



8 AUGUST 2024

Central Otago District Council

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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 whenua, 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 a Publicly Notified Resource Consent Application– RC230398 D J Jones & N R Searell Family Trusts.**

RC230398 Application

Application to undertake a 24-lot subdivision in the Residential Resource Area at 88 Terrace Street, Bannockburn, on the land legally described as Lot 4 DP 339137 (held in Record of Title 474127).

Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou, and Hokonui Rūnanga ('Kā Rūnaka') **neither support nor oppose** this application.

Kā Rūnaka are not a trade competitor for the purposes of section 308B of the Resource Management Act 1991.

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 D J Jones and N R Searell Family Trusts ('**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 three papatipu rūnaka with shared authority in the Bannockburn area. Kā Rūnaka represent hapū who uphold the mana of the whenua in this district.
- 2.2 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, and inland to the Main Divide, sharing interests in the lakes and mountains to Whakatipu-wai-māori.
- 2.3 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.
- 2.4 The takiwa of Hokonui Rūnanga centres on the Hokonui region and includes a shared interest in the lakes and mountains between Whakatipu-Waitai and Tawhitarere with other Murihiku Rūnanga and those located from Waihemo southwards.
- 2.5 Kā Rūnaka share an area of interest in the inland roto and mauka and along the Mata-au with Ngāi Tahu ki Murihiku.

## **3. SUBDIVISION APPLICATION**

- 3.1 This application concerns a site comprising 17.6140 hectares at 88 Terrace Street, Bannockburn. The site was the subject of a previous resource consent application to undertake a 35-lot subdivision (RC190154). That application has been withdrawn upon lodgement of the present application (RC230398).
- 3.2 Under the present application, the proposed subdivision is configured as follows:
  - Lots 1 through 20: freehold lots for residential activity.
  - Lot 30: 4100m<sup>2</sup> recreation/local purpose reserve.
  - Lot 40: balance freehold lot of 4.44ha
  - Lot 50: 7.82ha balance lot intended for future development.
  - Lot 51: 5300m<sup>2</sup> (0.53ha) balance lot.
  - Lot 100: a short loop road to provide access to Lots 2, 6, and 15 through 20.
  - Lot 101: main access road which shall extend Terrace Street from its current terminus.

## **4. DECISION SOUGHT**

- 4.1 If the Council is of a mind to grant this application, Kā Rūnaka seek that their concerns regarding the management of earthworks, stormwater and wastewater are addressed and secured by way of robust conditions.

## **5. REASON FOR DECISION SOUGHT**

- 5.1 Kāi Tahu tribal whakapapa links the cosmological world of the atua to present and future generations, giving rise to a spiritual relationship with te taiao and a respect for the mauri of that environment; and to the rights inherent in rakatirataka and the associated and fundamental duties of kaitiakitaka.

- 5.2 The subject site is located above the Bannockburn Inlet and the Kawarau Arm of Te Wairere (Lake Dunstan).
- 5.3 Te Wairere (Lake Dunstan) is a Statutory Acknowledgement Area, as set out at **Appendix 2**.<sup>1</sup> Statutory Acknowledgements are instruments introduced by the Ngāi Tahu Claims Settlement Act 1998, in recognition by the Crown of Kāi Tahu's cultural, spiritual, historical and traditional association with cultural landscapes including Te Wairere, of which the Bannockburn inlet forms a part.
- 5.4 While Kāi Tahu regard the whole of Central Otago as ancestral land, cultural mapping has been undertaken to identify particularly significant wāhi tūpuna areas for inclusion in the Central Otago District Plan. Kā Rūnaka note that the application falls in the wider cultural landscape of a draft wāhi tūpuna area known as **Kawarau Trail and Roaring Meg**, with values that include but are not limited to: mahika kai, ara tāwhito, and access routes.<sup>2</sup>
- 5.5 The Kawarau River is a wāhi tūpuna and Te Wairere is known as an important staging post on journeys inland and down-river. The whole of the river on which Te Wairere lies was part of a mahika kai trail that led inland and was used by Otago hapū including Kāti Kurī, Kāi Te Ruahikihiki, Kāti Huirapa and Kāi Tūāhuriri. 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.
- 5.6 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. Kā Rūnaka believe that Bannockburn was a stopover for whānau travelling from the central lakes back to the coast after the mahika kai season.
- 5.7 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**.
- 5.8 Kā Rūnaka are concerned about the risk posed by inappropriate land use and development to the values of this cultural landscapes and to wai māori. The protection of significant cultural landscapes is a priority for Kāi Tahu.
- 5.9 Appropriate consent conditions are sought to manage the effects of the proposed subdivision and subsequent residential development. The potential adverse impacts of subdivision earthworks and stormwater generated by residential development are of concern to Kā Rūnaka, given the potential for sediment-laden waters to enter the Bannockburn Inlet. Furthermore, it is the preference of Kā Rūnaka that all wastewater infrastructure be fully reticulated.
- 5.10 A preliminary earthworks plan and an erosion and sediment control plan has been provided with the application (Attachment F). The applicant anticipates that the Otago Regional Council will be the primary consent authority to report to in terms of the management of adverse effects of stormwater associated with earthworks activities. Kā Rūnaka submit that the requirement to develop an earthworks plan and an erosion and sediment control plan should be secured by

