



14th February 2024

15

Central Otago Lakes District Council

PO Box 122,

ALEXANDRA 9340

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.

RE: Resource Consent Application- Clutha Plains Trust, Tarras

Resource Consent Application – RC230328

Clutha Plains Trust seeks resource consent to undertake a 17-lot subdivision at Lot 2 DP 476419, Tarras. The proposal will take the form of a “farm park,” where Lots 1–16 will each have an area of 2,000 m² and will be developed for rural residential purposes. Lot 100 is the balance lot and will be retained for productive farm use. The southern portion of the site is protected by a Land Covenant of approximately 4Ha, to the QEII Trust. The site is located within the Rural Resource Area of the Central Otago District Plan. The application is assessed as a non-complying activity.

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

Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou, and Hokonui Rūnanga (‘Kā Rūnaka’) **oppose** this application.

Te Rūnanga is not a trade competitor for the purposes of section 308B of the Resource Management Act 1991 (RMA).

Kā Rūnaka seek that the application is **declined**, for the reasons set out below.

Kā Rūnaka **do not wish** to be heard in support of this submission at a hearing.

1. SCOPE OF THIS SUBMISSION

- 1.1 This submission relates to the application by Clutha Plains Trust (‘**the Applicant**’) in its entirety.
- 1.2 This submission addresses matters under sections 6(e), 7(a), and 8 of the Resource Management Act 1991.
- 1.3 To acknowledge the association with the district and its resources, Māori words are used within this document and a glossary is provided at **Appendix 1**.

2. TOITŪ TE MANA, TOITŪ TE WHENUA: KĀ RŪNAKA

- 2.1 This submission is on behalf of four papatipu rūnaka with shared authority in the area of the proposed activity. Kā Rūnaka represent hapū who uphold the mana of the whenua in this region. Kā Rūnaka share interests in the inland lakes and mountains and along the Mata-au with Ngāi Tahu ki Murihiku.
- 2.2 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.
- 2.3 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.
- 2.4 The takiwā of Te Rūnanga o Moeraki centres on Moeraki and extends from Waitaki to Waihemo and inland to the Main Divide. The interests of Te Rūnanga o Moeraki are concentrated in the Moeraki Peninsula area and surrounds, including Te Rakahineatea Pā, Koekohe (Hampden Beach), and Te Kai Hīnaki (the Boulders Beach) with its boulders. In addition, the interests of the Rūnanga extend both north and south of the Moeraki Peninsula, within their takiwā.
- 2.5 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.

3. DECISION SOUGHT

- 3.1 Kā rūnaka seek that the application is declined

4. REASONS FOR DECISION SOUGHT

- 4.1 The site is adjacent to the Clutha River/Mata Au and within the Lindis River/Omako Catchment.
- 4.2 Cultural mapping has been undertaken to identify particularly significant wāhi tūpuna areas in the Central Otago District. While in draft form and not yet incorporated into the Central Otago District Plan, Kā Rūnaka record that the proposal affects a wāhi tūpuna area known as the Mata-au Trail, with values that include but are not limited to: Mahika kai, Nohoaka, and ara tawhito. The Mata-au is a Statutory Acknowledgement Area under the Ngāi Tahu Claims Settlement Act 1998 and is included in **Appendix 2**.
- 4.3 The Mata-au is a wāhi tūpuna and ara tawhito, with the whole of the river part of a mahika kai trail that led inland and was used by Otago hapū. The river was used as a highway into the interior and provided many resources to sustain travellers on that journey. The tūpuna had considerable knowledge of whakapapa, traditional trails, tauraka waka, places for gathering kai and other taoka, ways in which to use the resources of the river, the relationship of people with the river and their dependence on it, and tikaka for the proper and sustainable utilisation of resources.
- 4.4 The Mata-au/Clutha Catchment was therefore highly valued by all the different hapū and their whānau who used it. The use of this catchment was a focus of the distinctive seasonal lifestyle of Kāi Tahu.

