

**BEFORE THE COMMISSIONER ON BEHALF OF  
THE OTAGO REGIONAL COUNCIL**

**IN THE MATTER** of the Resource  
Management Act 1991

**AND**

**IN THE MATTER** of discharge permit  
application RM15.364 under the  
Regional Plan: Water for Otago

**CLUTHA DISTRICT COUNCIL**

**Applicant**

**AND**

**OTAGO REGIONAL COUNCIL**

**Consent Authority**

**AND**

**TE RŪNANGA O NGĀI TAHU,  
TE RŪNANGA O ŌTĀKOU  
AND TE NOHOAKA O  
TUKIAUAU / SINCLAIR  
WETLANDS TRUST**

**Submitters**

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**STATEMENT OF EVIDENCE OF STEPHEN (STEVE) ERNEST BRYANT  
ON BEHALF OF TE RŪNANGA O NGĀI TAHU, TE RŪNANGA O ŌTĀKOU AND TE  
NOHOAKA O TUKIAUAU / SINCLAIR WETLANDS TRUST  
(COLLECTIVELY THE SUBMITTERS)**

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## QUALIFICATIONS AND EXPERIENCE

1. My name is Steve Bryant. I give my evidence today on behalf of Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ōtākou and Te Nohoaka o Tukiauau / Sinclair Wetlands Trust (collectively the submitters). I have fished and birded<sup>1</sup> in the Waihora and Waipōuri<sup>2</sup> wetland complex for decades.
2. I am a beneficial owner in the Tatawai Whenua Tōpū Trust (Tatawai), trustee of the Henley Māori Cemetery,<sup>3</sup> a beneficial owner in the Taieri Block A (Subdivision 5) Ahu Whenua Trust,<sup>4</sup> and a former trustee of Te Nohoaka o Tukiauau / Sinclair Wetlands Trust (the Trust).
3. I am a member of the local hapū of Te Rūnanga o Ōtākou.

## SCOPE OF EVIDENCE

4. This evidence describes my experience in the Lake Waihora and Waipōuri wetland complex, including birding and fishing, observations of the discharge, and my aspirations for the restoration of the wetland complex as a mahika kai resource for Kāi Tahu whānau.
5. I will address the following matters:
  - (a) Te Nohoaka o Tukiauau / Sinclair Wetlands and Tatawai
  - (b) Access to Te Nohoaka o Tukiauau / Sinclair Wetlands and Tatawai
  - (c) The gathering of mahika kai within Te Nohoaka o Tukiauau and Tatawai
  - (d) Recreational use of the Waihora and Waipōuri channels, Waipōuri River, and the Taieri River.
  - (e) The cultural effects of the discharge into the Lake Waihora outflow channel.

## TE NOHOAKA O TUKIAUAU / THE SINCLAIR WETLANDS

6. Te Nohoaka o Tukiauau was vested in Te Rūnanga o Ngāi Tahu as part of the settlement of the Ngāi Tahu Claim. The Te Nohoaka o Tukiauau / Sinclair Wetlands Charitable Trust (the Trust) was subsequently set up to manage the wetlands. The Trust includes representatives from Te Rūnanga o Ōtākou, Tatawai and up to eight volunteer trustees.
7. The objectives of the Trust are:

**Habitat:** Restore and enhance the natural habitat and indigenous character.

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<sup>1</sup> Duck shooting.

<sup>2</sup> Kāi Tahu placenames are used in this evidence, respectively Waihora (Waihola) and Waipōuri (Waipori)

<sup>3</sup> Taieri Block A Subdivision 10 (Cemetery Reserve), refer to Appendix 1.

<sup>4</sup> Taieri Block A Subdivision 5, refer to Appendix 1.

