

**BEFORE THE COMMISSIONERS APPOINTED ON BEHALF OF THE OTAGO
REGIONAL COUNCIL, CENTRAL OTAGO DISTRICT COUNCIL, AND
QUEENSTOWN LAKES DISTRICT COUNCIL**

UNDER	The Resource Management Act 1991
IN THE MATTER	of an application for resource consents for Suction Dredge Gold Mining on the Clutha River / Mata Au
BETWEEN	COLD GOLD CLUTHA LIMITED Applicant
AND	OTAGO REGIONAL COUNCIL (RM22.434) QUEENSTOWN LAKES DISTRICT COUNCIL (RM220834) CENTRAL OTAGO DISTRICT COUNCIL (RC220255) Consent Authorities
AND	TE RŪNANGA O MOERAKI KĀTI HUIRAPA RŪNAKA KI PUKETERAKI TE RŪNANGA O ŌTĀKOU HOKONUI RŪNANGA Submitters (Collectively Kā Rūnaka)

**PLANNING EVIDENCE OF TIM VIAL
ON BEHALF OF KĀ RŪNAKA**

3 November 2023

ABBREVIATIONS

CIA	Cultural Impact Assessment
CODC	Central Otago District Council
LWRP	Otago Land and Water Regional Plan
NPSFM	National Policy Statement for Freshwater Management 2020 (updated 2023)
NRMP	Kai Tahu ki Otago Natural Resource Management Plan
NTFWP	Te Rūnanga o Ngāi Tahu Freshwater Policy Statement
ORC	Otago Regional Council
PORPS	Partially Operative Otago Regional Policy Statement 2021
PRPS	Proposed Otago Regional Policy Statement 2021
QLDC	Queenstown Lakes District Council
RMA	Resource Management Act 1991
RPW	Regional Plan Water: Otago

INTRODUCTION

1. My name is Tim Vial. I hold the qualifications of Bachelor of Arts, Bachelor of Laws and Master of Regional and Resource Planning from the University of Otago. I have 21 years' experience in resource management planning and policy development, including experience in developing freshwater management policy and in assessing the effects of resource use on wai māori.
2. I am a Full Member of the New Zealand Planning Institute and an accredited hearings commissioner under the Making Good Decisions programme.
3. I am employed as a Senior Planner at Aukaha, a consultancy based in Otago and owned by Te Rūnanga o Waihao, Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga. My role at Aukaha is focused on freshwater planning.
4. My evidence addresses the submissions of Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga (collectively **Kā Rūnaka**) on resource consent applications RM22.434 (ORC), RC220255 (CODC), and RM220834 (QLDC) by Cold Gold Clutha Limited (**the applicant**).
5. I co-authored the cultural impact assessment of the proposed suction dredge mining of the Clutha River / Mata-au that was prepared in response to a s92 request from the Otago Regional Council.
6. Although this is a Council hearing, I confirm that I have read and agree to comply with the Code of Conduct for Expert Witness contained in the Environment Court Consolidated Practice Note 2023. This evidence is within my area of expertise except where I state that I am relying on what I have been told by another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.
7. The key documents that I have referred to in preparing my evidence include:
 - (a) Application for land use consents, the take and use of water, and discharge permits for the purpose of extraction and operating the Clutha River Dredge in the Clutha River/ Mata-Au, dated 14 May 2021 (**the application**), including the associated technical reports and s92 responses.

- (b) The evidence filed on behalf of the applicant.
- (c) The ORC s42A staff recommending report written by Ms Burrows and the QLDC and CODC s42A staff recommending report written by Ms Royce.
- (d) The statement of evidence of Riki Parata and Korako Edwards filed on behalf of Kā Rūnaka.
- (e) The evidence filed on behalf of the Applicant.
- (f) The Partly Operative Otago Regional Policy Statement 2019 (**PORPS**) and the Proposed Otago Regional Policy Statement 2021 (**PRPS**).
- (g) The National Policy Statement for Freshwater Management 2020, updated 2023 (**NPSFM**).
- (h) The following iwi planning documents lodged with ORC, QLDC and CODC:
 - i. Te Rūnanga o Ngāi Tahu Freshwater Policy 1999 (**NTFP**);
 - ii. The Kāi Tahu Ki Otago Natural Resource Management Plan 2005 (**NRMP**).