- 4.5 The Lindis Catchment is similarly a wāhi taoka (treasured resource) and ara tawhito for Kāi Tahu. Kāi Tahu traditions tell how the mischievous tipua (monster, taniwha) named Matau stopped at the confluence of the Mata-au (Clutha River) and Lindis Rivers to sleep. While he was sleeping, another tipua named Kopuwai with whom Matau often fought surprised him, and with the help of his two-headed dogs fought with Matau all along the Mata-au. The confluence of the Lindis River and the Mata-au is of particular importance to Kāi Tahu because of the Matau and Kopuwai tradition, and because this is where the mauri of the Lindis and Mata-au rivers mix.
- 4.6 Kā Rūnaka are concerned about the risk posed by inappropriate subdivision and development to the values of the Mata-au and Omako cultural landscapes and to wai māori. The protection of significant cultural landscapes is a priority for Kāi Tahu.
- 4.7 Kāi Tahu aspirations for the management of wāhi tūpuna are set out in the Kāi Tahu ki Otago Natural Resource Management Plan 2005 with relevant provisions set out at **Appendix 3**.
- 4.8 Kā Rūnaka are concerned about the on-going fragmentation of the land. The subdivision is a non-complying activity because it breaches the minimum allotment size of 2 hectares and the average lot size of 8 hectares in the rural resource area. In this case, except for the balance lot, the remaining 16 lots are 0.2 hectares, 10 times smaller than the minimum lot size of 2 hectares.
- 4.9 Kā Rūnaka note that the nature and form of the overall development, such as the clustering of small allotments is inappropriate for the rural resource area. Kā Rūnaka are concerned about the capacity of the area to absorb the visual and amenity impacts, and the actual and potential adverse effects including the cumulative effects of the subdivision and future built form on wāhi tūpuna values, and the open character and natural elements of the wider landscape of the area.
- 4.10 The proposed subdivision will result in 16 new dwellings to be built within the allotments 1 - 16. Rūnaka are concerned that proposed dwelling's rooftops will likely encroach the skyline when viewed from the margins along the Clutha River/ Mata Au. As views from the river itself have not been tested, there are concerns that visual effects will be more than minor. While the applicant argues that the margins along the Mata-au are isolated in this area, which will minimise the frequency of the skyline breach, it is important to emphasise that the isolated nature of the Mata-au is an integral part of its mauri. The Mata-au provides all Kāi Tahu with an opportunity to experience the landscape as their tipuna did. The breach of the skyline by intensive residential development will further diminish this experience and the mauri of the Mata-au.
- 4.11 Another concern noted is the lack of reticulation for wastewater and stormwater, noting the proximity to the Mata-au and Omakau, which are both less than 1km away from the site. Although the site is situated on a terrace, there are concerns regarding the cumulative impacts of individual wastewater systems on this location. The upper terrace of the site slopes south towards the Omakau/Lindis River, which feeds into the Mata-au. Reticulated systems are preferred by Kāi Tahu.
- 4.12 Kā rūnaka further submits that should Council be of the mind to grant consent; the following conditions should be secured by way of consent notice:
- a. A design for a communal wastewater system should be submitted to Council for certification. The use of individual wastewater systems is inappropriate in this location; and

- b. The use of locally sourced indigenous plant species should be required for all landscape planting.
- 4.13 Kā Rūnaka also note that although there are no recorded Māori archaeological sites within the boundary of the subject site, there is the potential to disturb unrecorded sites. Should consent be granted, an accidental discovery protocol must be adhered to for all earthworks, **as per Appendix 4.**
- 4.14 Kā Rūnaka wish to restate mana whenua interests in this wāhi tūpuna landscape and record concerns about the actual and potential adverse effects and cumulative effects of the proposed development upon the cultural landscape in which the Applicant's proposal is situated.

E noho ora mai

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Appendix 1: Glossary of te reo Māori terms

Ara tawhito	Ancient trails
Hapū	Sub-tribe
Iwi	Tribe
Kaitiaki/Kaitiakitaka	Guardian / to exercise guardianship
Kāi Tahu	Descendants of Tahu, the tribe
Kaupapa	Topic, plan
Ki uta ki tai	Mountains to the Sea
Mahika kai	Places where food is produced or procured.
Mana Whenua	Customary authority or rakātirataka exercised by an iwi or hapū in an identified area
Manawhenua	Those who exercise customary authority or rakātirataka
Mātauraka	Knowledge, wisdom, understanding, skill
Mauka	Mountain
Mauri	Essential life force or principle, a metaphysical quality inherent in all things both animate and inanimate
Ngā Rūnanga/Kā Rūnaka	Local representative group of Otago
Papatipu Rūnaka/Rūnanga	Traditional Kāi Tahu Rūnaka
Papatūānuku	Earth Mother
Rakātirataka	Chieftainship, decision-making rights
Rakinui	Sky Father
Rohe	Boundary
Roto	Lake
Takiwā	Area, region, district
Tākata whenua	Iwi or hapu that holds mana whenua (customary authority) in a particular area
Taoka	Treasure
Tikaka	The customary system of values and practices that have developed over time and are deeply embedded in the Māori social context.
Tino rakātirataka	Self-determination, autonomy, self-government
Urupā	Burial place
Wai māori	Fresh water
Whakapapa	Genealogy
Whānau	Family

Appendix 2: Statutory Acknowledgement for the Mata-au (Clutha River)

Ngāi Tahu Claims Settlement Act 1998, sch 40

Statutory area

The statutory area to which this statutory acknowledgement applies is the river known as Mata-au (Clutha River), the location of which is shown on Allocation Plan MD 122 (SO 24727).