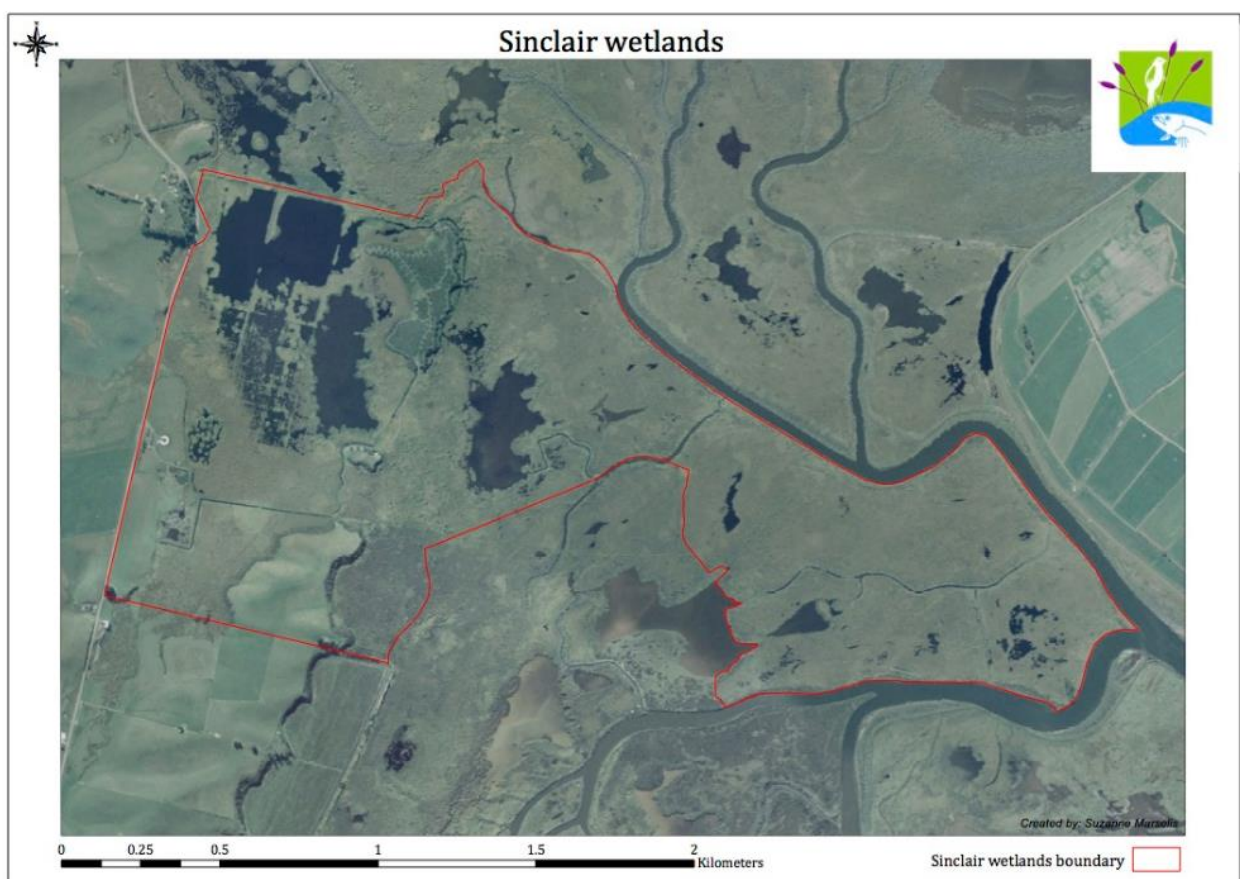
**Mahika kai:** Restore and enhance the mahika kai values of the wetlands.

**Community:** Enrich cultural awareness and values, and connection with the community.

**Collaboration:** Initiate collaborative partnerships / sponsorships and seek external funding.

**Sustainability:** Manage the wetlands as responsible kaitiaki putting the environment first in a sustainable manner for future generations.

8. Te Nohoaka o Tukiauau is a 258-hectare part of the wider Lakes Waihora-Waipōuri wetland complex, and extends from Berwick Road to the western bank of the Lake Waihora outflow channel, as shown by **Figure 1**:



**Figure 1:** Te Nohoaka o Tukiauau / Sinclair Wetlands (Source: <https://www.tenohoaka.org.nz/>)

9. Both the Sinclair Wetlands and Tatawai are subject to an QEII National Trust open space covenant. Under the covenant we can do birding within the wetlands and fish the channels. We are currently negotiating an expansion of the covenant to allow mahika kai take.