SCOPE OF EVIDENCE

8. My evidence will address the following matters:
 - (a) The submission of Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga (referred to collectively as 'Kā Rūnaka').
 - (b) The relationship of mana whenua with wai māori.
 - (c) The mana whenua relationship with the Clutha River / Mata Au, as discussed in the evidence of Mr Parata and Mr Edwards.
 - (d) The statutory direction in the RMA and higher order planning documents that is relevant to the current application, including the expression of Te Mana o Te Wai in the NPSFM 2020 and the implications of this for assessment of the effects of the application; and
9. The section 42A reports discuss the statutory framework that is relevant to the proposed suction dredging activity. I do not consider it is necessary to repeat this discussion, but instead will highlight matters that are of

relevance to the submissions of Kā Rūnaka.

EXECUTIVE SUMMARY

10. The mana whenua submission on this application arises from concerns that the application does not appropriately protect the mauri of the Clutha River / Mata Au and give effect to Te Mana o te Wai. Mauri is a critical element of the spiritual relationship of Kāi Tahu with wai māori, and an important component of an intact mauri is maintaining the integrity of habitat for taoka species.
11. The RMA, NPSFM 2020, PORPS, PRPS and Iwi Management Plans all direct that the values of Kāi Tahu for their wāhi tūpuna (ancestral landscapes) are provided for and that mana whenua are actively involved in resource management decision-making affecting these resources and values.
12. In my opinion, the effects of the proposed suction dredging activity on the mauri of the Clutha River / Mata-au are uncertain, and a precautionary approach should be taken to this application for resource consent in order to give effect to Te Mana o te Wai and to protect the mauri of the river.

THE APPLICATION

13. The suction dredging proposal is described in the application and the s42A Reports.
14. The Applicant engaged Aukaha to prepare a cultural impact assessment of the suction dredging application. The assessment concluded that there was insufficient evidence on the effects of dredging on instream benthic environments and therefore, on taoka species and their survival. Manawhenua were unable to assess whether the proposed dredging activity would provide for the mauri of the Mata-au and give effect to Te Mana o te Wai.

FURTHER CONSULTATION

15. A meeting was held with Mr Sycamore and Mr Hamer on 24 October. I attended that meeting with Mr Edwards and Dr Lynda Murchison on behalf of Hokonui Rūnanga. The focus of that meeting was on the effects of suction dredging on freshwater ecology, with a specific focus on turbidity, noise, entrainment of fish, and bird nesting.
16. Options were discussed to mitigate the risks of turbidity and impacts on nesting birds. The proposed approach to the management of noise was outlined by Mr Sycamore including the reduction in the operating hours of the dredge. Mr Hamer and Mr Sycamore were of the opinion that a condition requiring the recording of fish entrained by the dredge would be unworkable.
17. Mr Sycamore has asserted that mana whenua were comfortable with the outcome of the meeting and sought no additional conditions to mitigate the risk of fish being entrained by the dredge.¹ This assertion is unfounded.
18. Following the further consultation meeting, I received an email from Mr Sycamore requesting feedback on the meeting and the overall position of mana whenua on the proposal. I did not confirm that there were no other unresolved issues, nor did I advise Mr Sycamore that mana whenua had changed their position on the dredging proposal.
19. Mr Sycamore asserts that there were no issues raised relating to the effects of suction dredging on Te Mana o te Wai, ara tawhito, nōhoaka, wahi tūpuna, wai māori or wairua.²
20. The issues of concern for mana whenua in relation to the effects of suction dredging on Te Mana o te Wai, ara tawhito, nōhoaka, wahi tūpuna, wai māori and mauri are clearly expressed in the cultural impact assessment and the submissions of Kā Rūnaka. These matters were not raised by Mr Sycamore during the further consultation meeting, nor were they raised by Mr Sycamore in his email on the 25th of October 2023. The assertion that the proposal can be managed in a way that is unlikely to impinge on cultural values³ is unfounded.