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 Mata-au, as set out below.

Ngāi Tahu association with the Mata-au

The Mata-au river takes its name from a Ngāi Tahu whakapapa that traces the genealogy of water. On that basis, the Mata-au is seen as a descendant of the creation traditions. For Ngāi Tahu, traditions such as this represent the links between the cosmological world of the gods and present generations, these histories 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.

On another level, the Mata-au was part of a mahinga kai trail that led inland and was used by Ōtākou hapū including Ngāti Kuri, Ngāti Ruahikihiki, Ngāti Huirapa and Ngāti Tuahuriri. 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 the river, 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 river was also very important in the transportation of pounamu from inland areas down to settlements on the coast, from where it was traded north and south. Thus there were numerous tauranga waka (landing places) along it. 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 river. The river was an integral part of a network of trails which were used in order to ensure the safest journey and incorporated locations along the way that were identified for activities including camping overnight and gathering kai. 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 river.

The Mata-au is where Ngāi Tahu's leader, Te Hautapunui o Tū, established the boundary line between Ngāi Tahu and Ngāti Mamoe. Ngāti Mamoe were to hold mana (authority) over the lands south of the river and Ngāi Tahu were to hold mana northwards. Eventually, the unions between the families of Te Hautapunui o Tū and Ngāti Mamoe were to overcome these boundaries. For Ngāi Tahu, histories such as this represent the links and continuity between past and present generations, reinforce tribal identity, and document the events which shaped Ngāi Tahu as an iwi.

Strategic marriages between hapū further strengthened the kupenga (net) of whakapapa, and thus rights to travel on and use the resources of the river. It is because of these patterns of activity that the river continues to be important to rūnanga located in Otago and beyond. These rūnanga carry the responsibilities of kaitiaki in relation to the area, and are represented by the tribal structure, Te Rūnanga o Ngāi Tahu.

Urupā and battlegrounds are located all along this river. One battleground, known as Te Kauae Whakatoro (downstream of Tuapeka), recalls a confrontation between Ngāi Tahu and Ngāti Mamoe that led to the armistice established by Te Hautapunui o Tū. Urupā are the resting places of Ngāi Tahu tūpuna and, as such, are the focus for whānau traditions. These are places holding the memories, traditions, victories and defeats of Ngāi Tahu tūpuna, and are frequently protected by secret locations.

The mauri of Mata-au 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 Mata-au, 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 Mata-au 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 Mata-au 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 Mata-au (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 Mata-au.

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 Mata-au.

Appendix 3: Provisions of the *Kāi Tahu ki Otago Natural Resources Management Plan 2005* relevant to the present submission

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

Chp. 5: Otago Region | Te Rohe o Otago

[5.2] – Overall Objectives include:

- i. The rakātirataka and kaitiakitaka of Kāi Tahu ki Otago is recognised and supported.
- ii. Ki Uta Ki Tai management of natural resources is adopted within the Otago region.
- iii. The mana of Kāi Tahu ki Otago is upheld through the management of natural, physical, and historic resources in the Otago Region.
- iv. Kāi Tahu ki Otago have effective participation in all resource management activities within the Otago Region.

[5.3.2] Wai Māori General Issues include:

Land Management and Use including:

- Vegetation clearance and afforestation that affects the water retention capacity of land.
- Draining of wetlands.
- Lack of proper riparian management throughout an entire catchment.
- Sedimentation from land use and development.
- Accidental discovery of cultural materials or sites from changed land use

[5.3.3] Wai Māori General Objectives include:

- i. The spiritual and cultural significance of water to Kāi Tahu ki Otago is recognised in all water management.
- ii. The waters of the Otago Catchment are healthy and support Kāi Tahu ki Otago customs.