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<sup>1</sup> Ngāi Tahu Claims Settlement Act 1998, sch 61.

<sup>2</sup> Proposed Central Otago District Plan Wāhi Tūpuna Mapping, Area 1: Kawarau Trail and Roaring Meg.

conditions of this consent to manage the effects of the development on the Bannockburn Inlet, Kawarau Arm and Te Wairere (Lake Dunstan).

- 5.11 Kā Rūnaka submit that best practice environmental design solutions should be required to attenuate, treat, and soak stormwater runoff from the development and residential lots. The implementation of soft engineering solutions to manage stormwater throughout the design of the development including additional planting, soakage pits, and rain gardens is supported by Kā Rūnaka, to prevent the runoff of sediment into the Bannockburn Inlet and its tributaries, Kawarau Arm and Te Wairere (Lake Dunstan).
- 5.12 Should the Council decide to grant consent, Kā Rūnaka submit that mitigation plantings and landscaping should comprise locally relevant indigenous species.
- 5.13 Kā Rūnaka wish to **restate** mana whenua interests in this wāhi tūpuna landscape and **record** concerns about the potential adverse effects and cumulative effects of subdivision earthworks and residential 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 Te Wairere (Lake Dunstan)

### Ngāi Tahu Claims Settlement Act 1998, schedule 61.

#### Statutory area

The statutory area to which this statutory acknowledgement applies is the lake known as Te Wairere (Lake Dunstan), the location of which is shown on Allocation Plan MD 490 (SO 24729).

#### 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 Te Wairere, as set out below.

#### Ngāi Tahu association with Te Wairere

The name "Te Wairere" refers to the speed with which the river once ran at this point.

The whole of the Mata-au (Clutha River), on which Te Wairere lies, was part of a mahinga kai trail that led inland and was used by Otago hapū including Kāti Kurī, Ngāti Ruahikihiki, Ngāti Huirapa and Ngāi Tuahuriri. The river was used as a highway into the interior, and provided many resources to sustain travellers on that journey. The river was a significant indigenous fishery, providing tuna (eels), kanakana (lamprey) and kōkopu in the area over which Te Wairere now lies. Manu (birds), including moa, were taken from areas adjoining the river, over which the lake now lies.

The tūpuna had considerable knowledge of whakapapa, traditional trails and tauranga waka (landing places), 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 waterway 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. Because of its location at the confluence of Mata-au and Kawarau Rivers, Te Wairere was an important staging post on journeys inland and down-river. A tauranga waka and nohoanga sited at the junction of the two rivers acted as such a staging post. As a result of this history of use and occupation there are a number of wāhi taonga (including rock shelters and archaeological sites) in the area, some of which are now under the waters of the lake. Wāhi tapu are important as places holding the memories and traditions of Ngāi Tahu tūpuna.

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 waterway 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 waterway.

The mauri of Te Wairere 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 lake.

#### 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 Te Wairere, 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 Te Wairere 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 Te Wairere 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 Te Wairere (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 Te Wairere.

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, Te Wairere.

### 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 above proposal. This relates to the holistic management of natural resources from the perspective of local iwi.

#### **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.

##### **[5.3.3] 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.

##### **[5.4.3] 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.

**[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.