¹ Evidence of Darryl Allan Sycamore, paragraph 16

² Evidence of Darryl Allan Sycamore, paragraph 16

³ Evidence of Darryl Allan Sycamore, paragraph 17

MANA WHENUA SUBMISSIONS

21. A submission was lodged on the ORC, QLDC, and CODC applications by Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga.
22. The submission discusses:
- (a) The Ngāi Tahu Claims Settlement Act 1998 and cultural redress mechanisms, including the statutory acknowledgement of the association of Ngāi Tahu with the Mata-Au.
 - (b) The relationship of mana whenua with wai māori (freshwater) and the Clutha/ Mata-au catchment.
 - (c) Mauri as a critical element of the spiritual relationship of mana whenua with wai māori, and the physical elements that enable mana whenua to assess the cultural health of the Mata-au.
 - (d) Kaitiakitaka as an expression of rakatirataka and the intergenerational right and responsibility to care and look after the environment.
 - (e) The unrelenting cultural imperative to keep mahika kai intact, to preserve its productivity and the diversity of species, and to restore habitat for mahika kai species where this is degraded.
23. The submission highlights the concern of mana whenua that the applicant has provided insufficient information to assess whether the proposed dredging activity provides for the mauri of the Mata-au and gives effect to Te Mana o te Wai. There is insufficient information on the effects of this activity on instream benthic environments and therefore, on taoka species and their survival.
24. Further, inadequate information has been provided to enable mana whenua to assess whether the effects of dredging on wāhi tūpuna, ara tawhito, and archaeology, will be addressed.

MANA WHENUA RELATIONSHIP WITH WAI MĀORI AND WITH THE CLUTHA/ MATA-AU⁴

25. The cultural impact assessment (CIA) describes the centrality of freshwater to mana whenua identity and wellbeing.

⁴ Cultural Impact Assessment: Cold Gold Clutha Suction Dredging on the Mata-au

26. The whakapapa of mana whenua, water and land are integrally connected, and this relationship is fundamental to the identity of mana whenua. This whakapapa connection carries rakatirataka rights and also imposes a kaitiakitaka obligation on mana whenua to protect wai and all the life it supports, in accordance with customs and knowledge developed over many generations.
27. Water is the lifeblood of te whenua and te taiao, and of the many life forms that depend on it. As a result, wai māori is very significant for mana whenua, both for its practical applications, and for the spiritual meaning it embodies. Rivers are a symbol of the permanence of wai māori, and a source of spiritual meaning and connection for kā rūnaka.
28. Connection to wai māori is supported and sustained through the availability and use of mahika kai, and the retention and transfer of associated knowledge (mātauraka) across the generations. This requires that whānau are able to continue to access mahika kai and carry out customary practices. For mahika kai use to be sustained, populations of species must be present across all life stages and must be plentiful enough for long term sustainable harvest.
29. Indigenous species are valued as taoka by Kāi Tahu, as are the habitats through which taoka species survive and thrive. When the health of a waterway is degraded, the impacts are far-reaching, for the waterway, for the ecosystems, habitats, and species it supports, and for mana whenua.
30. Mr Parata and Mr Edwards discuss the relationship of mana whenua with the Mata-au. The Mata-au, linking the pure waters of the Upper Lakes with the bountiful coastal environment, is an awa of status and significance for Kāi Tahu. The awa was an ara tawhito that provided access from the coast to the upper lakes of Wānaka, Hāwea, and Whakatipu-wai-māori.
31. The entire Mata-au system acted as a significant wāhi mahika kai. Weka, kōura, and tuna were key food sources collected along its length, and there were bountiful stands of tī kōuka from which to source kāuru. Mr Edwards highlights the continued importance of tuna to mana whenua, and the aspiration to restore the abundance of this resource.

STATUS OF THE APPLICATION

32. The status of the application is discussed in the s42A Reports. I concur with the report writers that a bundling approach is appropriate, and that the

