tawhito, and the name Kimiākau, meaning ‘to look for the coast’, suggests that the Kimiākau/ Shotover River was a main route to the pounamu fields on Te Tai Poutini/West Coast.
- 3.2 The importance of the Kimiākau/ Shotover River for both its mahika kai values and its place in the great system of ara tawhito seasonally traversed by Kāi Tahu whānui is demonstrated by the establishment, through the Ngāi Tahu Claims Settlement Act (1998),

³ All appeals on the Mana Whenua (MW) and Land and Freshwater (LF) sections of the PORPS have been resolved by consent order and these sections are now beyond challenge.

of two nohoaka entitlements along the river. One of these entitlements is located at Tucker Beach, a short distance upstream of the Shotover Delta.

- 3.3 The shores of the Kawarau River were a known and well-frequented moa hunting site, and weka, kākāpō, kea and tuna were also readily available here. Two pā, potentially kāika mahika kai, were located downstream near present-day Gibbston.
- 3.4 The associations of Kāi Tahu with the Kimiākau/ Shotover River and the Kawarau River are recognised in Schedule 1D of the Otago Regional Plan: Water (RPW). Both awa are also included in the wāhi tūpuna layer of the Queenstown Lakes Proposed District Plan (24 Kawarau River and 29 Kimiākau (Shotover River)), as well as two wāhi tūpuna nearby: 33 Whakātīpu-Wai-Māori (Lake Wakātīpu) and 36 Kawarau (The Remarkables).

4. PREVIOUS INVOLVEMENT OF MANA WHENUA

- 4.1 Mana whenua concerns about discharge to the Kimiākau/ Shotover River from the Shotover Wastewater Treatment Plant (WWTP), and the need for a definite timeframe and strategy for transition to appropriate land-based disposal, have been raised in resource consent processes and Queenstown Lakes District Council (QLDC) investigations from at least 1998.
- 4.2 The Project Shotover consents applied for by QLDC in 2012 included development of a land disposal system in the Delta area, based on construction of raised gravel beds and filtration of the discharge through these. The Kāi Tahu ki Otago submission on these consents supported land disposal but requested it be put in place more quickly, and opposed continuing discharge to the river. Agreement was reached with the applicant in 2015 on conditions that included cessation of discharge to the Shotover River by no later than 31 December 2022, and consents were granted subject to those conditions. Before work commenced on construction of the proposed gravel disposal beds, this proposal was changed because of cost escalations. Instead of raised beds, a system of in-ground disposal fields was constructed. Once construction was completed the direct discharge to the river ceased. However the disposal fields did not work as intended, but instead became clogged with sediment, leading to surface ponding and periodic overflows of treated effluent. QLDC has responded to this situation by re-commencing discharge to the river and applying for new consents to authorise this discharge.
- 4.3 In late 2024, QLDC initiated new investigations into alternative long term options. Kāi Tahu ki Otago have been engaged in discussions on these through the agency of Aukaha but consider that the identification of an appropriate land-based solution has been precluded by constraints imposed by QLDC on the scope of investigations.
- 4.4 More generally, Aukaha and Te Ao Marama have had some involvement in discussions on long term strategies for the district, including the Queenstown Lakes Spatial Plan and associated Structure Plans. For papatipu rūnaka, a concerning aspect of those plans has been the reliance on continuing to use the Shotover WWTP for future significant increases in demand.

5. SUBMISSION

5.1 Both applications are opposed.

5. DECISION SOUGHT

5.1 The applications are declined.

5.2 If the Environment Court is of a mind to grant the applications:

- a. mana whenua are given the opportunity to develop conditions of consent in conjunction with the applicant; and
- b. there must be commitment from the applicant (including milestones) to transition to land based disposal of wastewater. This transition needs to be integrated with the strategic planning process.

6. REASONS FOR SUBMISSION

RM25.177 Construction and operation of diversion channel in the bed of the river

6.1 Establishment of a diversion channel to provide flow at the discharge point will be an affront to the mauri of the Kimiākau/ Shotover River, effectively turning that portion of the river into a wastewater drain, making the river part of the treatment system. It will also be contrary to the Water Conservation (Kawarau) Order 1997 given that the proposal does not protect the outstanding characteristics of the Kimiākau/ Shotover River mainstem including: wild and scenic characteristics; and natural characteristics, in particular the high natural sediment load and active delta at the confluence with Kawarau River. The proposal will not protect the naturally dynamic braided river system.

RM25.206 Discharge of treated wastewater to water and construction of outfall structure

6.2 Kāi Tahu consider the direct discharge of human waste to natural water abhorrent.

6.3 In traditional Māori knowledge, wai (water) was classified in accordance with its characteristics and ceremonial use. These categories determined how the water could or could not be used. The mixing of water from separate categories was, and still is, considered unacceptable to Māori. In this regard, wastewater which is classified as waikino (polluted water) should not be mixed with other categories of water. Instead, natural mixing of wastewater through land, or a similar environment that provides a natural buffer or transition zone is supported by Kāi Tahu ki Otago. To reiterate, the wastewater leaving a treatment plant is considered tapu (prohibited, restricted, forbidden, to be approached with caution). Treatment through natural processes in the land to reach a state of being noa (free from extensions of tapu, ordinary, unrestricted) is the preferred option.

6.4 The consent applications run counter to the longstanding Kāi Tahu position on the direct discharge of human waste to water. The proposed consent conditions place heavy reliance on the proposed national wastewater environmental performance standard⁴ as the compliance requirement. They do not consider the particular values of the Kimiākau/

⁴ No decision has yet been made on this proposed standard, and it has no legal effect.

Shotover River and do not set any standards for the quality of the downstream receiving waters.

- 6.5 The wastewater loading to be managed by the Shotover Wastewater Treatment Plant is predicted to significantly increase in the future. The “Te Tapuae Southern Corridor Structure Plan” states:

Wastewater: *Wastewater disposal to land for the higher density development is not suitable in the corridor due to ground conditions. Upgrades to the network within the corridor and through Frankton will be required to continue to convey wastewater to Shotover WWTP. In the long term, consideration needs to be given to either constructing a wastewater treatment plant within the corridor or continuing to use further upgrades to the conveyance network and the capacity of the Shotover Wastewater Treatment Plant, along with planning for future disposal of treated wastewater.*

- 6.6 Papatipu rūnaka have become frustrated that, although the loading on the wastewater treatment plant has continued to increase with the growth of Queenstown, there has been no effective progress in the last 25-30 years in finding an appropriate alternative to discharging treated wastewater to the rivers. They are concerned that, if the current applications are granted without any associated commitment to finding a viable alternative, they could be used as a basis for continuing discharge in the long term.

We:

- ☒ Wish to be heard in support of our submission.

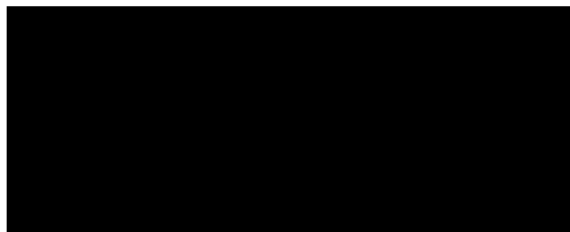
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We **do** wish to be involved in any pre-hearing meeting that may be held for this application.

We **have** served a copy of my submission on the applicant.

I, Chris Rosenbrock, Interim Chief Executive, have the authority to sign on behalf of Kāi Tahu ki Otago.

Nāku noa, nā



3 November 2025

Signature/s of submitter/s

(or person authorised to sign on behalf of submitter/s)

(Date)