[5.3.4] Wai Māori General Policies include:

Land Use and Management:

54. To promote land use that suits the type of land and climatic conditions.
56. To oppose the draining of wetlands. All wetlands are to be protected.
58. To promote integrated riparian management throughout entire catchments.

[5.4.3] Wāhi Tapu Objectives:

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

[5.4.4] Wāhi Tapu General Policies include:

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

Earth Disturbance

4. To require that a Kāi Tahu ki Otago mandated archaeologist survey an area before any earth disturbance work commences.

5. To promote the use of Accidental Discovery Protocols for any earth disturbance work.
6. To require all Māori archaeological finds to remain the cultural property of Kāi Tahu ki Otago.

[5.5.3] Mahika Kai and Biodiversity Objectives include:

- i. Habitats and the wider needs of mahika kai, taoka species and other species of importance to Kāi Tahu ki Otago are protected.
- ii. Mahika kai resources are healthy and abundant within the Otago Region.
- v. Indigenous plant and animal communities and the ecological processes that ensure their survival are recognised and protected to restore and improve indigenous biodiversity within the Otago Region.
- vi. To restore and enhance biodiversity with particular attention to fruiting trees so as to facilitate and encourage sustainable native bird populations.
- ix. To create a network of linked ecosystems for the retention of and sustainable utilisation by native flora and fauna.

[5.5.4] Mahika Kai and Biodiversity General Policies include:

1. To promote catchment-based management programmes and models, such as Ki Uta Ki Tai.
7. To require that all assessments of effects on the environment include an assessment of the impacts of the proposed activity on mahika kai.
12. To protect and enhance existing wetlands, support the reinstatement of wetlands and promote assistance for landowners for fencing-off wetlands.

[5.6.3] Cultural Landscapes Objectives

- i. The relationship that Kāi Tahu ki Otago have with land is recognised in all resource management activities and decisions.
- ii. The protection of significant cultural landscapes from inappropriate use and development.
- iii. The cultural landscape that reflects the long association of Kāi Tahu ki Otago resource use within the Otago region is maintained and enhanced.

[5.6.4] Cultural Landscapes General Policies

1. To identify and protect the full range of landscape features of significance to Kāi Tahu ki Otago.

Earth Disturbance

19. To require all earthworks, excavation, filling or the disposal of excavated material to:
 - i. Avoid adverse impacts on significant natural landforms and areas of indigenous vegetation;
 - ii. Avoid, remedy, or mitigate soil instability; and accelerated erosion;
 - iii. Mitigate all adverse effects.

Appendix 4: Accidental Discovery Protocol

If an unidentified archaeological site is located during works, the following applies:

1. Work must cease immediately at that place and within 20m around the site.
2. The contractor must shut down all machinery, secure the area, and advise the Site Manager.
3. The Site Manager must secure the site and notify the Heritage New Zealand Regional Archaeologist. Further assessment by an archaeologist may be required.
4. If the site is of Māori origin, the Site Manager must notify the Heritage New Zealand Regional Archaeologist and the appropriate papatipu rūnaka of the discovery and ensure site access to enable appropriate cultural procedures and tikaka to be undertaken, as long as all statutory requirements under legislation are met (Heritage New Zealand Pouhere Taonga Act, Protected Objects Act).
5. If human remains (kōiwi) are uncovered the Site Manager must advise the Heritage New Zealand Regional Archaeologist, NZ Police and the appropriate papatipu rūnaka and the above process under 4 must apply. Papatipu rūnaka will lead the management of any kōiwi tangata (human remains of a Māori person) that have been uncovered, in line with the Te Rūnanga o Ngāi Tahu Kōiwi Tangata policy 2019. Remains are not to be moved until such time as papatipu rūnaka and Heritage New Zealand have responded.
6. Works affecting the archaeological site and any human remains (kōiwi) must not resume until Heritage New Zealand Pouhere Taonga gives written approval for work to continue. Works affecting a site of Māori origin or containing kōiwi tangata must not resume until papatipu rūnaka give written approval for work to continue. Further assessment by an archaeologist may be required.
7. Where iwi so request, any information recorded as the result of the find such as a description of location and content, is to be provided for their records.
8. Heritage New Zealand Pouhere Taonga will advise if an archaeological authority under the Heritage New Zealand Pouhere Taonga Act 2014 is required for works to continue.

It is an offence under Section 87 of the Heritage New Zealand Pouhere Taonga Act 2014 to modify or destroy an archaeological site without an authority from Heritage New Zealand irrespective of whether the works are permitted, or consent has been issued under the Resource Management Act.