## TATAWAI

10. Tatawai is a 57ha site that is located between Te Nohoaka o Tukiauau and Lake Waipōuri. The site is deemed to be Māori land.<sup>5</sup>
11. Tatawai was vested in the beneficial owners through the ancillary claims process. These were private claims of individual Ngāi Tahu beneficial owners or groups of beneficial owners which were taken to the Waitangi Tribunal at the same time as the Wai 27 hearings were held on the Ngāi Tahu Claim. The Waitangi Tribunal published a separate report on these claims (The Ngāi Tahu Ancillary Claims Report 1995).<sup>6</sup>
12. These claims arose out of Crown actions when dealing with the individual property rights of members of Ngāi Tahu Whānui in the years following the execution of the original purchase agreements between Ngāi Tahu and the Crown. For this reason, the redress package offered in respect of these claims went to the descendants of the original claimants and was not vested in Te Rūnanga o Ngāi Tahu.<sup>7</sup>
13. The vesting of Tatawai was recompense for the loss of Lake Tatawai and the associated loss of traditional mahika kai.<sup>8</sup>

## ACCESS TO TE NOHOAKA O TUKIAUAU AND TATAWAI

14. Access to the wetlands and the walking tracks to Lonely Island and Whakaraupuka (Ram Island)<sup>9</sup> is off Berwick Road on the western side of the Taiari Plain.<sup>10</sup>
15. However, when I go into the wetlands, I launch from Henley and go up the Taiari River and the Waipōuri River to Tatawai. That is the only way to get to Tatawai, because it is surrounded by two main branches of the Waipōuri River and the only access is by water. The eastern side of Te Nohoaka o Tukiauau is also more accessible by water than by land.
16. The Trust often asks me to take people in by boat to show them the centre of the wetland complex. I normally take people into Lake Waihora through the outflow channel, past the discharge point, and then back through the wetland channels to Lake Waipōuri.

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<sup>5</sup> Ngāi Tahu Claims Settlement Act 1998, Section 393 - Vesting of Tatawai replacement site

<sup>6</sup> Te Rūnanga o Ngāi Tahu, non-tribal redress: <https://ngaitahu.iwi.nz/ngai-tahu/the-settlement/settlement-offer/non-tribal-redress/>

<sup>7</sup> Ibid

<sup>8</sup> Ngai Tahu Ancillary Claims Report 1995 & WTR, Brooker's, Wellington 1995, p.213

<sup>9</sup> On topographic maps Ram Island is incorrectly shown adjacent to Titri Road. Ram Island is located within Te Nohoaka o Tukiauau on the western side of the Taiari Plain.

<sup>10</sup> Te Nohoaka o Tukiauau / Sinclair Wetlands, 854 Clarendon-Berwick Road.

17. I am in the wetlands by boat more than most to show people the wetland complex, and for birding and fishing.

## **MAHIKA KAI**

18. Within the wetlands complex you have both fishing and birding (duck shooting). The duck shooting has gone on within the wetlands for decades. You have intergenerational families who have birded within the wetlands. That is predominately what I have done, birded, and fished within the wetlands.

19. In addition to accessing and using the wetlands, people fish the Waipōuri and Taiari Rivers. There are trout and perch from the wetlands down to the State Highway Bridge, and sea run trout from the bridge to Taiari Mouth. All the whitebaiters normally concentrate on the west bank of the Taiari River from the Henley Bridge down to Taiari Mouth.

20. Many people looking from the roadside do not understand the scale of the wetland complex. It is quite an active environment, there are people in there fishing and gathering food all the time, particularly when there are white bait and sea-run trout.

21. My rule of thumb for my crew is that we do not fish or bird any further downstream than the boundary of Tatawai because of the sewage discharge. I am concerned for all the others who are birding in other parts of the wetland complex and fishing in the rivers who may not be aware of the sewage discharge. There are a lot of people in the wetlands during the duck hunting season and some have permanent huts.

## **RECREATIONAL USE OF THE WETLANDS AND AWA (RIVERS)**

22. The Taiari River from the Henley Bridge to Taiari Mouth is used extensively by water skiers, boaters, and swimmers, and I have seen the rowing club rowing their skiffs up and down the river. Within the wetland complex, canoeists and jet skiers use the channels.

23. I am significantly concerned that people are unaware that sewage is being pumped into the river within the wetland complex and upstream of a reach of the Taiari River that is extensively used for recreation. I do not enter the water anywhere below Tatawai.

## **DISCHARGE TO THE WAIHORA OUTFLOW CHANNEL**

24. The wetlands and lakes are influenced by the tides. Anything discharged to the outflow channel on an incoming tide will get pushed up through the wetland channels into Te Nohoaka o Tukiauau and Tatawai. The outflow channel flows into the Waipōuri River and there is potential, depending on the tide, for the discharge to also have effects on the Taiari River.

25. I can tell when the plant is discharging into the outflow channel. The plant normally pumps on an outgoing tide, and I know when it is flowing because there is a brownish stain on the river. The discharge is concentrated and quite noticeable within the outlet channel. The discharge fans out as it enters the Waipōuri River, and it is dispersed by the time it reaches the State Highway bridge.