overall status of the application is non-complying.⁵

RELEVANT STATUTORY DIRECTION

Recognition and provision for Kāi Tahu interests and values in Part 2 RMA

33. The concerns underlying the mana whenua submissions relate directly to Part 2 of the RMA, particularly to sections 6(e), 7(a) and 8, and to the implementation of these provisions through the NPSFM 2020 and the concept of Te Mana o te Wai.
34. The CIA and the evidence of Mr Parata and Mr Edwards describe the depth and breadth of the relationship of mana whenua with wāi māori, and the Mata-au. Council is required to recognise and provide for that relationship.
35. Section 7(a) requires Council to have particular regard to kaitiakitaka. Implicit in kaitiakitaka is maintaining a balance between the right to access and use natural resources, and the responsibility to care for te taiao, with a focus on providing a sustainable base for the generations of the future. This is the underpinning meaning of the whakataukī, *Mō tātou, ā, mō kā uri a muri ake nei* (for us and our children after us).
36. Section 8 of the RMA requires Council to take into account the principles of the Treaty of Waitangi when exercising its functions and powers under the RMA. It has been held that taking into account the principles of the Treaty of Waitangi requires the following:⁶
- (a) The active participation by tangata whenua in resource management decision-making;
 - (b) Engagement with tangata whenua in good faith;
 - (c) Seeking of reciprocity and mutual benefit;
 - (d) Protection of resources of importance to tangata whenua from adverse effects; and
 - (e) Positive action to protect tangata whenua interests.
37. In my view, it is evident that giving effect to sections 6(e), 7(a) and (8) of the RMA requires active protection of the relationship of Kāi Tahu with the Mata-au.

⁵ ORC s42A report, Section 5; QLDC and CODC s42A report, paragraphs 66 - 67

⁶ Aratiatia Livestock Limited and Ors v Southland Regional Council [2019] NZEnvC 191 at [6]

National Policy Statement for Freshwater Management 2020 (Updated 2023)
Te Mana o te Wai

38. Te Mana o te Wai is a fundamental concept in the NPSFM 2020 and refers to “...*the fundamental importance of water and recognises that protecting the health of freshwater protects the health and well-being of the wider environment. It protects the mauri of the wai. Te Mana o te Wai is about restoring and preserving the balance between the water, the wider environment, and the community.*”⁷
39. Policy 1 of the NPSFM requires that Te Mana o te Wai is given effect to in freshwater management. Policy 2 requires that tangata whenua are actively involved in freshwater management and Māori freshwater values are identified and provided for.
40. In *Aratiatia Livestock Limited and Ors v Southland Regional Council [2019]* the Environment Court emphasised that the concept of Te Mana o te Wai represents a significant paradigm shift in freshwater management. The Court notes: “*the usual RMA focus on the scale and significance of effects of resource use [is redirected] onto the mauri or life force of water and the enquiry becomes how do users of resources protect the water’s mauri and health?*”⁸
41. The Environment Court confirmed that interpretation of Te Mana o te Wai in the Interim Decision on Proposed Plan Change 7: Water for Otago:⁹
- “*The court’s observations in Aratiatia Livestock Ltd remain relevant and bear repeating here:*
- (a) *Te Mana o te Wai is not a Māori centric but a water centric approach.*¹⁰
 - (b) *While expressed in te reo Māori, Te Mana o te Wai benefits all New Zealanders.*
 - (c) *Te Mana o te Wai is a concept that requires natural and physical resources be managed in a way that recognises that by protecting the health of freshwater, the health and well-being of the wider environment is also protected. This concept entails a*

⁷ National Policy Statement for Freshwater Management 2020, s.1.3.

⁸ Ibid at [7]

⁹ [2021] NZEnvC 164, paragraph [31]

¹⁰ Waitangi Tribunal (2019) *The Stage 2 Report on the National Freshwater and Geothermal Resources Claims* (Report No. Wai 2358) at 355

fundamental shift in societal perspectives on sustainable management of fresh water.”

42. The focus of the current application is on the scale and significance of the effects of suction dredging on the Clutha River / Mata-au. In my opinion it does not meet the requirement of a Te Mana o Wai approach that the Applicant should protect the water's mauri and health as the first priority. The A
43. In my opinion, Mr Sycamore has interpreted Te Mana o Wai too narrowly as a Māori concept rather than a water centric concept and has not demonstrated that the current proposal protects the mauri and health of the Mata-Au.
44. Overall, I conclude that the application is inconsistent with the NPSFM.

Partially Operative Regional Policy Statement 2019 (RPS 2019)

45. The Partially Operative Regional Policy Statement for Otago (PORPS) was made partially operative on 14 January 2019 and fully operative on 15 March 2021.
46. The relevant provisions of the RPS 2019 that are relevant to the mana whenua submissions include:
- (a) **Objective 1.2 and Policy 1.2.1:** Recognise and provide for the integrated management of natural and physical resources to support the wellbeing of people and communities in Otago, including promoting healthy ecosystems and ecosystem services.
 - (b) **Objective 2.2 and Policy 2.2.1:** Manage the natural environment to support Kāi Tahu wellbeing by safeguarding the life-supporting capacity of natural resources.
 - (c) **Objective 3.1:** The values (including intrinsic values) of ecosystems and natural resources are recognised and maintained or enhanced where degraded.
 - (d) **Policy 5.4.3:** Apply a precautionary approach to activities where adverse effects may be uncertain, not able to be determined, or poorly understood but are potentially significant or irreversible.
47. In my opinion, there is insufficient information to conclude that the application is consistent with the provisions of the RPS 2019. As discussed by Mr Edwards, the effect of suction dredging on taoka species is uncertain

and potentially significant, and a precautionary approach should be taken to this application.

Proposed Otago Regional Policy Statement 2021

Mana Whenua

- 48.** MW-P3 requires the management of the natural environment to support Kāi Tahu well-being by:
- (a) Protecting customary uses, Kāi Tahu values and relationships of Kāi Tahu to resources and areas of significance, and restoring these uses and values where they have been degraded by human activities, and
 - (b) Safeguarding the mauri and life-supporting capacity of natural resources.
 - (c) Working with Kāi Tahu to incorporate mātauraka in resource management.
- 49.** In my opinion, based on the evidence of Mr Edwards and Mr Parata, the proposed suction dredging does not safeguard the mauri and life-supporting capacity of the Clutha River / Mata-Au, nor does it provide for Kāi Tahu values and relationship with this awa.

Integrated Management

- 50.** The relevant integrated management objectives are:

IM-01-Long term vision

The management of natural and physical resources in Otago, by and for the people of Otago, including Kāi Tahu, and as expressed in all resource management plans and decision making, achieves healthy, resilient, and safeguarded natural systems, and the ecosystem services they offer, and supports the well-being of present and future generations, mō tātou, ā, mō kā uri ā muri ake nei.

IM-02-Ki uta ki tai

Natural and physical resource management and decision-making in Otago embraces ki uta ki tai, recognising that the environment is an interconnected system, which depends on its connections to flourish, and must be considered as an interdependent whole.

IM-03-Environmentally sustainable impact

Otago's communities carry out their activities in a way that preserves environmental integrity, form, function, and resilience, so that the life-supporting capacities of air, water, soil, ecosystems, and indigenous biodiversity endure for future generations.

51. In my opinion, based on the evidence of Mr Edwards and Mr Parata, the proposed suction dredging activity does not safeguard the health and resilience of the Clutha River / Mata-Au or the tuna and other species that depend on it, nor does it preserve the environmental integrity of habitats for taoka species.

52. The relevant integrated management policies include:

IM-P2 – Decision priorities

Unless expressly stated otherwise, all decision making under this RPS shall:

1. firstly, secure the long-term life-supporting capacity and mauri of the natural environment,
2. secondly, promote the health needs of people, and
3. thirdly, safeguard the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

IM-P3 – Providing for mana whenua cultural values in achieving integrated management

Recognise and provide for Kāi Tahu's relationship with natural resources by

1. enabling mana whenua to exercise rakatirataka and kaitiakitaka,
2. facilitating active participation of mana whenua in resource management decision making,
3. incorporating mātauraka Māori in decision making, and
4. ensuring resource management provides for the connections of Kāi Tahu to wāhi tūpuna, water and water bodies, the coastal environment, mahika kai and habitats of taoka species.

IM-P15 – Precautionary approach

Adopt a precautionary approach towards proposed activities whose effects are uncertain, unknown or little understood, but could be significantly adverse, particularly where the areas and values within Otago have not been identified in plans as required by this RPS.

53. I consider that suction dredging does not secure the long-term life-supporting capacity and mauri of the Clutha River / Mata-Au, nor does it provide for the relationship of Kāi Tahu to the awa. In my opinion, a precautionary approach to the proposed suction dredging activity is required as the effects on habitat for taoka species is uncertain but could be significantly adverse.

54. LF-WAI-01 sets out the Te Mana o te Wai objective of the PRPS:

LF-WAI-01 – Te Mana o te Wai

The mauri of Otago's water bodies and their health and well-being is protected, and restored where it is degraded, and the management of land and water recognises and reflects that:

1. water is the foundation and source of all life - na te wai ko te hauora o ngā mea katoa,
2. there is an integral kinship relationship between water and Kāi Tahu whānui, and this relationship endures through time, connecting past, present and future,
3. each water body has a unique whakapapa and characteristics,
4. water and land have a connectedness that supports and perpetuates life, and
5. Kāi Tahu exercise rakatirataka, manaakitaka and their kaitiakitaka duty of care and attention over wai and all the life it supports.