## **CULTURAL EFFECTS OF THE DISCHARGE**

26. A big focus of Te Nohoaka o Tukiauau is to re-engage our whānau and tamariki in mahika kai and cultural practices. That is why we exist. It goes totally against our culture to gather food within a sewage disposal field.

27. Te Nohoaka o Tukiauau and Tatawai were returned to us as redress for breaches of Te Tiriti o Waitangi by the Crown. The settlement of the Ngāi Tahu Claim and the ancillary claim for the loss of Lake Tatawai allowed us to draw a line under past grievances and to start building a more sustainable future for our whānau. The continued discharge of treated human sewage into the Waihora-Waipōuri wetland complex, of which Te Nohoaka o Tukiauau and Tatawai are part, is contrary to the intent of the settlement agreed with the Crown

## **CONCLUSION**

28. I understand that Clutha District Council (Council) prefers discharging treated sewage into the outflow channel as this is a cheaper alternative than land-based disposal.<sup>11</sup> I do not accept that it is too costly to shift the outflow.

29. Council by discharging treated human sewage into the outflow is shifting the cost of the discharge to mana whenua who want to gather mahika kai from the wetland complex and surrounding awa. We should not be expected to bear that cost.

30. There has been a raft of new residential builds within the Waihola township recently that are reliant on a sewage treatment plant that is not fit for purpose. I expect the township will continue to grow.

31. Council must stop discharging treated sewage into the outflow channel and come up with an alternative solution.

**Steve Bryant**

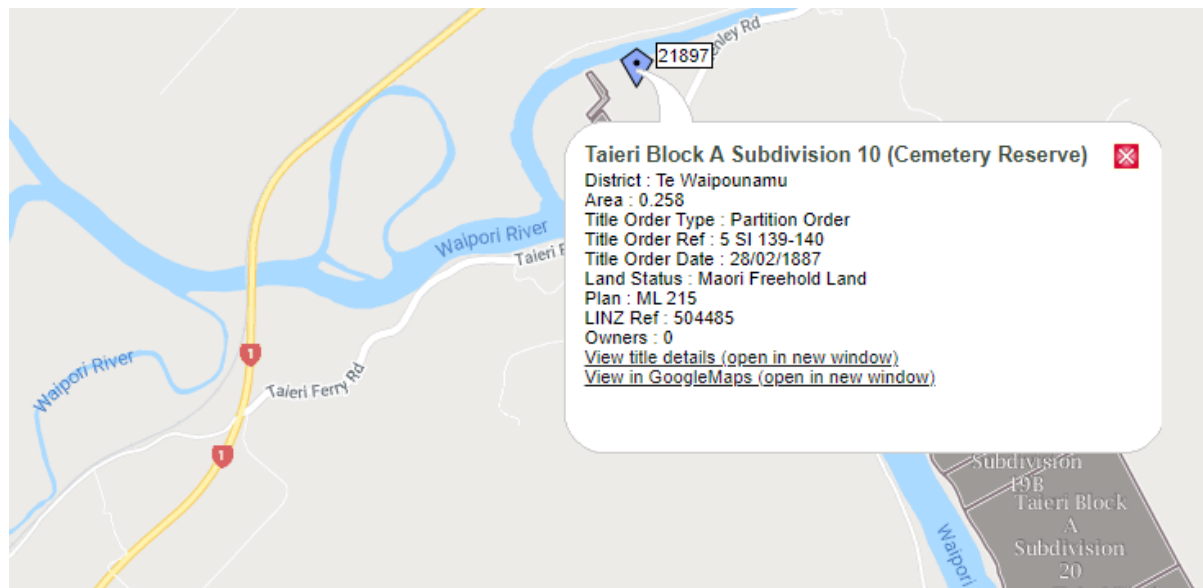
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<sup>11</sup> Clutha District Council (2015), *Waihola Sewage Treatment Plant, Application to Discharge Treated Sewage Effluent to the Lake Waihola Outlet Channel*, p.18

## Appendix 1: Henley Māori Cemetery and Taieri Block A (Subdivision 5)

### 1. Henley Māori Cemetery



Source: Māori Land Online: <https://www.maorilandonline.govt.nz/>

### 2. Taieri Block A (Subdivision 5)



Source: Māori Land Online: <https://www.maorilandonline.govt.nz/>