55. LF-WAI-P3 requires that the use of freshwater and land is managed in accordance with tikaka and kawa, using an integrated approach. The key elements of integrated management include:

- (a) Sustaining and wherever possible restoring the habitats of mahika kai and indigenous species, including taoka species associated with the water body (LF-WAI-P3(3)).
- (b) Managing the effects of the use and development of land to maintain or enhance the health and well-being of freshwater (LF-WAI-P3(4)). and
- (c) Having regard to cumulative effects and the need to apply a precautionary approach where there is limited information or uncertainty about potential adverse effects LF-WAI-P3(2)).

56. I have discussed these matters above, and for the reasons discussed, I consider the application is inconsistent with Policy LF-WAI-P3.

57. LF-WAI-P4 highlights that LF-WAI-O1, LF-WAI-P1, LF-WAI-P2 and LF-WAI-P3 are fundamental to upholding Te Mana o te Wai and must be given effect to when making decisions affecting fresh water.

LF-VM-02 – Vision and Management-Clutha Mata-Au Vision

58. The ORC s42A report sets out in Table 7 the vision for the Clutha / Mata-

Au, including sustaining the relationship of Kāi Tahu with wāhi tūpuna and ensuring that water bodies support thriving mahika kai.

59. To achieve the vision in LF-VM-O2, I consider it is necessary to take active steps to sustain mahika kai values in the Clutha River / Mata-au.

Conclusion on the Proposed Regional Policy Statement

60. In my opinion, the application is inconsistent with the relevant objectives and policies of the PRPS.

Iwi Management Plans

61. The Kāi Tahu ki Otago Natural Resource Management Plan 2005 and the Te Rūnanga of Ngāi Tahu Freshwater Policy Statement are other matters which are relevant in considering this application under s104(1)(c).

62. I consider that the following direction in the iwi management plans, both in general objectives and policies and in those specifically relating to freshwater and mahika kai/ biodiversity objectives and policies, are particularly relevant:

- (a) Recognition and support for the rakatirataka and kaitiakitaka of Kāi Tahu ki Otago, upholding their mana through management of resources.¹¹
- (b) Ki uta ki tai management of resources, and management for future generations.¹²
- (c) Recognition, in all water management, of the spiritual and cultural significance of water to Kāi Tahu ki Otago.¹³
- (d) Healthy waters that support Kāi Tahu customs,¹⁴ and
- (e) Protection and restoration of mauri, and recognition that each waterway has its own mauri, mana, values and uses.¹⁵

63. In my opinion, this application is inconsistent with the relevant objectives and policies of the Iwi Management Plans. The proposed suction dredging of the Mata-au does not sustain the relationship of mana whenua with the Clutha River / Mata-Au, nor does it ensure that the awa supports thriving mahika kai.

¹¹ NRMP 5.2.1, 5.2.3 and 5.2.4; NTFP 6.4

¹² NRMP 5.2.2

¹³ NRMP 5.3.3.1, 5.3.3.5, 5.3.4.2.2, 5.3.4.2.7; NTFP 6.1

¹⁴ NRMP 5.3.3.2; NTFP 6.3

¹⁵ NRMP 5.3.4.2.4; NTFP 6.2

Conclusion on the statutory direction

64. In summary, the RMA, NPSFM 2020, PORPS, PRPS 2021 and Iwi Management Plans all direct that the values of Kāi Tahu for their wāhi tūpuna (ancestral landscapes) are provided for and that mana whenua are actively involved in resource management decision-making affecting these resources and values. The evidence of Mr Edwards and Mr Parata is that the application does not adequately provide for mana whenua values.

CONCLUSION

65. The submission of Kā Rūnaka on this application arises from concerns that the application does not appropriately protect the mauri of the Clutha River / Mata Au and give effect to Te Mana o te Wai.
66. The Application is narrowly focused on the individual effects of suction dredging rather than on protecting and safeguarding the health and resilience of the Clutha River / Mata-Au and the environmental integrity of habitats for taoka species. Finally, the proposal does not safeguard the relationship of mana whenua with this significant awa.

Tim Vial

3 November 2023